AGENDA OF THE PROTECTION AND POLICY COMMITTEE

MONDAY, MAY 24, 2021, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. Zoom Meeting Information.

1. This item contains documents which provide call in information and instructions for the Zoom meeting.

B. Roll Call.

C. Approval of the Agenda.

D. Approval of Minutes.

1. The approval of minutes from the May 10, 2021 Protection & Policy Committee Meeting.

E. Regular Business.

1. For consideration with possible action a request from Alder Chris Wery, District 8, that the Green Bay Common Council be comprised of fifteen members and to implement with the current (2020) census redistricting.

2. For consideration with possible action a request from Alder Chris Wery, District 8, to discuss the 2020 Census as it relates to redistricting City Aldermanic Districts for 2022. Include a timeline and process for study, proposals and implementation.

3. Consideration with possible action on a request by CH Bar, LLC at 301 S. Broadway to temporarily amend their liquor license June 5 to hold an outdoor event in their fenced-in area along the side of the building.

4. Consideration with possible action on an appeal by Cynthia Nelson regarding an appeal of her operator's license.

5. Consideration with possible action on the 2021-2022 renewal liquor licenses.

6. Consideration with possible action on an application for the 2021-2022 license year a "Class B" Combination license by Madrid Tapas and Wine Bar, LLC at 225 E. Walnut St. with a licensed premises description as "1st floor of 225 dining bar area, courtyard and alleyway" (Currently licensed as an individual Amanda Patterson).

7. Consideration with possible action on a "Class B" Combination license for Chefbop, LLC at 709 S. Broadway with a licensed premises of "two bar rooms, patio and storage room" (Currently licensed as Rockabilly's LLC).

8. Consideration with possible action on an application for a "Class B" Combination license for Basil I, LLC at 1423 S. Broadway with a license premises as "1-story bar/kitchen, ladies & mens restroom, small office, locked storage room, basement, outdoor bar, pool room (Currently licensed as Chanmina, LLC).

9. Consideration with possible action on a renewal application for a "Class B" Combination license for Basil I LLC at 1423 S Broadway, subject to the approval of the original application at the June 1 Common Council meeting.

10. For consideration and possible action on the creation of an ad-hoc committee to assess the feasibility and necessity of a unified municipal building to include city hall, police, fire and municipal court. The committee should be comprised of all relevant city department heads or their designees, Mayor's office, city council members, and community members at-large to fill expertise gaps. Items under consideration should include, but not limited to, site selection and property acquisition, cost analysis (including proposed expenditures in the 5-year capital improvement plan), disposition of existing real estate, departmental and facility requirements, and improved customer service experience (Alder Johnson, Dist.9)

11. Consideration with possible action on General Ordinance No. 04-21, adopting and enacting a new Green Bay Municipal Code.

12. Consideration with possible action on General Ordinance No. 12-21, an ordinance creating Chapter 10, Article XIX, Green Bay Municipal Code, relating to Video Service Provider Fees.

13. Consideration with possible action a resolution adopting the City of Green Bay Fee Schedule.

14. Consideration with possible action on General Ordinance No. 13-21, creating Section 2-32, Green Bay Municipal Code, relating to Remote Attendance at Meetings.

15. For consideration and possible action on the adoption of an updated Public Records Notice in accordance with Wis. Stat. § 19.34(1) to reflect current reproduction and copy costs as well as designated record custodians.

F. Informational.

1. Report on Homelessness, Green Bay Police Department

2. The Liquor violation report for May 24, 2021.

G. 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 convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wis. Stats., for the purpose of considering information with respect to licensing for a person, including financial, social, or personal information. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

Virtual Meeting Instructions

Protection & Policy Committee Meeting 5/24/2021

Zoom Meeting Information

Join Zoom Meeting

https://us02web.zoom.us/j/89244849387

Meeting ID: 892 4484 9387
Passcode: 854430
One tap mobile
+13017158592,,89244849387#,,,,*854430# US (Washington DC)
+13126266799,,89244849387#,,,,*854430# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)

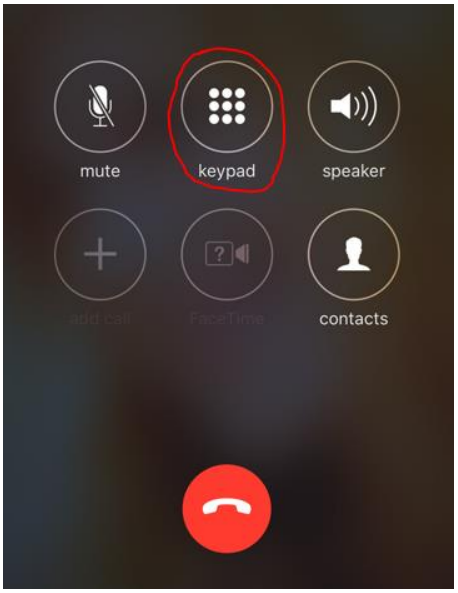
Meeting ID: 892 4484 9387
Passcode: 854430
Find your local number: https://us02web.zoom.us/u/kcf7EF2i7V

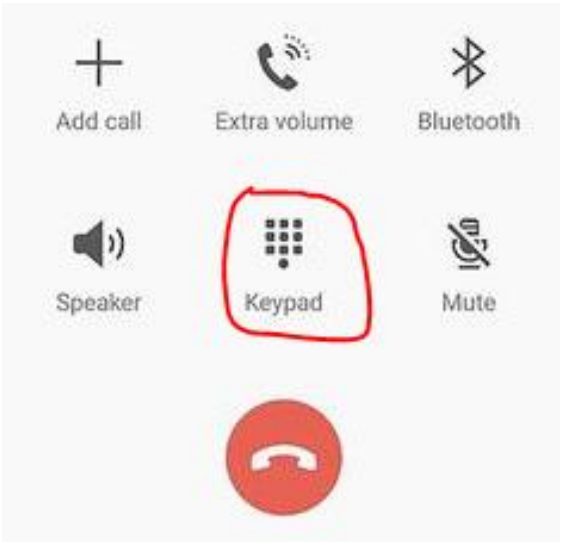
Additional Information

1. Wisconsin Open Meetings Law still applies
    a. Persons interested in speaking to an item must give their name and address
    b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. All zoom meetings will have a password in the instructions. Please enter when prompted.
3. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
    a. If you are a Board Member, please log into CivicClerk with a computer, laptop, or tablet device.
4. Once you are in the meeting please mute yourselves.
    a. You may unmute yourself when you are called upon to speak.
5. Waiting room
    a. When you call in, all callers/participants will be placed in a "waiting room."
    b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
6. Using Zoom with a tablet or computer
    a. Tablet—you will be asked to sign in. Download the app either with the Apple Store or the Play Store
    b. Computer—you will be asked to sign in. You may download the app or click on the link to open Zoom in your browser.
7. Registering
    a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You'll receive another email confirming that you're registered for the meeting.
    b. If you're using a phone, your registration will still be tied to an email.
8. Raising your hand
    a. Committee members—you can either use CivicClerk and request to speak or you can "raise your hand" in the zoom meeting (you'd need to use a computer or tablet) to let the host know you'd like to speak. You can also un-mute yourselves and start speaking.
    b. Persons on the agenda—you can "raise your hand" but you'd need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has "opened the floor for interested parties to speak." Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
9. What devices should I use?
    a. Smart phone (please see more detailed instructions on page 3)
    b. Land line
    c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You'll also be asked to verify your email.
    d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
    e. For tablet and computer users--if you download the app you will be asked to verify your email.
10. Zoom etiquette
    a. Muting yourselves when you're not talking will prevent your background noise from interfering with others' ability to listen to and participate in the meeting.
    b. If you're using a telephone, please identify yourself with your phone number and name before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourselves.
11. Closed session
    a. Persons in the Zoom meeting will be put into a waiting room while the committee meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
    b. Persons watching live on YouTube will see a gray screen with the City logo during closed session.
12. Persons interested in attending anonymously or listening to the meeting may call in by dialing *67 followed by the phone number above.

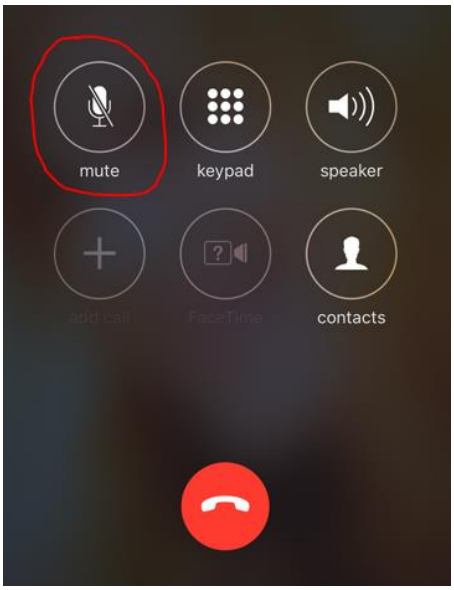
Calling into the Zoom meeting using a smartphone

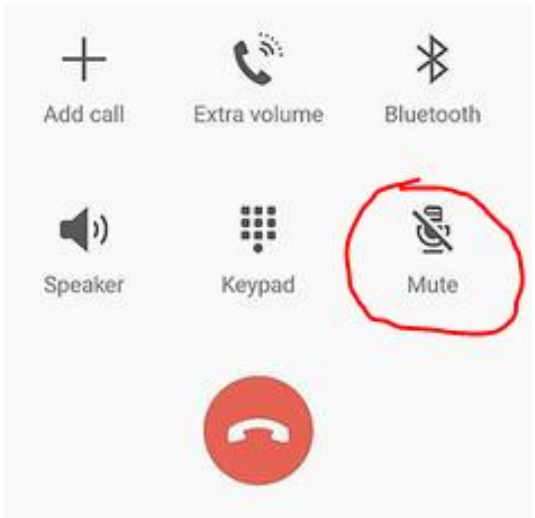
1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by **#**
    a. If you're using a smartphone, you can access the keypad by clicking "Keypad" on your screen





3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not need to talk, please make sure your phone is on **Mute**
    a. If you're using a smartphone, look at your screen and click the Mute button





    b. If you're using a computer, you should see a Mute button in the Zoom application

Celestine Jeffreys

From: Chris Wery <chriswery@att.net>
Sent: Monday, February 15, 2021 2:09 PM
To: Celestine Jeffreys
Subject: Re: Communication

Yes, please.

Alderman Chris Wery
920-490-9282
chriswery@att.net
Facebook: Alderman Chris Wery, District 8 City of Green Bay

On Monday, February 15, 2021, 02:03:45 PM CST, Celestine Jeffreys <celestine.jeffreys@greenbaywi.gov> wrote:

Alder,

Did you want both communications?

To: Protection and Policy or Plan Commission

Re: Discuss, with possible action, the 2020 census as it relates to redistricting city aldermanic districts for 2022. Include timeline and process for study, proposals and implementation.

AND

To: Protection and Policy

Re: Discuss, with possible action, the Green Bay Common Council be comprised of 15 members and to implement with the current census redistricting.

Or just the latter?

Celestine Jeffreys

Clerk, City of Green Bay

From: Chris Wery <chriswery@att.net>
Sent: Monday, February 15, 2021 8:57 AM
To: Celestine Jeffreys <Celestine.Jeffreys@greenbaywi.gov>
Subject: Communication

Howdy!

To: Protection and Policy or Plan Commission

Re: Discuss, with possible action, the 2020 census as it relates to redistricting city aldermanic districts for 2022. Include timeline and process for study, proposals and implementation.

Respectfully submitted,

Alderman Chris Wery
920-490-9282
chriswery@att.net
Facebook: Alderman Chris Wery, District 8 City of Green Bay

“Class B” Combination License:

Titletown Tobacco, LLC
Prohibition Spirits & Cigar Lounge
at 159 N. Broadway
Ricci Bosley
Pepper
at 114 S. Broadway
Duel Sports, LLC
Duel Sports Bar and Grill
at 1114 Main St.
Sliced on Main, LLC
Sliced on Main
at 1238-11 Main Ave.
Trel, LLC
at 2266 Main St.
Timsans, Inc.
Timsans Japanese Steak House
at 1654 E Mason St.
TNT Holdings, LLC
TNT Sports Bar & Grill
at 2511 W. Mason

“Class A” Liquor & Class “A” Beer License:

Family Dollar Stores of WI, LLC
Family Dollar #26961

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA

Green Bay, Wisconsin
September 16, 1997

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the Common Council of the City of Green Bay is concerned with the redevelopment of the Broadway area and the present high concentration of licensed establishments in the Broadway area. The high concentration of these establishments in this area has impaired the public peace, safety, welfare, and order; and

WHEREAS, there are currently 34 establishments which hold a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License. The names and addresses of said establishments are:

Lenny's Tap	431 North Broadway
333 Bar	333 North Broadway
Blazing Saddles	331 North Broadway
The Cannery	319 North Broadway
King's X	313 North Broadway
Titletown Brewing	200 Dousman Street
Carol's Ritz Lounge	119 Dousman Street
Nom's Thai Orchid	240 North Broadway
Central Bar	231 North Broadway
Broadway Cafe	128 North Broadway
Rev's Brass Rail	109 North Broadway
West Pitcher Show	100 South Broadway
Maria's Mexican Family Restaurant	106 South Broadway
Ginny's Heart of Broadway	112 South Broadway
Connie's	128 South Broadway
Country Club Bar & Grill	201 South Broadway
Kar's Place	226 South Broadway
Alamo	301 South Broadway
Nepalese Lounge	515 South Broadway
Blue Side	709 South Broadway
Shnicker's	813 South Broadway
Bourbon Street	821 South Broadway
Sass	840 South Broadway
The Lion's Den	1100 South Broadway
Carol's 9th Street Tap	316 Ninth Street
The Camelot	1301 South Broadway
Manci's Tuxedo Lounge	1313 South Broadway
Good Times	1332 South Broadway
The Packer Stadium Lounge	1342 South Broadway
Terminal Bar	1423 South Broadway

Hammer Inn	1208 State Street
Thirsty's	1234 State Street
Loch's Bar	1238 State Street
Cropsey's Bar	1336 State Street

WHEREAS, pursuant to the powers reserved under Ch. 125, Wis. Stats., the Common Council wishes to decrease the number of Class "B" Fermented Malt Beverage and Class "B" Combination Liquor Licenses issued to establishments in the Broadway area; and

WHEREAS, it is the intent of this resolution to allow the present Class "B" Fermented Malt Beverage and Class "B" Combination Liquor Licenses to maintain and renew their establishments in accordance with Ch. 125, Wis. Stats.; and

WHEREAS, it is the intent of this Resolution to effectuate a decrease in the number of Class "B" Fermented Malt Beverage and Class "B" Combination Liquor licensed establishments in the limitation area whenever an establishment goes out of business and does not renew its license;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Limitation Area. The area to which the terms and conditions of this section apply is that area on Broadway or business fronting either side of Broadway and those areas east of Broadway to the Fox River, within the city of Green Bay, Brown County, Wisconsin.

2. Prohibition. The Common Council shall not authorize the issuance of any new or transfer of any existing Class "B" Fermented Malt Beverage or Class "B" Combination Liquor Licenses within the limitation area, except restaurants as defined in paragraph 4 hereof.

3. Exceptions.

   a. This subsection shall not prohibit the renewal of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License for an existing premises in the limitation area.

b. This subsection shall not prohibit the issuance of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License for a previously licensed premises provided that such application is made within 60 days of any of the following:

i. Surrender by the prior licensee of the license issued for that premises; or

ii. Sale of the premises by the prior licensee; or

iii. Termination of the prior licensee's lease for the premises; or

iv. Revocation of the prior license, for cause.

If application under this subsection is sought after 60 days, the owner of the previously licensed premises may apply to the Protection and Welfare Committee for an extension of the application time on the basis that application of the moratorium would have a substantial adverse effect on the owner's ability to use or enjoy the property. The party requesting the extension must demonstrate this effect by clear, satisfactory and convincing evidence.

c. All applications and renewals shall be subject to review as provided by Ch. 125, Wis. Stats.

4. Prohibition Not to Apply to Restaurants.

a. This resolution shall not prohibit the issuance of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License to the operator of a restaurant, where the principal business conducted is that of a restaurant, as defined in Ch. 125, Wis. Stats. If the premises are operated under a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

b. A restaurant licensee operating within the limitation area which fails to maintain a principal business of operating a restaurant at any time later than 60 days after the granting of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License shall be in violation of this subsection and its Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License shall be subject to revocation.

c. "Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity, and by analyzing the sources of net income and gross income. The name, appearance and advertisement of the entity may also be taken into consideration in determining "principal business."

Adopted 9/16/97

Approved 9/17/97

/s/ [signature]
Mayor

/s/ [signature]
Clerk

LMS:bc

Alders' Petitions and Communications

Name: Brian Johnson

Committee Name: Protection and Policy Committee

Today's Date: 05/10/2021

Text of Communication:

For consideration and possible action on the creation of an ad-hoc committee to assess the feasibility and necessity of a unified municipal building to include city hall, police, fire and municipal court. The committee should be comprised of all relevant city department heads or their designees, Mayor's office, city council members, and community members at-large to fill expertise gaps. Items under consideration should include, but not limited to, site selection and property acquisition, cost analysis (including proposed expenditures in the 5-year capital improvement plan), disposition of existing real estate, departmental and facility requirements, and improved customer service experience.

Upon completing this form, please email it to the City Clerk.

GENERAL ORDINANCE NO. 04-21

AN ORDINANCE ADOPTING AND ENACTING A NEW GREEN BAY MUNICIPAL CODE

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

SECTION 1. The Code entitled "The Green Bay Municipal Code," published by Municipal Code Corporation, consisting of Chapters 1 through 44, each inclusive, is hereby adopted.

SECTION 2. All ordinances of a general and permanent nature enacted on or before February 2, 2021, and not included in the Code or recognized and continued in force by reference therein, are repealed.

SECTION 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the Common Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

SECTION 6. Ordinances adopted after February 2, 2021, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

SECTION 7. Effective Date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2021.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

VRC

6/1/2021

O.C. Revision
May 2021

GREEN BAY MUNICIPAL CODE

Looseleaf Supplement

This O.C. Revision is printed to correct pages appearing in the Original Codification, and should be inserted as directed below.

Remove Old Pages	*Insert New Pages*
xiii—xx	xiii—xx
CD2:1—CD2:3	CD2:1—CD2:3
CD2:25, CD2:26	CD2:25—CD2:26.1
CD8:3, CD8:4	CD8:3, CD8:4
CD8:11, CD8:12	CD8:11, CD8:12
CD8:61—CD8:68	CD8:61—CD8:67
CD10:1, CD10:2	CD10:1, CD10:2
CD10:7—CD10:18	CD10:7—CD10:18
CD16:1—CD16:31	CD16:1—CD16:55
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CD44:265, CD44:266	CD44:265, CD44:266
CCT:7—CCT:11	CCT:7—CCT:11
CCT:13—CCT:25	CCT:13—CCT:25
SLT:1—SLT:6	SLT:1—SLT:6

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

municode

Municipal Code Corporation P.O. Box 2235 Tallahassee, FL 32316
info@municode.com 800.262.2633 www.municode.com

GREEN BAY

MUNICIPAL CODE

Published in 2021 by Order of the Common Council

Municipal Code Corporation P.O. Box 2235 Tallahassee, FL 32316
info@municode.com 800.262.2633 www.municode.com

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Green Bay, Wisconsin.

Source materials used in the preparation of the Code were the 1984 Code, as supplemented through February 18, 2018, and ordinances subsequently adopted by the Common Council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1984 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
RELATED LAWS	RL:1
SPECIAL ACTS	SA:1
CHARTER COMPARATIVE TABLE	CHTCT:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
CODE INDEX	CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Sandra S. Fox, Senior Code Attorney, and Rebecca Evans, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Vanessa Chavez, City Attorney, for her cooperation and assistance during the progress of the work on this publication. It is hoped that her efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the City of Green Bay, Wisconsin. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the City of Green Bay, Wisconsin.

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Municipal Code Corporation and the City of Green Bay, Wisconsin. 2021.

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-2. Definitions and rules of construction.
Sec. 1-3. When rules of construction shall not apply.
Sec. 1-4. When ordinances to take effect.
Sec. 1-5. Effect to repeal.
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Sec. 1-9. Ordinances not repealed.
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Sec. 1-12. Severability of parts of Code.

Sec. 1-1. Title of ordinances; when to take effect.

These ordinances shall be known as the "Green Bay Municipal Code" and shall take effect and be in force from and after passage and publication in book form as provided in Wis. Stats. § 66.036. These ordinances may also be referred to by the shortened title "Green Bay Municipal Code." (Code 1984, § 40.11)

Sec. 1-2. Definitions and rules of construction.

In the construction of the ordinances of the City, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

General rule. 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.

Acts by agents. When an ordinance requires an act to be done which may be done by an agent as well as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

Certificates of deposit for cash bonds. When any ordinance set forth in this Code shall require that a cash bond be deposited with the City for the purpose of performing certain obligations under such ordinance, the person required to deposit such cash bond may, in lieu thereof, deposit with the City a certificate of deposit naming such person or the City as payee. The person required to deposit such bond shall be entitled to any interest paid on certificate of deposit while the same is being held by the City in lieu of a cash bond. The City shall have the right to cash such certificate of deposit at such time as the person is in default of the provisions of this Code, and shall not be liable for any interest penalty which may occur as the result of early withdrawal. This provision shall apply to any cash bond deposited with the City from and after November 29, 1978.

Conflict. If the provisions of different chapters of these ordinances conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of each chapter. If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction is inconsistent with the meaning of such chapter.

Constitutionality. Should any section, paragraph, sentence, clause, or phrase of these ordinances be declared unconstitutional or invalid for any reason, then, to the extent of meaningful severability, the remainder of such ordinances shall not be affected.

Council. The term "Council" means "Common Council," as defined in Wis. Stats. § 62.11.

Gender; singular and plural. Every word in any ordinance importing the masculine gender extends and applies to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

Person. Unless plainly inapplicable, the term "person" extends and applies to natural persons, firms, corporations, associations, or partnerships or other bodies politic and corporate and to all entities capable of being sued.

Reasonable time, reasonable notice. In all cases where any ordinance requires any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

Shall have been. The term "shall have been" includes past and future cases.

Statutes. The reference to the Wisconsin Statutes when used herein shall be to the statutes current and in effect and as amended after the date of adoption of this Code.

Tense. The use of any verb in the present tense shall include the future, when applicable.

Time, how computed. When expressed in days, the time within which an act is to be done as provided in any ordinance or in any order issued pursuant to any ordinance shall be computed by excluding the first day and including the last, provided, if the last day is Sunday it shall be excluded; and when any such time is expressed in hours, the whole of Sunday, from 12:00 midnight to 12:00 midnight, shall be excluded.

Week. The term "week" shall be construed to mean seven days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to 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; and all publications heretofore made in accordance with the terms of this definition are hereby validated.
(Code 1984, § 40.01)

Sec. 1-3. When rules of construction shall not apply.

The rules of construction set forth in this chapter shall not be applied to any ordinance which contains any express provision excluding such construction or when the subject matter or context of such ordinance may be repugnant thereto.
(Code 1984, § 40.02)

Sec. 1-4. When ordinances to take effect.

All ordinances passed by the Council, except when otherwise specifically provided, shall take effect and be in force from and after their publication.
(Code 1984, § 40.03)

Sec. 1-5. Effect to repeal.

When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause, or provision, unless it shall be expressly so provided.
(Code 1984, § 40.04)

Sec. 1-6. Penalty where no penalty provided.

In any case where there shall be a violation of any City ordinance for which no penalty is provided, the person violating the same shall be subject to a forfeiture of not less than $1.00 nor more than $500.00 for each offense, except as provided in the following subsections:

(1) In any case where any ordinance or section of an ordinance of the City shall not provide a greater penalty for a second or subsequent conviction for a violation thereof, any person

violating the same who shall previously have been convicted of a violation thereof shall be subject to a forfeiture of not less than $10.00 nor more than $500.00 for each offense; except where the penalty provided by any such ordinance or section for a first violation thereof shall be larger than the penalty herein provided, such larger penalty shall be applicable.

(2) No violation of any ordinance of the City shall be or shall be construed to be a misdemeanor, nor shall imprisonment be imposed as a punishment for violation of any ordinance of the City except for failure of the defendant to pay the forfeiture imposed by the court, any other provision of the general ordinances of the City to be contrary notwithstanding.

(Code 1984, § 40.05)

Sec. 1-7. Imprisonment upon failure to pay penalty imposed for violation of ordinance.

When a forfeiture shall be imposed for the violation of any ordinance of the City or any section thereof, the court may also sentence the defendant to pay the costs of the action and be imprisoned until such forfeiture and costs are paid, in no case, however, to exceed 90 days; and the court may also issue an execution against the property of the defendant for such forfeiture and costs. Imprisonment shall be either in the Brown County Jail or in the Brown County Reforestation Camp.
(Code 1984, § 40.06)

Sec. 1-8. Recodification of ordinances.

Unless otherwise provided, all ordinances adopted by the Common Council prior to Ordinance No. 1-76 have been heretofore repealed, except those ordinances and parts of ordinances mentioned in Section 1-9. This Code, as recodified in 2020, shall be the official Code of the City of Green Bay.
(Code 1984, § 40.07)

Sec. 1-9. Ordinances not repealed.

No ordinances or parts of ordinances relating to the following subject are repealed:

(1) The issuance of corporate bonds of the City of whatever name or description.

(2) The establishing of grades and curblines in the public streets and alleys, and dock and wharf lines.

(3) The construction and repair of sidewalks on specified streets.

(4) The vacation and discontinuance of public streets and alleys.

(5) The fixing of salaries of public officials and employees.

(6) The granting of franchises to railroads, public utilities, and other companies.

(7) The lighting of streets.

(8) The construction of public works by the City.

(9) The annexation of territory to or detachment of territory from the City.

(10) The naming and the changing of names of streets, alleys, public grounds, and parks.

(11) The zoning ordinances of the City of Green Bay adopted by the Council on November 17, 1925, and all amendments supplementary thereto, including the establishment of residential, commercial, and industrial zones or districts, compiled in Chapter 44, as revised.

(12) The creation of and establishment of an Official Map, and the location of streets, parks, parkways, and playgrounds shown thereon.

(13) All matters covered by and contained in Charter ordinances.

(14) The creation of sewer districts.

(15) The creation of setback lines.

(Code 1984, § 40.08)

Sec. 1-10. Offenses committed and penalties incurred previous to repeal.

No offense committed and no penalty or forfeiture incurred previous to the time when any of the ordinances aforesaid shall be affected by such repeal; provided, however, that when any punishment, forfeiture, or penalty shall have been mitigated by the provisions of these general ordinances, such provision shall apply to and control any judgment to be pronounced after these general ordinances shall take effect for any offense committed before that time.

(Code 1984, § 40.09)

Sec. 1-11. Prosecutions pending not affected.

No prosecution for any offense, nor the levy of any penalty or forfeiture, pending at the time when any of the ordinances aforesaid shall be repealed shall be affected by repeal; but the right of action shall continue, and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed in all respects as if such ordinances had not been repealed, provided all such proceedings had after the time these general ordinances shall take effect shall be conducted according to the provisions of these general ordinances and shall be in all respects subject to such provisions.

(Code 1984, § 40.10)

Sec. 1-12. Severability of parts of Code.

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

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Sec. 2-368. Procedure.

ARTICLE I. IN GENERAL

Sec. 2-1. Form of government.

The City is organized and governed under the provisions of Wis. Stats. Ch. 62, known as the Mayor-Council Plan.
(Code 1984, § 1.01)

Secs. 2-2—2-20. Reserved.

ARTICLE II. COMMON COUNCIL

Sec. 2-21. Composition; Council President; Council Vice-President.

(a) *Composition.* The Council shall consist of the Mayor and one Alderperson from each aldermanic district.

(b) *Council President.* The Council shall, at its regular meeting on the third Tuesday of April following the spring election, elect from its members a President for a two-year term. The President, in the absence or inability of the Mayor, shall preside at meetings of the Council, and shall have the power and duties of the Mayor, except the President shall not approve an act of the Council which the Mayor has disapproved by filing objections with the Clerk. When so officiating, the President shall be referred to as "acting Mayor."

(c) *Council Vice-President.* The Council shall, at its regular meeting on the third Tuesday of April, following the spring election, elect from its members a Vice-President for a two-year term. The Vice-President, in the absence of the Mayor and President, shall preside at meetings of the Council, and during the absence or inability of the Mayor and President, shall have the powers and duties of the Mayor and President, except the Vice-President shall not approve an act of the Council which the Mayor or President has disapproved by filing an objection with the Clerk. When so officiating, the Vice-President shall be referred to as "acting Mayor."
(Code 1984, § 1.02)

Sec. 2-22. Council meetings.

(a) *Regular meetings.* The regular meetings of the Council shall be held on the first and third Tuesday of each month at 6:00 p.m. Following a regular City election, the new Council shall first meet on the third Tuesday in April. One of the regular monthly meetings of the Council may be cancelled or rescheduled each month to some other date and time upon 15 days written notice by the Mayor to the Clerk, for good cause, or upon one day notice, in an emergency. Where a regular meeting day falls upon a legal holiday or on a day when an election to public office is conducted in the City, the Mayor shall cause such meeting to be rescheduled.

(b) *Special meetings.* The Mayor, upon permission from the Council President, or in the absence of the Council President, the Vice-President, may call a special meeting at any time by a written notice to each member of the Council, delivered personally to the Alderperson or left at the usual abode at least 24 hours before the time set for the meeting. In cases of emergency or natural disaster, the notice requirement may be reduced to two hours before the time set for the meeting. Upon a petition filed with the City Clerk, containing the signatures of at least one-third of the members of

the Council, a special meeting shall be called and notice given as provided herein. Such notice shall specify the object of the meeting and the business to be transacted, and no business may be transacted at a special meeting except that for which the meeting was called.

(c) *Call to order.* The Mayor or President of the Council, in the Mayor's absence, shall promptly call each meeting of the Council to order at the appointed time. If the Mayor and President are absent, the Vice-President of the Council shall preside. If all three of these officers are absent, the Clerk shall call the Council to order; thereupon the Council shall elect one of its members President Pro Tem.

(d) *Adjournments.* Any regular meeting may be adjourned by the Council.
(Code 1984, § 2.01; Ord. No. 19-12; Ord. No. 22-14; Ord. No. 7-18, § 1, 6-19-2018)

Sec. 2-23. Order of business.

The following order of business shall be observed:

(1) Roll call.

(2) Reading and correcting the minutes of the last preceding meeting.

(3) Petitions and communications.

(4) Appointments and public hearings.

(5) Reports of standing committees.

(6) Reports of special committees.

(7) Resolutions.

(8) Ordinances.

(9) Adjournment.
(Code 1984, § 2.02)

Sec. 2-24. Standing committees—Generally.

(a) *Appointment.* All committees shall be appointed by the Mayor, subject to confirmation by the Council, unless otherwise directed by the Council, and all standing committees shall be appointed at the first meeting after election. Each standing committee shall elect its Chairperson and Vice-Chairperson, without confirmation by the Common Council.

(b) *President and Vice-President ex officio members.* For purposes of establishing a quorum only, the Council President and Vice-President shall be ex officio members of all standing committees. The Council President shall be allowed to appoint another Alderperson, if the Vice-President is not available, to sit in for an absent Alderperson on a standing committee if there is danger of not having a quorum. Further, on the date of a meeting, the acting Chairperson of the committee may ask the most-senior Alderperson present to fill in for purposes of a quorum.
(Code 1984, § 2.03; Ord. No. 35-94; Ord. No. 40-06)

Sec. 2-25. Standing committees—Matters referred.

The following are standing committees of the Council, and each Alderperson shall be appointed to at least one committee:

(1) *Finance.* Public finance, public property, appropriations, insurance, purchasing.

(2) *Improvement and services.* Streets, bridges, sanitation, harbors, utilities, and parking.

(3) *Protection and policy.* Fire, police, safety, health, licenses, permits, policy and administrative issues.

(4) *Personnel.* City personnel, labor, wage negotiations.

(5) *Park Committee.* The Park Committee shall exercise the duties and authority vested in a City Park Board by the Wisconsin Statutes, except Wis. Stats. § 27.10(4), Special Assessments for Parks.

(Code 1984, § 2.04; Ord. No. 49-98; Ord. No. 13-18, § 1, 8-21-2018)

Sec. 2-26. Committee meetings, time of.

No special meeting of a standing committee shall be validly constituted unless prior notice of the meeting has been given to the City Clerk in compliance with the State Open Meeting Law.

(1) Committees shall determine the day and hour of their meetings and advise the City Clerk.

(2) All standing committees shall meet at the call of the Chairperson of the committee or by a petition signed by a majority of members of the committee or by half of the committee plus the President or Vice-President of the Common Council. Petitions shall indicate the agenda items, time, and date for the special meeting. Notice of the meeting is to be given to Alderpersons not less than 72 hours before the meeting.

(Code 1984, § 2.05; Ord. No. 8-10; Ord. No. 13-18, § 2, 8-21-2018)

Sec. 2-27. Rules of Council procedure.

(a) *Robert's Rules of Order, Newly Revised.* The rules of parliamentary practice comprised in "Robert's Rules of Order, Newly Revised" shall govern the Council in all cases in which they are applicable, except when they are inconsistent with state laws or rules contained in this chapter.

(b) *Motions.* No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn without the consent of the person making the same.

(c) *Actions on motions.* When a question is under discussion, no motion shall be in order, except:

(1) To adjourn;

(2) To recess;

(3) To lay on the table;

(4) To move the previous question;

(5) To postpone to a certain day;

(6) To refer to a committee;

(7) To amend;

(8) To postpone indefinitely.

These motions shall have precedence in the order listed. Motions pursuant to subsections (c)(1) through (4) of this section shall be decided without debate.

(d) *Matters other than motions.* All matters, except motions, presented to the Council for its consideration shall be in writing. All petitions and communications from Alderpersons shall be filed with the City Clerk by 12:00 noon of the day before the Council meeting or may be read under Petitions and Communications agenda item at the Council meeting.

(e) *Ending debate.* Any member wishing to terminate the debate may move the previous question, in which event the Mayor shall announce the question as, "Shall the main question now be put?" If two-thirds of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and to bring the Council to a direct vote, first upon any pending amendments and then upon the main question.

(f) *Voting.* Every Alderperson shall vote when a question is put unless the Council, by a majority vote of those present, shall excuse the Alderperson for special cause. An Alderperson may not change their vote on any question after the result has been announced. Vote by ballot shall be permitted only when requested by a Council meeting and approved by a simple majority.

(g) *Reconsideration.* Any member voting with the majority may move for a reconsideration of the vote on any question at that meeting or may submit the motion in writing to the Clerk up to 48 hours prior to the next succeeding meeting. This will allow for the item to be placed on the upcoming agenda and comply with Open Meetings Law requirements. The motion may not be acted upon until it appears on the agenda. A two-thirds vote of the body is required for reconsideration. Appointments of City officers shall not be subject to reconsideration whether confirmed or rejected by the Council.

(h) *Reading of ordinances.* Except for ordinances adopted pursuant to Wis. Stats. §§ 323.11 and 323.14(4), all ordinances shall have two readings. Ordinances adopted pursuant to Wis. Stats. §§ 323.11 and 323.14(4) may be adopted at the meeting introduced. No other ordinance may be acted upon at the meeting it is introduced, unless the rule is suspended by a two-thirds vote of the members present.

(i) *Reference to committees.* All communications, petitions, requests, and complaints shall be in writing and shall be referred to a committee before action is taken thereon by the Council. Referral to committee can be done by referral of the Common Council or by consent of the Chairperson of the committee. Any matter referred to more than one committee shall be designated to a primary committee. Other committees considering the matter shall make recommendations to the primary committee for its consideration. Only the recommendation of the primary committee shall be presented to the Common Council for action.

(j) *Alderperson's right to address Council.* No Alderperson shall address the Council until recognized by the presiding officer and shall thereupon address the Chairperson, and confine remarks to the question under discussion and avoid all personalities. No Alderperson shall address another Alderperson unless first granted permission by the Chairperson. An Alderperson shall not speak more than twice, for five minutes each time, on any subject under discussion unless permission is voted by two-thirds of the members present. Subject under discussion is considered to be each main motion and each subsidiary motion, such as a motion to postpone, amend, or refer.

(k) *Rights of others to address the Council.* No person other than a member shall address the Council unless the rules are suspended, except under the order of business for that purpose. A City official may address the Council on the subject under discussion at any time when requested to do so by a member.

(l) *Priority.* When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

(m) *When presiding officer may speak on question.* A presiding officer desiring to speak upon any question, or to make any motion, shall vacate their role as presiding officer and designate the President of the Council, if present, and if not, any Alderperson, to preside temporarily.

(n) *Committee of the whole.* The Mayor or the President of the Council may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, provided there is no objection made by the majority of the Alderpersons present at the meeting. The Mayor shall ex officio be Chairperson of such meeting; or, if the Mayor is not present, the Council President shall act as Chairperson in their absence.

(o) *Action of Council levying taxes or creating liability.* Except upon the unanimous consent of all members present, no resolutions or measures assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof shall be adopted without first having been referred to a committee and the report thereon of such committee having been made to the Council, unless the resolution is one that carries into effect the action of the Council upon a committee report. All ordinances and resolutions adopted shall specify the levy or liability impact to the City of Green Bay.

(p) *Amendment of rules.* These rules may be amended or altered, or new rules adopted by a majority of all members-elect at any meeting of the Council, on the report of a committee to which the subject has been referred at a previous Council meeting.

(q) *Suspension of rules.* A vote of two-thirds of the members present will suspend any rule of the Council, except where these rules require unanimous consent.
(Code 1984, § 2.06; Ord. No. 27-09; Ord. No. 6-10; Ord. No. 9-10; Ord. No. 25-14; Ord. No. 11-16; Ord. No. 22-18, § 1, 10-2-2018; Ord. No. 25-18, § 1, 10-2-2018; Ord. No. 3-19, § 1, 3-5-2019; Ord. No. 24-20, § 1, 8-18-2020)

Sec. 2-28. Presiding officer.

(a) *In case of Mayor's absence.* The Mayor shall preside at all meetings when present; if absent, the President of the Council shall preside. If the Mayor and President are absent, the Vice-President shall preside. If these officers are absent, the City Clerk shall call the meeting to order; thereupon the Council shall elect one of its own members President Pro Tem.

(b) *Duties.* The presiding officer shall call the meeting to order at the appointed time; and shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules unless otherwise provided by statute or by these rules. Any member may appeal from a decision of the presiding officer. The appeal may be sustained by a majority of the members present, exclusive of the presiding officer.
(Code 1984, § 2.07)

Sec. 2-29. Clerk, duties of.

The Clerk, in addition to other duties, shall be present and keep correct minutes of the proceedings of each meeting of the Council and make a correct record of same, engross all ordinances and bylaws, and record the same in a book of ordinances, furnish the committee with copies of the resolutions and other matters that may be referred to them (unless the original papers are furnished) and do such other clerical duties as may be prescribed by the Council.
(Code 1984, § 2.08)

Sec. 2-30. Publication of Council proceedings.

The acts and proceedings of the Council at every general or special meeting thereof, including all reports filed and presented at such meeting, shall be published in the official City newspaper as provided by law.
(Code 1984, § 2.09)

Sec. 2-31. Jurisdiction.

(a) The Common Council shall have jurisdiction over all City departments, boards, and, where permitted by state law, commissions and utilities, including, but not limited to, the following items:

(1) Tables of organization.

(2) Changes in such tables.

(3) Filling of all vacancies.

(4) Job descriptions.

(5) Labor contracts.

(6) Salaries and increases for non-union personnel.

(7) Fringe benefits for non-union personnel.

(8) Leaves of absence and extended time off.

(9) Travel and convention programs.

(10) Selection of new employees.

(b) The purpose of such jurisdiction is to reserve to the Common Council the exclusive right to establish policy regarding personnel matters; however, the administration of such policy is vested in the various departments heads, boards, and commissions as designated by the Common Council.
(Code 1984, § 2.10)

Secs. 2-32—2-50. Reserved.

ARTICLE III. DEPARTMENTS AND DIVISIONS

Sec. 2-51. Building Inspection Division.

The Division of Building Inspection shall consist of the Air Pollution Control Department, Building Inspection Department, Electrical Inspection Department, and Plumbing Inspection Department of the City.
(Code 1984, § 1.75)

Sec. 2-52. Purchasing Division, Finance Department.

There is an established centralized Purchasing Division of the Finance Department headed by the Purchasing Agent, who will serve under the direction of the Finance Director/Finance Committee. The Purchasing Agent will organize, supervise, and administer all policies and procedures of the Division consistent with existing Finance Department procedures, existing ordinance and statutes, and established City policy and labor agreements of the City relating to employee personnel. The Purchasing Agent shall be a professional with a minimum of five years of experience in the purchasing of materials, supplies, and services. The Purchasing Agent shall be an individual with demonstrated executive and organizational ability. The Purchasing Agent shall be a full-time public official of the City.
(Code 1984, § 1.76; Ord. No. 38-96)

Secs. 2-53—2-77. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-78. Elected officials.

(a) *General.* Elected officials of the City shall be a Mayor, one Alderperson from each aldermanic district, and a Municipal Judge and each shall hold their respective offices for a term as provided in this section and until their successors are elected and qualified or as set forth in Section 2-82; provided, however, that no official listed in subsection (b) of this section shall hold the same office for more than 12 consecutive years.

(b) *Terms.*

(1) *Mayor.* The Mayor shall be elected for a term of four years, which shall commence on the third Tuesday of April in the year of the election.

(2) *Alderpersons.* The Alderpersons shall be elected for two-year terms at the regular City elections. Whenever it is necessary to alter aldermanic districts for the purposes set forth in Wis. Stats. § 62.08, the Council may provide a different tenure for the office of Alderperson. Aldermanic terms of office shall commence on the third Tuesday of April in the year of their election.

(3) *Municipal Judge.* The Municipal Judge shall be elected to a four-year term commencing on the third Tuesday of April in the year of election.
(Code 1984, § 1.03; Ord. No. 08-20, § 1, 4-1-2020)

Sec. 2-79. Appointed officials.

(a) *General.* The following officials shall be appointed at a regular Council meeting on the third Tuesday in April and shall commence their term of office on May 1 in even-numbered years, but these dates may be delayed for a reasonable period of time due to special circumstances:

OFFICIAL APPOINTMENTS AND TERMS

Official	*How Appointed*	*Term*
Assessor	Mayor, subject to confirmation by Council	Two years
Building Inspector (Building Inspection Superintendent)	Community and Economic Development Director, subject to confirmation by Council	Two years
City Attorney	Mayor, subject to confirmation by Council	Two years
Clerk	Mayor, subject to confirmation by Council	Two years
Comptroller	Mayor, subject to confirmation by Council	Two years
Public Works Director	Mayor, subject to confirmation by Council	Two years
Zoning Administrator	Community and Economic Development Director, subject to confirmation by Council	Two years
Treasurer	Mayor, subject to confirmation by Council	Two years
Parks, Recreation, and Forestry Director	Mayor, subject to confirmation by Council	Two years
Community and Economic Development Director	Mayor, subject to confirmation by Council	Two years

(b) *Others.* The following officials shall take office upon completion of the appointment process and commence their regular term in office as shown below:

OTHER OFFICIALS

Official	*How Appointed*	*Term*
City Sealer	Community and Economic Development Director	Indefinite
Deputy Comptroller	Comptroller	Subject to Comptroller's appointment
Fire Chief	Police and Fire Commission	Indefinite
Police Chief	Police and Fire Commission	Indefinite
Weed Commissioner	Public Works Director	One year

(Code 1984, § 1.04; Ord. No. 15-08)

Sec. 2-80. Expiration of mayoral appointments to boards and commissions.

(a) Unless otherwise provided by law, mayoral appointments of citizens and Alderpersons to City boards and commissions shall, regardless of any time remaining on the appointment, expire six months after the appointing mayor leaves office. This provision shall apply to the following boards and commissions:

(1) Water Commission.

(2) Traffic, Bicycle and Pedestrian Commission.

(3) Board of Review.

(4) Plan Commission.

(5) Parking Utility Commission.

(6) Annexation Commission.

(7) Economic Development Authority.

(8) Ethics Board.

(b) This section shall affect only those appointments first made after the effective date of the ordinance from which this section is derived.
(Code 1984, § 1.045; Ord. No. 39-02; Ord. No. 9-16)

Sec. 2-81. Removals.

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

(b) *Appointed officials, officers, or employees.* Appointed officers may be removed as provided in Wis. Stats. §§ 17.12(1)(c) and (d) and 17.16, except as provided otherwise by Charter ordinance.
(Code 1984, § 1.05)

Sec. 2-82. Vacancies.

(a) *Alderpersons.* Pursuant to the terms and conditions of Wis. Stats. § 17.23, in the event of an aldermanic vacancy, the City Clerk shall, within 14 days of a vacancy, advertise for and solicit applications from individuals to fill the vacant position. In addition to the application, an applicant must submit the signatures of 20 qualified electors from within the vacant district supporting the candidacy of the applicant. Applicants must submit applications and signatures to the City Clerk within 30 days of the initial advertisement of vacancy. Thereafter, at the next regular meeting of the Common Council, all qualified applicants shall be allowed time to make a presentation regarding their qualifications to the Council. The Common Council shall then, by majority vote, decide who will fill the vacancy.

(b) *Appointed officials.* Vacancies in appointed offices shall be filled as provided in Wis. Stats. § 17.23.
(Code 1984, § 1.06; Ord. No. 40-03)

Sec. 2-83. Salaries.

Salaries shall be determined by the Council, provided the salary of Mayor and members of the Council shall not be changed during their terms of office.
(Code 1984, § 1.07)

State law reference—Compensation of governing bodies, Wis. Stats. § 66.0505.

Sec. 2-84. Full-time officials; duties.

(a) The Mayor, appointed City officers, officials, and department heads shall be full-time officials, unless otherwise designated. The Council may permit outside activities not interfering with adequate and efficient City administration.

(b) The duties of the various City officials shall be those prescribed by state law and such additional duties as imposed by the Council.
(Code 1984, § 1.15)

Sec. 2-85. Bonds of officials.

(a) *Bonds required.* The Treasurer, Comptroller, Chief of Police, and such other officials as state statutes or the Council may direct shall execute and file an official bond which shall be approved by the Mayor, and when so approved, shall be filed within ten days after the officer executing the same has been notified of election or appointment.

(b) *Table.* The amount of the bond required for various officials shall be as follows:

OFFICIAL BONDS

Position Classification	*Amount*
City Clerk	$50,000.00
Deputy Clerk	$50,000.00
Comptroller	$50,000.00
Deputy Comptroller	$50,000.00
Treasurer	$200,000.00
Deputy Treasurer	$200,000.00
Chief of Police	$50,000.00

(Code 1984, § 4.11)

State law reference—Officers, Wis. Stats. § 62.09.

Sec. 2-86. Municipal prevailing wage and hour scales adopted.

There is hereby adopted by reference, and made part of this Code as if fully set forth herein, Wis. Stats. § 66.0903, setting forth the prevailing wage and hour requirements of municipal public works. Any act required to be performed by the above statute is required by this Code. Any future amendments, revisions, or modifications to Wis. Stats. § 66.0903 are intended to be made a part of this Code.
(Code 1984, § 4.12; Ord. No. 16-01)

Sec. 2-87. Compensation and classification plan for City officials and employees.

A compensation and classification plan for City officials and employees shall be as adopted and amended by the Council from time to time.
(Code 1984, § 4.13)

Sec. 2-88. Wisconsin Retirement fund.

Pursuant to Wis. Stats. Ch. 41, the City elects to include eligible City personnel under the provisions of the Wisconsin Municipal Retirement Fund in accordance with the terms thereof.
(Code 1984, § 4.14)

Secs. 2-89—2-106. Reserved.

DIVISION 2. SPECIFIC OFFICIALS

Sec. 2-107. Mayor.

(a) *Chief executive officer.* The Mayor shall be the chief executive officer, shall take care that the City ordinances and state laws are observed and enforced, and that all City officers and employees discharge their duties.

(b) *Recommendations to Council.* From time to time, the Mayor shall give the Council such information and recommend such measures as the Mayor deems advantageous to the City.

(c) *Presiding officer.* When present, the Mayor shall preside at the meetings of the Council.

(d) *Veto power.* The Mayor has that veto power provided by state law as to acts of the Council. All Council actions shall be submitted to the Mayor by the Clerk and shall be in force upon approval evidenced by signature or upon failing to approve or disapprove within five days, which fact shall be certified thereon by the Clerk. If disapproved, the Mayor shall file objections with the Clerk, who shall present them to the Council at its next meeting. A two-thirds vote of all the members of the Council shall then make the act effective notwithstanding the objections of the Mayor.

(e) *Signatory for grants-in-aid.* The Mayor is authorized without approval of the Common Council to execute applications to state or federal agencies for financial grants-in-aid for all lawful purposes. This shall be done on the conditions that such applications shall not bind the City to an expenditure of funds, and a report that such an application, including the reasons therefor, shall be made to the Common Council within 30 days after execution by the Mayor. The Council, within 30 days of receipt of the report, may, upon majority vote of all of the members, cause the application to be withdrawn.
(Code 1984, § 1.16)

State law reference—Municipal officers generally, Wis. Stats. § 62.09(8).

Sec. 2-108. Alderpersons; powers.

Except as elsewhere in the statutes specifically provided, the Council shall have the management and control of the City property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the City, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license,

regulation, suppression, borrowing of money, tax levy, appropriation, forfeiture, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
(Code 1984, § 1.17; Ord. No. 20-95)

State law reference—Common councils, Wis. Stats. § 62.11.

Sec. 2-109. Assessor.

See the various duties and obligations imposed upon assessors by state law and the Wisconsin Administrative Code.
(Code 1984, § 1.18)

Sec. 2-110. Building Inspection Superintendent (Building Inspector).

The Building Inspection Superintendent shall:

(1) Perform the duties and have the powers of Building Inspector prescribed by ordinance and state law.

(2) Act as office manager for the Division of Building Inspection and supervise the work of all persons included therein.

(3) Issue all permits from the Division of Building Inspection and keep an accurate record of all applications and permits issued by persons under the Superintendent's jurisdiction; keep a record of all fees collected showing the date of their receipt and delivery to the Treasurer; make a monthly and annual report to the Council of the above matters.

(4) Enforce the zoning ordinances of the City.

(5) Assign additional duties to the various Inspectors of the Building Inspection Division when provided by ordinance, resolution, or state law.

(Code 1984, § 1.19)

Sec. 2-111. Chief of Police.

The Police Chief shall have command of the police force of the City under the direction of the Mayor and shall obey all lawful written orders of the Mayor or Common Council.
(Code 1984, § 1.20)

State law references—Duties and powers of municipal police chief, Wis. Stats. § 62.09(13); appointment of fire and police chiefs, Wis. Stats. § 62.13(3).

Sec. 2-112. City Attorney.

(a) In addition to the statutory and common law duties and authority vested in the City Attorney, and without limitation thereon by the specific enumerations set forth below, the City Attorney and those persons designated by the City Attorney are authorized to:

(1) Investigate complaints alleging violations of this Code and, if the results of such investigation warrant, refer the findings to the appropriate officer, official, committee, board, or commission.

(2) File answers and counterclaims in legal or equitable actions to which the City is a party.

(3) Initiate injunctive and abatement actions or proceedings.

(4) Initiate or respond to appeals in all courts and before administrative bodies.

(5) Enter an appearance before any court, administrative agency, or quasi-judicial body of competent jurisdiction in any matter in which the City is or may become involved.

(6) Accept, reject, or negotiate a tentative offer of settlement in any pending litigation after communicating such offer to the Mayor and Finance Committee Chairperson and receiving their approval, where such offer is received from the opposing party not less than six calendar days before the day of the scheduled formal hearing or trial upon the issue.

(b) The City Attorney and those persons designated by the City Attorney are delegated the authority to bind the City and its boards, commissions, and agencies to the terms and conditions set forth in the following classes of legal matters generally known as:

(1) Insurance waivers and releases.

(2) Assignment of subrogation claims.

(3) Insurance agreements pertaining to proof financial responsibility.

(4) Stipulations in administrative or judicial proceedings or actions wherein the City incurs no financial obligations except for the payment of statutory costs.

(5) Bankruptcy claims.

(6) Real estate tax transfer forms.

(c) City Attorney emeritus. See Charter Ordinance 11.

(Code 1984, § 1.21)

State law reference—Municipal officers generally, Wis. Stats. § 62.09(12).

Sec. 2-113. City Clerk.

(a) *Duties prescribed by statutes or Council.* The Clerk shall perform such other duties as are prescribed by state law or by order of the Council. Generally, the Clerk shall perform, under direction of the Mayor or other presiding officer of the Council, all duties pertaining to the office as City Clerk, and shall be responsible for all the official acts of the assistant clerks.

(b) *Additional duties of Clerk.* The City Clerk shall be the custodian of the minutes of both open and closed sessions of the Common Council and all boards, commissions, committees, and every subunit of the City, and the recording secretary of any such bodies shall be the official custodian of such minutes and be charged with the duty of keeping them in their physical possession until transcribed. The City Clerk shall keep such minutes in either a safe or a vault in conformity with state law.

(Code 1984, § 1.22)

State law reference—Duties of municipal clerks, Wis. Stats. § 62.09(11).

Sec. 2-114. City sealer; powers.

See Chapter 10, Article XVI.

(Code 1984, § 1.23)

State law reference—Certain municipalities required to administer weights and measures program, Wis. Stats. §§ 98.04, 98.05.

Sec. 2-115. Finance Director-Comptroller.

The Finance Director-Comptroller:

(1) Shall, monthly, report in writing to the Council the condition of outstanding accounts and of each of the City funds and claims payable therefrom, and shall file with the Clerk a detailed statement of the receipts and disbursements on account of each fund of the City and of each aldermanic district or other financial district during the preceding fiscal year, specifying the source of each receipt and the object of each disbursement, and also an estimate of the receipts and disbursements for the current fiscal year.

(2) Shall, each month, and as often as reported, examine the Treasurer's accounts as reported and as kept, and attach thereto a report to the Council as to their correctness and as to any violation by the Treasurer of their duty in the manner of keeping accounts or disbursing monies.

(3) Shall examine each claim for services or goods presented against the City and determine whether it is proper; and if it is on contract, whether authorized and correct. For these purposes, the Comptroller may swear witnesses and take testimony. If the Comptroller finds no objection, the Comptroller shall mark approval on the claim. If the Comptroller disapproves in whole or in part, the Comptroller shall report to the Council the reasons. The Comptroller shall in all cases report evidence taken. No claim shall be considered by the Council or be referred to a committee until it has been so examined and reported on.

(4) Shall countersign contracts and purchase orders with the City if the necessary funds have been provided to pay the liability that may be incurred thereunder, and no contract or purchase order shall be valid until so countersigned.

(5) Shall, each year, make a list of all certificates for the payment of which special taxes are to be levied in time for the same to be inserted in the tax roll and certify its correctness.

(6) May, in writing, filed in the office of the Clerk, appoint a deputy who shall act under the Comptroller's direction and in the Comptroller's absence or disability; or in the case of a vacancy, shall perform the Comptroller's duties. The deputy shall receive such compensation as the Council provides. The acts of such deputy shall be covered by official bond as the Council directs.

(Code 1984, § 1.24)

State law reference—Duties and authority or municipal comptrollers, Wis. Stats. § 62.09(10).

Sec. 2-116. Deputy Comptroller.

A Deputy Comptroller shall furnish a bond in the amount as provided in Section 2-86.

(Code 1984, § 1.25)

Sec. 2-117. Director of Parks, Recreation and Forestry/City Forester; powers and duties.

(a) The Director shall administer and enforce the policies and regulations adopted by the Park Committee pursuant to powers and duties set forth in Wis. Stats. Ch. 27.

(b) The Director will also perform the duties of the City Forester.

(Code 1984, § 1.26)

Sec. 2-118. Director of Public Works.

The Public Works Director shall supervise the maintenance and cleaning of streets, the removal of snow and ice therefrom, the maintenance of bridges and sewers, the collection of garbage and refuse materials, the municipal parking system, and the performance of other such services as may be required by the Council and shall issue permits for all work to be done on sidewalks, streets, curbs, and gutters.
(Code 1984, § 1.27; Ord. No. 49-98)

Sec. 2-119. Electrical Inspector.

The Chief Electrical Inspector shall keep records, issue permits, and enforce the electrical laws, and shall have such duties and supervision of the Office of Electrical Inspection as contained in Chapter 8, Article IV.
(Code 1984, § 1.28)

Sec. 2-120. Fire Chief, appointment.

The Fire Chief shall be a full-time officer, appointed by the Police and Fire Commission, and shall hold office during good behavior subject to suspension or removal by the Commission for cause.
(Code 1984, § 1.29)

State law reference—Appointment of municipal fire and police chiefs, Wis. Stats. § 62.13(3).

Sec. 2-121. Heating and Ventilating Inspector (a.k.a. Air Pollution Control Inspector).

The Air Pollution Control Inspector shall be responsible for the administration of smoke and other air pollution regulations in the City, including:

(1) The investigation of complaints and the making of inspections and observations of smoke conditions.

(2) The issuance of permits, certificates, and notices under Chapter 8 ; the keeping of applications, plans, permits, certificates, violations, complaints, and other records on file for department purposes only.

(3) The examination of the application and plans for the construction, installation, or alteration of any fuel-burning equipment or any equipment pertaining thereto; and if found to meet the requirements of the rules and regulations, the issuance of an installation permit.

(4) The inspection of the installation of all equipment for which a permit has been issued and, when found that the work is completed in accordance with the rules and regulations, the issuance of an operating permit and thereafter, when operation is demonstrated to comply with the provisions of Chapter 8 , the issuance of a certificate of operation.

(5) The publication and dissemination of information on methods of smoke reduction.

(6) The enlistment of the cooperation of civic, technical, scientific, and educational societies.
(Code 1984, § 1.31)

Sec. 2-122. Municipal Judge.

(a) *Created.* Pursuant to Wis. Stats. § 755.01, there is created the office of Municipal Judge.

(b) *Election; term.* The Municipal Judge shall be elected at large and shall be an attorney at law licensed to practice in the State of Wisconsin. The term shall be four years commencing May 1 succeeding the election. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than 55 days nor more than 70 days after the Council has ordered such election.

(c) *Salary.* The Municipal Judge shall receive a salary as determined from time to time by the Council, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during the term for which elected that has not executed and filed an official bond and oath as required by subsection (d) of this section.

(d) *Bond; oath.* The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Brown County the oath prescribed by Wis. Stats. § 755.02, and a bond in the penal sum of $2,000.00 as prescribed by Wis. Stats. § 755.03.

(e) *Jurisdiction.* The Municipal Judge shall have jurisdiction as provided such courts by state law.

(f) *Procedure.*

(1) The court of the Municipal Judge shall be called the "Municipal Court for Green Bay, Wisconsin" and shall be held at the discretion of the Municipal Judge.

(2) The procedure in Municipal Court shall be as provided in this section and state law.

(3) The Municipal Judge shall collect all forfeitures, penalty assessments, fees, and taxable costs in any action or proceeding and shall pay over such monies to the City Treasurer monthly.

(g) *Bailiff.* Bailiffs shall be those persons approved by the Municipal Judge and the Police Chief.

(h) *Municipal Court contempt procedure.* The Municipal Judge may impose a forfeiture for contempt of court, as defined in Wis. Stats. § 785.01(1), in accordance with the procedures under Wis. Stats. § 785.03, in an amount not to exceed $50.00; or upon nonpayment of the forfeiture, penalty assessment under Wis. Stats. § 165.87, and jail assessment under Wis. Stats. § 302.46, a jail sentence not to exceed seven days.
(Code 1984, § 1.32)

Sec. 2-123. Treasurer; powers and duties.

The Treasurer:

(1) Shall collect all City, school, County, and state taxes, receive all monies belonging to the City or which by law are directed to be paid to the Treasurer, and pay over such money according to law.

(2) Shall keep a detailed account in suitable books in such manner as the Council shall direct which books shall at all reasonable times be open to inspection.

(3) Shall, each month at the first meeting of the Council, and as often as it shall require, make to the Council a verified report of monies received and disbursed and of the condition of the Treasury. Ten days before each regular City election, the Treasurer shall file in the Clerk's Office a full and minute verified report of monies received and disbursed, tax certificates, vouchers and other things of pecuniary value in the Treasurer's custody, and of all transactions of the office from the date of the preceding like report.

(4) Shall receive no fees or other compensation except the salary fixed by the Council, except that in case of a sale of goods or chattels for payment of taxes, the Treasurer shall receive such fees as are allowed constables therefor. All other fees shall be paid into the Treasury at the end of each day.

(5) Shall deposit immediately upon receipt thereof the funds of the City in the name of the City in the public depository designated by the Council. Such deposit may be in either a demand deposit or in a time deposit, maturing or in federal T-Bills, or bonds maturing in not more than one year. Failure to comply with the provisions hereof shall be prima facie grounds for removal from office. When the money is so deposited, the Treasurer and the bondsmen shall not be liable for such losses as are defined in Wis. Stats. § 34.01(6). The interest arising therefrom shall be paid into the City Treasury.

(6) May, in writing, filed in the office of the Clerk, appoint a deputy who shall act when the Treasurer is unavailable. The deputy shall receive such compensation as the Council shall provide. The acts of such deputy shall be covered by official bond as the Council shall direct.

(7) Shall make partial apportionment in advance, not exceeding 90 percent, of levies by vocational, technical, and adult education districts out of funds available from such levies and in the City Treasury prior to the tax apportionment provided by Wis. Stats. § 74.03(5), upon the filing of written request by the Vocational, Technical, and Adult Education District Board stating that such advances are needed to continue operating.

(Code 1984, § 1.35)

State law reference—Duties and authority of municipal treasurers, Wis. Stats. § 62.09(9).

Sec. 2-124. Weed Commissioner.

The City shall appoint a Weed Commissioner pursuant to Wis. Stats. § 66.0517.

(Code 1984, § 1.36)

State law reference—Municipal weed commissioners generally, Wis. Stats. § 66.0517.

Sec. 2-125. Adult crossing guards.

(a) *Position.* The position of Adult Crossing Guard shall be filled by the Chief of Police subject to confirmation by the Common Council. The Chief shall be responsible for their supervision and direction. They shall not be police officers and shall have no police powers to arrest.

(b) *Uniform.* Adult Crossing Guards shall wear a uniform prescribed by the Chief of Police.

(c) *Salary.* Adult Crossing Guards shall receive such salary as set by the Council.

(Code 1984, § 5.05)

Sec. 2-126. Humane Officer.

(a) *Position.* The position of Humane Officer shall be filled by the Chief of Police, subject to confirmation by the Common Council. The Chief shall be responsible for the supervision and direction of the Humane Officer.

(b) *Powers and duties.* The Humane Officer shall not be a police officer, shall perform those duties as directed by the Chief, and shall have only those powers set forth in Wis. Stats. § 173.07.

(c) *Citations.* The Humane Officer shall have the authority to issue citations to individuals violating ordinances enforced by the Humane Officer.

(d) *Uniform.* The Humane Officer shall wear a uniform prescribed by the Chief of Police.

(e) *Salary.* The Humane Officer shall receive such salary as set by the Common Council.
(Code 1984, § 5.06)

Secs. 2-127—2-174. Reserved.

ARTICLE V. BOARDS, COMMISSIONS AND SIMILAR BODIES*

Sec. 2-175. Confirmation.

Appointees to the following bodies shall be confirmed by not less than a two-thirds vote of the members present when the Common Council considers their appointments:

(1) Board of Review, Section 2-177.

(2) Annexation Commission, Section 2-179.

(3) Economic Development Authority, Section 2-180.

(4) Ethics Board, Section 2-150.

(5) Board of Police and Fire Commissioners, Section 2-178.

(6) Zoning and Planning Board of Appeals, Section 44-138 et seq.

(7) Traffic, Bicycle and Pedestrian Commission, Section 40-3.
(Code 1984, § 1.50; Ord. No. 39-02; Ord. No. 9-16)

Sec. 2-176. Board of Public Works.

The Improvement and Service Committee shall exercise the duties and authority vested in a Board of Public Works by state law except as provided in Wis. Stats. § 27.08(3), City Park Board. The Committee shall have that jurisdiction over special assessments in parks as provided by Wis. Stats. § 27.10(4).
(Code 1984, § 1.51)

Sec. 2-177. Board of Review.

(a) *Appointment and organization.* The Board of Review shall consist of seven City residents appointed by the Mayor, subject to confirmation by the Council. No appointed member shall occupy any public office or be publicly employed. Members shall serve for five-year terms and until their successors are appointed and qualified.

***Editor's note—**Not all City bodies are included in this article. For information regarding the following bodies, see the section indicated: City Plan Commission, Section 44-80 et seq.; Board of Police and Fire Commissioners, Section 2-178; Water Commission, Section 42-66; Zoning and Planning Board of Appeals, Section 44-138 et seq.; Traffic, Bicycle and Pedestrian Commission, Section 40-3.

Editor's note—A Charter Ordinance introduced March 16, 1982, and effective June 9, 1982, provides that the statutory organization of the Board of Public Works in cities of the second class set forth in Wis. Stats. § 62.14(1) shall not apply in the City. Such Board is hereby abolished.

(b) *Duties and powers.* The Board of Review shall have the duties and powers prescribed by Wis. Stats. § 70.47.
(Code 1984, § 1.52; Ord. No. 51-03)

Sec. 2-178. Board of Police and Fire Commissioners.

(a) *Membership.* The Board shall consist of five citizens, three of whom shall constitute a quorum. 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, subject to confirmation by the Council. No appointment shall be made which will result in more than three members of the Board belonging to the same political party.

(b) *Duties and powers.* The Board shall have the duties and powers set forth in Wis. Stats. § 62.13.
(Code 1984, § 5.01; Ord. No. 54-03)

Sec. 2-179. Annexation Commission.

(a) *Appointment and organization.* The Annexation Commission shall consist of six members, one of whom shall be a member of the Common Council and one who shall be a citizen member. The Public Works Director, the principal planner, the President of the City Economic Development Authority, and the Mayor shall be members by virtue of their offices. The Alderperson and the citizen member shall be appointed by the Mayor, subject to confirmation by the Council. The term of the Alderperson shall be for one year, and the term of the citizen member shall be for three years. The Vice-President of the City Economic Development Authority shall be an alternate member for the President of the City Economic Development Authority and shall act with full powers when the President is absent or cannot act because of a conflict of interest.

(b) *Powers and duties.*

(1) All petitions for the annexation of land to the City shall be referred to the Commission for study and its written recommendation to the Council thereon. The Commission shall hold at least one public hearing on each petition in the Council chambers at the City Hall.

(2) The Commission shall hold an organization meeting in June of each year for the purpose of electing a President, Vice-President, and Secretary. Thereafter, meetings shall be held at the call of the President, Mayor, or Council. Four members shall constitute a quorum.

(3) The Council shall refer to the Commission for its recommendation on all matters relating to or involving boundaries of the City.

(4) After approval of an annual budget by the Council for the Annexation Commission, all expenditures from such budget shall only be made upon approval of the expenditure by a majority of the Commission present. Before an order is drawn for any expenditure by the City Clerk, bills shall be submitted to the Commission for approval by a majority of the members present and certified by the President and Secretary to the City Clerk, together with vouchers for the same.
(Code 1984, § 1.53)

Sec. 2-180. Economic Development Authority.

(a) *Appointment and organization.* The City Economic Development Authority, consisting of six citizens of the City, shall be appointed by the Mayor, subject to confirmation by the Council, for terms of three years. There shall also be one Council representative on the Authority who shall be appointed annually by the Mayor, subject to confirmation by the Council. In case of vacancy by death, resignation, or removal from the City, the unexpired term shall be filled in the same manner as appointments are originally made.

(b) *Officers; meetings.* The City Economic Development Authority shall hold regular meetings at least once a month. A President, Vice-President, and Secretary shall be elected from the membership.

(c) *Powers and duties.* The Authority shall devote itself to the study of methods and manner of developing industrial and commercial activities for the betterment and future growth of the City. To achieve this purpose, the Authority may make use of facilities of other City departments. All recommendations of the Authority shall be presented to the Council for consideration.

(d) *Finances.* The Authority may incur indebtedness within its annual budget as set by the Council. All expenditures from such budget shall only be made upon approval of the expenditures from such budget of the authority. Before an order is drawn for any expenditure by the City Clerk, bills shall be submitted to the Authority for approval and certified by the President and Secretary to the City Clerk, together with vouchers for the same.
(Code 1984, § 1.54)

Sec. 2-181. Construction Acceptance Team.

(a) *Organization.* There is created the Construction Acceptance Team, which shall consist of the Building Inspector, Plumbing Supervisor, Electrical Inspector, Heating and Ventilating Inspector, and the City Structural Engineer.

(b) *Jurisdiction.* All governmental units within the City shall comply with the rules and regulations herein set forth.

(c) *Powers and duties.* The Construction Acceptance Team shall be responsible for the final acceptance of any new building, reconstruction, or remodeling of existing buildings prior to final acceptance and payment for such construction or reconstruction.

(1) *Bids.* At the time of advertising for bids for a specified project, the Construction Acceptance Team shall receive sufficient copies of the plans and specifications for their review so they may familiarize themselves with items specified which may be over, above, and beyond the requirements of the particular building code. A copy of all addenda and change orders shall also be delivered to the Team as and when they are issued.

(2) *Permit.* The governmental unit involved in the construction or reconstruction shall take out the standard permit and pay the established rates in accordance with the Building Code, which fees shall not be included in the architect's fees.

(3) *Final payment.* Disbursement of final payment due on each primary contract, including architect's fees, shall be withheld until such time as the Construction Acceptance Team has approved disbursement of such payment, which approval shall be withheld until the architect has certified to the Construction Acceptance Team that the work is in accordance with

specifications, including necessary or recommended addenda and change orders. The architect, in making a final inspection, may request all or part of the Acceptance Team to accompany them on their final inspection.

(4) *Certification.* Only after certification by the Construction Acceptance Team to the governmental unit involved that the building meets Code and specification requirements, including material and equipment manufacturer's specifications, may final payment be authorized and the occupancy permit issued.

(5) *Arbitration.* In case of dispute between the architect or contractor and the Acceptance Team, the matter shall be arbitrated by a representative of the architect, a representative of the contractor, and the Public Works Director.

(Code 1984, § 1.65)

Sec. 2-182. Public Arts Commission.

(a) *Purpose.* The arts are an intrinsic expression of life. Thriving communities enjoy shared experiences of diverse and abundant arts and culture. Arts investments create jobs, leverage private gifts, build a sense of place, invite tourism, revitalize neighborhoods, attract creative people, cultivate democracy, preserve cultural legacy, generate local tax revenue, and enhance our quality of life. The City's Public Arts Commission exists to fund artistic activities and support cultural programs that integrate and advance arts and culture as an essential part of life in the City.

(b) *Composition.* The Commission is hereby created, consisting of five members. Of the membership and if available in the community, one shall be an Alderperson and four shall be citizens with a preference for those who are involved with the visual arts, musical arts, or performing arts. The Mayor shall appoint the Commissioners, subject to confirmation by the Common Council. Of the initial members appointed, one shall serve a term of one year, one shall serve a term of two years, and two shall serve a term of three years; the Alderperson shall finish their term. Thereafter, the term for each member shall be three years, except for the Alderperson who shall serve a term of two years. Each member is subject to the Code of Ethics as outlined in Article IV, Division 3 of this chapter.

(c) *Powers and duties.* The authority and activities of the Commission shall be advisory, and it shall act in a cooperative capacity and rely upon voluntary compliance. The basic function of the Commission shall be the development of public support for the arts. The duties of the commission shall be to:

(1) Advise the Mayor and the Common Council with regard to policies, budgets, and regulations related to the arts, culture, and creative commerce;

(2) Implement the City's Public Arts Program, including, but not limited to, purchasing works of art or purchasing, commissioning, and siting works of art;

(3) Advise municipal efforts to engage artists and creative workers and the community in a broad range of civic initiatives;

(4) Consult with private entities, higher education institutions, and the community with regard to the City's arts, culture, and creative sector commerce;

(5) Coordinate and support efforts to unite and focus municipal programs and services as they relate to arts and cultural activities and creative sector commerce;

(6) Promote the design, construction and landscaping of public projects and private buildings, including public and private improvements, that enhance the beauty of the City;

(7) Establish and administer guidelines and procedures for distributing grants, issuing requests for proposals for creative services, and making recommendations of selections and awards to the Common Council;

(8) Advise all City departments on installation, maintenance, and deaccession of artwork;

(9) Review the performance of external contractors to the City in the areas of arts and culture; and

(10) Facilitate periodic cultural planning for the City.

(Code 1984, § 1.66; Ord. No. 15-16)

Sec. 2-183. City Transit Commission.

(a) *Created.* The City Transit Commission shall operate under the authority of Wis. Stats. § 66.1021, and shall be designated "City of Green Bay Transit Commission."

(b) *How constituted.*

(1) The City Transit Commission shall consist of seven members, who shall be appointed by the Mayor subject to confirmation by the Council, one of whom shall be designated Chairperson.

(2) The first member of the Transit Commission shall be appointed for staggered three-year terms. The term of office of each member thereafter appointed shall be three years.

(3) No person holding stocks or bonds in any corporation subject to the jurisdiction of the Commission, or who is in any other manner directly or indirectly pecuniarily interested in any such corporation, shall be a member of nor employed by the Commission.

(Code 1984, § 21.16; Ord. No. 51-84)

Sec. 2-184. Park Committee.

The Park Committee shall determine the method by which street, boulevard, and parkway trees are selected, placed, planted, and removed.

(Code 1984, § 25.09; Char. Ord. No. 13, § 2, 4-7-1982; Ord. No. 18-09)

Sec. 2-185. Equal Rights Commission.

See Section 12-11.

(Ord. No. 25-20, § 2(1.67), 10-20-2020)

Sec. 2-186. Sustainability Commission.

(a) *Purpose.* The protection, stewardship, improvement, and promotion of the environment is a public necessity and is required in the interest of health, prosperity, safety, and welfare of the Green Bay community for present and future generations. The Sustainability Commission is hereby established to explore sustainability initiatives that can be implemented in Green Bay, with the ultimate goal of providing a more sustainable, livable, and healthy community.

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commission means the Sustainability Commission.

Sustainability means the quality of not being harmful to the environment or depleting natural resources, and thereby supporting long-term ecological balance.

(c) *Sustainability Commission composition.* The Commission is hereby created, consisting of nine members. Of the membership and if available in the community, one shall be an alderperson, one shall be a City employee, and seven shall be citizens. All members shall have demonstrated interest in environmental stewardship; sustainable business practices, development or technology; green building and design; renewable energy; energy efficient transportation; and recycling and waste management. To the extent possible, members appointed shall represent a diverse range of interest and expertise in sustainability, economic backgrounds and interests, and ethnic and cultural affiliations, including educators and students in the aforementioned fields. The Mayor shall appoint the commissioners, subject to confirmation by the Common Council. Of the initial members appointed, two shall serve a term of one year, three shall serve a term of two years, and three shall serve a term of three years; the alderperson shall finish their term. Thereafter, the term for each member shall be three years, except for the alderperson who shall serve a term of two years. Each member is subject to the Code of Ethics as outlined in Article IX of this chapter.

(d) *Powers and duties of the Sustainability Commission.* The authority and activities of the Commission shall be advisory, and it shall act in a cooperative capacity and rely upon voluntary compliance. The basic function of the Commission shall be the promotion of sustainable initiatives. The duties of the Commission shall be to:

(1) Advise the Mayor and the Common Council with regard to policies, budgets, and regulations related to sustainable policies and practices relative to the environment, including, but not limited to, natural resources, energy, food waste, hazardous materials and pollution;

(2) Advise municipal efforts to engage the community in a broad range of sustainable initiatives;

(3) Consult with private entities, higher education institutions, and the community with regard to the City's sustainable initiatives;

(4) Coordinate and support efforts to unite and focus municipal programs and services as they relate to sustainable initiatives.

(Ord. No. 9-18, § 1, 7-17-2018)

Secs. 2-187—2-204. Reserved.

ARTICLE VI. FINANCE

Sec. 2-205. State statute on budgets adopted.

Wis. Stats. § 65.90, relating to municipal budgets, hearings thereon, and notice of hearing, is hereby adopted and incorporated as if fully set forth herein.
(Code 1984, § 4.01)

Sec. 2-206. Financial statement; publication.

(a) *Comptroller to prepare monthly statement.* The Comptroller shall each month prepare and present to the Council a summary statement of the revenues and expenditures of the City for the preceding month, detailed as to the appropriation and funds and arranged in standard form, together with a balance sheet statement of the current assets and current liabilities of such City at the close of each month. These summaries shall be accompanied by such detailed schedules as the Council may by ordinance require.

(b) *Publication of receipts and disbursement.* In January, April, July, and October in each year, the Council shall publish in the official newspaper detailed schedules of the receipts and disbursements of monies for the three calendar months next preceding the month of such publication.
(Code 1984, § 4.02)

Sec. 2-207. Claims; audit.

(a) *Approval and payment.* Payments shall be made from the City Treasury only after the Comptroller has audited and approved each such claim as a proper charge against the Treasury after determining that the following conditions have been complied with:

(1) That funds are available therefor, pursuant to the budget approved by the Council.

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

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

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

The Comptroller may require the submission of such proof and evidence to support the foregoing as the Comptroller deems necessary.

(b) *Audit.* An annual, detailed audit of the financial transactions and accounts of the City shall be made by a licensed public accountant designated by the Council.
(Code 1984, § 4.03)

Sec. 2-208. Receiving of monies.

(a) *Receipts.* The City Treasurer shall not receive any money into the Treasury from any source, except for taxes, without giving a receipt therefor. Such receipt shall be a pay-in voucher issued by the City Clerk and marked paid by the City Treasurer. A duplicate receipt shall be kept on file in the City Clerk's Office, who shall charge the amount to the Treasurer. No payment made to the Treasurer shall be valid or binding against the City unless the receipt and duplicate shall be so drawn, signed, and marked paid, and filed.

(b) *Abstract of receipts issued.* The Treasurer shall file with the Comptroller on the next succeeding workday of the commencement of the new tax roll a signed abstract of tax receipts issued. The Comptroller shall file such abstract and charge the amount to the Treasurer in a book kept separately for that purpose, which book shall show the number of the receipt, the date, and the amount of payment.
(Code 1984, § 4.04)

Sec. 2-209. Preparation of tax roll and tax receipts.

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

(b) *Rates affixed to receipts.* Pursuant to Wis. Stats. § 74.09, in lieu of entering on such tax receipt the several amounts paid respectively for state, county, local, school, and other taxes, the aggregate amount of state, county, local, school, and other taxes shall be combined in a single column on the tax receipt issued by the City Treasurer. The City Treasurer shall cause to be affixed to the tax receipts the separate proportion or rate of taxes levied for state, county, local, school, and other purposes.
(Code 1984, § 4.05)

Sec. 2-210. City obligates itself to pay County taxes.

Pursuant to Wis. Stats. § 70.67(2), the City obligates itself to pay, if the City Treasurer fails to do so, all state and county taxes required by law to be paid by such Treasurer to the Brown County Treasurer. A certified copy of this section shall be filed with the Brown County Treasurer and shall remain in effect until a certified copy of its repeal is filed with such County Treasurer.
(Code 1984, § 4.06)

Sec. 2-211. Penalty on delinquent personal property taxes.

Pursuant to Wis. Stats. 74.47(2), the City of Green Bay hereby imposes a penalty of 0.5 percent per month, or fraction of a month, in addition to the interest prescribed by Wis. Stats. § 74.80(1), on all overdue or delinquent personal property taxes retained for collection by the City or eventually charged back to the City by the County for purposes of collection under Wis. Stats. § 74.31.
(Code 1984, § 4.07)

Sec. 2-212. Checks drawn on City depository.

No checks on the City depository shall be valid unless signed by the Treasurer; except health insurance claim checks, which may be issued and signed by the City of Green Bay Health Insurance Administrator. The City depository shall not accept or pay any check unless so signed, nor shall it receive credit therefor in any settlement with the City. The adoption and use of a facsimile signature on order checks by the Treasurer is approved.
(Code 1984, § 4.08)

Sec. 2-213. Calling of local improvement bonds.

(a) *Redemption of bonds.* Whenever improvement bonds are issued in payment of public work, which bonds are a lien against the property improved, the owner of such property has the right to redeem such bond, or the outstanding balance due thereon, plus six months' interest at the rate carried by the bond, and the costs of advertising the same. The Clerk shall then publish a notice in the official newspaper that such bond has been called for payment. The six months' interest shall start from the date of publication.

(b) *Notice.* If the party owning the called bond is known, notice may be served by registered letter with return receipt demanded, which notice shall advise the owner of the calling of such bond. The six months' interest shall commence from the date of receipt of such letter.

(c) *Future bonds.* Every improvement bond hereafter issued shall contain on its face a statement that such bond is so callable.
(Code 1984, § 4.09)

Sec. 2-214. Bond approval.

All surety bonds, insurance policies, or similar documents having for their purpose the protection of the City, the public, or any officer or employee of the City against loss or damage shall be approved by the person or division charged with such responsibility.
(Code 1984, § 4.10)

Sec. 2-215. Fund balance reporting.

(a) *Intent.* Pursuant to Governmental Accounting Standards Board (GASB) Statement 54, The City of Green Bay is required to identify Special Revenue Funds to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditures for specific purposes other than debt service or capital projects.

(b) *Special Revenue Funds—Restricted.* The following Special Revenue Funds, as generated by service fees, intergovernmental revenues, special charges, grants, donations, and other resources, shall be restricted for the salary, fringes, equipment, projects, travel, training, support charges and any other operations expenses generated within that specific fund:

(1) *Community Development Fund.* To account for federal and state grants for community development projects and for rehabilitation loans to property owners. Repayment of rehabilitation loans finances additional loans.

(2) *EECBG Grant Fund.* To account for federal and state grants for energy efficiency projects.

(3) *Neighborhood Stabilization Fund.* To account for the acquisition of vacant foreclosure properties for rehabilitation and re-sale or rental.

(4) *Park Land Fund.* To account for charges to developers for development of new City parks in areas of new home construction.

(5) *Trees Fund.* To account for charges to developers for the planting of trees in areas of new home construction.

(6) *Police Miscellaneous Donation Fund.* To account for collections by the Police Department for its expenditures.

(7) *Federal Asset Forfeiture Fund.* To account for collections by the Police Department for its expenditures for this purpose.

(8) *OWI Vehicle Seizure Fund.* To account for collections by the Police Department for its expenditures for this purpose.

(9) *Lambeau Field Fund.* To account for seat license collections to be used for Lambeau Field addition.

(10) *Fire Donation Fund.* To account for various collections by the Fire Department to be used for its expenditures.

(11) *Police Grant Fund.* To account for various grant collections by the Police Department to be used for its expenditures.

(c) *Special Revenue Funds—Committed.* The following Special Revenue Funds, as generated by franchise fees, intergovernmental revenues, special charges, grants, donations, and other resources, shall be committed for the salary, fringe benefits, equipment, projects, travel, training, support charges and any other operational expenses generated within that specific fund:

(1) *Parking Division Fund.* To account for parking services provided by City's parking ramps and related facilities.

(2) *Storm Sewer Fund.* To account for maintenance of City storm sewer infrastructure financed primarily by customer user charges.

(3) *Sanitary Sewer Fund.* To account for maintenance of City sanitary sewer infrastructure financed primarily by customer user charges.

(4) *Transit Operations Fund.* To account for City subsidies for operating assistance for the Transit Enterprise Fund.

(5) *Transit Capital Fund.* To account for capital equipment purchases by City for the Transit Enterprise Fund.

(6) *Bay Beach Fund.* To account for the operation of Bay Beach Amusement Park.

(d) *Spend-down order.* The City shall fund the order of fund balance spend down in the following order for purposes of reporting fund balance:

(1) Restricted Funds.

(2) Committed Funds.

(3) Assigned Funds.

(4) Unassigned Funds.

(e) *Authorization.* The Finance Director or Comptroller is authorized to indicate the City's intent to assign fund balance to a specific purpose for financial reporting.
(Code 1984, § 4.16; Ord. No. 22-11; Ord. No. 24-11)

Sec. 2-216. Employee Health Insurance Fund.

(a) There shall be a segregated fund that appears as a line item in the annual budget known as the "Employee Health Insurance Fund."

(b) The source of the fund shall be those monies:

(1) Appropriated by the Common Council for employee health benefits; and

(2) The percent, if any, of the monthly premium paid by the participating employees.

(c) The fund shall be credited with a pro rata share of the investment interest revenue earned by the City.

(d) Claims approved for payment, administrative fees, costs, expenses, overhead, out-of-pocket costs, and co-insurance premiums only shall be paid from the fund.
(Code 1984, § 4.17)

Sec. 2-217. Municipal vehicle registration fee.

(a) *Authority.* This section is adopted pursuant to the authority granted by Wis. Stats. § 341.35, as amended from time to time.

(b) *Purpose.* The purpose of this section is to provide the City of Green Bay a source of revenue to be used for transportation purposes as identified by Wis. Stats. § 341.35, as amended from time to time. Such transportation purposes may include, but not be limited to, the following:

(1) Elimination of special assessments for pavement on residentially-zoned properties;

(2) Reduction by 50 percent of special assessments for pavement on properties not residentially-zoned;

(3) Alley resurfacing and reconstruction projects;

(4) Bridge maintenance;

(5) Maintenance programming, such as crack sealing and patching, intended to extend the life of existing pavements;

(6) Rail crossing repairs;

(7) Expansion of the asphalt resurfacing and street reconstruction programs.

(c) *Allocation of proceeds.* The allocation of proceeds generated by the municipal vehicle registration fee to various program needs will be reviewed annually as part of the Capital Improvement Program.

(d) *Imposition of municipal vehicle registration fee.*

(1) Pursuant to Wis. Stats. § 341.35, an annual flat municipal vehicle registration fee in the amount as provided in the City Fee Schedule is hereby imposed on all motor vehicles registered in the State of Wisconsin that are registered within the City of Green Bay by the Wisconsin Department of Motor Vehicles.

(2) This fee shall be paid by the registration applicant at the time that a motor vehicle is first registered and at each time of registration renewal.

(3) The municipal vehicle registration fee shall be paid as provided by Wis. Stats. § 341.35(5).

(4) The municipal vehicle registration fee shall be in addition to state registration fees.

(e) *Administrative costs.* The Wisconsin Department of Transportation shall retain a portion of monies collected equal to the actual administrative costs related to the collection of these fees. The method for computing the administrative costs will be reviewed annually by the Wisconsin Department of Transportation, as provided by Wis. Stats. § 341.35.

(f) *Exemptions.* The following motor vehicles are exempt from the municipal vehicle registration fee established by this section:

(1) All vehicles exempted by Wis. Stats. Ch. 347 from payment of a state vehicle registration fee.

(2) All vehicles registered by the State of Wisconsin under Wis. Stats. § 341.26 for a fee as provided in the City Fee Schedule.

(3) A motor vehicle which is a replacement for a motor vehicle for which a current municipal vehicle registration fee has been paid.

(g) *Deposit of fee revenues.* All monies under the applicable statute and this section remitted to the City by the Wisconsin Department of Transportation or other applicable agency shall be deposited into a segregated fund, separate from the general fund and any other construction fund, and be used solely for the purposes defined herein.

(h) *Date collection begins.* The City of Green Bay shall begin collection of the municipal vehicle registration fee beginning with registrations due on January 1, 2019.
(Ord. No. 19-18, § 1, 8-21-2018)

Secs. 2-218—2-268. Reserved.

ARTICLE VII. PUBLIC RECORDS

Sec. 2-269. Retention of public records.

(a) *Purpose.* Pursuant to Wis. Stats. § 19.21, this section authorizes the transfer or destruction of obsolete records.

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Legal custodian means the individual responsible for maintaining records pursuant to Wis. Stats. § 19.33.

Record has the meaning ascribed in Wis. Stats. § 19.32(2).

(c) *General retention period.* Unless a different retention period is specifically adopted in the records retention schedule or required by state law, all records shall be retained at least seven years before destruction.

(d) *Records retention schedule.* The schedule of retention periods differing from the period prescribed in subsection (c) of this section shall be listed in the records retention schedule of the City, which is adopted by reference as though fully set forth in this section. The official copy of the records reten-

tion schedule shall be on file in the office of the City Clerk, who shall keep the same current at all times by such revision as is required by additions, deletions, and amendments adopted by the Common Council by resolution from time to time.

(e) *Notification of State Historical Society.* At least 60 days prior to the destruction of any records pursuant to this section, the legal custodian shall notify the State Historical Society of Wisconsin in writing, unless the State Historical Society has waived notice for the type of records to be destroyed as indicated in the records retention schedule.

(f) *Destruction pending litigation.* Notwithstanding the above, no record subject to pending litigation shall be destroyed until the litigation is resolved.
(Code 1984, § 1.40; Ord. No. 2-99; Ord. No. 13-10; Ord. No. 11-20, § 1, 5-19-2020)

Secs. 2-270—2-286. Reserved.

ARTICLE VIII. ELECTIONS

Sec. 2-287. Primary; when held.

Pursuant to the City's Charter, when three or more candidates file nomination papers for City office, a primary election shall be held for the nomination of candidates for such office.
(Code 1984, § 3.01)

Sec. 2-288. Election officials.

(a) *Number.* At every election there shall be in each City polling places three inspectors and two clerks, unless the Council, by resolution passed not less than 60 days prior to any election, increases the number of election officials, as provided by law.

(b) *Compensation.* Compensation shall be allowed for all elections.

(c) *Appointment of alternative election officials.* The City Clerk shall have the discretion to hire election officials to work less than a full day on the day of the election.
(Code 1984, § 3.02; Ord. No. 2-10)

State law reference—Appointment of municipal election officials, Wis. Stats. § 7.30.

Sec. 2-289. Poll hours.

The polls at each election in the City shall be open for voting from 7:00 a.m. until 8:00 p.m.
(Code 1984, § 3.03)

Sec. 2-290. Board of Absentee Ballot Canvassers.

(a) The Common Council hereby establishes the Municipal Board of Absentee Ballot Canvassers as designated under Wis. Stats. § 7.53(2m). The Board of Absentee Ballot Canvassers shall be composed of the City Clerk, or a qualified elector of the City designated by the Clerk, and two other qualified electors of the County appointed by the City Clerk. The first term for the members of the Board of Absentee Canvassers will expire on December 31, 2016. For subsequent terms, the

members of the Board of Absentee Ballot Canvassers shall serve for two-year terms commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee.

(b) The Common Council hereby declares in lieu of canvassing absentee ballots at polling places under Wis. Stats. § 6.88, the Municipal Board of Absentee Ballot Canvassers shall canvass all absentee ballots at all elections held in the City pursuant to procedures established by the state division governing elections.

(c) The City Clerk shall give at least 48 hours' notice of any meeting under this section.

(d) The City Clerk, no later than the closing hour of the polls, shall post at their office and on the Internet at a site announced by the City Clerk before the poll opens, and shall make available to any person upon request, a statement of the number of absentee ballots that the Clerk has mailed or transmitted to electors and that have been returned by the closing hour on election day.
(Code 1984, § 3.04; Ord. No. 7-16)

Secs. 2-291—2-320. Reserved.

ARTICLE IX. ETHICS

Sec. 2-321. Declaration of policy.

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. To assist in attaining these goals, there is established a Code of Ethics for all City officials, including members of boards, committees, and commissions, and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions which are incompatible with the best interests of the City and by requiring such officials and employees to disclose personal interests, financial or otherwise, in matters affecting the City. The purpose of this code and the rules and regulations established hereby are declared to be in the public interest.
(Code 1984, § 1.90(1))

Sec. 2-322. Responsibility of public office.

Public officials and employees hold office for the benefit of the public. They are bound to uphold the state and federal constitutions; to observe the highest standards of law in the exercise of the powers and duties of their office; to impartially carry out the laws of the nation, state, and City; to discharge faithfully the duties of their office regardless of personal considerations; and to recognize that the public interest must be their prime concern.
(Code 1984, § 1.90(2))

Sec. 2-323. Dedicated service.

Appointive officials and employees shall adhere to the rules of work and performance standards established for their positions. Officials and employees shall not exceed their authority or breach the law or ask others to do so. They shall cooperate with public officials and employees from other governmental bodies, agencies, and jurisdictions unless prohibited from doing so by law.
(Code 1984, § 1.90(3))

Sec. 2-324. Fair and equal treatment.

No official or employee shall use or permit the use of City-owned vehicles, equipment, materials, or property unless authorized to do so. All officials and employees are obligated to give the same consideration to matters and persons in like or similar circumstances and may not arbitrarily or capriciously treat one person differently from another.
(Code 1984, § 1.90(4))

Sec. 2-325. Conflict of interest.

(a) *Financial and personal interest prohibited.* No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to any direct financial interest which is incompatible with the proper discharge of their official duties in the public interest contrary to the provisions of this division or which tends to impair their independence of judgment or action in the performance of their official duties.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection:

Financial interest means any interest which yields directly a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

Official duty or act means one done by an officer in their official capacity under color and by virtue of their office; an authorized act.

Persons means any person, corporation, partnership, or joint venture.

Violation includes any unlawful behavior by a public officer in relation to the duties of their office, willful in its character, including any willful or corrupt failure, refusal, or neglect of an officer to perform any duty enjoined by law on them.

(c) *Specific conflicts.*

(1) *Incompatible employment.* No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair such official's or employee's independence of judgment or action in the performance of such duties, unless otherwise permitted by law and unless disclosure is made as herein provided.

(2) *Disclosure of confidential information.* No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City, nor shall such official or employee use such information to advance the financial or other private interest of such official or employee or others.

(3) *Gifts and favors.* Discretion and the judgment of a reasonable, prudent person shall be exercised in the acceptance of giving of gifts which may tend to influence such official or employee in the discharge of their duties, or grant in the discharge of their duties any improper favor, service, or thing of value, except campaign contributions under Section 2-327.

(4) *Private donations and funds.* No public official, subject to this code, shall solicit private donations or funds for any City-related purpose unless authorized to do so in their official capacity under color of law or by virtue of their office. Any public official who receives funds for any City-related purpose shall file a report of the receipt and expenditure of such funds with the City Clerk within 30 days thereof. For purposes of this subsection, the term "city-related purposes" shall mean those purposes authorized by the Common Council of the City, its boards, commissions, or committees. Nothing contained herein shall limit the statutory powers and authority of any public official, nor shall the provisions of this subsection prohibit the private, confidential solicitation of funds, by any person or public official, for any charitable, campaign, or other private purpose.

(5) *Employment within the City.* No Alderperson, during their term of office, or one year thereafter, is eligible for any employment with the City, whether by regular employment or contractual services. Exceptions to this policy will be as follows:

a. Where an Alderperson is appointed to fill a vacancy for another elected office or is elected;

b. Where an Alderperson serves as a poll worker or at any other position which has a stipend of less than $1,000.00 a year; or

c. Where an Alderperson is appointed to a post with an 80 percent majority consent of the Council.

(d) *Contracts with the City.* No City officer or employee, who in their capacity as such officer or employee participates in the making of a contract in which such person has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the City unless, within the limitations of Wis. Stats. § 946.13, the contract is awarded through a process of public notice and competitive bidding.

(e) *Disclosure of interest in legislation.*

(1) To the extent known, any member of the Common Council who has a financial interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest.

(2) Any other official or employee who has a financial interest in any proposed legislative action of the Common Council and who participates in discussion with or gives an official opinion or recommendation to the Common Council shall disclose on the records of the Common Council the nature and extent of such interest.

(Code 1984, § 1.90(5); Ord. No. 7-06)

Sec. 2-326. Disclosure of certain financial interest.

(a) *General filing for employment or appointment.* A person elected, appointed, or hired for any office or position of employment or appointed to any board, commission, or authority set forth below shall file initial and amended statements of economic interest as required by the provisions of this section.

(1) *Elected officials.*

a. Mayor.

b. Municipal Judge.

c. Alderpersons.

(2) *Appointed officials.*

a. Administrative Assistant.

b. Assessor.

c. City Attorney.

d. City Clerk.

e. City Sealer.

f. Comptroller.

g. Public Works Director.

h. Personnel Director.

i. Purchasing Agent.

j. Superintendent of Inspection.

k. Treasurer.

l. Plumbing Supervisor.

m. Police Chief.

n. Fire Chief.

o. Park and Recreation Director.

p. Chief Electrical Inspector.

q. Community and Economic Development Director.

(3) *Boards.*

a. Board of Review.

b. Ethics Board.

c. Zoning and Planning Board of Appeals.

(4) *Commissions.*

a. Annexation Commission.

b. Parking Utility Commission.

c. Plan Commission.

d. Police and Fire Commission.

e. Room Tax Commission.

f. Traffic, Bicycle and Pedestrian Commission.

g. Water Commission.

h. Neighborhood Preservation Commission.

(5) *Authorities.*

a. Economic Development Authority.

b. Housing Authority.

c. Redevelopment Authority.

d. Transit Authority.

(b) *Filing statement of economic interest with Clerk.* Within seven days after such person becomes a candidate for any elective City office enumerated in subsection (a) of this section, or prior to appointment to such office enumerated in subsection (a) of this section, such person shall file a statement of economic interest with the City Clerk.

(c) *Form of statement.*

(1) *Interest in land.* A person filing any statement of economic interest under this section shall file the statement on a form prescribed by the Ethics Board and shall supply the following information to the Board: a description of all parcels of real estate within the City and adjoining towns or villages in which the person owns any interest, including an option to purchase, if such property is to be considered for rezoning or purchase by any entity of government, but exempting homestead property.

(2) *Corporate interests.* All candidates for a political office of the City and all appointive positions enumerated in subsection (a) of this section shall identify all corporate interests in any business organization, either as an owner, part owner, partner, or silent partner, in which such individual owns more than two percent of the outstanding stock or more than two percent of any other business ownership that is doing business with the City in an amount in excess of $5,000.00 annually.

(d) *Amended statements.* Any person required to file a statement hereunder shall not be required to file an amended statement unless that person undergoes a change in those economic interests that are required to be disclosed by this section. Such person shall file the amended statement in the manner prescribed by subsection (b) of this section within seven days of the date of any change in circumstances requiring filing thereof.

(e) *Compliance standard.* Elected and appointed officials and employees shall comply with the provisions of this section within 30 days after the requirements hereof are imposed upon such office or position.

(Code 1984, § 1.90(6); Ord. No. 80-93; Ord. No. 81-93; Ord. No. 38-94; Ord. No. 23-99; Ord. No. 39-02; Ord. No. 9-16)

Sec. 2-327. Campaign contributions.

Campaign contributions shall be reported by all candidates for City office in conformity with state law.

(Code 1984, § 1.90(7))

Sec. 2-328. Ethics Board.

(a) There shall be an Ethics Board which shall consist of five members: one Alderperson; one City officer or employee; and four citizens, one of whom shall be an alternate who shall vote only in the absence or abstention of a member. Each member shall be appointed by the Mayor and subject to confirmation by the Common Council. The citizen members shall be chosen from the private sector and shall not be affiliated with City government in any capacity, including, but not limited to, employment (including employment for which the salary is in any way funded by or through the City), appointment, or election. Terms office of citizens shall be three years, one appointment to be made annually. The Ethics Board shall elect its own Chairperson and Vice-Chairperson and the City Attorney shall furnish the Board whatever legal assistance it deems is necessary to carry out its functions. If any member of the Ethics Board petitions the Board for a hearing and advice regarding their own conduct, such member shall not be eligible to sit in their own case, and the alternate shall substitute therefor when the need arises.

(b) The jurisdiction of the Ethics Board is limited to acting within the scope of subsection (d) of this section and section 2-329 and conducting hearings regarding complaints filed in conformance with the Code of Conduct for Elected Officials as adopted by the Common Council and as amended from time to time.

(c) The Ethics Board may recommend amendments of the Ethics Code to the Common Council.

(d) Upon the sworn complaint of any person alleging facts which, if true, would constitute a violation of this section, the Board shall conduct a due process public hearing unless a private hearing is requested by the person accused and, in written findings of fact and conclusions based thereon, make a determination concerning the complaint. If the Ethics Board finds there is probable cause a person has violated a provision of this division, it shall refer the matter to the City Attorney, District Attorney, or Common Council for appropriate action. In making such referral, the Ethics Board shall attach the findings and conclusions as well as such documents as it decides are germane to the issue; the statement of determination shall not be admissible as evidence in any court. A four-fifths vote of the entire membership of the Board shall be required to make a finding of probable cause.
(Code 1984, § 1.90(8); Ord. No. 20-15)

Sec. 2-329. Applicability of Ethics Code.

When an official or employee has doubt as to the applicability of a provision of the Ethics Code, such person may apply in writing to the Ethics Board for an advisory opinion. The official or employee shall have the opportunity to present their interpretation of the facts at issue and of the applicability of the code before such advisory decision is made. This code shall apply except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined by the Ethics Board to be more appropriate or desirable.
(Code 1984, § 1.90(9))

Sec. 2-330. Penalty and sanctions.

Violation of any provision of this division may constitute cause for suspension, removal from office or employment, or other disciplinary action.
(Code 1984, § 1.90(10))

Secs. 2-331—2-365. Reserved.

ARTICLE X. CLAIMS ADMINISTRATION

Sec. 2-366. Adoption of state law.

All applicable state laws, including, but not limited to, statutes of limitations, procedures, and other requirements pertaining to municipal claims and damages, as from time to time amended, changed, deleted, modified, or created, are hereby adopted by reference, made effective, and incorporated as if fully set forth herein. Any act required to be performed or prohibited by any laws so incorporated by reference is required or prohibited by this article.
(Code 1984, § 7.01; Ord. No. 4-11)

Sec. 2-367. Establishment of Claims Committee.

The City Claims Committee shall be comprised of the City Attorney, Deputy City Attorney, one paralegal from the Law Department, Risk Manager, and the Finance Director or their designee. The City Claims Committee shall have the sole, complete, and final authority to deny, settle, or approve payment for any and all claims received pursuant to Wis. Stats. § 893.80, up to $25,000.00. The Claims Committee shall meet at least monthly.
(Code 1984, § 7.03; Ord. No. 4-11; Ord. No. 20-18, § 1(7.02), 3-5-2019)

Sec. 2-368. Procedure.

(a) Claims shall be served upon the City Clerk or their designee. The City Clerk shall immediately forward to the City Attorney all claims filed against the City pursuant to Wis. Stats. § 893.80. The City Attorney, in conjunction with the City's insurer, shall cause a file to be created and maintained for each claim received and shall retain and process the original claim as required by law.

(b) The City Attorney, or its third-party insurance administrator, shall promptly provide a notice to the claimant confirming receipt of such claim and shall request of the claimant such additional information as may be necessary to process the claim. The notice required by this subsection shall be a courtesy notice only and imposes no obligations beyond those set forth by Wis. Stats. § 893.80. It shall be the responsibility of the claimant for ensuring compliance with the requirements of Wis. Stats. § 893.80.

(c) The City Attorney, or its third-party insurance administrator, shall obtain information on the circumstances surrounding the claim from the City department against whom the claim is made, including asking for a statement of facts concerning the claim.

(d) Upon the receipt of requested information from the appropriate department and from the claimant, the claim shall be provided to the Claims Committee for review, along with any recommendations received from the City's insurer.

(e) The Claims Committee may utilize the services of a claims investigator/adjuster. The reports of the investigator/adjuster shall be made available to the claimant upon request pursuant to Wis. Stats. § 19.35.

(f) The Committee's recommendations shall be based on established principles of state and federal law, as applicable.

(g) On no less than a quarterly basis, the Claims Committee shall present a report to the Finance Committee describing all claims settled, denied, or approved since last reported.
(Code 1984, § 7.04; Ord. No. 4-97; Ord. No. 4-11; Ord. No. 20-18, § 1(7.03), 3-5-2019)

Chapter 3

RESERVED

Chapter 4

ALCOHOL BEVERAGES

Sec. 4-1. Definitions.
Sec. 4-2. Intoxicating liquor and fermented malt beverage state statutes adopted.
Sec. 4-3. License classes.
Sec. 4-4. License applications.
Sec. 4-5. Licensing procedures.
Sec. 4-6. License fees.
Sec. 4-7. Inoperative or unissued licenses.
Sec. 4-8. Hearings for suspension, revocation, and non-renewal of licenses.
Sec. 4-9. License restrictions.
Sec. 4-10. Operator's license.
Sec. 4-11. Penalties.

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol beverages means fermented malt beverages and intoxicating liquor.

Available license means a "Class B" (liquor) license that may be granted because the City has granted fewer of such licenses than permitted the City under Wis. Stats. § 125.51(4)(b)1g.

Club means an organization, whether incorporated or not, which is the owner, lessee, or occupant of the building or portion thereof used exclusively for club purposes, which is operated solely for recreational, fraternal, social, patriotic, political, benevolent, or athletic purposes but not for pecuniary gain and which only sells alcohol beverages incidental to its operation.

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.

Granted license means a license approved for issuance by the Common Council. Issuance is conditioned upon verification by the Police Department and the Department of Public Works, Inspection Division that the licensee to whom the license has been granted is in compliance with this chapter and the "qualification provisions" of Wis. Stats. Ch. 125.

Inoperative license means an issued license under which the licensed activity is no longer occurring on the licensed premises.

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."

Issued license means a license which has been granted, approved by the proper authorities, and delivered by the City Clerk to the licensee.

License means an authorization to sell alcohol beverages granted by the Green Bay Common Council under this chapter.

Premises means the area described in a license or permit.

Regulation means any rule or ordinance adopted by the Common Council.

Reserve license means a "Class B" (liquor) license as defined in Wis. Stats. § 125.51(4)(a)4, other than an available license, granted pursuant to Wis. Stats. § 125.51(3)(e)2.

Restaurant means any building, room or place where meals or lunches are prepared, served, or sold to the general public.

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

Wine means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or 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.
(Code 1984, § 33.01; Ord. No. 19-98; Ord. No. 11-00)

Sec. 4-2. Intoxicating liquor and fermented malt beverage state statutes adopted.

The following provisions of Wis. Stats. Ch. 125, relating to the sale of intoxicating liquors and fermented malt beverages, exclusive of any provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are hereby adopted and made part of this chapter as if set forth fully herein. Future amendments are also adopted prospectively, incorporated herein, and are intended to become a part of this Code.

(1) Wis. Stats. § 125.04, General Licensing Requirements.

(2) Wis. Stats. § 125.06, License and Permit Exceptions.

(3) Wis. Stats. § 125.07, Underage and Intoxicated Persons; Presence on Licensed Premises; Possession; Penalties.

(4) Wis. Stats. § 125.085, Proof of Age.

(5) Wis. Stats. § 125.09, General Restrictions.

(6) Wis. Stats. § 125.17, Issuance of Operator's Licenses.

(7) Wis. Stats. § 125.32, General Restrictions and Requirements.

(8) Wis. Stats. § 125.51, Retail Licenses and Permits (except Wis. Stats. § 125.51(3)(b)).

(9) Wis. Stats. § 125.66, Sales Without License; Failure to Obtain Permit; Penalties.

(10) Wis. Stats. § 125.67, Evading Provisions of Law by Giving Away Intoxicating Liquor; Penalties.

(11) Wis. Stats. § 125.68, General Restrictions and Requirements.
(Code 1984, § 33.02; Ord. No. 19-98; Ord. No. 11-00)

Sec. 4-3. License classes.

The Council is hereby authorized to grant the following licenses:

(1) *Class "A" (beer) license.* Authorizes retail sales of fermented malt beverages in original packages, containers, and bottles for consumption off the premises where sold.

(2) *"Class A" (liquor) license.* Authorizes the retail sale of intoxicating liquor in original packages, containers, and bottles for consumption off the premises where sold.

(3) *Class "B" (beer) license.* Authorizes retail sales of fermented malt beverages to be consumed whether on or off the premises where sold.

(4) *"Class B" (liquor) license.* Authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass and not in the original package or container. The sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold is also authorized. Wine, however, may be sold for consumption off-premises in original packages or otherwise in any quantity.

(5) *"Class B" combination license.* License which results when one licensee applies for both a Class "B" (beer) license and a "Class B" (liquor) license for use at one premises.

(6) *Special event or picnic license.* A special event or picnic license is issued for a period not to exceed three consecutive days to bona fide clubs, county or local fair associations, or agricultural societies, churches, lodges, or societies that have been in existence for not less than six months prior to the date of the application, or to veteran organizations or posts, authorizing them to sell fermented malt beverages and wine containing not more than six percent alcohol by volume at a particular picnic, gathering, or meeting, or during a fair conducted by a fair association or an agricultural society.

(7) *Wholesalers' fermented malt beverage license.* Authorizes the sale of fermented malt beverages only in original packages or containers to retailers or wholesalers not to be consumed on or about the premises where sold.

(8) *"Class C" (wine) license.* Authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(Code 1984, § 33.01(9); Ord. No. 11-00; Ord. No. 09-20, § 1, 4-9-2020)

Sec. 4-4. License applications.

(a) *Generally.* An application for a license must contain the following information and materials. Applications lacking any of the required information or materials shall not be accepted by the City Clerk.

(1) *Forms.* Applications shall be made upon forms provided by the City Clerk, which shall be completed in their entirety.

(2) *Time limitation.* An application shall not be valid after the license year for which it is filed.

(3) *Property interest.* Applications shall be accompanied by proof of one of the following:

a. Ownership of the premises to be licensed.

b. A valid option to purchase the premises to be licensed.

c. A valid lease for the premises to be licensed for the term of the license.

d. A valid option to lease the premises to be licensed for the term of the license.

(4) *Statement of intent.* The applicant shall sign a statement of intent on a form to be provided by the City Clerk. This statement shall include a provision that the applicant intends to personally operate under the license within 60 days of its granting by the Common Council and that the license shall be considered surrendered if the license is not issued within 60 days of the granting of the license. This time may be extended by the Common Council upon a finding that construction activities will delay the issuance. The applicant shall provide proof of such conditions upon application. The Common Council shall set a time limit for the issuance of such license, and the license shall be considered surrendered if the license is not issued within such time.

(b) *Transfer applications.* All applications for transfer of licenses from place-to-place and person-to-person are subject to the qualifications, review proceedings, and time constraints provided in this chapter and the Wisconsin Statutes. In addition, applications to transfer a license from person-to-person must be accompanied by written consent of the person from whom the license is to be transferred on a form provided by or acceptable to the City Clerk.

(c) *Renewal applications.* All applications for renewal of licenses are subject to the qualifications, review proceedings, and time constraints provided in this chapter and the Wisconsin Statutes.

(d) *Provisional licenses.* In an effort to allow applicants an opportunity to conduct business before a regular license may be granted but after all other requirements for licensing have been met, the City has identified limited circumstances under which a provisional license may be granted. The City Clerk shall only issue a provisional retail license (hereinafter, "provisional license") to an applicant who has submitted a regular Class "A," Class "B," "Class A," "Class B," or "Class C" retail license (hereinafter, "regular license") application for the same type of activity, in order to permit the applicant to engage in the activity while approval of the regular license application is pending and in accordance with the requirements herein.

(1) *Qualification for provisional license.* In accordance with Wis. Stats. § 125.185, provisional licenses are available to an applicant who has met all of the following criteria:

a. The applicant has applied for a regular license;

b. The applicant has submitted an application for a provisional license which authorizes only the type of activity allowed by the type of regular license applied for;

c. The applicant meets all licensing requirements set forth in this section; and

d. One of the following conditions exists:

1. The Protection and Policy Committee has approved the applicant's regular license application, but final approval of that application by the Common Council remains pending;

2. The applicant has applied for a new regular license, following the sale of an existing business that held a City-issued regular license of the same type, in order to maintain the continuity of said business while approval of the new application is pending. The applicant must provide the Clerk with proof of control and/or occupancy of the premises at which the provisional license will be issued before the Clerk will issue the provisional license;

3. The applicant held a City-issued regular license of the same type during the expiring licensing year and did not timely submit a renewal application as a result of excusable neglect on the part of the applicant; or

4. An administrative error caused by the City resulted in a delay in the application.

(2) *Applications.* Provisional licenses are available to an applicant for the same type of regular license, provided all of the following conditions are met:

a. The applicant has filed a complete regular license application form, as otherwise described in this section, for the same type of activity for which the provisional license is sought;

b. The applicant has paid the fees associated with the type of regular license applied for, as well as the provisional license fee;

c. The applicant qualifies for the type of regular license applied for, in accordance with Wis. Stats. § 125.04;

d. The applicant has not held another provisional license of the type applied for within the current license year;

e. The applicant has obtained all necessary approvals for the regular license from the Green Bay Police Department;

f. The applicant has obtained all necessary approvals for the regular license from the City of Green Bay Inspection Division, as required by Section 4-5(c); and

g. For "Class B" license applications, the City's quota under Wis. Stats. § 125.51(4) does not prohibit the City from issuing a "Class B" license as follows:

1. In accordance with Wis. Stats. § 125.185(5), provisional licenses are not available for reserve licenses.

2. Issuance of the "Class B" regular licenses will not exceed the number of available licenses under the City's quota. In the event more regular license applications are received than there are licenses available under the City's quota, no provisional licenses will be issued for any such applications.

(3) *Expiration.* The provisional license expires 60 days after it is issued, or upon approval or denial of the applicant's regular license application, whichever occurs sooner. The provisional license may not be renewed.

(4) *Revocation.* The City Clerk shall revoke the provisional license at any time if they discover that the provisional license holder made a false statement on the application.

(5) *Temporary expansion of premises.*

a. *Temporary expansion of licensed premises.*

1. *Licensed premises description.* The City Clerk is hereby authorized and directed to issue retail alcohol beverage licenses temporarily expanding the liquor license premises description for establishments holding an alcohol beverage license to include outdoor areas owned by or under control of the licensee, as well as outdoor areas approved by the Police Department, Department of Public Works, Department of Parks, Recreation and Forestry, and/or Department of Community and Economic Development/Inspections Division, including but not limited to sidewalk areas immediately adjacent to the licensed premises, park property immediately adjacent to and contiguous with the licensed premises, and any other similarly situated property.

2. *Application.* A licensee holding any Class B (beer), Class B (liquor), Class B combination, or Class C (wine) license, as defined under Section 4-3, shall submit a separate application for Temporary Expansion of Licensed Premises Description to the City Clerk. The application shall include all of the following:

(i) A description of the area to be included in the temporary expansion. The expanded area is subject to the requirements of Wis. Stat. Ch. 125 and this Code.

(ii) Proof that the licensee has the right to occupy the area described. If the property consists of City rights-of-way, the licensee must obtain a revocable occupancy permit by applying through the Department of Public Works in accordance with Section 34-11.

(iii) A detailed plan of how physical distancing will be maintained.

(iv) A security plan indicating how the area will be monitored and secured to delineate area boundaries.

(v) A special permit for waiver of the noise ordinance which must be obtained from the Green Bay Police Department in accordance with Section 24-146(e).

3. *Return to original premises description.* Any premises description expanded under this section shall be removed no later than December 31, 2020, at which time the licensed premises shall automatically return to the liquor license premises description identified and approved as part of the licensee's annual license application without further action on the part of the licensee of Common Council.

4. *Revocation.* The City Clerk may revoke a temporary licensed premises description expansion for any of the following reasons:

(i) Is it determined that the licensee has violated this chapter, or Wis. Stats. Ch. 125;

(ii) The revocable occupancy permit is revoked;

(iii) The licensee no longer has the right to occupy the area included as part of the temporary licensed premises description expansion;

(iv) The City Clerk determines that occupancy of the area is detrimental to the public health, safety or welfare; or

(v) The right-of-way subject to such temporary licensed premises description expansion is required for a public purpose.

5. *Appeal procedure.* Any person aggrieved may appeal the denial or revocation of a temporary expansion of licensed premises description to the Protection and Policy Committee. The applicant shall file the written notice of appeal with the City Clerk within seven days after receiving notice of the denial. After obtaining receipt of the appeal, the Committee shall place the matter on the soonest Protection and Policy Committee agenda practicable for review.

6. *Possession of intoxicants on expanded premises.* Individuals may consume intoxicating liquor or fermented malt beverages on any premises authorized under this section.

b. *Temporary use of premises adjacent to non-licensed establishments.* Establishments defined as a "restaurant" under Wis. Stats. § 97.01(14g) or an "eating and drinking establishment" under Brown County Code of Ordinances Section 37.10 may apply to expand their premises to include outdoor areas approved by the Police Department, Department of Public Works, Department of Parks, Recreation and Forestry, and/or Department of Community and Economic Development in the same manner described in subsection (d)(5)a of this section. Alcohol beverages may not be sold, served or consumed on the expanded premises of non-licensed establishments.

(Code 1984, § 33.03; Ord. No. 11-01; Ord. No. 17-19, § 1, 8-20-2019; Ord. No. 16-20, § 1, 6-2-2020; Ord. No. 20-20, § 1, 6-29-2020)

Sec. 4-5. Licensing procedures.

(a) *Common Council approval.* Applications complying with the provisions of this chapter and the Wisconsin Statutes shall be forwarded to the Common Council for action in the order in which they are filed, upon availability of a license of the type applied for. The Common Council shall review the application, the applicant's qualifications, and all other relevant factors and determine whether to grant the license application under the provisions of this chapter and the laws of the State of Wisconsin.

(b) *Conditional approval.* The Common Council may place additional conditions upon a license consistent with the provisions of this chapter and the laws of the State of Wisconsin. Violation of any such condition shall be considered a violation of this section and grounds for suspension or revocation of the license.

(c) *Administrative approval.* Prior to the issuance of any license, the Department of Public Works, Inspection Division, and Brown County Department of Health shall certify on a form to be provided by the City Clerk that the premises complies with all applicable laws and regulations. No license shall be issued for a premises not in compliance with such laws and regulations. The departments may place conditions upon a license consistent with the provisions of this chapter and the laws of the State of Wisconsin. Violation of any such condition shall be considered a violation of this section and grounds for suspension or revocation of the license.

(d) *Form and expiration of license.* All licenses shall be numbered in the order in which they are issued. The date of issuance, the fee paid, and the name of the licensee shall appear on said license. All retail licenses shall expire on June 30 following issuance unless sooner revoked or non-renewed. The City Clerk shall affix to the license their affidavit as required by Wis. Stats. § 125.04.
(Code 1984, § 33.04; Ord. No. 11-01)

Sec. 4-6. License fees.

The City Clerk shall issue licenses to those applicants approved under the procedures set forth in this chapter and the Wisconsin Statutes. The City Clerk shall be authorized to issue a special event or picnic license upon receipt of proper application. The Clerk shall not issue a license until the fee as provided in the City Fee Schedule has been paid.
(Code 1984, § 33.05; Ord. No. 11-01; Ord. No. 52-03; Ord. No. 28-05; Ord. No. 22-13; Ord. No. 17-19, § 2, 8-20-2019; Ord. No. 04-20, § 1, 3-3-2020)

Sec. 4-7. Inoperative or unissued licenses.

A license which has been granted but not issued or issued but not in continuous use in a manner indicating an ongoing business for a period in excess of 60 days is presumed invalid and shall be subject to revocation, unless otherwise authorized by the Common Council.
(Code 1984, § 33.06; Ord. No. 11-01)

Sec. 4-8. Hearings for suspension, revocation, and non-renewal of licenses.

(a) *Intent.* No license granted hereunder shall be suspended or revoked by the Common Council without first affording the license holder an opportunity for a public evidentiary hearing.

(b) *Hearing.* The Protection and Policy Committee shall conduct any hearing or pre-hearing as described in this section.

(c) *Grounds.* Licenses may be the subject of hearings as described in this section for any violation of Wis. Stats. Ch. 125, or of this Code, including, but not limited to, the following:

(1) The running of a disorderly house as proscribed by Wis. Stats. § 125.12.

(2) Licensee or operator directly interfering with police officers or otherwise violating the law in a manner substantially related to the operation of the licensed facility.

(3) Any violation of any health provision of this Code dealing with public health, welfare, and safety.

(4) Any building, electrical, or plumbing violation of this Code dealing with public health, welfare, and safety.

(5) Any liquor-related violation involving juveniles as prescribed by Wis. Stats. Ch. 125 (specifically Wis. Stats. § 125.07).

(6) Any violation of general statutory restrictions pertaining to licensed premises and operations as proscribed by Wis. Stats. Ch. 125.

(7) Any failure to maintain the qualifications required of all license holders as detailed by Wis. Stats. § 125.04, and as modified by the conditions of this Code or as a condition of granting or renewing a license.

(8) Any violation of any restriction, stipulation, or agreement entered into with the City of Green Bay or signed in consideration of a license issued by the City under this chapter or Wis. Stats. Ch. 125.

(9) Whether the licensee and/or the licensee's agents, employees, and assigns have accumulated 12 or more demerit points within a 24-month period pursuant to the schedule below.

a. Point schedule.

POINT SCHEDULE

Section of this Code and/or Statute Number	*Type of Violation*	*Points*
Section 4-9(f)	Disorderly House	6
Section 4-9(f)	Disorderly House Requiring Police Closure	13
Section 4-9(j)	Violation of Stipulation or Agreement Requiring Surrender of License	13
Section 4-9(j)	Violation of Stipulation or Agreement (except violations of a provision requiring license surrender)	6
Wis. Stats. Ch. 961	Controlled Substance	13
Wis. Stats. § 139.08(4)	Refusing Police Entry	13
Section 4-9 and Wis. Stats. §§ 125.32(3) and 125.68(4)	Open After Hours	6

Section of this Code and/or Statute Number	*Type of Violation*	*Points*
Section 4-2 and Wis. Stats. § 125.07(3)	Underage Person on Licensed Premises	4
Section 4-2 and Wis. Stats. § 125.07(1)	Serving an Underage Person	6
Section 4-2 and Wis. Stats. § 125.07(2)	Serving an Intoxicated Person	4
Wis. Stats. §§ 125.32(2) and 125.68(2)	No Licensed Bartender	4
	Violation of Business Plan	3
	Other Non-Enumerated Violations of this chapter, or Wis. Stats. Ch. 125	3

b. This schedule shall not affect the discretion of the Protection and Policy Committee in determining whether a formal evidentiary hearing is warranted.

c. For purposes of computing demerit points accrued pursuant to the above schedule, only those violations occurring after June 30, 1998, shall be counted.

(d) *Pre-hearing.* Notwithstanding the provisions of Wis. Stats. § 125.12, or subsection (f) of this section, any State or City agency may, by communication to the Common Council, bring allegations of any violation of State liquor laws or any violation listed above before the Protection and Policy Committee for pre-hearing as an item in the regular meeting of said Committee. Conduct of such pre-hearing shall be informal, allowing the Committee an opportunity to hear the allegations and permitting the accused licensee to respond if they so wish. The purpose of such pre-hearing will be to determine if the allegations are of such magnitude, importance, or otherwise of such nature to require a formal evidentiary hearing as provided by subsection (e) of this section. After hearing the allegations and any response, the Committee shall determine whether to recommend to the Common Council that a formal evidentiary hearing be held; a letter of warning to become part of the licensee's permanent file be issued; or no action be taken. In determining the appropriate course of action, the Committee shall consider:

(1) The licensee's history of convictions, charges, or complaints and the relationship of such history to licensed activities.

(2) The length of time since such conviction, charge, or complaint.

(3) The circumstances and seriousness surrounding the complaints before the Committee.

(4) The degree of personal rehabilitation since the last incident involving the licensee.

(5) The community's standards or interests to be protected.

(6) The need for formal hearing to clarify the facts in regard to factors listed above.

(7) The number of demerit points accrued pursuant to subsection (c)(9) of this section.

(e) *Council ordered hearing.* If a pre-hearing is conducted, as provided in subsection (d) of this section, and a formal evidentiary hearing is ordered by the Common Council by recommendation of the Protection and Policy Committee, the City Attorney's Office, or a special prosecutor appointed

for such hearing, shall draft a formal complaint and see to it that such complaint is served with a summons as provided in subsection (f) of this section. The complaint may include any alleged violation of State or City liquor law occurring in the preceding license year which was not the subject of a hearing under this section. Such complaint shall be issued in the name of the complainant and shall state specific violations complained of and may include any other violations involving the licensee in the past two license years which have not been the subject of a formal hearing. The complaint shall be served with a summons as provided in subsection (f) of this section. Any formal evidentiary hearing shall be held in conformity with the procedures in subsection (f) of this section.

(f) *Hearing procedures.*

(1) Upon a verified complaint filed with the City Clerk that any person licensed hereunder has violated the provision of Wis. Stats. Ch. 125, the Criminal Code of the State of Wisconsin, or any provision of this Code, including those listed in subsection (c) of this section, or any other provision of this chapter or Wis. Stats. Ch. 125, the Common Council shall issue a summons signed by the Clerk directed to any peace officer or constable therein, commanding the person so complained of to appear before the Protection and Policy Committee on a day and at a place named in such summons, not less than three days nor more than ten days from its date, and show cause why the license should not be suspended or revoked. Such summons shall be served at least three days before the time in which such person is commanded to appear, and shall be served as provided at Wis. Stats. Ch. 801.

(2) The licensee may be represented by counsel, present and examine witnesses, and have prepared at the licensee's expense a transcript of the hearing.

(3) The provisions of Wis. Stats. § 125.12 shall govern the conduct of the hearing hereunder.

(g) *Recommendations.* At the conclusion of the evidentiary hearing, which may be held in open or executive session depending on the nature of the evidence to be produced, the Committee, following deliberation in open or executive session, shall consider the factors listed at subsection (d) of this section and shall thereupon make specific findings of fact and conclusions of law, and forward one or more of the following recommendations to the Common Council:

(1) No action should be taken due to insufficiency of the evidence.

(2) No action should be taken at present because an accommodation on the part of the license holder has been reached.

(3) A warning letter be issued and the original thereof be retained in the licensee's file kept in the office of the City Clerk.

(4) A suspension of not less than ten days nor more than 90 days be imposed.

(5) The license be revoked or invalidated.

(6) The licensee be placed on probation, and the Committee shall set conditions therefor.

(7) The complaint be tabled pending disposition of pending criminal or Municipal Court code violations, at which time the matter will be considered and a recommendation made.

(h) *Council action.* The Common Council shall consider and take action on the recommendation of the Protection and Policy Committee within 45 days after the Committee adjourns the hearing. The Common Council may adopt, reject, modify, or remand the recommendation to the Committee for further deliberations.

(i) *Non-renewal.* A license may be non-renewed for any of the grounds identified in subsection (c) of this section. Upon Common Council denial of the renewal, the City Attorney shall notify the licensee in writing of the intention to non-renew. The licensee shall have ten days to request, in writing, a formal evidentiary hearing. This hearing shall be held before the Protection and Policy Committee pursuant to Wis. Stats. § 125.12(2)(b). The Committee shall make a report and recommendation as provided under Wis. Stats. § 125.12(2)(b)3, and the Common Council shall follow the procedure specified under that subdivision in making its determination.

(j) *Appeal.* Appeal from the decision of the Common Council shall be to the Circuit Court for Brown County.
(Code 1984, § 33.07; Ord. No. 19-98; Ord. No. 51-98; Ord. No. 22-08)

Sec. 4-9. License restrictions.

(a) *Statutory requirements.* Any license granted pursuant to this chapter to sell intoxicating liquor or fermented malt beverages shall be subject to the regulations, conditions, and restrictions imposed by Wis. Stats. Ch. 125. In addition, the City of Green Bay, pursuant to the authority of Wis. Stats. § 125.10, adopts certain other restrictions and requirements specifically by this section.

(b) *Restrictions on location.* No alcohol license shall be issued for a premises when any portion of the structure housing the premises would be less than 300 feet from any portion of a structure housing any established public school, parochial school, hospital, or church; said restriction may be waived by a two-thirds vote of the governing body. This subsection shall not apply to:

(1) Any premises licensed as such on March 25, 2000;

(2) Any premises licensed as such prior to the occupation within 300 feet thereof of any school building, hospital building, or church building;

(3) Any special event or picnic license; or

(4) Any premises operated under both a Class "B" (beer) or "Class B" (liquor) license and a restaurant permit where the principal business conducted is that of a restaurant.

(c) *Health and sanitary requirements.* A Class "B" (beer), "Class B" (liquor), or "Class C" (wine) license shall not be issued for any premises which does not conform to the sanitary, safety, and health requirements of the State Department of Industry, Labor, and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and to all such ordinances and regulations adopted by the City. Should a licensed premises fall below such standards, the license may be revoked or suspended pursuant to Section 4-8.

(d) *Delinquent payment.* The City Clerk shall not issue a license to any applicant occupying a premises for which real or personal property taxes are delinquent or to an applicant otherwise indebted to the City, unless such applicant shall make arrangements satisfactory to the Clerk to pay such debts not less than 30 days before the expiration of the license.

(e) *Closing hours.* No premises for which a Class "B" (beer), "Class B" (liquor), or "Class C" (wine) license has been issued may remain open between the hours of 2:00 a.m. and 6:00 a.m., except as otherwise provided in this section. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6:00 a.m. For the purposes of this section, the term "open" shall mean allowing any person, other than the licensee or an employee actively performing job-related duties, to enter, loiter or remain in or on the licensed premises.

(1) No licensee or person in charge of a premises for which a Class "B" (beer) or "Class B" (liquor) license has been issued shall allow the carry out of closed containers of alcohol beverages between the hours of 12:00 midnight and 6:00 a.m.

(2) On January 1, premises licensed under a Class "B" (Beer), "Class B" (Liquor), or "Class C" (Wine) license are not required to close.

(3) No premises for which a Class "A" (beer) or "Class A" (liquor) license is issued shall be permitted to remain open between 12:00 midnight and 8:00 a.m. for the purpose of selling fermented malt beverages. No deliveries of fermented malt beverages shall be permitted within the City of Green Bay between the hours of 12:00 midnight and 8:00 a.m.

(4) Hotels and restaurants, whose principal business is furnishing of food, drinks, or lodging to patrons, bowling alleys, and golf courses, may remain open for the conduct of their regular business, but may not sell alcohol beverages during the closing hours mentioned above. An establishment remaining open for the purpose of their regular business must, at all times, allow for open public access to the licensed establishment after such closing hours. In determining whether or not an establishment is open for the purpose other than selling alcohol beverages, the burden shall be on the licensee.

(5) No person shall loiter in a licensed establishment after closing hours.

(6) No person shall carry out closed containers of alcohol beverages from a premises for which a Class "B" (beer) or "Class B" (liquor) license has been issued between the hours of 12:00 midnight and 6:00 a.m.

(f) *Disorderly house.*

(1) *Duty to maintain order.* A licensee under this section shall have a duty to maintain order and peace in and around the licensed premises. This duty shall extend to and include any adjacent parking lot or facility adjacent to and servicing the licensed premises.

(2) *Police power to close licensed premises.*

a. *Police Department.* The Police Department may order any disorderly house closed until 8:00 a.m. the following day when, in the reasonable view of the Department, the licensee or person in charge failed to maintain peace and order as per subsection (f)(1) of this section, or the Department otherwise believes that the public peace and safety is served by such closing by reason of threat to the bodily security, property, or peaceful repose of any member of the general public.

b. *Department of Public Works, Inspection Division.* The Green Bay Department of Public Works, Inspection Division may order the temporary suspension of a restaurant and beverage license where an imminent health hazard exists on licensed premises pending a hearing pursuant to Section 10-24. Such closing may act as grounds for suspension or revocation of a liquor license privilege under this chapter.

(3) *Open containers.*

a. *Prohibited.* A licensee or person in charge shall not allow the sale, service, consumption or carry out of alcohol beverages in open containers outside the licensed premises.

b. *Exemption.* This subsection (3) shall not apply to the consumption or carry out of alcohol beverages in open containers from the licensed premises to a special event premises licensed to serve alcohol beverages if all of the following apply:

1. The alcohol beverage is carried from the licensed premises to the adjoining special event premises without crossing an unlicensed area;

2. No glass containers may be carried off the licensed premises.

(g) *Outdoor areas.*

(1) *New applications.* An application for a license pursuant to this chapter may include an outdoor area in the proposed premises. The inclusion of the outdoor area in the licensed premises shall be subject to review in the same manner as any other license application and the restrictions provided in this section.

(2) *Amendment.* A licensee may apply to amend a licensed premises to include an outdoor area. The request shall be filed with the City Clerk no less than 30 days prior to the first date of use of the outdoor area. The application for amendment shall be subject to review in the same manner as any other license application, inspection by the Building Inspector and Police Department, and the restrictions provided in this section.

(3) *Physical requirements.*

a. *Immediately adjacent.* A licensed outdoor area must be immediately adjacent to the indoor portion of the licensed premises.

b. *Fencing.* A licensed outdoor area must be enclosed by a fence or structure at least six feet in height impervious to the passing of alcohol beverages to or from the licensed premises.

c. *Ingress.* A licensed outdoor area shall have no more than one means of direct ingress from unlicensed areas. This subsection shall not be construed to limit the means of access to or from the outdoor licensed area to indoor licensed areas.

d. *Modification.* The requirements of this subsection (g)(3) may be waived by a two-thirds majority vote of the Protection and Policy Committee and the Common Council.

(4) *Noise.* No musical instruments, radios, juke boxes, or other means of electric sound amplification may be used or operated in a licensed outdoor area after 10:00 p.m., unless a variance has been granted pursuant to Section 24-145 or Section 29.01 of the Brown County Code.

(5) *Unlicensed outdoor area.* An unlicensed outdoor area adjacent to and used in conjunction with the licensed premises shall not be used for the purpose of serving or consuming alcohol beverages.

(6) *Licensee responsibility.* Any licensed outdoor area is subject to all regulations of this chapter and Wis. Stats. Ch. 125.

(7) *Maintaining order.* The licensee shall maintain peace and order over any outdoor area adjacent to and used in conjunction with a licensed premises whether or not said outdoor area is

licensed. Violation of this section may result in the Police Department exercising its authority under subsection (f)(2) of this section, and ordering any outdoor premises or the entire licensed area closed in the public interest.

(8) *Sidewalk cafe.*

a. *Special conditions for sale of alcohol beverages at sidewalk cafes.*

1. No alcohol beverages may be served in a sidewalk cafe unless the Department of Public Works has approved a sidewalk cafe permit issued under Section 10-91.
2. Violations of the requirements of this section or Wis. Stats. Ch. 125 may result in the sidewalk cafe permit issued hereunder and the Class B premises expansion being repealed by the Common Council in addition to other penalties provided under those regulations.
3. Alcohol beverages shall only be served to patrons of the establishment. No carryout or carry-in of alcohol beverages by a patron to or from the area of the sidewalk cafe shall be permitted.
4. Each sidewalk cafe serving alcohol beverages shall be responsible for monitoring the area of the sidewalk cafe to ensure that customers are of legal drinking age and that alcohol beverages are not removed from the premises.
5. The sale of alcohol beverages in sidewalk cafes shall be limited to the hours of 11:00 a.m. to 11:00 p.m. All alcohol shall be removed from the sidewalk cafe area no later than 11:30 p.m.

b. *Revocation of permit.* The sidewalk cafe permit is subject to revocation as described in Section 10-91.

(9) *Online ordering and curbside pickup of alcohol beverages.*

a. No establishment shall allow the online purchase of alcohol beverages and curbside delivery of such purchases (hereinafter, "click and collect") without first submitting a request to the City Clerk to amend its liquor license premises description to include that portion of the establishment's parking lot that will allow purchasers to park their vehicles for purposes of picking up their online orders. This request must be approved by the Common Council, upon recommendation of the Protection and Policy Committee.

1. The licensed establishment shall file a detailed operation plan with its amendment request that clearly details how its "click and collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "click and collect" program.
2. If the licensee fails to provide a detailed operation plan with its amendment request, the City Clerk shall not forward the request to the Protection and Policy Committee for consideration.

b. No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.

1. Payment for the purchase must be completed on-premises and may not be completed until the purchaser is at the licensed premises and has presented a valid photo identification that has been verified by a licensed operator employed by the establishment.

2. The licensed operator must verify that the person picking up the "click and collect" order is the same person who placed the order and is present in the vehicle into which the order is loaded.
3. The sale and delivery of "click and collect" purchases shall be made only by a licensed operator.
4. No alcohol sales are permitted if the purchaser fails to present valid photo identification.
5. The "click and collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.

c. The establishment must capture and retain an image of the vehicle into which each "click and collect" order is loaded for 30 days.

d. For each "click and collect" transaction, the establishment must record and retain the following information for 30 days:
1. The name of the purchaser.
2. The type of identification card presented and the number and expiration date of that identification card.
3. The purchaser's date of birth.
4. The license plate of the vehicle into which the order is loaded.

e. Pick-up of "click and collect" orders shall be prohibited between the hours of 12:00 midnight and 6:00 a.m. for a premises holding a Class "B" (beer) or "Class B" (liquor) license. For premises holding a Class "A" (beer) license or "Class A" (liquor) license, pick-up of fermented malt beverages shall be prohibited between the hours of 12:00 midnight and 8:00 a.m., and pick-up of intoxicating liquor shall be prohibited between the hours of 9:00 p.m. and 8:00 a.m.

f. If the "click and collect" purchaser is in the vehicle but is not the driver of the vehicle into which the order is loaded, the licensed operator must verify that the driver is 21 years of age or older through valid photo identification stating the driver's date of birth.

g. The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and, in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.

h. The pick-up area for "click and collect" purchases shall be clearly defined with visible markings, signs, and/or barriers.

i. No events other than the delivery of "click and collect" orders shall be allowed on the expanded premises.

j. Penalty. Any licensee or person who violates any provision of this subsection shall be subject to a forfeiture of not less than $250.00, nor more than $1,000.00, plus court costs and fees.

(h) *Area for liquor sales on "Class A" (liquor) licensed premises.*

(1) In the interest of limiting juvenile access to alcohol beverages at retail establishments, and in the interest of promoting effective, unhampered, and efficient enforcement of such provi-

sions as they relate to juveniles, no "Class A" (liquor) license shall be granted for any premises where the principal business conducted thereon is other than the sale of alcohol beverages, unless the establishment has:

a. A separate area with the ability to lock that portion of the premises during non-sale hours;

b. 24-hour surveillance camera with recordings available to law enforcement at their request; and

c. Signage informing minors that they must be 21 years of age to purchase alcohol.

(2) Burden of proof. If a question arises as to what is the principal business being conducted on a premises, the burden of proof shall be on the applicant or licensee. A violation of this provision can act as grounds for revocation or non-renewal of a liquor license privilege under this chapter.

(i) *Restrictions on use of picnic license.*

(1) *Licensed operators required.* No person holding a picnic license, as defined in Section 4-1, shall permit the sale of fermented malt beverages unless a person holding an operator's license, also issued under this chapter, is in direct supervision and control of the areas in which the sale of fermented malt beverages is occurring. Where two areas of sale are used pursuant to subsection (i)(2) of this section, at least one licensed operator must be present and in supervision of each area of sale.

(2) *Outdoor use of picnic licenses.* Where a picnic license issued under this chapter is intended for use for an outdoor gathering, such as a picnic or fair, the following regulations shall apply:

a. No more than two separate areas may be used to dispense fermented malt beverages.

b. At least one uniformed security officer shall be present at the outdoor event at all times while fermented malt beverages are being sold or dispensed.

(j) *Violation of stipulation or agreement.* No licensee may violate a provision of a stipulation or other agreement entered into with the City of Green Bay or signed in consideration of a license issued by the City under this chapter or Wis. Stats. Ch. 125. Any person who violates this provision shall be subject to a penalty as provided in Section 4-11.

(k) *Allowing entry.* No licensee or person in charge may refuse entry of a police officer, peace officer or agent of the Department of Revenue to the licensed premises at any reasonable time to determine whether Wis. Stats. Ch. 125 and this chapter are being complied with. The term "reasonable time" includes, without limitation, all times when the premises is open.

(l) *Premises capacity.* Every Class "B" (beer) and "Class B" (liquor) licensed establishment shall display a sign stating the maximum number of persons permitted on the premises by this Code, the Wisconsin Administrative Code, and/or International Building Code. The sign shall be placed in a conspicuous place at the main entrance to each premises. The sign shall have the following wording: "Limit (number) persons." The lettering shall be white on a dark background. The letters shall

not be less than 1 1/2 inches in height and the number shall not be less than three inches in height. No licensee or person in charge of a premises shall allow more persons on the premises than the maximum number posted thereon.
(Code 1984, § 33.08; Ord. No. 18-85; Ord. No. 81-93; Ord. No. 19-98; Ord. No. 51-98; Ord. No. 35-99; Ord. No. 11-00; Ord. No. 36-03; Ord. No. 32-04; Ord. No. 12-07; Ord. No. 20-08; Ord. No. 25-10; Ord. No. 20-12; Ord. No. 25-12; Ord. No. 17-16; Ord. No. 11-17; Ord. No. 12-20, § 2(33.08), 5-19-2020; Ord. No. 13-20, § 1, 6-29-2020)

Sec. 4-10. Operator's license.

(a) *Applications.*

(1) Application for operator's licenses shall be made to the City Clerk on a form supplied by the City Clerk's Office.

(2) Upon receipt of an application, the City Clerk shall forward the application to the Police Department for verification of the veracity of the application as well as research into the qualifications of the applicant in accordance with the requirements of Wis. Stats. § 125.04.

(3) All applications shall be accurately completed in its entirety or shall be rendered void by the City Clerk.

(4) The license fee is as provided in the City Fee Schedule and shall be submitted with the application.

(5) Operator licenses may be granted by the Common Council without further review in the event the Police Department approves of the application.

(6) The license shall be issued for a period of two consecutive licensing years. At all times while engaged in activities requiring a license issued pursuant to this section, the licensee shall keep the following items available for production upon request of any City or State inspecting officer:

a. The operator's license; and

b. A valid form of identification issued by a governmental agency containing a photograph of the licensee.

(b) *Provisional license.* The City Clerk shall be authorized to issue a provisional operator's license upon receipt of the regular operator's license application. The requirements and provisions of Wis. Stats. § 125.17, relating to provisional operator's licenses, are hereby adopted and made part of this Code as if set forth fully herein. Future amendments are also adopted prospectively, incorporated herein, and are intended to become a part of this Code.

(c) *Denial of operator's license.*

(1) If the Police Department determines that any portion of the application is false or that the applicant does not possess the qualifications under Wis. Stats. § 125.04, the license may be denied by the Police Department.

(2) The Police Department shall notify any applicant so denied.

(3) Any applicant whose application has been denied by the Police Department may appeal such determination to the Protection and Policy Committee. Upon appeal, the Protection

and Policy Committee shall determine if the applicant possesses the qualifications of Wis. Stats. § 125.04. After making such determination, the Protection and Policy Committee shall forward its recommendation to the Common Council.

(d) *Issuance of license.* The City Clerk shall not issue an operator's license until all the requirements above have been satisfied.
(Code 1984, § 33.09; Ord. No. 44-92; Ord. No. 19-98; Ord. No. 11-99)

Sec. 4-11. Penalties.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Licensee means the person to whom the license has been issued or such person's agents, employees, or assigns.

Violation means any violation of this chapter, except violations of Section 4-2, adopting Wis. Stats. §§ 125.07(1), and (4), 125.085, and 125.09(2).

(b) *Forfeiture.* Any person violating a provision of this chapter where no penalty is specified shall be subject to a forfeiture of not less than $1.00 nor more than $500.00 for each offense.

(c) *License suspension.* A court shall suspend any license or permit issued under this chapter for:

(1) Not less than three nor more than seven days if the court finds that the licensee committed a violation within 24 months after committing one previous violation.

(2) Not less than seven nor more than 15 days if the court finds that the licensee committed a violation within 24 months after committing two previous violations.

(3) Not less than 15 nor more than 30 days if the court finds that the licensee committed a violation within 24 months after committing three previous violations.

(4) Not less than 45 nor more than 90 days if the court finds that the licensee committed a violation within 24 months after committing four previous violations.

(d) *License revocation.* A court shall revoke any license or permit issued under this chapter if the court finds that the licensee committed a violation within 24 months after committing five previous violations.

(e) *Counting.* For purposes of counting previous violations under subsections (c) and (d) of this section, the following provisions apply:

(1) Only those violations occurring after June 30, 1998, shall be counted.

(2) Multiple violations arising out of the same incident and on the same date shall be considered a single violation.

(f) *Specific violations.* Any person violating Wis. Stats. §§ 125.07(1), and (4), 125.085, and/or 125.09(2), as adopted in Section 4-2, shall be subject to the penalties provided therein.
(Code 1984, § 33.10; Ord. No. 19-98)

Chapter 5

RESERVED

Chapter 6

ANIMALS

Sec. 6-1. Animal establishment license.
Sec. 6-2. Dog and cat licenses and vaccinations.
Sec. 6-3. License to keep hens.
Sec. 6-4. Keeping of animals and fowl.
Sec. 6-5. Keeping of pigeons.
Sec. 6-6. Animals to be confined.
Sec. 6-7. Rat prevention.
Sec. 6-8. Dogs, keeping in residential areas.
Sec. 6-9. Cats, keeping in residential areas.
Sec. 6-10. Birds, keeping in residential areas.
Sec. 6-11. Beekeeping.
Sec. 6-12. Animals suspected of biting people.
Sec. 6-13. Dangerous dogs.
Sec. 6-14. Feeding of wild animals prohibited.

Sec. 6-1. Animal establishment license.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal care records means documents which contain any animal medical history, breeder contact information, treatments, acquisitions, disposition, behavior, or any other pertinent information.

Animal shelter means a facility that temporarily houses homeless, lost, abandoned, or seized dogs, cats, or other types of animals until such animals are either reclaimed by an owner, adopted by a new owner, placed with another organization, euthanized, or otherwise removed from the facility.

Breeding dog means any dog which breeds more than once in an 18-month period.

Breeding service means any business where a person causes or allows a dog to breed at least two or more times for compensation within an 18-month period.

Foster home means any place where a person cares for and houses animals upon request by an animal shelter, or by contract with an animal shelter.

Good faith effort means to deliberately act in a manner which a reasonable and diligent person would act to fulfill a duty or follow a guideline.

Grooming service means any business where a person performs cosmetic or cleaning services on animals for compensation two or more times in a two-year period.

Pet shop means any business where a person offers animals for either wholesale or retail sale.

(b) *License required.* Notwithstanding Wis. Stats. § 173.41, no person may operate a pet shop, grooming service, breeding service, or animal shelter without having first obtained an animal establishment license.

(c) *Procedure for obtaining and renewing an animal establishment license.*

(1) Any person who seeks to obtain or renew an animal establishment license shall make application to the City Clerk on a form provided by the City Clerk and pay a licensing fee as provided in the City Fee Schedule.

(2) The Humane Officer shall review the application and make recommendations to the City Clerk before the City Clerk issues or renews a license.

(3) The City Clerk shall issue or renew an animal establishment license unless the applicant owes a delinquent fee, judgment, or other debt to the City or the Humane Officer determines that at least one of the following applies:

a. The applicant has been convicted of any violation under Wis. Stats. Ch. 951, or a local ordinance in conformity therewith.

b. The applicant has been convicted of violating any section of this chapter.

(4) An animal establishment license shall be valid for one year from the date of issuance. A breeding dog registration shall be valid for the life of the dog.

(d) *License requirements.* Any person who holds an animal establishment license shall:

(1) Make a good faith effort to comply with the standards set forth in the Animal Care Guidelines for the Retail Pet Industry manual published and amended from time to time by the Pet Industry Joint Advisory Council.

(2) Keep animal care records for at least two years and provide them to any Humane Officer, or their designee, upon request.

(3) Ensure each dog less than one year of age in their possession wears an identification collar with its USDA official registration number at all times.

(4) Post on the front of all cages/enclosures the following information:

a. Name, business address and phone number of the breeder, broker and facility where the animal was born.

b. USDA License numbers, if any.

c. State license numbers, if any.

d. Whether the animal was purchased from an unlicensed facility.

(5) Ensure that each dog, cat, or ferret at least five months of age is vaccinated for rabies within 30 days of taking possession of the animal or before transferring ownership of the animal, whichever is sooner.

(e) *Specific business requirements.*

(1) Pet shops shall ensure each dog and cat receives its first set of distemper and parvo vaccinations and testing/treatment for internal parasites from a veterinarian.

(2) Grooming services shall maintain records of rabies vaccination and veterinarian contact information for each animal which receives grooming service.

(3) Breeding services shall ensure each dog and cat receives its first set of distemper and parvo vaccinations and testing/treatment for internal parasites from a veterinarian.

(4) Animal shelters shall keep a record of approved foster homes.

(f) *Breeding dogs.*

(1) Any person who operates a breeding service shall register all breeding dogs and pay the registration fee as provided in the City Fee Schedule for each breeding dog in addition to the fee for obtaining an animal establishment license.

(2) No dog may be used for breeding before reaching two years of age, nor after reaching eight years of age.

(3) No dog may be sold before reaching the age of eight weeks.

(4) No person may operate a breeding service without having first obtained a seller's permit from the Wisconsin Department of Revenue.

(g) *Lemon Law.* A pet shop operator shall post a copy of this Lemon Law in a conspicuous location on the business premises.

(1) The operator of a pet shop shall:

a. Provide the purchaser of any animal with spay and neutering information, a copy of animal care records for the particular animal, and name and contact information of the animal's treating veterinarian.

b. Guarantee the animal was not unhealthy or injured at the point of sale.

c. Reimburse the expense to treat an unhealthy or injured animal up to the purchase price of the animal if within seven days of the sale a veterinarian determines the animal was unhealthy or injured at the point of sale. Reimbursement is limited to treatment for the unhealthy condition or injury present at the point of sale. Upon reimbursement, the purchaser is under no duty to return the purchased animal to the licensee.

(2) If a pet shop operator refuses to refund the treatment expense under subsection (g)(1)c of this section, the purchaser may commence a civil action in Circuit Court. If the court finds by a preponderance of the evidence that the animal was unhealthy or injured on the date of sale, the pet shop operator shall reimburse the purchase price of the animal, pay reasonable costs sustained by the purchaser to commence and litigate the action, and comply with any other orders of the court. Upon reimbursement, the purchaser is under no duty to return the purchased animal to the licensee.

(h) *Revocation of license.* The City Clerk shall revoke an animal establishment license if the Humane Officer reports any of the following to the City Clerk:

(1) The licensee was convicted of any violation under Wis. Stats. Ch. 951, or a local ordinance in conformity therewith.

(2) The licensee was convicted of violating any provision of this section.

(3) The licensee refused to allow a Humane Officer, or their designee, to enter the property.

(4) The licensee ceased operation of any pet shop, grooming service, breeding service or animal shelter for 12 consecutive months.

(i) *Appeal.* A licensee may appeal any revocation under subsection (h) of this section to the Protection and Policy Committee. The Committee shall conduct a hearing and shall recommend to the Common Council that the license be revoked if it finds that the licensee committed a violation. The Common Council shall consider and take action on the recommendation of the Protection and Policy Committee within 45 days after the Committee adjourns the hearing. The Common Council may uphold the revocation order or reinstate the license. Appeal from a decision of the Common Council shall be to the Brown County Circuit Court.

(j) *Penalties.* Any person convicted of violating any provision of this section shall forfeit no more than $500.00 for each violation.
(Code 1984, § 6.37; Ord. No. 3-10; Ord. No. 21-10; Ord. No. 29-10)

Sec. 6-2. Dog and cat licenses and vaccinations.

(a) *License required.* The owner of a dog or cat more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog or cat becomes five months of age, pay the dog or cat license tax and obtain a license as used herein. The term "owner" shall include every person who owns, harbors, or keeps a dog or cat.

(b) *Tax.* The license tax for a neutered male dog or cat, spayed female dog or cat, unneutered male dog or cat, or unspayed female dog or cat is as provided in the City Fee Schedule, or one-half of the listed amounts in the City Fee Schedule if the dog or cat became five months of age after July 1 of any license year. The license year commences on January 1 and ends on the following December 31. Whenever the license tax is assessed, $7.50 from the total tax paid shall be allocated to sponsor a low-cost spay and neuter clinic in the City of Green Bay. Every dog specifically trained to lead blind or deaf persons or to provide support for mobility-impaired is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the City Treasurer.

(c) *Late fees.* The City Treasurer shall assess and collect a late fee as provided in the City Fee Schedule from every owner of a dog or cat five months of age or over if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or cat, or if the owner fails to obtain a license on or before the dog or cat reaches the licensable age.

(d) *Issuance of licenses and collar tags.*

(1) *Issuance of licenses.* Upon payment of the required dog or cat license tax and presentation of the required evidence that the dog or cat is currently immunized against rabies, the City Treasurer shall complete and issue to the owner a license for the dog or cat bearing a serial number and in the form prescribed by the State of Wisconsin stating the date of its expiration, owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed, and color of the dog or cat. The City Treasurer shall keep a duplicate copy of the license on file.

(2) *Collar tags.* After issuing the license, the City Treasurer shall deliver to the owner a tag of durable material bearing the same serial number as the license and specify the license year. The owner shall securely attach the tag to the collar, and the collar with the tag attached shall be kept on the dog or cat to which the license is issued at all times; but this requirement does not apply to a show dog or cat during competition, to a dog or cat securely confined indoors, or to a dog or cat securely confined to a fenced area. A duplicate tag shall be furnished to the owner by the City Treasurer in place of the original tag upon presentation of the license and payment of a fee as provided in the City Fee Schedule. The City Treasurer shall then endorse the new tag number on the license and keep a record on file.

(e) *Exceptions.* This section shall not apply to any person who owns dogs or cats that are kept only for educational or scientific purposes. Further, this section shall not apply to any farmer who produces $1,000.00 or more in products.

(f) *Penalties.* Any person who shall violate any of the provisions of this section shall be subject to a forfeiture of not less than $25.00 nor more than $100.00 for the first offense and not less than $50.00 nor more than $200.00 for subsequent offenses.
(Code 1984, § 6.33; Ord. No. 21-06; Ord. No. 24-06)

Sec. 6-3. License to keep hens.

(a) *License required.* The owner of any hen (female Gallus gallus domesticus) more than eight weeks of age shall annually, or on or before the date the hen becomes eight weeks of age, pay the hen license fee and obtain a license. The term "owner" shall include every person who owns, harbors, or keeps a hen.

(b) *Fee.* The license fee shall be as provided in the City Fee Schedule for a single license to keep up to four hens. The license year commences on January 1 and ends on December 31.

(c) *Late fees.* The City Clerk shall assess and collect a late fee as provided in the City Fee Schedule from every owner of a hen eight weeks of age or older if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable hen, or if the owner fails to obtain a license on or before a hen reaches the licensable age.

(d) *Issuance of licenses.* Only one license may be issued to each parcel number. Upon payment of the required hen license fee, the City Clerk shall complete and issue to the owner a license stating the owner's name and address, parcel number, date of issuance, and date of license expiration. The City Clerk shall keep a duplicate copy of the license on file.

(e) *Penalties.* Any person who shall violate any of the provisions of this section shall be subject to a forfeiture of not less than $25.00 nor more than $100.00 for the first offense and not less than $50.00 nor more than $200.00 for subsequent offenses.
(Code 1984, § 6.335; Ord. No. 7-11)

Sec. 6-4. Keeping of animals and fowl.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Exotic animal means those species of animal that are not domesticated by humans. Exotic animals include, but are not limited to, animals belonging to any or all of the orders and families on the Prohibited Animal List as adopted by the Common Council.

Possess means to own, possess, keep, harbor, bring into the City, act as a custodian, or have custody or control of an animal.

(b) *City of Green Bay Prohibited Animal List.* The following orders and families, whether bred in the wild or in captivity, and any or all hybrids shall be defined as "exotic animals" pursuant to this section. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or to limit the generality of each group of animals, unless otherwise specified.

(1) Class Mammalia.

a. Order Chiroptera. (Any bat species.)

b. Order Artiodactyla. (Hippopotamuses, giraffes, camels, deer.) Excludes domestic cattle, swine, sheep, goats, alpaca, and llama.

c. Order Carnivora.

1. Family Felidae. (Lions, tigers, cougars, leopards, ocelots, servals.) Excluding domestic cats.

2. Family Canidae. (Wolves, coyotes, foxes, jackals.) Excluding domestic dogs.
3. Family Ursidae. (All bears.)
4. Family Mustelidae. (Weasels, skunks, martins, minks.) Excluding ferrets.
5. Family Procyonidae. (Raccoons, coatis.)
6. Family Hyaenidae. (Hyenas.)
7. Family Viverridae. (Civets, genets, mongooses.)

d. Order Edentatia. (Anteaters, armadillos, sloths.)

e. Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders.)

f. Order Perissodactyla. (Rhinoceroses, tapirs.) Excluding horses, donkeys and mules.

g. Order Primates. (Lemurs, monkeys, chimpanzees, gorillas.)

h. Order Proboscidae. (Elephants.)

i. Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs.) Excluding guinea pigs, rats, mice, gerbils, and hamsters.

(2) Class Reptilia.

a. Order Squamata.

1. Family Helodermatidae. (Gila Monsters and Mexican beaded lizards.)
2. Family Varanidae. (Any monitor which will normally grow over two feet in length.)
3. Family Iguanaidae. (Only green iguanas and rock iguanas.)
4. Family Boidae. (All species whose adult length may exceed eight feet.)
5. Family Colubridae. (Boomslangs and African twig snakes.)
6. Family Elapidae. (Coral snakes, cobras, mambas.)
7. Family Nactricidae. (Only keelback snakes.)
8. Family Viperidae. (Copperheads, cottonmouths, rattlesnakes.)

b. Order Crocodilia. (Crocodiles, alligators, caimans, gavials.)

(3) Class Aves.

a. Order Falconiformes. (Eagles, hawks, vultures.)

b. Order Rheiformes. (Rheas.)

c. Order Struthioniformes. (Ostriches.)

d. Order Casuariiformes. (Cassowaries and emus.)

e. Order Strigiformes. (Owls.)

(4) Class Arachnida.

a. Order Scorpiones, Family Buthidae.

1. Arabian fat-tailed scorpion - Androctonus crassicauda.
2. Arizona centruroides scorpion - Centruroides exilicauda.
3. Death stalker - Leiurus quinquestriatus.
4. Egyptian yellow scorpion - Androctonus amoreuxi.

5. Israeli black scorpion - hottentotta judaicus.
6. S.A. giant fat-tailed scorpion - Parabuthus transvaalicus.
7. Sinai desert scorpion - Androctonus bicolor.
8. Yellow desert scorpion - Androctonus Australia.

b. Order Araneae, Family Theridiidae.

1. Argentina red widow spider - Latrodectus coralinus.
2. Brown widow spider - Latrodectus geometricus.
3. Red-black widow - Latrodectus hasselti.
4. Red widow spider - Latrodectus bishop.
5. Southern black widow spider - Latrodectus mactans.
6. Western widow - Latrodectus Hesperus.

c. Order Araneae, Family Loxoscelidae, Brown recluse spider - Loxosceles reclusa.

(5) Class Chilopoda.

a. Order Scolopendromorpha, Family Scolopendridae.

1. Amazon giant banded centipede - Scolopendra gigantea.
2. Arizona Tiger Centipede - Scolopendra viridis.
3. Florida Keys centipede - Scolopendra alternans.

(6) Any federal or state endangered or threatened species.

(c) *Keeping of exotic animals.*

(1) *Permit required.* No person shall possess an exotic animal without first obtaining an exotic animal permit.

(2) *Exceptions.* This subsection (c) shall not apply to institutions accredited by the American Zoo and Aquarium Association, licensed veterinary hospitals or clinics, licensed or accredited research or medical institutions, licensed or accredited educational institutions, including museums, an animal certified as having been specially trained to assist an individual with impaired vision, hearing, or mobility, any government-owned or -operated facility, volunteers working on behalf of a government-owned or -operated facility, or a person temporarily transporting an exotic animal through the City if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.

(d) *Exotic or excess animal permit.*

(1) *Applications.*

a. Application for an exotic or excess animal permit shall be made to the City Clerk on a form supplied by the City Clerk's Office.

b. Upon receipt of an application, the City Clerk shall forward the application to the Humane Officer for verification of the veracity of the application as well as research into the qualifications of the applicant in accordance with the requirements of this section.

c. All applications shall be accurately completed in its entirety or shall be rendered void by the City Clerk.

d. A permit may be granted without further review by the Common Council in the event the Humane Officer approves of the application.

e. Each permit shall expire upon the death of the animal which is the subject of the permit.

(2) *Factors to be considered.* In determining whether a permit under this section shall be granted, the Humane Officer shall consider the number and type of animals to be possessed, the applicant's criminal record, including any animal related police calls for service, known prior history of the animals, health of the animals, whether proper licenses and vaccinations have been obtained, the condition of the applicant's residence where the animals will be kept, the likelihood of a public or private nuisance being created, and any other factors determined to be relevant by the Humane Officer.

(3) *Denial.*

a. If the Humane Officer determines that any portion of the application is false or that the applicant does not possess the necessary qualifications, the application may be denied by the Humane Officer.

b. The Humane Officer shall notify any applicant so denied.

c. Any applicant whose application has been denied by the Humane Officer may appeal such determination to the Protection and Policy Committee. Upon appeal, the Protection and Policy Committee shall determine if the applicant possesses the qualifications of this section. After making such determination, the Protection and Policy Committee shall forward its recommendation to the Common Council.

(4) *Issuance of license.* The City Clerk shall not issue any exotic or excess animal permit until all the requirements above have been satisfied.

(e) *Construction of animal structures.* All stables, coops, yards, pens, or other structures wherein any animal is kept shall be constructed so as to be easily cleaned and kept in good repair. The inside and outside of such structures shall be whitewashed or painted as often as necessary to keep them clean or finished with such material as can be easily cleaned. All such structures shall be kept clean and sanitary and shall not cause any objectionable odor.

(f) *Removal of animal waste.* No person who possesses an animal shall permit such animal to defecate upon any property other than that of its owner or custodian unless the custodian immediately thereafter cleans up and removes such animal excreta from such property.

(g) *Accumulation of animal waste.* No person possessing an animal shall permit more than 72 hours' accumulation of such animal's feces to remain on property under the possessor's control.

(h) *Controlling animals.* No person who possesses an animal shall walk or escort such animal off the property under the possessor's control unless the person is in possession of equipment to clean up any defecation which may be deposited by such animal.

(i) *Harvesting animals.* No person may slaughter any animal unless specifically allowed to slaughter animals as part of an agricultural activity pursuant to Chapter 44.

(j) *Penalties.* Any person who shall violate this section shall forfeit not less than $1.00 nor more than $1,000.00 for each offense. Each violation of this section shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.
(Code 1984, § 8.04; Ord. No. 5-04; Ord. No. 7-11; Ord. No. 3-18, §§ 1—3, 5-1-2018)

Sec. 6-5. Keeping of pigeons.

The term "fowl" shall include pigeons. Homing or carrier pigeons are exempt when such birds fly for training purposes and races. The harboring of pigeons other than in an approved pen or coop is a public nuisance. The person in charge of any building or structure harboring pigeons other than under approved conditions shall remove such pigeons from the structure in a humane manner.
(Code 1984, § 8.05)

Sec. 6-6. Animals to be confined.

(a) No person, owner, or custodian shall permit any animal (including fowl) to be at large within the City. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal, or such other personal attention as will reasonably control the conduct and actions of the animal.

(b) No person, owner, or custodian shall permit any animal (including fowl) to be left unattended within five feet of a public right-of-way.

(1) Such public rights-of-way include, but are not limited to, sidewalks, streets, alleys, and parking lots.

(2) Unattended animals shall include those animals which are crated, penned, or leashed but which are without personal supervision or control sufficient to properly restrain the animal.

(c) Confinement of hens. In addition to any other provisions in this chapter, hens shall be kept it the following manner:

(1) No person may keep a hen over eight weeks of age in a principal structure.

(2) Hens shall be kept within a structure such as a coop or fenced area used exclusively to keep hens.

(3) No accessory structure used to keep hens shall be located within 25 feet of any principal structure which is not owned by the person licensed to possess said hens.

(4) No accessory structure used to keep hens shall be located in a front or side yard.
(Code 1984, § 8.06; Ord. No. 7-11)

Sec. 6-7. Rat prevention.

(a) *Purpose.* It is the intent of these regulations to prevent, control, and limit the rat population of the City of Green Bay by modifying the environment to eliminate conditions that attract rats. The Inspection Division, in cooperation with the Brown County Health Department, shall establish an effective program of rodent prevention and control, including, but not limited to, alleviation of

unsanitary conditions, control of access to food and harborage, rat-proofing of buildings, rat control, proper storage of foods and foodstuffs, maintenance of premises in a rat-free condition, rat extermination, and elimination or reduction of conditions found to be supportive of rat populations.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Building means any structure, whether public or private, which is devoted to or designed for occupancy or use of any kind whether or not it is actually or continually occupied or used in the manner for which it was devoted or designed.

Evidence of rats means the natural presence of rat runs, burrows, fecal droppings, urine, rubmarks, gnaw marks, tail drag marks, tracks, or other signs (sounds) which may be associated with the presence of rats.

Health Commissioner means the Brown County Health Commissioner or their designee.

Inspector means the Superintendent of Inspection or their designee.

Occupant means the person who uses or occupies any building or part thereof.

Openings means any hole, entry, or cavity of a building or container through which a rat may enter.

Owner includes the owner, agent, or custodian of a building. A lessee shall be considered the owner when building agreements hold the lessee responsible for maintenance and repairs.

Premises means land and anything built or placed upon it.

Rat means a long-tailed rodent belonging to the genus Rattus, including the Norway Rat and Roof Rat.

Rat eradication means measures or practices put in place to reasonably eliminate a rat infestation and rat harborage through extermination, elimination of harborage, rat-proofing, and any other rat control methods deemed necessary by the Inspector.

Rat extermination means the extermination of rats by any accepted measure, such as poisoning, fumigating, trapping, and clubbing.

Rat harborage means any condition that provides shelter or protection for rats, thus favoring their reproduction, presence, or continued existence on the premises.

Rat infestation means any population of rats on a premises or localized community sustained by food, harborage, or other conditions hospitable to rats on the premises or within the localized community.

Rat-proof container means a garbage can or other container regardless of size, mobile or stationary; shall be impervious to rats.

Rat-proofing means methods to prevent the ingress of rats into buildings or containers or from one premises to another, including, but not limited to, use of material impervious to rat gnawing, closure of all actual or potential openings and rat harborages, and the installation or handling of material in a rat-proof manner.

(c) *Inspection orders.* Upon determining the existence of a rat infestation, the Inspector shall issue one or more of the following orders. Any of the following orders may also be issued where conditions exist that are so favorable to rats that an infestation is likely to occur.

(1) All food shall be stored in rat-proof containers, compartments, rooms, or buildings.

(2) Feed for animals and fowl shall not be left on the ground, on the floor, or left in feed pans, troughs, or other feed containers any longer than necessary to feed the animals or fowl unless such feeder equipment is made inaccessible to rats. For residential and recreational feeding of wild birds, feed should be kept at all times on raised platforms which are inaccessible to rats.

(3) Foods for human consumption shall not be left on floors, counters, or otherwise exposed as a readily available food source for rats. Such food shall be cleaned up at least daily.

(4) No person shall place, leave, dump, or permit to accumulate any garbage, refuse, debris, or trash, including boxes, bottles, cans, containers, unused appliances, tires, wood piles, or similar materials, so as to afford food or harborage for rats. All garbage, refuse, debris, and trash shall be placed in rat-proof containers. All other materials shall be properly stored and elevated not less than 18 inches above the ground and evenly piled or stacked.

(5) All building vents, including, but not limited to, foundation, crawlspace, and attic vents, shall be covered for their entire length and width with metal grills, metal gratings, or perforated sheet metal with no opening greater than one-half inch.

(6) All outside basement steps shall be constructed of solid concrete in a concrete stairwell erected without concealed or hidden spaces.

(7) Floor drains and all other drains shall have drain plates installed so that no openings are greater than one-half inch.

(8) All exterior screen doors shall be provided with automatic closing devices. No opening at the top, bottom, or sides of doors shall exceed three-eighths inch.

(9) Where openings have been made in double walls, floors, or ceilings for the passage of pipes or utility lines, they shall be closed and protected by the installation of approved metal collars securely fastened to the adjoining structure.

(10) All openings into necessary enclosed spaces in ventilation systems shall be completely rat-proofed.

(11) Where accessible to rats, refrigerators and built-in refrigerator units shall be installed free of unnecessary enclosed or partially enclosed spaces. This shall be accomplished by placing units flush against the walls, installing them in a solid concrete base, or by completely encasing with metal flashing strips. If the top does not extend to the ceiling, it shall be rat-proofed.

(12) In any permanent building or structure used or intended to be used as a stable or housing for any animal or fowl, it shall be unlawful to install or construct any double wall, double floor, or double ceiling with concealed spaces therein. Floors of all such buildings or structures shall be of concrete. Wood plank floors may be installed over the concrete if they fit tight to the concrete or are elevated not more than one-half inch from it and are so constructed as to be easily removed. All food storage bins shall be rat-proofed.

(13) To the greatest extent possible, sewers shall be constructed in a rat-tight fashion. Upon notice or evidence of rat infestation in the sewer, eradication measures shall be taken to control the rats from the sewers.

(14) Prior to demolition or moving of any building, the owner shall use rat-eradication measures and take all reasonable efforts to abate the rat infestation prior to commencing demolition or moving of the structure.

(15) The owner and occupant of a building shall maintain the premises in a rat-proof condition and shall repair all breaks or leaks that may occur in the rat-proofing without order of the Inspector.

(16) The Inspector may order additional rat-proofing measures to eliminate rat harborage and ensure rat-proof buildings and containers. Such orders may include a requirement that the owner contract with and implement a plan prescribed by a licensed pest management professional.

(d) *Removal of rat-proofing.* No person shall remove and fail to restore immediately the required rat-proofing from any building or container. No person shall make any new opening that is not made rat-proof.

(e) *Conformity to building code.* The construction and material used in rat-proofing shall conform to the Building Code of the City, unless a greater or more restrictive requirement is ordered in accordance with this section, then the more restrictive provision shall apply.

(f) *Inspections.* The Inspector may make unannounced inspections of all buildings and/or premises to determine compliance with this section. When evidence is found indicating the presence of rats or openings through which rats may enter a building or premises, the Inspector shall serve the owners or occupants with orders to abate the conditions found. If consent for entry is not obtained, an administrative warrant may be obtained. If an imminent hazard exists, no warrant will be required for entry.

(g) *Inspections during construction.* The Inspector may make inspections or cause inspections to be made during the course of and upon completion of construction, repairs, remodeling, or installation to ensure compliance with this section. No person shall interfere with such inspections nor refuse to permit them.

(h) *Written order to owner.* Upon receipt of a written order from the Inspector for failure to comply with the provisions, the owner or occupant of any premises shall take immediate measures to comply with such order. If such work is not completed in the time specified in the order, which shall not be more than 30 days, or within the time of a written extension granted by the Inspector, the owner or occupant shall be guilty of an offense under this section.

(i) *Notice to occupants; rat eradication.* Upon receipt of a written notice that there is evidence of rat infestation of a premises, the owner or occupant of the premises shall within five days institute rat-eradication measures and shall continuously maintain such measures in a satisfactory manner until the premises are declared by the Inspector to be free of rat infestation.

(j) *Closing buildings.* Whenever conditions inside or under any occupied building provide extensive harborage for rats, the Health Commissioner or Inspector may, after order in accordance with subsection (c) of this section, close such building until such time as the conditions are abated by such rat-proofing and harborage removal as may be ordered by the Health Commissioner or Inspector.

The Health Commissioner or Inspector shall post a placard on all the principal entrances on any building closed by said Health Commissioner or Inspector which shall read: "This Building Closed to Human Habitation, Occupancy, or Use by Order of the City of Green Bay Inspection Division," and any person who shall use such building or shall tamper or remove such placard shall be guilty of a violation of this section.

(k) *Rodent control products.* All rodent control products (rodenticides, bait stations, glue boards and glue traps, and mechanical traps) used to actively eradicate rodent pest problems shall be done in accordance with manufacturers' instructions.

(l) *Penalties.* Any person in violation of any provision of this ordinance shall, upon conviction, forfeit not less than $1.00 nor more than $1,000.00, together with the cost of prosecution, and in default of the payment thereof, shall be imprisoned in the County jail until such forfeiture and costs are paid but not to exceed 90 days. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the City from maintaining any appropriate action to prevent or remove or otherwise abate a violation of this section in accordance with Chapter 24.
(Code 1984, § 8.07; Ord. No. 51-04)

Sec. 6-8. Dogs, keeping in residential areas.

(a) *Purpose.* The keeping of a large number of dogs in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of dogs is, therefore, declared to be a public nuisance.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dog means any canine, regardless of age or sex.

Residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this section, any vacant parcels adjoining a dwelling and under the same ownership shall constitute one lot.

(c) *Number of dogs limited.* No family shall own, harbor, or keep in its possession more than two dogs in any dwelling unit without first obtaining an excess animal permit, except that a litter of pups or a portion of a litter may be kept for not more than eight weeks from birth if the mother of the pups is owned by one of the occupants of the dwelling unit and the mother of the pups resides at the dwelling unit. For the purpose of this subsection, the term "family" shall be defined as one or more persons.

(d) *Manner of keeping.* Section 6-6(a) shall govern the keeping of dogs.

(e) *Kennels.* Where kennels are permitted, no kennel shall be located closer than 100 feet to the boundary of the nearest adjacent residential lot.

(f) *Loud and persistent barking prohibited.* No owner or person in control of any dog shall suffer, permit, or allow such animal to bark or bay in such a manner as to detrimentally affect the peaceful repose of one or more property owners or residents of the immediate area, and within earshot of the barking or baying. In determining whether the noise detrimentally affects peaceful repose, the

volume of the noise, time of day, length of time the noise persists, and location of the animal shall be relevant. Where a dog is left unattended out-of-doors, it shall be presumed the owner or person in control is permitting the noise.

(g) *Penalty for dog causing damage or injury.*

(1) *Without notice.* The owner of a dog shall forfeit not less than $50.00 nor more than $100.00 if the dog causes injury to any person, livestock, property, deer, game birds, or the nests or eggs of game birds.

(2) *After notice.* The owner of a dog shall forfeit not less than $100.00 nor more than $500.00 if the dog injures or causes injury to any person, livestock, property, deer, game birds, or the nests or eggs of game birds, if the owner was notified or knew that the dog previously injured or caused injury to a person, livestock, property, deer, game birds, or the nests of game birds.

(h) *Court order.* The City may commence an action pursuant to Wis. Stats. § 173.23(3).

(i) *Other methods not excluded.* Nothing in this section shall be construed as prohibiting the City or its officials from taking action in accordance with state law.
(Code 1984, § 8.08; Ord. No. 37-01; Ord. No. 19-14; Ord. No. 3-18, § 4, 5-1-2018)

Sec. 6-9. Cats, keeping in residential areas.

(a) *Purpose.* The keeping of a large number of cats in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of cats is, therefore, declared to be a public nuisance.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cat means any feline, regardless of age or sex.

Residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this section, any vacant parcels adjoining a dwelling and under the same ownership shall constitute one lot.

(c) *Number of cats limited.* No family shall own, harbor, or keep in its possession more than three cats in any dwelling unit without first obtaining an excess animal permit, except that a litter of kittens, or a portion of a litter, may be kept for not more than eight weeks from birth. If more than one family resides in any dwelling unit, then only three cats shall be allowed in any dwelling unit unless an excess animal permit is obtained. For the purpose of this subsection, the term "family" shall be defined as one or more persons.

(d) *Manner of keeping.* To the fullest extent applicable, the provisions of Section 6-6(a) shall govern the keeping of cats.
(Code 1984, § 8.09; Ord. No. 9-05; Ord. No. 30-10; Ord. No. 3-18, § 5, 5-1-2018)

Sec. 6-10. Birds, keeping in residential areas.

(a) *Purpose.* The keeping of a large number of birds in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of birds is, therefore, declared to be a public nuisance.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Pet bird means any finch, dove, parrot, canary, parakeet, conure, cockatiel, or cockatoo.

Residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this section, any vacant parcels adjoining a dwelling and under the same ownership shall constitute one lot.

(c) *Limited number of pet birds allowed.* Notwithstanding Section 6-4(d), a family may own, harbor, or possess up to eight pet birds on any lot zoned as residential without obtaining a permit from the City Humane Officer. No family shall own, harbor, or keep more than eight pet birds on any residentially zoned lot without first obtaining a permit from the City Humane Officer, with right to appeal to the Protection and Policy Committee. Wis. Stats. Ch. 68 shall not apply to any such appeal. If more than one family resides on a residential lot, then only eight pet birds shall be allowed on the residential lot unless prior approval is obtained from the Council. For the purpose of this subsection, the term "family" shall be defined as one or more persons living in the same residential unit.

(d) *Manner of keeping.* To the fullest extent applicable, the provisions of Section 6-6(a) shall govern the keeping of pet birds.
(Code 1984, § 8.095; Ord. No. 36-06; Ord. No. 7-11)

Sec. 6-11. Beekeeping.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Apiary means all hives kept for the purpose of beekeeping and any area within ten feet of such hives.

Beekeeping means intentionally creating, fostering or maintaining a colony of honeybees.

Hive means a structure built to accommodate a colony of honeybees.

Honeybee means any life stage of the European honeybee (Apis mellifera).

(b) *Beekeeping by permit only.* No person shall engage in beekeeping without having first obtained a permit from the Humane Officer and having paid a permit fee as provided in the City Fee Schedule. In reviewing a permit application, the Humane Officer shall consider the number of honeybees to be possessed, their location, the facilities to be used for such purpose, and the likelihood of a public or private nuisance being created. Any person denied a permit may appeal to the Protection and Policy Committee.

(c) *Manner of keeping.*

(1) All hives shall have combs which are kept in sound and usable condition and removable for inspection.

(2) The apiary shall be entirely located on one parcel of land.

(3) There shall be a flyway consisting of a solid wall, fence, vegetation, or combination thereof at least six feet in height erected along any property line located within 25 feet of an apiary.

(4) A property owner shall cause any abandoned hive to be removed from the property.

(5) No hive may house a colony of insects other than honeybees.

(6) The provisions of Section 6-6(a) do not apply to beekeeping.

(d) *Illegal colonies or hives.* If the Humane Officer finds any hive kept in violation of this section, they may order the violation corrected within 30 days. If the property owner fails to correct the violation within 30 days, the hive in violation may be destroyed and/or removed from the City by the Humane Officer, or their designee, and the cost thereof shall be charged back to the property owner as a special charge pursuant to Wis. Stats. § 66.0627.
(Code 1984, § 8.097; Ord. No. 31-10)

Sec. 6-12. Animals suspected of biting people.

(a) All incidents occurring in the City where any animal bites a person or is suspected of biting a person shall be immediately reported to the Brown County Health Department or to the Police Department by any person having knowledge of such incident.

(b) Any animal which bites a person in the City, if it can be found, shall be quarantined for 14 days from the date of the bite for the purpose of observation for the possibility of infection with the virus of rabies.

(c) Such quarantine shall be effected as directed by the Brown County Health Commissioner or their representative and may be:

(1) Confinement of the animal to a structure or enclosure which is adequate to restrain the animal on the premises of the owner or their agent;

(2) Confinement of the animal at the City Dog Pound;

(3) Confinement of the animal with a licensed veterinarian; or

(4) Confinement of the animal at an animal hospital or boarding facility approved by the Brown County Health Commissioner.

(d) No animal which is known or suspected to have bitten a person in the City shall be destroyed until after the 14-day quarantine period required in subsection (b) of this section has elapsed, unless it cannot be apprehended safely, in which case destruction shall be accomplished without damage to the head of the animal if at all possible. The Brown County Health Commissioner shall be immediately notified of such destruction of an animal, and the dead animal shall not be disposed of until such specimens as the Brown County Health Commissioner shall direct have been obtained and permission is given to dispose of the dead animal.

(e) If an animal which has been quarantined in accordance with this section dies during the quarantine period, the person having custody of the animal shall immediately notify the Brown County Health Commissioner and shall not destroy or dispose of the dead animal until after such specimens as the Brown County Health Commissioner shall direct have been obtained and permission is given to dispose of the dead animal.
(Code 1984, § 8.10; Ord. No. 81-93)

Sec. 6-13. Dangerous dogs.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dangerous dog means any dog which:

(1) Without provocation, while not under the control of its owner, chases, confronts, or approaches a person in a menacing fashion while off its owner's property and it is clear that the dog is not merely being protective in a particular set of circumstances.

(2) When unprovoked and while off its owner's property, approaches a domestic animal in a menacing fashion.

(3) When unprovoked and while off its owner's property, causes a non-severe, non-bite injury in a menacing fashion to any person or domestic animal.

(4) Has been declared dangerous by at least one other municipality.

Domestic animal means livestock, domesticated dogs and domesticated cats.

Menacing fashion means demonstrating an intent or desire to cause injury by one or more of the following actions:

(1) An attempt to bite a person or another animal in such a fashion as to show plainly to a reasonable person an unfriendly intent and put them in fear of attack.

(2) Growling or barking in an unfriendly manner while approaching or chasing a person or another animal.

(3) Growling or barking in an unfriendly manner while making physical contact with a person or another animal.

Officer means any peace officer or a Brown County or City of Green Bay Humane Animal Control Officer.

Owner means any person, firm, corporation, or other organization owning, keeping, possessing, harboring, controlling, or having the care or custody, whether temporarily or permanently, of a dog.

Provoked. Any attack by an animal or physical injury caused by an animal shall be considered provoked if at the time the attack occurs or the injury is inflicted:

(1) The person who was attacked or injured was teasing, tormenting, abusing, or assaulting the animal;

(2) The animal was protecting a person, itself, its young or another domestic animal from an attack by a human being or another animal; or

(3) The person who was attacked or injured was committing a crime on the property of the animal's owner.

(b) *Dangerous dogs prohibited.*

(1) *Possession of a dangerous dog prohibited.* No person shall own, keep, possess, return to, or harbor a dangerous dog within the City.

(2) *Penalty.* Any person who owns, keeps, possesses, harbors, or returns any dangerous dog to the City, after it has been declared to be dangerous by owner's omission, quasi-judicial hearing, or appeal, shall be subject to a forfeiture of not less than $500.00 nor more than $1,000.00.

(c) *Procedure for declaring a dog "dangerous."*

(1) A Humane Officer or police officer may determine a dog to be dangerous whenever, upon investigation, that officer finds that the dog meets the definition of dangerous as delineated in subsection (a) of this section.

(2) The Humane Officer or the police officer, upon making the determination that a dog is dangerous, shall issue a written order declaring the dog to be dangerous and demanding that the owner of the dangerous dog remove it from the City within five days.

(3) If the owner objects to the declaration of dangerousness, they may file a written objection contesting the declaration with the City Clerk within five days of receiving the written declaration.

(4) Upon receipt of the owner's written objection within the prescribed five days, the matter shall be placed on the soonest Protection and Policy Committee meeting agenda practicable for review.

(5) The Protection and Policy Committee shall act as a quasi-judicial body allowing the animal's owner an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous dog.

(6) Pending the outcome of the hearing or any subsequent appeal, the animal may be confined subject to Wis. Stats. § 173.21, or held at a location outside the City limits at the owner's expense.

(7) After the hearing, once the Protection and Policy Committee has made a decision and its report has been approved by the Common Council, the owner shall be immediately notified of the decision in writing by certified mail. If a decision is made that the animal is a prohibited dangerous dog, the owner shall comply with order to remove the dog from the City within five days after receiving the written decision, if not already removed.

(8) If the owner further contests the decision, they may, within five days of receiving the written decision, seek review of the decision by the Circuit Court.

(9) If the declared dangerous dog is not removed from the City within ten days of it being declared dangerous by owner's omission, quasi-judicial hearing, or appeal, it may be seized and ordered destroyed pursuant to Wis. Stats. § 174.02(3), and in the manner prescribed in subsection (d) of this section.

(d) *Manner and procedure for destruction of dangerous dogs.* Whenever an officer or veterinarian is required to destroy a dangerous dog, the animal shall be destroyed in a humane manner which avoids damage to the animal's head.

(e) *Exemption for police dogs.* The provisions of this section regarding dangerous dogs shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.
(Code 1984, § 8.105; Ord. No. 22-05; Ord. No. 42-07; Ord. No. 22-09)

Sec. 6-14. Feeding of wild animals prohibited.

Wis. Admin. Code § NR 19.60, as it may be amended from time to time, is hereby adopted as though fully set forth herein.
(Code 1984, § 8.14; Ord. No. 6-13)

Chapter 7

RESERVED

Chapter 8

BUILDINGS AND CONSTRUCTION

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ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Sec. 8-19. Purpose.

The purpose of this article is to provide minimum City regulations, provisions, and requirements; thereby increasing safety to persons and property, stable design, and good methods of construction and uses of materials in any building constructed, enlarged, altered, repaired, moved, converted to other use, or demolished; to regulate the equipment, maintenance, condition, use, occupancy, and safety of buildings in the City; and to promote the public health, safety, and general welfare. This article shall apply to new structures and to alterations and additions to existing structures within the City.
(Code 1984, § 15.01)

Sec. 8-20. Applicability.

(a) *Persons affected.* The sections contained in this article shall be binding alike upon every owner of a building, upon every person in charge of or responsible for or who causes the condition, repair, or alteration of any building or structure in the City.

(b) *Buildings affected.* This article shall apply to all buildings and structures, except buildings which were erected in compliance with the City Building Code in force at the time of their construction or last change in use and which:

(1) Have been repaired and maintained so that the structures are weathertight and the structural members are not hazardous to life or property;

(2) Are kept free from accumulations of dirt, filth, rubbish, garbage, or other matter in or on the same or in the yards, courts, passageways, or other areas connected or belonging to the same;

(3) Do not have cross-connections in plumbing systems that are hazardous to the occupants or violate any provision of the Plumbing Code regarding cross-connections.

(Code 1984, § 15.02)

Sec. 8-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building not a part of the main building, the use of which is incidental to that of the main building or to the use of the premises.

Accessory use means a use incidental to the use of the main building or to the principal use of the premises.

Air temperature means a measurement of the temperature of the air and not of radiant heat.

Alley means a public thoroughfare which affords a secondary means of access to abutting property and is generally less than 20 feet wide.

Alteration means any change, addition, or modification in construction.

Apartment means a part of a building occupied or designed or intended to be occupied by one or more persons as a single-living unit or as a single-family housekeeping unit and which includes the use of kitchen facilities, either in private or in common with others not related by blood or marriage.

Apartment house means any building which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in such building.

Approved as to materials and types of construction means approved by the Building Inspection Superintendent as the result of investigation and tests conducted by the Superintendent or an authorized agent or by reason of accepted principles or tests by national authorities or by technical or scientific organizations accepted by the Superintendent. Approvals given shall be in writing, and a copy thereof kept on file in the Building Inspection Division.

Balcony. See *Mezzanine floor.*

Basement means that portion of a building between floor and ceiling which is more than 3 1/2 feet below the average contact ground level of the exterior walls of the building.

Boarding house or *lodging house* means a building or structure, other than a hotel licensed by the State, where lodging and meals for three or more persons are served for compensation.

Building means:

(1) *Noun.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

(2) *Verb.* Any enlargement, alteration, movement, or demolishing of any building or structure, and also any new heating plant or any material alteration in any existing heating plant, toilet room, or elevator.

Court means an open, unoccupied space other than a yard on the same lot with a building.

Inner court means any court other than an outer court.

Outer court means a court which extends directly to and opens on a street or other permanent open space or on a required yard.

Dwelling means any building, or portion thereof, which is designed or used exclusively for residential purposes.

One-family dwelling means a building designed and occupied exclusively by one family.

Two-family dwelling means a building or portion thereof designed for or occupied by not more than two families.

Extermination means the control or elimination of infestation by eliminating harboring places and removing or make inaccessible materials that may serve as food or by poisoning, spraying, trapping, fumigating by a licensed fumigator or any other effective elimination procedure.

Family means any member or individual related by blood, adoption, marriage, and/or no more than two persons not so related, living together on the premises as a single housekeeping unit.

Filling station means a place where gasoline, kerosene, or any other fuel, lubricating oil, or grease for operating motor vehicles is offered for sale at retail to the public and where deliveries are made at the time of sale and directly into the motor vehicles, including greasing and oiling on the premises.

Garage, community, means a space or structure, or a series of structures, for storage only of noncommercial vehicles of residents of the neighborhood.

Garage, private, means a garage, for private use only, for the storage of not more than four steam-driven or motor-driven vehicles, including not more than one commercial vehicle, which shall be of less than two-ton capacity.

Garage, public, means a space or structure, other than private or community garage, for the storage, sale, hire, or repair of motor vehicles or of vehicles used in connection therewith.

Garage, service station, means a space or structure, other than a public garage, used in connection with liquid fuel dispensing stations and in which one or more vehicles can be accommodated for washing, greasing, oil changing, tire and battery replacement, or similar minor operations or adjustments.

Habitable means any room in a dwelling unit which is either a sleeping room or a living room.

Homeless family means a group of one or more related individuals who are homeless individuals.

Homeless individual means:

(1) An individual who lacks a fixed, regular, and adequate nighttime residence (without regard to whether the individual is a member of the family); and

(2) An individual whose primary nighttime residence is a supervised public or privately operated shelter designed to provide temporary living accommodations. Temporary living accommodations include welfare hotels, congregate shelters, and transitional housing.

Hotel means a building in which lodging and board is provided to the public for compensation and which caters to daily transient guests.

Impervious to water means constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspection Superintendent or an authorized agent and having tight-fitting joints and having more than $4^1/_2$ percent absorption by test.

Infestation means the sustained presence of household pests, vermin, or rodents.

Living room means a room used for sitting, dining, or cooking purposes; but not including a room designed for laundry, workshop, furnace, play, or storage purposes.

Mezzanine floor means a balcony-like floor located between a main or full floor and the main ceiling next above and not exceeding in area more than one-third of such main or full floor.

Occupant means the head of a family, or individuals residing in a dwelling.

Owner means every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the State, the County, the City, any sewer district, drainage district, the University of Wisconsin-Green Bay, and any corporation or organization having an interest in property of any kind, including the representative, officer, agent, or other person having the ownership, control, custody, or management of any building.

Plumbing means all gas pipes and gas burning equipment, waste pipes, water pipes, water closets, sinks, lavatories, bath tubs, catch basins, drains, vents, and any other provided fixtures, together with connections to the water, sewer or gas lines.

Provided means furnished, supplied, or paid for by, or under control of, the owner.

Rooming house means a building or structure, other than a hotel licensed by the State, where three or more persons are lodged for compensation.

Shelter facility means a temporary place of lodging for homeless individuals or homeless families.

Sleeping room means a room used for sleeping purposes.

Story means:

(1) *Full story.* That portion of a building, other than a basement, 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 the floor and the ceiling next above it, not including in either case mezzanine floors or balconies.

(2) *Half story.* That part of a building between the eaves and the ridge line of pitched roofs used for storage or occupancy. When designed and constructed for limited storage, such portion is an attic.

Street means a public or private right-of-way, lane, or way set aside permanently for common travel and being 21 feet or more in width if it existed on November 3, 1959.

Structural alteration means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except such alteration as may be required for the safety of the building.

Structure means anything constructed, the use of which requires location on the ground or attachment to something having a permanent location on the ground.

Yard means an open, unoccupied space on the same lot with a dwelling and lying between the front, rear, or sides of the dwelling and the respective lot lines.
(Code 1984, § 15.03; Ord. No. 16-93; Ord. No. 19-94)

Secs. 8-22—8-45. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 8-46. Division of Building Inspection.

(a) *Duties.* The Building Inspection Superintendent or any Inspector of the Division of Building Inspection shall enforce all state laws, City ordinances, and lawful orders relating to the construction, alteration, repair, removal, location, occupancy, safety and use of buildings and permanent building equipment. The term "Building Inspection Superintendent," as used in this article, shall include and refer to the Building Inspector.

(b) *Bond.* Before entering upon the duties of the office, the Building Inspection Superintendent shall execute a bond to the City in the sum of $2,000.00 with such sureties as the Common Council shall approve, conditioned on the faithful performance of the duties as Building Inspection Superintendent.

(c) *Records.* The Building Inspection Superintendent shall keep a record of all applications for building permits; regularly number each permit in the order of its issuance; keep a record showing the number, description, and size of every building erected during each term of office indicating the materials used and the cost of each building and the aggregate cost of all buildings of the various classes; keep a record of all inspections made and all removals and condemnations of buildings and a record of all fees, showing the dates of their receipt and delivery to the City Treasurer; and make monthly and annual reports to the Council on the above matters.

(d) *Powers.*

(1) *Inspection.* The Building Inspection Superintendent or any Inspector of the Division of Building Inspection may at all reasonable times for any proper purpose enter upon any public or private premises and make inspections thereof and may require the permit for any building, electrical, heating, or plumbing work, or the required license therefor, to be produced for inspection.

(2) *Emergency powers.* The Building Inspection Superintendent or any Inspector of the Division of Building Inspection shall have such emergency powers as are necessary to fulfill the purpose and intent of this article; that is, to promote the public health, safety, and welfare.

(Code 1984, § 15.04)

Sec. 8-47. Building permits.

(a) *Building permit required.* No person shall erect or construct any building or structure, or shall add to, enlarge, move, improve, alter, convert, extend, or demolish any building or structure or cause the same to be done, or shall commence any work covered by this article on any structure without first obtaining a building permit therefor from the Building Inspection Superintendent or an authorized agent, provided the Building Inspection Superintendent may authorize minor repairs not involving structural alterations without requiring a building permit to be issued.

(b) *Application.* An application for a building permit shall be filed with the Building Inspection Superintendent on a blank form to be furnished for that purpose. Such application shall describe the land upon which the proposed building or work is to be done, either by lot, block, or tract or by similar general description which will readily identify and definitely locate the proposed building or work, and shall show the use or occupancy of all parts of the building and shall include such other pertinent information as may be required by the Building Inspection Superintendent.

(c) *Information to accompany application.*

(1) *Site plan.* Each application for a building permit shall be accompanied by two copies of the site plan, drawn to scale, not less than one inch equals 20 feet or not more than $^{1}/_{16}$-inch equals one foot, showing the actual dimensions of the lot to be built upon, the size and location of the buildings to be erected, the proper relationship of the buildings to the exterior lines of existing or proposed streets shown on the Official Map and such other information as may be necessary to provide for the enforcement of this article. Such site plan shall indicate the detailed legal description of the property as it appears of record. In the case of unplat-

ted land or parcels conveyed by metes and bounds, the site plan, together with sufficient measurements to permit property determination, shall be submitted to the Director of Public Works, who shall certify as to whether the proposal is in conflict with the Official Map.

(2) *Other data required.* The following data shall be a part of, or shall accompany, all plans submitted for approval:

a. The location of streets, alleys, lot lines, and any other buildings on the same lot or property.

b. The name of the owner.

c. The intended use of all rooms.

d. Computations, stress diagrams, and other data necessary to show the correctness of the plans shall accompany the plans and specifications when required by the Building Inspection Superintendent or an authorized agent.

(3) *Foundation specifications.* Information, as necessary, concerning the size and material of the foundations and, if required, the loads to be placed thereon, where piles are to be driven and the spacing, size, and materials of the piles and the load to be placed on each shall accompany the application for a building permit.

(d) *Filing may be waived.* If in the opinion of the Building Inspection Superintendent the character of the work is sufficiently described in the application, the filing of plans may be waived, provided the cost of such work does not exceed $3,000.00.

(e) *Conditions of approval of application.*

(1) *Sanitary sewers.* Where sanitary sewers are not installed or immediately available, no building permit shall be issued by the Building Inspection Superintendent until a plumbing permit for an individual sewage disposal system has been issued in accordance with Section 8-370.

(2) *Right to inspect.* The Building Inspection Superintendent or any Inspector of the Division of Building Inspection may, as a condition of the granting of a building permit, enter any premises for which such permit was issued at any reasonable time during the course of the work and until final inspection and approval thereof has been given to inspect such premises for compliance with all statutory and ordinance regulations concerning the construction, repair, use, and location of such building.

(3) *Buildings covered by State Building Code.*

a. *Approval of plans.* Before a permit is issued for any building listed in subsection (e)(3)b of this section or for the equipment for remodeling any such building, complete plans and specifications, including a site plan showing the position of the building with respect to lot lines, shall be submitted to the State Department of Industry, Labor, and Human Relations for checking and approval. Such plans shall be submitted to the Department in such number as will permit a complete set of approved plans and specifications, together with any correspondence concerning such approval by the Department, to be filed with the Division of Building Inspection.

b. *Types of buildings to be submitted to the Department of Safety and Professional Services.*

1. *30-foot span.* All buildings of a 30-foot span or greater.

2. *Two-story buildings.* All two-story buildings having a floor area at the second floor level greater than 2,000 square feet.
3. *Three-story buildings.* All three-story buildings.
4. *Hospitals, churches, etc.* All hospitals, assembly halls, churches, public garages, places of detention, dormitories, and schools.
5. *Buildings with more than two apartments.* All buildings containing more than two apartments.
6. *Floor area greater than 5,000 square feet.* All one-story buildings having a floor area greater than 5,000 square feet.
7. *Laundries.* All laundries and dry cleaning plants.
8. *Elevators.* All elevator installations, including shaftway construction.
9. *Heating and ventilation.* All heating and ventilating installations in all buildings, except one-family or two-family residences.
10. *Others.* All other buildings required by state law or administrative regulation to be submitted.

c. *Changes in approved plans.* After plans have been approved for buildings and equipment thereof, no changes shall be permitted unless such changes are approved by the State Department of Safety and Professional Services.

d. *Inspection of buildings covered by State Building Code.* The Division of Building Inspection or its authorized agent shall make inspections and require such changes as will be necessary for buildings and their equipment to conform with the approved plans, or the approved changes in such approved plans, which have been filed in their office.

(f) *Specifications shall be in detail.* All specifications in which general expressions are used to the effect that work shall be done "in accordance with the Building Code" or "to the satisfaction of the Building Inspection Superintendent" shall be deemed imperfect and incomplete; and every reference to the Building Code shall be to the section or subsection applicable.

(g) *Permit fees.*

(1) Fees for building permits issued under this section shall be as established by resolution of the Common Council.

(2) If an application for a building permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.

(h) *Issuing of building permit.*

(1) *When to be issued.* If the application, plans, and specifications conform to the requirements of this article and to all other laws or ordinances applicable thereto, the Building Inspection Superintendent or an authorized agent shall, upon receipt of the required fee, issue a building permit for such work in the name of the owner and shall sign, date, and endorse in writing or by rubber stamp both sets of plans and specifications as "approved."

(2) *Who shall have plans and specifications.* One such approved set of plans and specifications shall be retained by the Division of Building Inspection and one shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work authorized

thereby is completed and shall be available for inspection by any public official. Such approved plans and specifications shall not be altered without written permission from the Building Inspection Superintendent or an authorized agent.

(3) *Evidence of permit.* With every permit issued, the Building Inspection Superintendent or an authorized agent shall issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. The permit holder shall place such card in a conspicuous place on the site of such authorized work, the card to be unobstructed from the public view and available for Inspectors to mark.

(4) *Lapse.* A building permit shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof and completed or resumed within one year from the date thereof. If further construction is necessary after one year, the permit holder shall make written application in duplicate to the Building Inspection Superintendent, stating the reasons for the request for an extension, at least 90 days prior to the expiration of the building permit. Upon receipt of the written application, the Building Inspection Superintendent shall furnish recommendations for approval or rejection to the Protection and Policy Committee for action and recommendation to the Council. A renewal permit shall be issued only by action and authority of the Council.

(5) *Revocation.*

a. If the Building Inspection Superintendent or any Inspector of the Division of Building Inspection finds at any time that the ordinances, laws, orders, plans, and specifications herein are not being complied with, the building permit shall be revoked by written notice served on the general contractor, or on the person in charge of that phase of work in which the error or violation has occurred, and upon the owner. Such service shall be either personal or by mailing a copy of such notice to the address of such person as known to the Building Inspection Superintendent; and there shall likewise be posted a copy of such notice at the work site. When any such permit is revoked, no person shall do any further work upon such building until a new permit is issued, excepting such work as the Building Inspection Superintendent or any Inspector of the Division of Building Inspection may authorize as reasonably necessary to protect work already done on the job, existing property adjoining property, and the public.

b. The holder of such revoked permit shall, upon request, be granted a hearing before the Building Inspection Superintendent who shall provide procedures by which to hear any such appeal.

(6) *Violations and errors not excused by issuance.* The issuance of a permit or the approval of plans and specifications shall not be deemed or construed to be permission for or approval of any violation of any provision of this article. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this article shall be valid except insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications, or execution of the work, the Building Inspector Superintendent or an authorized agent may require the correction of such errors and may rescind the permit and prevent building operations from being further carried on thereunder when in violation of this article or of any other City ordinances.

(7) *Preliminary foundation permit may be issued.* Whenever any person has applied for a building permit and all of the provisions of this section have been complied with, particularly with respect to review and approval of the site plan and other necessary conditions of approval as set forth in subsection (e) of this section, the Building Inspector may issue a preliminary foundation permit allowing the permittee to construct the foundation of any building for which a permit is sought. Thereafter, the Building Inspector may issue the final permit upon approval of plans and specifications for the remaining portion of the building to be constructed above the foundation. Nothing contained herein shall require the Building Inspector to issue the final permit unless the plans and specifications for the remainder of the building to be constructed above the foundation are in proper order and approved. Such preliminary foundation permit shall not be issued by the Building Inspector unless all necessary information provided hereunder has been reviewed and approved by the appropriate City departments and the only information remaining to be approved is the computation, stress diagrams, and other data necessary to show the correctness of the plans for that portion of the building to be constructed above the foundation.

(Code 1984, § 15.05; Ord. No. 81-93)

Secs. 8-48—8-67. Reserved.

DIVISION 3. ENFORCEMENT

Sec. 8-68. Cash deposit guaranteeing compliance.

(a) *Required.* Upon issuance of a building permit, except for minor alterations, a refundable cash deposit of $100.00 shall be posted with the City Treasurer by the owner. In lieu of a $100.00 cash deposit for each building permit, the owner may provide a cash deposit of $100.00 covering all permits issued to them. Such deposit shall be maintained at $100.00, and the Building Inspection Superintendent shall not issue additional permits if the deposit is not maintained at $100.00 and any deficit incurred in correcting violations reimbursed to the City. Such deposit shall be refunded when the owner no longer has any active permits. The deposit shall constitute an agreement on the part of the owner to assume responsibility for compliance with this article on behalf of all persons directly or indirectly employed in the work for which the permit was secured.

(b) *Compliance may be accomplished by City.* If any authorized deputy of the Director of Public Works determines that a violation of this article exists, written notice shall be given to the foreman on the site and to the owner ordering compliance within not less than four hours nor more than 48 hours. If compliance has not been accomplished upon expiration of this order, the City may undertake to correct the violation, with all costs being deducted from the cash deposit posted by the owner. If the cost to the City of correcting a violation exceeds $100.00, the remainder shall be charged to the owner in the form of a special assessment on the property.

(c) *Owner responsible for expenses.* An owner that transfers title to the property prior to payment of all charges for the correction of violations of this article shall remain responsible for such corrections, and no further permits shall be issued until such payment is made.

(d) *Disputes over compliance orders.* If compliance under this section is accomplished by the City and the owner disputes the compliance order, the dispute shall be settled by arbitration. Such arbitration shall be before one disinterested arbitrator if one can be agreed upon or otherwise before three disinterested arbitrators—one named by the City, one named by the owner, and one named by the two thus chosen.

(e) *Cash deposit refunded.* Upon issuance of a certificate of occupancy, the cash deposit shall be returned, less any deductions made for the correction of violations by the City.

(f) *General penalty not excluded.* No portion or provision of this section shall prevent the City from invoking the general penalty of Section 8-69.
(Code 1984, § 15.10)

Sec. 8-69. General penalty.

Any person who shall violate any provision of this article or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in Section 1-6; except that the minimum penalty for each offense shall be $25.00.
(Code 1984, § 15.11)

Sec. 8-70. Unsafe buildings; razing or repair.

(a) *Order to raze.* The Building Inspection Superintendent or any Inspector of the Building Inspection Division may order the owner of the premises upon which is located within the City any building or part thereof which, in such official's judgment, is so old or dilapidated or has become so out of repair as to be unsafe, unsanitary, or otherwise unfit for occupancy, use, or human habitation as to be unreasonable to repair the same, to raze and remove such building, or part thereof; or if it can be made safe by repairs, to repair it and make it safe and sanitary or raze and remove it at the owner's option; or, where there has been a cessation of normal construction of any building or structure for more than two years, to raze and remove such building or part thereof. The order shall specify a time within which the owner shall comply therewith and shall specify repairs, if any. It shall be served as provided by Wis. Stats. § 66.0413.

(b) *Failure to comply with order.*

(1) If the owner fails or refuses to comply within the time prescribed, the Building Inspection Superintendent shall cause such building, or part thereof, either to be razed and removed as provided by Wis. Stats. § 66.0413, through any available public agency or by contract or arrangement with private persons, or to be closed if unfit for human habitation, occupancy, or use.

(2) The cost of such razing and removal or closing shall be charged against the real estate and shall be assessed and collected as a special tax. When any building has been ordered razed and removed, the Building Inspection Superintendent, under such contract or arrangement, may sell the salvage and valuable material at the highest price obtainable. The proceeds of such sale, after deducting the expense of such razing and removal, shall be promptly remitted to the Circuit Court with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to the order of the Court. If there remains no surplus to be turned over to the Court, the report shall so state.

(3) If the Building Inspection Superintendent or an authorized agent posts a placard stating: "THIS BUILDING CANNOT BE USED FOR HUMAN HABITATION, OCCUPANCY, OR USE" on any premises, such official shall prohibit the use of such building for human habitation, occupancy, or use until the necessary repairs have been made. Any person who rents, leases, or occupies a building which has been condemned for human habitation, occupancy, or use shall be liable to a forfeiture of not less than $5.00 nor more than $500.00 for each week of such violation. Any person receiving notice as herein provided who fails or neglects to comply with the directions therein contained shall be subject to the penalties set forth in this article.

(Code 1984, § 15.12; Ord. No. 39-92)

Secs. 8-71—8-98. Reserved.

DIVISION 4. INSPECTION

Sec. 8-99. Structural portions to be inspected.

No structural portion of any part of any building or structure not supervised by an architect or professional engineer or their authorized representatives, and no reinforced steel, structural framework of iron or steel, brick, concrete block, frame, or any other materials used in the structural part of any building shall be covered or concealed in any manner without first securing the approval of the Building Inspection Division. The Building Inspection Division shall be notified at least one working day prior to such time as the work is to be inspected.

(Code 1984, § 15.15)

Sec. 8-100. Successive inspections to be made.

No work shall be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the Building Inspection Division. Upon notification by the permit holder or an agent of the completion of each of the respective steps in construction, the Building Inspection Superintendent or an authorized agent shall make the following successive inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or an agent wherein the same fails to comply with the law:

(1) *Inspection of poured and block foundations.* The Inspector shall be notified when forms for footings are in and ready to be poured. Forms for footings shall be framed with a minimum depth of six-inch framing members. The Inspector shall be notified when footings are in and concrete for walls is ready to be placed. Re-inspection shall be called for to inspect tile, stone, and dam-proofing. Block foundations shall be checked after walls are up and stone, tile, and dam-proofing have been installed.

(2) *Inspection of the structure.* Inspection shall be made after the roof is in place; all framing, fireblocking, and bracing are in place; and all pipes, chimneys, and vents are completed.

(3) *Final inspection.* Inspection shall be made after the building is completed and ready for occupancy.

(4) *Certificate of occupancy.* The Building Inspection Superintendent, Plumbing Supervisor, Heating Inspector, Electrical Inspector, Engineering Department agents, and Fire Department Prevention Bureau shall each make a final inspection of all new buildings, additions, and

alterations. If no violation of this article or any other ordinance, law, or order is found and if there is a sewer connected to the public system or a system approved by ordinance, along with compliance with the City Air Pollution, Building, Electrical, Heating, Plumbing, Rat Control, and Fire Prevention ordinances, connection with adequate water supply and access to the premises by a graded and graveled public road, the Building Inspection Superintendent shall issue a certificate of occupancy, stating the purpose for which the building is to be used and the maximum load and maximum number of persons that may be accommodated on each floor thereof. No building or part thereof shall be occupied until such certificate has been issued, except with the written consent of the Building Inspection Superintendent, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy. In no case shall a certificate of occupancy be issued until complete compliance with the conditions stipulated on the site plan have been met, except such certificate may be issued prior to complete compliance providing a cash bond in an amount equal to the cost of site plan compliance, stipulated by the Director of Public Works and indicated on the site plan, has been deposited with the City Treasurer. If all conditions have not been met within 60 days after notice by the Building Inspection Superintendent, the Director of Public Works may make the necessary installations as provided in the site plan and charge the same to the cash bond account for that particular building.

(Code 1984, § 15.16; Ord. No. 81-93)

Secs. 8-101—8-128. Reserved.

DIVISION 5. BUILDING SITE REGULATIONS

Sec. 8-129. Excavations.

(a) *Excavation plans to be submitted in advance.* Before commencing with excavation or driving piles for any foundation of any building or structure, a building permit shall be obtained. The application for a building permit shall be filed with the plans and specifications of the building, showing the location of the building or structure, the size and material of the foundation, and, if required, the loads to be placed thereon, where piles are to be driven, the spacing, size, and materials of the piles and the load to be placed on each.

(b) *Guard rails.* Any person making excavations or causing the same to be made shall properly guard them and shall so protect them that the adjoining soil shall not cave in. No one shall excavate so as to injure any adjoining soil, ground, or building. Wherever such excavations are made within ten feet of any sidewalk, street, or alley, guard rails and warning lights and signs determined to be proper by the Building Inspection Superintendent or an authorized agent shall be installed and maintained. The Building Inspection Superintendent or an authorized agent may require guard rails around such other excavations as such official believes the protection of the public requires.
(Code 1984, § 15.20)

Sec. 8-130. Abandoned or water-filled excavations.

(a) *Open basements.* Any open basement or basement excavation not worked for a continuous period of 60 days after the commencement of building or razing shall constitute a nuisance; and the owner or contractor shall, within 48 hours after written notice by the Building Inspection Division, cause such basement or basement excavation to be properly filled and leveled off to the original grade.

(b) *Fill and debris.* Fill and debris on land or lots which is not leveled off or removed within 30 days after deposit of same, thus causing a public nuisance or rodent harborage or preventing noxious weeds from being cut, shall be notified as provided in subsection (a) of this section.

(c) *Water-filled excavations.* Any open basement or basement excavation in which one foot or more of water is permitted to stand shall constitute a nuisance and the owner shall, within 48 hours after written notice by the Building Inspection Division, cause the excavation or basement to be pumped dry.

(d) *Publication of notice.* If the address of the owner or contractor cannot be ascertained with reasonable diligence, then the 48-hour period provided in subsections (a) through (c) of this section shall commence to run at the beginning of the day following two successive publications of the notice in the official newspaper.

(e) *Failure to comply.* Failure to comply with a notice of the Building Inspection Division shall be cause to have the work done and the cost thereof charged back to the property or property owner.
(Code 1984, § 15.21)

Sec. 8-131. Littering and damage to property.

(a) *General provisions.* No person engaged in work for which a building permit has been issued shall cause, maintain, or permit the littering of any public or private property with mud, dust, brush, stumps, tree limbs, construction, or other types of debris; nor shall such person cause damage to any public street, sidewalk, alley, curb, gutter, sewerage system, or property.

(b) *Littering at razing or removal site.* No person shall leave litter, building debris, excavations, or ground piles on property on which a building is being razed or from which a building has been moved. If work is not being done in a satisfactory manner or is not progressing, thus causing a public safety hazard and nuisance, the Building Inspection Division shall, after a written notice specifying a definite period within which persons concerned shall clean up the property and level off the ground to the adjoining level, the City shall cause such work to be done; and the cost thereof shall be borne by the property or the property owner.
(Code 1984, § 15.22)

Sec. 8-132. Lot corners.

(a) *To be monumented.* Prior to issuance of a building permit, all lot corners of the property upon which any building or structure is to be located shall be monumented by a registered land surveyor. These monuments shall be marked by wooden guard stakes.

(b) *Monuments to be maintained.* The lot corner monuments and guard stakes shall be maintained and kept readily visible until the footings have been inspected and approved by the Building Inspection Superintendent or an authorized agent according to Section 8-100.
(Code 1984, § 15.24)

Secs. 8-133—8-165. Reserved.

DIVISION 6. BUILDING CONSTRUCTION REGULATIONS

Sec. 8-166. Minimum building elevations.

(a) The first habitable floor of any building or structure shall not be constructed below elevation 103.0, City datum.

(b) Basements not designed for permanent habitation that are adequately floodproofed, as determined by the Engineering Division, Department of Public Works, may be permitted at a lower elevation if certified by a registered engineer.

(c) Uses requiring floodproofing measures, such as the following, shall be designed consistent with the flood protection elevation (103.0, City datum). The Building Inspection Superintendent shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with flood protection elevation. Floodproofing measures, as necessary, shall include, but are not limited to, the following:

(1) Installation of water-tight doors, bulkheads, and shutters.

(2) Reinforcement of walls to resist water pressure.

(3) Use of paint, membrane, or mortar to reduce seepage of water through walls.

(4) Construction of water supply and waste treatment systems to prevent the entrance of floodwaters.

(5) Pumping facilities for subsurface drainage systems for buildings, to receive external foundation wall and basement floor pressures.

(6) Construction to resist rupture or collapse caused by water pressure or floating debris.

(7) Installation of cutoff (backwater) valves on sewer lines or elimination of gravity flow basement drains.

(8) Anchorage to resist flotation and lateral movement.

(9) Addition of mass or weights to structures to resist flotation.

(10) Installation of pumps to lower water levels in structures.

(d) Accessory uses such as parking lots, yards, and other similar land or open land uses may be permitted below elevation 103.0.

(e) Fill shall be placed around buildings and structures to elevation 102.0 and shall extend at such elevation at least 15 feet in each direction from the structure thereon. Fill material shall be stabilized in a manner recommended by the U.S. Soil Conservation Service and protected against erosion.
(Code 1984, § 15.25)

Sec. 8-167. Exit requirements for one- and two-family residences.

Each apartment and each story of each one-, 1 1/2-, and two-story building shall have two exits in accordance with the following minimum requirements:

(1) *Type of exits.*

a. *First floor exits.* All first floor exits shall consist of doorways, platforms, and steps with handrails and railings, where required by this article, terminating at the outside grade.

b. *Second floor exits.*

1. *Principal exit.* The first or principal exit shall consist of a stairway between the first and second floor when both floors are part of the same dwelling unit. When the first and second floors are used as separate dwelling units, the stairway shall be enclosed in a one-hour fire-resistive enclosure or shall be located on the outside of the building.

2. *Second exit.* The second exit from a second floor apartment shall consist of a doorway to the outside of the building and a platform not less than three feet by five feet located not more than ten feet from the outside grade. The platform shall have railings on the open sides not less than 42 inches high, measuring vertically from the top of the platform to the top of the railing, with intermediate vertical or horizontal railings, the distance between which shall not exceed 11 inches center to center.

(2) *Location of exits.* Exits shall be so arranged that, in emergency, when one exit is blocked, the other will still be accessible.

(3) *Exit doors.*

a. Exit doors shall have a minimum width of two feet, eight inches and a minimum height of six feet, eight inches. Exit doors which serve more than one dwelling unit shall have a minimum width of three feet.

b. Exit doors shall have such hardware or fastenings that they can be opened at all times from the inside without the use of a key.

(Code 1984, § 15.26)

Sec. 8-168. Stairways, platforms, and handrails; exemptions.

(a) *For exits.* Stairways and platforms forming a part of the exits required by this article shall have a minimum width of three feet, and platforms shall have a minimum width of three feet in the direction of travel.

(b) *Handrails.* All stairways and steps of more than three risers shall have one handrail located on the left-hand side as one ascends and one on the open side, if any. Stairways and steps five feet or more in width shall have handrails on both sides. Handrails shall not be less than 28 inches nor more than 32 inches above the run of the stairs measured vertically from the top front edge of the tread to the top of the handrail, except railings around the open sides of stairwells and platforms shall not be less than 36 inches high measured vertically from the top of the platform to the top of the rails.

(c) *Risers and treads.* All stairways and steps required as exits by this article shall have a uniform rise of not more than 7 3/4 inches and a uniform tread of not less than 9 1/4 inches measuring from tread to tread and riser to riser. Winders may not be used unless the tread measures 7 1/2 inches wide at a point one inch from the narrow end of the tread. Stairways and steps not required by this article as part of the exits shall have a uniform rise of not more than eight inches and a uniform tread of not less than nine inches.

(d) *Exemptions.* Any handrail or guardrail required for any stairway or platform shall comply with the code provision in effect as of the date of the original construction and shall be grandfathered. Any repair being made to any stairway or platform requiring any handrail or guardrail, and the repair is greater than 50 percent of the value of the stairway or platform, shall be required to comply with any current code provision and shall not be grandfathered.
(Code 1984, § 15.27; Ord. No. 28-09)

Sec. 8-169. Buildings, masonry construction, not governed by the Wisconsin Administrative Code.

(a) *Building brick.* Clay, concrete brick, and hollow clay tile shall meet the requirements of Wis. Admin. Code § IND 53.331.

(b) *Materials to be of good quality.* Materials shall be of good quality for the purpose intended, shall conform to the trade and manufacturer's standards, and shall be free from imperfections which impair strength and durability.

(c) *Mortar.*

(1) *General.* Mortar shall comply with Wis. Admin. Code § IND 53.312. Type M cement mortar shall be used for all masonry which will have one or more faces in contact with soil. Type M, S, or N mortar shall be used for all masonry in insolubilized piers, parapet walls, chimneys where exposed to the weather, and all hollow masonry units. All other masonry may be laid in Type M, S, N, O, or K mortar.

(2) *Mortar proportions by volume.*

Mortar Proportions by Volume

Mortar Type	*Parts by Volume of Portland Cement or Portland Furnace Slag Cement*	*Parts by Volume of Masonry Cement*	*Parts by Volume of Hydrated Lime or Lime Putty*	*Aggregate Measured in a Damp, Loose Condition*
M	1 1	1 (Type 2) —	— 1/4	Not less than 2¼ and not more than three times the sum of the volume of the cements and limes used
S	1/2 1	1 (Type 2) —	— Over 1/4 to 1/2	
N	— 1	1 (Type 2) —	— Over 1/2 to 1 1/4	
O	— 1	1 (Type 2) —	— Over 1 1/4 to 2 1/2	
K	1	—	Over 2 1/2 to 4	

(d) *Brick.*

(1) *General.* Brick shall be hard and well-burnt. Old brick shall be thoroughly cleaned before re-use. No soft brick shall be used where exposed to the ground.

(2) *Wall tiles.* Masonry veneer on frame structures shall be fully anchored to the structures with corrosion-resistant ties. The vertical distance between ties shall not exceed 18 inches and the horizontal distance shall not exceed 32 inches; ties in alternate courses shall be staggered.

(e) *Hollow tile.* Hollow tile for bearing walls shall comply with the provisions of the State Building Code. Where brick facing is considered part of the required thickness of a tile wall, it shall be bonded to the tile backing with header courses every sixth course.

(f) *Joists.* Where joists enter the brick work, they shall be out on a splay not less than three inches so as not to disturb the brick work by any deflection or breaking. Where joists are placed in a party wall or division wall, there shall be at least four inches of solid brick work between the ends.

(g) *Concrete block and tile to be branded.* Concrete block and tile for masonry bearing walls and piers shall be approved by the Building Inspection Superintendent or an authorized agent and shall meet the following requirements:

(1) Each block shall bear a permanent brand mark identifying the manufacturer of the block.

(2) A copy of such mark shall be on file in the office of the Division of Building Inspection.

(h) *Testing before approval.*

(1) *To be done by recognized laboratory.* Before approval of any manufacturer's product, compression and absorption tests on samples selected by the Building Inspection Superintendent or an authorized agent shall be made at the manufacturer's expense by a laboratory of recognized standing.

(2) *Five samples to be tested.* At least five samples of each unit tested for compressive strength or absorption shall be selected so as to represent as nearly as possible the average quality of the manufacturing product.

(i) *Specifications.*

(1) *Compressive strength—Hollow and two-piece units.* The ultimate compressive strength of hollow and two-piece units at 28 days shall average 1,000 pounds per square inch of the gross cross-sectional area of the unit as used in the wall. The cross-sectional area of a hollow building unit shall be the product of the length times the width of the unit. The gross cross-sectional area of a two-piece concrete building unit shall be one-half of the product of the length of the unit times the width of the wall for which the unit is intended.

(2) *Compressive strength—Solid units.* The ultimate compressive strength of solid brick building units at 28 days shall average not less than 1,200 pounds per square inch of the cross-sectional area of the unit as used in the wall.

(3) *Water absorption.* The average amount of water absorbed in 48 hours by three units 28 days old shall not exceed $12^{1}/_{2}$ pounds per cubic foot of concrete (actual volume) contained in any block.

(j) *Concrete blocks to comply with City's specifications.* If in doubt, the Building Inspection Superintendent or an authorized agent may at any time seal for testing three blocks. The owner or an agent shall have the blocks tested by a recognized laboratory. If the blocks meet the City's specifications, the City shall pay for the test.

(k) *Blocks manufactured in City.* At least annually, the Building Inspection Superintendent or an authorized agent shall seal for testing five blocks from each manufacturer manufacturing blocks within the City. A copy of the test sheets shall be forwarded to the office of the Division of Building Inspection to be kept as a permanent record.

(l) *Footings.* All footings used as bearing supports for beams shall be not less than eight inches thick and 24 inches by 24 inches framed square to their full depth, to be increased if deemed necessary according to the bearing value of the soil. Chimney footings shall be not less than 36 inches by 36 inches by eight inches thick for masonry chimneys. Fireplace footings shall be at least eight inches thick or more than eight inches wider than the fireplace walls.

(m) *Concrete.*

(1) *Poured concrete.* Concrete shall be mixed in a proportion of not less than five bags of cement per cubic yard of concrete with one-inch and 1 1/2-inch maximum size aggregate that will produce a minimum strength of 3,000 P.S.I. Fly ash may be used when mixed and placed on location according to manufacturing specifications as to slump, particular use of concrete on the job site and proper placement of concrete. No water shall be added on the job unless authorized by the manufacturer, architect, or engineer or by personnel of the Division of Building Inspection.

(2) *Cast-in-place concrete.*

a. Concrete shall contain not less than five bags of cement per cubic yard when 1 1/2-inch maximum size aggregate is used. Concrete shall contain not less than 5 1/2 bags cement when three-quarters-inch maximum size aggregate is used. All concrete shall produce a minimum compressive strength of 3,000 P.S.I. at 28 days under field curing conditions.

b. Fly ash may be substituted for one-half bag of cement per cubic yard of concrete under the following conditions: a ready-mix concrete company may qualify a fly ash mix as equivalent to a straight cement mix by submitting a proposed mix design which includes a minimum of 4 1/2 bags cement with 1 1/2-inch maximum size aggregate and five bags with three-quarters-inch maximum size aggregate, with all test results to the office of the Division of Building Inspection for approval. If the mix design is approved in writing as equivalent to a five-bag or 5 1/2-bag Portland cement mix, such ready-mix concrete company may ship such concrete by marking its tickets with the symbol "5E" or "5 1/2E." All mixes of straight cement concrete or fly ash concrete shall produce a minimum strength of 3,000 P.S.I. at 28 days with field curing conditions. The average strength of cylinders shall be approximately 3,500 P.S.I. to meet the minimum requirements of 3,000 P.S.I.

c. All concrete shall be placed with a maximum slump of five plus one-inch tolerance. All concrete shall contain entrained air within the range of four to seven percent.

d. No water shall be added on the job unless authorized by the manufacturer, architect, or engineer, or by personnel of the Division of Building Inspection.

e. Fly ash shall not be used in concrete if the temperature does not remain above 45 degrees Fahrenheit.

(n) *Basement floors.* All cement floors in basements shall be at least 3 1/2 inches thick, including top dressing, and shall be laid so every part thereof drains to the sewer connections.
(Code 1984, § 15.28)

Sec. 8-170. Residences for one or two families.

(a) *Foundations and footings.*

(1) Footings for masonry walls shall be of ample width and thickness to carry the loads expected to be placed thereon. Footings shall be level within one inch and placed below frost penetrations on firm, undisturbed soil of adequate load-bearing capacity. At no place shall the vertical distance between the grade to the bottom of the footing be less than four inches.

(2) a. Footings shall be twice as wide as the thickness of the walls which bear on them, and the thickness of the footings shall be the same as the thickness of the walls which bear on them. Regardless of wall size, no footing shall be framed smaller than 16 inches wide and eight inches thick.

b. Examples:

1. Eight-inch walls shall have footings 16 inches wide and eight inches thick.
2. Ten-inch walls shall have footings 24 inches wide and ten inches thick.
3. 12-inch walls shall have footings 24 inches wide and 12 inches thick.
4. Six-inch poured center walls shall have footings six inches wide and 18 inches thick.

(3) Masonry foundation walls under frame buildings.

a. Concrete masonry foundation walls under frame wall construction may be eight inches wide when they do not extend more than four feet into the ground. Dwellings of one and 1 1/2 stories with walls of brick veneer on frame may be ten inches wide when they do not extend more than six feet into the ground. All other foundation walls under frame with masonry more than one story high shall be 12 inches wide. Metal reinforcing shall be installed every third course of block, starting with the second course.

MASONRY FOUNDATION WALLS UNDER FRAME BUILDINGS

Type of Building	*Concrete Block*	*Monolithic Concrete*
Frame, not more than 4 feet in ground	8"	6"
Frame, wood siding or stucco, 1, 1 1/2, or two story	10"	8"
Frame, brick veneer, 1, 1 1/2, or two story with brick one story high	10"	10"
Frame, brick veneer full two stories	12"	10"

Type of Building	*Concrete Block*	*Monolithic Concrete*
8" masonry walls, two stories	12"	10"
12" masonry walls, two stories	12"	12"
Center wall in lieu of beam	8"	6"

b. The exterior of block foundation walls shall be parged with one-half-inch cement mortar and shall be waterproofed with an approved bituminous material. Poured concrete foundation walls shall be bituminous coated.

(b) *Drain tile.* Drain tile shall be installed around the outsides of all footings of a basement. Two inches of stone fill shall be placed under the tile and an eight-inch cover of stone fill shall be placed over the tile. Tile and stone shall be placed after walls have been erected. There shall be a minimum of two bleeder tiles through the footings directly opposite each other and properly connected with drain tile leading to a sump pit. No floor drains shall empty into drain tile. Tile may be installed before walls are erected, provided adequate stone cover is provided to protect the tile from shifting during wall construction.

(c) *Spacing requirements.*

(1) The horizontal distance between cross walls, piers, or buttresses and the vertical distance between floors or floor and roof shall not exceed the following:

a. Eight-inch walls: 12 feet.

b. Ten-inch walls: 15 feet.

c. 12-inch walls: 18 feet.

(2) In lieu of cross walls, piers, or buttresses, two half-inch diameter rods, placed in separate cells from the top of the wall to the top of the footing and filled with concrete and placed with the same spacing as pilasters, may be used.

(d) *Crawl space.* Crawl spaces shall have a minimum two-foot clearance from the ground to the floor joist structure. The ground surface shall be covered with a vapor barrier on top of sand or gravel or with a 1 1/2-inch layer of concrete. An adequate access opening shall be provided to the area with a minimum size of 24 inches by 32 inches. The access panel, if provided, shall be vented or supply two eight inches by 16 inches vents to the outside. All debris and foreign material shall be removed from the crawl space.

(e) *Poured concrete.*

(1) *Rods and cross walls or pilasters required.* Concrete walls shall have cross walls or pilasters of not more than 30 feet on center for eight-inch walls or more than 40 feet on center for ten-inch walls. Walls shall have two rods of a minimum of one-half inch in diameter placed on the center wall tie; one extra rod shall be inserted at an angle at each corner of each basement window. Rods shall lap a minimum of 18 inches, including corners. Rods shall be installed with a minimum spacing of two inches from the outside face of a concrete wall and a minimum of 1 1/2 inches from the inside face of such wall. Rods shall be installed around the entire basement.

(2) *Porch and garage additions.* Porch and garage additions to basement walls shall be tied with a minimum of two half-inch diameter rods with a maximum spacing of 16 inches on center.

Any connecting additions such as porches, patios, or garage walls with a space of over four feet measuring horizontally shall have tie rods and a pier for support run down to a footing.

(3) *Maximum slump.* Concrete shall be placed with a maximum slump of six inches.

(4) *Poured and masonry walls.*

a. Poured and masonry walls shall have rods or bolts for fastening sill plates eight feet on center starting with a minimum of two feet from the outside corners. In masonry walls, one-half-inch bolts with two-inch washers or the equivalent shall be embedded not less than eight inches and fully grouted. One-half inch bolts shall be embedded in concrete walls to not less than six inches in depth. In lieu of one-half-inch bolts, one-half-inch or three-eighths-inch metal reinforcing rods may be inserted, provided the height above the wall is sufficient to enable bending of such rod to fasten plates securely.

b. All wood shall be separated from masonry to concrete by sill seal, flashing, caulking, or other vapor barrier approved by the Building Inspection Division.

(5) *Flashing.* Flashing shall be installed between porch or entrance slabs and any wood construction. Slabs shall be anchored to or supported at the foundation wall by anchors, piers, or corbels built with the wall. The outer edge of slabs shall be supported on a foundation wall or a grade beam and piers if the soil under the slab is fill or is susceptible to frost action. Slabs with spans exceeding three feet, six inches shall be reinforced. The surface of the slab shall be sloped to drain away from foundation.

(6) *All other buildings not residential.* All other buildings not residential shall comply with Wis. Admin. Code Ch. IND 53.

(Code 1984, § 15.29)

Sec. 8-171. Wood materials.

Lumber used in the construction of buildings and structures not covered by the State Building Code shall meet the following minimum specifications:

(1) Softwood lumber.

a. All softwood lumber shall meet all grading requirements of the association recognized in the trade as covering the species and under whose grading rules it was produced and shall be clearly stamped or marked with the grade mark prescribed by the association under whose grading rules it was produced, provided this requirement shall not apply to millwork or to interior finish.

b. The term "softwood," as used herein, shall include Douglas Fir, White Fir, Cypress, Western Larch, West Coast Hemlock, California Redwood, Cedar, Eastern Hemlock, Tamarack, Spruce, Southern Yellow Pine, Ponderosa Pine, Sugar Pine, Idaho White Pine, Northern White Pine, and Norway Pine.

(2) All framing lumber shall be standard grade or better, or No. 2 or better, depending upon the grading association under which it has been graded. The methods of assembly and fastening shall not exceed the stresses assigned to the grade and species used.

(3) All board lumber for subflooring, sheathing, roof boarding, shingle lath, etc., shall be No. 3 common or better, provided board lumber of No. 4 common grade, for woods comparable to No. 3 common grade in other softwoods, will be acceptable, including such woods as White Fir, Englemann Spruce, Eastern Spruce, Ponderosa Pine, Sugar Pine, Idaho White Pine, Northern White Pine, and Eastern Hemlock.

(4) All lumber shall be dry and well-seasoned and shall have a moisture content of 20 percent or less.

(5) Maximum spans for all wood floor joists, rafters, and ceiling joists shall be those listed in the tables in Section 15.31, Green Bay Municipal Code. Spans for species not included in the tables shall be determined on the same basis.

a. Working stresses for species shall be the same as set forth in Wis. Admin. Code § IND 53.61.

b. Spans are figured on a maximum deflection of 1/360 of the span for floor joists and ceiling joists and by the extreme fibre in bending where deflection is not objectionable. The maximum span for floor joists and ceiling joists shall not exceed the modules of elasticity for the given species and required loading conditions.

c. All floors, ceilings, and roofs shall be designed to meet the following loading conditions:

1. Floor joists limited by deflection:
   (i) Dead load - weight of joist - double thickness of flooring, five pounds per square foot - weight of plastered ceiling ignored.
   (ii) Live load - 40 pounds per square foot with plastered ceiling.
2. Ceiling joists (no storage) to be used where access to area above ceiling is the 22 1/2-inch by 24-inch standard scuttle hold:
   (i) Dead load - weight of joists - plastered ceiling, ten pounds per square foot.
   (ii) Live load - none.
3. Ceiling joists (limited attic storage) to be used where access to area above ceiling is by a disappearing stairway or scuttle hole larger than 22 1/2 inches by 24 inches and the area is not intended to be used for future residential expansion:
   (i) Dead load - weight of joists - weight of lath and plaster ceiling, ten pounds per square foot - single thickness of flooring, 2 1/2 pounds per square foot.
   (ii) Live load - ten pounds per square foot.
4. Rafters with a roof slope of over three inches in 12 inches (for rafters which slope less than three inches in 12 inches, use spans for floor joists):
   (i) Dead load - weight of joists - weight of sheathing, 2 1/2 pounds per square foot - weight of roof covering (Group I), 2 1/2 pounds per square foot.
   (ii) Where Group II roof covering is used, spans shall be adjusted accordingly.

(Code 1984, § 15.30)

Sec. 8-172. Wood trusses.

(a) *Design to be submitted.* When application is made for a building permit, truss and trussed rafter shop drawings complying with the requirements of subsection (b) of this section shall be submitted to the Division of Building Inspection or referenced on the plans by span, pitch, and sheet number to a manufacturer's design manual.

(b) *Requirements for wood trusses.* Truss units shall meet the following requirements:

(1) Truss units shall be designed by a registered professional engineer licensed to practice in the State of Wisconsin.

(2) The design of lumber and connections shall be in accordance with the latest edition of National Design Specifications for Street Graded Lumber and Its Fastenings, as recommended by the National Lumber Manufacturers Association, or with the latest edition of Design Specifications for Light Metal Plate Connected Wood Trusses, as recommended by the Truss Plate Institute.

(3) Design loads shall be as set forth in the State Building Code, with unit stress decreases or increases as permitted by the specifications noted in subsection (b)(2) of this section.

(4) Shop drawings shall show engineering and fabrication data as to span, pitch, loading, and connection devices.

(c) *Test data and acceptance to be on file.* Test data by a recognized testing laboratory on truss units and connection devices, along with acceptance by state or national associations or commissions, shall be on file in the Division of Building Inspection.

(d) *Design restrictions.* Drilling or cutting of holes larger than one-half inch shall not be permitted for letting in of wiring, plumbing, etc. Trusses cut for chimneys, fireplaces, scuttle holes, or plumbing shall have engineered-approved drawings showing the method of reinforcement of same. All variations from regular design such as cantilever or placing of bearings or connections in other than the usual place shall be supplied on top or bottom chart, along with plans for the permit showing engineered drawings of same.

(e) *Design loading.*

(1) Roof: 45 pounds per square inch.

(2) Ceiling: Ten pounds per square inch.

(3) Total: 55 pounds per square inch.

(f) *Load duration factor.* $33^1/_3$ percent increase.
(Code 1984, § 15.32)

Sec. 8-173. Plywood.

(a) *Structural uses.* When used structurally for such uses as siding, roof and wall sheathing, subflooring, diaphragms and built up members, all plywood shall conform to the performance standards for its type of the U.S. Product Standards PS. 1-66 for Softwood Plywood/Construction and Industrial. Each panel or member shall be identified for grade and glue type by the trademarks of an approved testing and grading agency, upon a satisfactory written guarantee from the producing company; however, independent trademarks may be recognized. In addition, all plywood permanently exposed in outdoor applications shall be of exterior type. Materials for structural framing of subfloors and roofs shall be five-ply or three-ply and shall be of interior or exterior type.

(b) *Carpeted floors without subfloors.* For carpeted floors where subfloor is not used, the panels shall be underlayment grade, C-C (Plugged), or any sanded grade of exterior type plywood with a one-half-inch minimum thickness and blocked edges.

(c) *When asphalt-saturated felt paper required.* Asphalt-saturated felt paper shall be used over wood sheathing under brick veneer, on all roof sheathing, and on the undersiding of all garage walls which do not have sheathing on the outside face of studs.

(d) *Particle board.* When used over subflooring, particle board may be used in place of underlayment grade plywood.

(e) *Plywood groups.*

(1) *Group 1.* Douglas Fir 1; Larch Western; Pine, Southern Loblolly, Longleaf, Shortleaf, Slash; Tanoak.

(2) *Group 2.* Cedar, Port Orford; Douglas Fir 2; Fir, California Red, Grand, Noble, Pacific Silver White; Hemlock, Western; Lauan, Red, White; Pine, Western White; Spruce, Sitka.

(3) *Group 3.* Alder, Red; Cedar, Alaska Yellow; Pine, Lodgepole, Ponderosa, Redwood.

(4) *Group 4.* Cedar, Incense, Western Red; Fir, Subalpine; Pine, Sugar; Poplar, Western; Spruce, Engelmann.

(Code 1984, § 15.33)

Sec. 8-174. Floor joists.

(a) *Joists framing into wood girders.* Floor joists which frame into the side of wood girders shall be supported on metal hangers on the side of the girders. Joists shall not be notched over ledger more than one-fourth of joist depth.

(b) *Joists framing into masonry walls.* The ends of floor joists framing into masonry walls shall have not less than four-inch bearing and shall have at least a three-inch bevel or fire cut.

(c) *Metal strip anchors required.* Each fourth joist in wood floor construction framing into masonry walls shall have an approved metal strap anchor applied at the side and near the bottom of the joist and extending into the masonry wall. Such straps shall also be fastened to joists running parallel to a masonry wall at six-foot centers.

(d) *Doubled joists required.* Floor joists shall be doubled under all bearing partitions which run parallel to the floor joists. Doubled joists may be separated and blocked at four-foot intervals where piping or ductwork occurs. Floor joists shall also be doubled around all stairwells and fireplace openings and under bathtubs, showers, and kitchen appliances.

(e) *Doubled headers and trimmers.* Headers and trimmers shall be doubled, except headers four feet or less in length may be of a single thickness if the header is supported in metal joist hangers and is secured by spikes driven through one thickness of the trimmers into the ends of the header and except where headers are 18 inches or less from bearing point, no double joist shall be required.

(f) *Tail joists.* Tail joists six feet or more in length framing into the sides of headers or trimmers shall have the ends supported in metal joist hangers.

(g) *Lapped joists.* The ends of lapped joists shall rest on girders or on bearing partitions and shall be securely nailed to the plat and to each other, with a minimum lap of two inches and a maximum of 12 inches; but all butt joists shall be scabbed with at least a two-foot piece of the same material or with two one-inch-thick boards of equivalent size and securely nailed.

(h) *Bearings.* All joists shall have a minimum bearing of two inches except when supported on a ribbon board and nailed securely to the adjoining stud.

(i) *Floor and flat roof joists.* Floor, including attic floor, and flat roof joists shall be cross-bridged with not less than one inch by three inches bridging at intervals not to exceed seven feet and shall be securely nailed at each end. For two-inch by six-inch joists, solid bridging shall be used. Metal bridging may be used when of the equivalent strength of wood bridging. Instead of double joists, blocking may be installed between second floor joists that run parallel with first floor partitions; such blocking shall be placed every four feet and shall be the full depth of the joist.

(j) *Lateral movement to be prevented.* Joists shall be nailed to wood beams to prevent lateral movement. If steel beams are used, two by four plates shall be fastened to the beam for joist anchorage or spacer blocks shall be placed between joists to prevent lateral movement.

(k) *Cutting of floor joists.* The cutting of floor joists to facilitate the installation of piping and ductwork shall be permitted within the following limitations: The top or bottom edges of joists may be notched in the outer one-quarter of the length, such notch not to exceed one-sixth of the joist depth. Notching the top or bottom edge of joists in the middle half of the length of any joist shall not be permitted. If cutting of a floor joist more than one-sixth of its depth is necessary, a header the full depth of the joist shall be cut in to support the end of the joist.

(l) *Holes for pipes.* Where the location of a pipe necessitates passing such pipe through a joist, a hole shall be drilled to receive the pipe. The diameter of the hole shall not be more than one-half inch greater than the outside diameter of the pipe and in no case greater than $2^1/_2$ inches. The edge of the hole shall not be located nearer than two inches from the top or bottom edge of the joist.

(m) *Overhanging and cantilevered floor joists.* Overhanging and cantilevered floor joists carrying exterior wall and roof loads shall not project more than two inches beyond the bearing and shall extend on the opposite side of the bearing at least twice their cantilevered length. The inside header member carrying such joists shall be doubled.

(n) *Other cantilevered construction.* Cantilevered construction exceeding the above limitations shall be designed in accordance with established engineering practices and shall be approved by the Building Inspection Superintendent.

(o) *Distance from chimney masonry.* All wood floor and roof framing shall be at least two inches from chimney masonry which has a minimum wall thickness of four inches. This space shall be filled with incombustible material at the floor and ceiling levels.

(p) *Ungraded lumber.* Used lumber or lumber not bearing a grade stamp or mark may be used with the approval of the Building Inspection Superintendent upon proof that such lumber is in kind and quality equal to the graded lumber required. All other ungraded lumber shall be given spans equal to White Fir, Eastern Hemlock, or White Spruce.

(q) *Headers in stairwell openings.* Headers in stairwell openings supporting bearing partitions or other heavy, concentrated loads shall have beams with posts or posts set on footings not over six feet on center or shall have wood stud partitions set on solid masonry curbs extending a minimum of three inches above the basement floor.

(r) *Bridging.*

(1) Bridging of not less than one inch by three inches shall be provided as follows:

a. Seven- to 14-foot span: one row.

b. 14- to 20-foot span: two rows.

c. 20- to 24-foot span: three rows.

(2) In lieu of the above, block bridging of the same size as the joist shall be provided.
(Code 1984, § 15.34)

Sec. 8-175. Collar beams.

Collar beams shall be spaced every four feet and shall be not less than one by six or two by four for a span not more than eight feet or not less than two by six for a span of eight feet to 12 feet. For low pitched roofs, vertical two by four legs spaced every four feet and braced from the bottom of the ridge down to the bearing partition may be used in lieu of collar beams.
(Code 1984, § 15.35)

Sec. 8-176. Beams and supports.

(a) *Girders; materials.* Girders may be of structural steel, solid wood, built-up wood, or reinforced concrete.

(b) *Solid or built-up beams.* All joists of solid or built-up wood beams shall be made over pier or column support except in case of laminated wood beams of approved design.

(c) *Bearings.* Every beam shall have a bearing at least one-half the thickness of the wall upon which it rests; but in no case shall such bearing be less than four inches; or beams may be supported at the ends by independent columns. Beams shall rest on metal plates or solid masonry, allowing one-half-inch air spaces on the sides of the beams.

(d) *Girders in residences.* The distances between supports for wood girders are based on a minimum fiber stress of 1,350 pounds. When the allowable fiber stress of the species of wood used is greater than 1,350 pounds, spans shall not exceed those determined by established engineering practice. Columns shall be three-inch standard steel pipe or three-inch adjustable columns bearing directly on the centers of the footings. Columns shall be fastened to beams with screws, bolts, or metal straps or shall be welded. Top plates and bearing plates shall be at least $3^1/_2$ inches by six inches by one-quarter inch.
(Code 1984, § 15.36)

Sec. 8-177. Window and door headers.

The spans are based on allowable fiber stresses in bending as follows: For two by fours, 800 P.S.I.; in depth with 16-foot openings, three two by 12 may be used for headers, using double trimmers under the headers on each end. Garages over 20 feet deep with 16 feet openings shall be reinforced by steel, plywood, lamination of members, or other methods approved by the Building Inspection Division as providing the necessary strength.
(Code 1984, § 15.37)

Sec. 8-178. Outside walls and partitions.

(a) *Fire stops.* Where outside walls and interior partitions are built of wood, they shall be provided with suitable fire stops at each floor, constructed as follows: On outside walls where studs run two stories in height and ledger boards are used, two-inch planks shall be tightly-fitted between each stud and shall be the width of the studding. The same shall be placed on a line with the bottoms of floor joists or ceiling joists. Fire stops shall be provided with single plates on both the top and the bottom, each two inches thick and of the same width as the stud. Joists shall rest directly over studs. Interior studdings that go more than one story in height shall be provided with fire stops the same as those required for exterior walls.

(b) *Walls to provide solid backing.* Wood stud walls shall have corner posts built up with two studs set to receive interior finish. All interior and exterior walls shall provide solid backing.

(c) *Notching headers.* Where plates are removed to install larger headers, the top plate may be notched into the top end of the header no farther from the face of support than the depth of header material. Metal plates or straps may be used in lieu of notching the header.

(d) *Openings in bearing walls.* All window and door openings in bearing walls shall have studs doubled on jambs. The inner stud shall be cut to receive the lintel or header over the opening and shall extend in one piece from the lintel or header to the bearing.

(e) *Composition sheathing.* In all cases where composition sheathing is used, all exterior walls shall have two diagonal one by four braces set into the outside or inside face of the studs at approximately 45 degrees and extending from sill to plate wherever possible. Plyscore sheets of four feet by eight feet may be used on corners in place of corner bracing nailed four inches on center at all edges and six inches on center on intermediate studs.

(f) *Stud spacing.* Studs shall be spaced not less than two inches by four inches and no more than 16 inches on center set the four-inch way, except non-bearing partitions around closets and chimneys may be set the two-inch way, 16 inches on center.

(g) *Ties.* Two-inch by four-inch stay laths or ties shall be nailed across the top of all ceiling joists that exceed ten feet in length and fastened to each end of the building or to the rafter at each end. Trussed roofs may have one-inch by four-inch spacers. Where ceiling joists run the opposite direction of the rafters, a tie shall be provided to the rafters at least every four feet and shall be securely nailed.
(Code 1984, § 15.38)

Sec. 8-179. Scuttle hole.

There shall be a scuttle hole of not less than 22 1/2-inch by 24-inch leading to all attics in residences and to the roofs of all buildings not covered by the State Building Code, located in such convenient place as a hallway or bedroom.
(Code 1984, § 15.39)

Sec. 8-180. Lathing.

When dry wall construction is used, three-eighths-inch dry wall shall be applied on maximum 16-inch centers; one-half-inch dry wall may be applied on two-foot center ceiling joists or trusses.

Ceilings to be plastered that are two-foot center construction shall have a minimum of one-half inch lath applied or furred 16-inch centers with one-inch by three-inch or better for three-eighths-inch lath.
(Code 1984, § 15.40)

Sec. 8-181. Nailing schedule.

(a) Rafter tied to every ceiling joist, 5-16d - 16 inches on center.

(b) Rafter tied to every ceiling joist, 7-16d - 24 inches on center.

(c) Ceiling and floor joists tied at center, 7-16d - 24 inches on center.

(d) Ceiling and floor joists tied at center, 6-16d - 24 inches on center.

(e) Sheathing, six inches on joints, ten inches on intermediate.

(f) Subfloor, five inches on joints, seven inches on intermediate.
(Code 1984, § 15.41)

Sec. 8-182. Fireplaces and chimneys.

(a) *Hearth and fireplace construction.* Regardless of the fuel used, all fireplace hearths shall be built of approved incombustible material no less than six inches thick and extending not less than 12 inches on each side of the fireplace opening and 18 inches in front of the chimney breast. The hearth shall rest upon a brick or concrete arch if built on the first floor of a building. If built on the second floor of a building, where an arch cannot be formed, the hearth shall be carried by framing double joists around the hearth. In no case shall the hearth be less than six inches of either concrete or brick. In no case shall any wood framing be run into the chimney breast. The fire-back and sides of all fireplaces shall not be less than eight-inch solid thickness. The finished course of brick shall be of good quality firebrick or other approved incombustible material. All fireplace flues shall be lined with approved flue lining not less than eight-inch by eight-inch, extending from the throat to the top of the chimney.

(b) *Chimney.*

(1) *Materials.* Chimneys shall be built of brick or other approved fireproof material.

a. Fire clay or terra cotta flue lining.

b. Two-inch minimum clearance for wood trimmers at chimney breast.

c. Chimney four-inch solid masonry where flue liner is used. Eight-inch solid masonry minimum where flue liner is not used.

d. Provide support for flue liner.

e. Parge smoke chamber with fire clay mortar (refractory mortar). Parging shall have one-half-inch minimum thickness. Parging may be omitted if wall thickness is eight-inch solid masonry.

f. Adjustable damper.

g. Lining of fire-brick (may be laid two inches way) shall extend full width of throat and minimum wall thickness shall not be less than eight inches.

(Figure No. 1, Masonry fireplace, is on file in the City Clerk's office.)

(2) *Corbeling.* Flues shall not be corbeled and chimneys shall not be corbeled out more than eight inches from the wall. Corbeling shall consist of at least five courses of brick.

(3) *Residences.* No chimney in a residence shall rest upon or be carried by woodwork, nor shall any wood be built into a chimney or come in contact with a chimney of masonry construction.

(4) *Private garages.* Chimneys in private garages and small out-buildings may rest upon a wood bracket or foundation.

(5) *Portland cement mortar required.* Portland cement mortar shall be used above the roof line.

(6) *Clearance.* There shall be at least one-inch clearance between all headers around a chimney, and no chimney shall be corbeled out to carry any beams or girders.

(7) *Non-metallic chimney.* The walls of every non-metallic chimney shall be at least eight inches thick, provided if a terra cotta, fire clay, concrete, or other approved flue lining is used for the full height of the chimney, the walls shall not be less than four inches thick.

(8) *Metal smokestacks for residential installations.* For gas installations only, approved metal stack installations may be installed in one-story frame buildings in accordance with and approved by the Underwriter's Testing Laboratories' specifications. Single gas unit installations may be installed in $1^1/_2$- and two-story residences, but approval shall first be obtained from the Division of Building Inspection. All prefab stacks and vents shall give the names of the manufacturers and specifications of approval of the Underwriter's Testing Laboratories, which shall be on file in the office of the Division of Building Inspection.

(9) *Van Packer chimney.* Van Packer chimneys may be installed in one-, $1^1/_2$- and two-story frame residences provided the standard jack or bracket, approved by the Van Packer Company and accompanied by a sketch giving the height and weight of the installation, is installed.

(10) *Prefabricated fireplaces and vents.* Prefabricated fireplaces and vents may be installed in one-family residences provided plans and specifications bearing the approval of the Underwriter's Testing Laboratories are on file in the office of the Division of Building Inspection. The Division of Building Inspection reserves the right to reject any or all such installations.

(11) *Flues.* Every chimney shall have a flue not less than seven inches by seven inches or 64 square inches of area, or a flue eight inches in diameter. The cubical contents of the building determine the increase in size of the flue. The heating contractor shall supply to the Division of Building Inspection the information necessary to determine the proper size of the flue.

(12) *Footings for chimneys.* The foundation for a chimney shall be at least 36 inches by 36 inches and eight inches thick. Foundations for fireplaces of masonry construction shall be at least eight inches wider than the outside perimeter of the fireplace wall and not less than eight inches thick.

(13) *Top of chimney.* The top of every chimney shall be at least five feet above the top of the building of which it is a part, if the roof is flat, or at least two feet above the ridge if the roof is pitched. Every chimney shall be provided with a metal clean-out door at its base.

(Code 1984, § 15.42)

Secs. 8-183—8-202. Reserved.

DIVISION 7. OTHER CONSTRUCTION REQUIREMENTS

Sec. 8-203. Materials approved by Department of Safety and Professional Services.

Materials not listed in this article but approved by the State Department of Safety and Professional Services may be used in any building in the City, provided the necessary test sheets verifying such approval are on file in the office of the Division of Building Inspection.
(Code 1984, § 15.45)

Sec. 8-204. Prefabricated and other similar buildings.

Nothing in this article shall prevent the erection of prefabricated, component, pre-cut, stressed-skin or unit-constructed buildings, provided such buildings meet or are modified to comply with all requirements of this article.
(Code 1984, § 15.46)

Sec. 8-205. Items not covered by this article.

Any item, phase, or area of construction not specifically covered by this article shall meet with the approval of the Building Inspection Superintendent. This article shall not be interpreted to limit the scope or use of other construction practices not specifically covered herein, provided the standards of construction and safety intended by this article are maintained. Detailed material, information, and structural design data on other construction practices shall be submitted to the Building Inspection Superintendent for approval prior to starting construction.
(Code 1984, § 15.47)

Secs. 8-206—8-234. Reserved.

DIVISION 8. HOUSING REQUIREMENTS

Sec. 8-235. Buildings affected.

This division shall apply to buildings hereafter constructed which are not covered by the State Building Code. Sections 8-238 through 8-240 shall also apply to buildings heretofore constructed which are not covered by the State Building Code.
(Code 1984, § 15.50)

Sec. 8-236. Light and air regulations.

Every room used for human habitation, including bath and toilet rooms, shall be lighted directly upon a street or alley, upon a court on the same lot with the building, or upon the sky. Every court which is bound on one side by a lot line and which opens at one or both ends to the street, alley, or yard shall be an outer line court and shall be at least three feet wide. Every court which is between two buildings or parts of buildings on the same lot and which opens at one or both ends to the street, alley, or yard shall be an outer court and shall be at least six feet wide. Every court which is bounded on one side and both ends by walls and on the remaining side by a lot line shall be an inner lot line court and shall be at least six feet wide and at least 60 square feet in area. Every court

which is bounded on all sides by walls shall be an inner court and shall be at least ten feet wide and at least 150 square feet in area. No building shall be built, altered, or enlarged so as to encroach upon the space reserved under this section for light and air.
(Code 1984, § 15.51)

Sec. 8-237. Screens.

At least one window in each habitable room, toilet room, and bathroom where windows are required shall be supplied with a screen covering at least one-third of the window area, except where other means of adequately ventilating such rooms are available and operating. Screens shall have a wire mesh of not less than No. 16. Screen doors shall be provided as customary on all exterior door openings which open directly to the outside of the building.
(Code 1984, § 15.52)

Sec. 8-238. Arrangement of sleeping, bath, and toilet rooms.

No dwelling or dwelling unit containing two or more sleeping rooms shall be so arranged that access to a bathroom or toilet room intended for use by the occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall rooms be so arranged that access to a sleeping room can be had only by going through another sleeping room or through a bathroom or toilet room.
(Code 1984, § 15.53)

Sec. 8-239. Sinks and lavatories.

(a) *Required.* Every dwelling unit shall contain an approved kitchen sink and shall contain a lavatory or wash basin in or adjacent to the toilet room. Every water closet, tub, or shower shall be in a room enclosed with partitions which extend to the ceiling and afford privacy to persons using these facilities.

(b) *Plumbing connections required.* Every tub or shower, kitchen sink, and lavatory required under this article shall be properly connected with both hot and cold water lines, shall be in good working condition, shall be properly connected to approved water and sewer systems, and shall comply with the Plumbing Codes of the City and the State. Provision shall be made for lighting such rooms or compartments at night.
(Code 1984, § 15.55)

Sec. 8-240. Rainwater drain.

Every building and all parts thereof shall be prevented from leaking, and all rainwater shall be so drained and conveyed therefrom as not to cause dampness on the walls and ceilings. No downspout within six feet of adjoining property shall be pointed toward such property.
(Code 1984, § 15.56)

Sec. 8-241. Roof louvers.

Attic areas shall be ventilated by louvers installed in the roof, soffit, or gable ends. Such louvers shall be screened or shall otherwise prevent the entrance of insects, etc. Louver openings shall be at least 1/150 of the area to be vented.
(Code 1984, § 15.57)

Sec. 8-242. Exhaust fans.

All kitchen and toilet room exhaust fans shall be vented to direct passage of air to the outside of the building.
(Code 1984, § 15.58)

Sec. 8-243. Insulation.

Insulation shall be installed in all framed, habitable buildings. Such insulation shall be of incombustible material and shall have a minimum thermal resistance factor of R-13 for ceilings and R-7 for exterior walls, as set forth by the Insulation Manufacturers Association.
(Code 1984, § 15.59)

Sec. 8-244. Water heating facilities.

Every dwelling shall have supplied water heating facilities which are properly installed, are maintained in reasonably good working condition, are properly connected with the hot water lines required under Section 8-239, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every bath at a temperature of not less than 120 degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting these requirements when the dwelling or dwelling unit heating facilities are not in operation.
(Code 1984, § 15.60)

Sec. 8-245. Electrical service.

Every dwelling unit shall provide electrical service connected in compliance with the Electrical Code of the City and the State.
(Code 1984, § 15.61)

Sec. 8-246. Heating facilities.

Every dwelling shall supply at least one heating facility. Such facility shall be properly installed, maintained in good working condition, and capable of adequately heating all habitable rooms, bathrooms, and toilet rooms contained therein or intended for use by the occupants thereof to a temperature of at least 70 degrees Fahrenheit, measured three feet above floor level, when the outside temperature is at or above -15 degrees Fahrenheit. If a dwelling unit does not have supplied heating facilities, it shall contain a sufficient number of chimney outlets to permit the occupant, through the use of space heaters furnished by the occupant or owner, to heat all habitable rooms, bathrooms, and toilet rooms contained therein to a temperature of at least 70 degrees Fahrenheit, measured three feet above the floor level, when the outdoor temperature is at or above -15 degrees Fahrenheit. This provision shall not be interpreted to permit the use of space heaters where such use is prohibited by either the City Building and Heating Codes or the State Building and Heating, Ventilating, and Air Conditioning Codes, when applicable. Every supplied central heating system shall comply with the City Building and Heating Codes and with the State Building and Heating, Ventilating, and Air Conditioning Codes, when applicable. It shall also comply with the following requirements:

(1) The central heating unit shall be in good operating condition.

(2) Every heat duct, steam pipe, and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.

(3) Every seal between the sections of a warm air furnace shall be tight so noxious gases will not escape into heat ducts.

(Code 1984, § 15.62)

Sec. 8-247. Ceilings.

All habitable rooms in each dwelling unit shall maintain a minimum ceiling height of seven feet. If beams or girders are exposed below the normal ceiling, a height of seven feet shall be maintained between floor and beams or girders. Rooms with sloping ceilings shall maintain a seven-foot average. In one-half story residences, areas with less than five feet of head room at the sides shall not be included in the above requirements, but the center ceiling height shall be at least seven feet.
(Code 1984, § 15.63)

Secs. 8-248—8-273. Reserved.

DIVISION 9. OTHER BUILDING REGULATIONS

Sec. 8-274. Razing of buildings.

(a) *Permit required.* No person shall hereafter raze any building in the City without first securing a permit therefor from the Division of Building Inspection and a permit for the sealing of the sewer from the Plumbing Supervisor. No permit shall be granted unless the applicant files a certificate of insurance with the Insurance Department giving evidence of liability insurance of $1,000,000.00 personal injury each occurrence, $1,000,000.00 aggregate, and $500,000.00 property damage each occurrence, $500,000.00 aggregate. The applicant shall agree to indemnify and hold the City harmless from all liability arising out of the job. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to the Insurance Department. Such notice shall suspend the permit, and no work shall be done under such permit until a new insurance certificate complying with this subsection has been filed with the Insurance Department. A certificate of insurance shall not be required of a person seeking a razing permit if:

(1) The building is located in a residential zoning district and set back at least ten feet from all property lines.

(2) The building is located in any zoning district, is an accessory building as defined in Section 44-249, is no greater than one story and is set back at least ten feet from all property lines, or is constructed and situated upon the property so that the same may be razed with no damage resulting to the person or property of others as determined by the Building Inspector and Insurance Administrator. Anyone aggrieved by the determination of such Inspector and Administrator may appeal that decision to the Protection and Policy Committee in accordance with Wis. Stats. Ch. 68.

(b) *Requirements.* The holder of a permit to raze a building shall comply with the following requirements:

(1) *Property to be protected.* Streets, alleys, and private property shall be properly protected by erecting proper fences and scaffolds. If scaffolds are to be built on streets or alleys, they

shall be properly protected with a top cover of planks, guard rails, and toe-boards to prevent the falling of debris on sidewalks or streets. The top of the scaffold shall be at least eight feet above the sidewalk or alley.

(2) *Walls to be supported.* No person shall remove all horizontal support from exterior walls or partitions thereby permitting them to stand unsupported.

(3) *Buildings to be razed floor-by-floor.* In buildings of more than one story, the exterior walls, interior partitions, and other supports shall be removed floor-by-floor, using the floor below as protection from falling debris and to prevent exterior and interior walls from collapsing.

(4) *Razing to be gradual.* No walls, chimneys, or other construction shall be allowed to fall en masse on a floor; and bulky material such as beams and columns shall be lowered and not thrown.

(5) *Cranes.* Cranes may be used in wrecking or demolishing buildings provided the above requirements are complied with.

(6) *Sewers.* When a building is moved or demolished, its sewer shall be located at a point outside the foundation lines and sealed off. The plug or seal shall not be covered until approval has been given by the Plumbing Supervisor.

(7) *Obstruction of streets.* When razing requires the obstruction of a public street, alley, or sidewalk, a permit must be obtained from the Director of Public Works as provided in Section 34-11, before starting work on razing of the structure.

(8) *Filling basement and excavated areas.* All loose material and debris shall be removed from the basement, crawlspaces, and other excavated areas. Upon ascertaining that all openings, pipelines, drains, etc., have been properly capped, all basements, crawlspaces, excavated areas, and other below-grade voids resulting from the removal of pavements, slabs, foundations, and the like shall be filled to within four inches of finished grade with granular fill material. The material shall be well graded, free from debris and organic material. All granular fill shall be placed in layers of 12 inches or less and shall be compacted to not less than 95 percent of Modified Proctor (ASTM D-1557).

(9) *Completion of project.* When razing activities are completed, the disturbed area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of three to one (horizontal to vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the disturbed area to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until the area is stabilized and developed with zoning and other applicable provisions of this Code.

(Code 1984, § 15.65; Ord. No. 48-98)

Sec. 8-275. Moving of dilapidated or detrimental building prohibited.

(a) *Dilapidated buildings.* No permit shall be granted for the moving of any building from one location to another which, in the judgment of the Building Inspection Superintendent or an authorized agent, is so dilapidated and so out of repair as to be unsanitary or unfit for human habitation, occupancy, or use or is so out of repair that it would be unreasonable to repair the same.

(b) *Detrimental buildings.*

(1) To protect and conserve the value of neighboring property, no permit shall be granted for the moving to a location within the City of any building which, in the judgment of the Building Inspection Superintendent or a designated representative, would be detrimental to the character of the intended neighboring property. Such consideration shall be made on the basis of compatibility of external appearance, size, and architectural quality in relation to existing structures.

(2) The application for a moving permit shall be accompanied by three copies of a site plan of the proposed site, with such additional material as would permit the application of the foregoing standards.

(c) *Denial; appeal.* The refusal to grant a moving permit shall be in writing and shall contain a detailed statement as to why the relocation would be detrimental to the value of the neighboring property, if such is the case. The applicant or any aggrieved party may, within ten days of the granting or refusal of a moving permit, appeal to the Plan Commission. The Plan Commission shall hear such appeal in accordance with procedures which it shall provide.
(Code 1984, § 15.67)

Sec. 8-276. Building maintenance.

(a) *Hazardous conditions.* A person who owns, leases or occupies a building shall keep the building from structural or other conditions that constitute a substantial hazard to the health or safety of its occupants, or creates an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the building other than negligence by an occupant.

(b) *Common areas.* A person who owns a commercial building and leases the building to multiple tenants shall keep all common areas of the building maintained in a manner that is safe, functioning, sanitary, and undamaged.

(c) *Building exterior.* A person who owns a building shall keep all exterior and weatherproofing components maintained in a manner that is safe, functioning, cleanable, and undamaged.

(d) *Other structures.* Accessory structures, temporary structures, fences and other structures shall be kept in a manner that is safe, functioning, cleanable, and undamaged.

(e) *Insufficient repairs.* A person who owns a building shall ensure all repairs to the building are performed in a workmanlike manner. The term "workmanlike manner" includes, but is not limited to:

(1) The use of materials that have a consistent texture, color, quality, or appearance with adjacent materials.

(2) The complete performance of a job which does not leave unfinished edges, exposed nails/screws, loosely attached materials, or similar conditions.

(f) *Notice of violations to prospective purchasers.* An owner of real property shall give notice to any prospective purchaser that a notice has been issued concerning a Building Code violation, where the condition giving rise to the notice of violation has not been corrected.
(Code 1984, § 15.68; Ord. No. 13-13; Ord. No. 17-14)

Secs. 8-277—8-300. Reserved.

DIVISION 10. COMMERCIAL CONSTRUCTION DISTRICT AND REGULATIONS

Sec. 8-301. Commercial Construction District boundaries.

All that part of the City within the boundaries herein described shall be known as the Commercial Construction District, to wit: Commencing at the intersection of the threads of the Fox and East Rivers and following the thread of East River easterly to the northerly line of Cedar Street, thence in an easterly direction along the northerly line of Cedar Street to the east side of Grove Street, thence to the thread of the stream of the East River, thence in a southerly direction along the thread of the stream of said river to the intersection of the same with Pine Street produced and the thread of said stream, thence in a westerly direction along the centerline of said Pine Street to the intersection of Pine Street and the centerline of Monroe Avenue, thence south along the centerline of Monroe Avenue to the centerline of Doty Street, thence west along the centerline of Doty Street to the intersection of Doty Street with the public alley located between Madison and Jefferson Streets and the east line of said alley produced to the intersection of said alley lines, thence southerly along said alley produced with East Mason Street, thence westerly along the north line of East Mason Street, and East Mason Street produced to the thread of said stream to the place of beginning. Also, commencing at a point where the thread of the streams of Fox and East Rivers intersect, thence along the north line of Mather Street produced to the intersection of Mather Street and Chestnut Avenue, thence in a southerly direction along Chestnut Avenue to the intersection of Chestnut Avenue and Dousman Street, thence west along the centerline of Dousman Street to the intersection of Dousman Street and the public alley located between Maple Avenue and Chestnut Avenue, thence southerly along said alley to the centerline of Walnut Street, thence east along the centerline of Walnut Street to the Centerline of Chestnut Avenue, thence southerly along the centerline of Chestnut Avenue, thence in an easterly direction along Fifth Street and Fifth Street produced to the thread of the stream of Fox River, thence in a northerly direction along the thread of Fox River, thence in a northerly direction along the thread of said stream to place of beginning.
(Code 1984, § 15.70; Ord. No. 30-00)

Sec. 8-302. General building requirements.

(a) *Remodeling frame buildings.* No permit shall be issued for any remodeling of any frame building or any part thereof within the Commercial Construction District unless such remodeling is in conformity with the requirements for new buildings within such Commercial Construction District. No frame building shall be raised or removed to any other place within such Commercial Construction District; nor shall any building within such limits which may hereafter be damaged to the extent of 50 percent of the actual cash value thereof be repaired or rebuilt; nor shall such buildings to which the damages are less than 50 percent of the value thereof be so repaired as to be raised higher than the highest point left standing after such damage has occurred or so as to occupy a greater space than before the damage thereto.

(b) *Frame building defined.* A frame building means a building or structure of which the exterior walls or portions thereof are wood; or a building sheeted with boards and veneered with four inches or less of stone, brick, or concrete; or a building of frame covered with metal, whether or not the frame is sheeted with boards.

(c) *Exceptions.* One-story frame buildings for the use of builders, and stands, platforms, booths, and tents erected under temporary permits shall be permitted within the Commercial Construction District provided such structures are removed as soon as they have ceased to serve the original purpose for which they are permitted.

(d) *State Building Code.* Except as provided in subsection (c) of this section, all buildings hereafter erected in the Commercial Construction District shall be of ordinary construction or better, as defined by the State Building Code, and shall have roofs of incombustible material approved by the State Department of Safety and Professional Services or the National Board of Fire Underwriters as Class "B" or equivalent material. All buildings of ordinary construction or better within the Commercial Construction District that are nearer than five feet to a boundary line between premises shall have the exterior walls carried up as parapet walls two feet above the roof adjoining and not less in thickness than the wall below. Such parapet walls shall not be required for walls abutting upon streets or public alleys.
(Code 1984, § 15.71)

Sec. 8-303. Minimum heat standards.

(a) Every person who leases any building or part thereof as living quarters or as a business establishment where one or more persons are employed shall furnish heat to the tenants or occupants thereof at a minimum temperature of 70 degrees Fahrenheit measured at a point three feet above the floor and more than three feet from an outside wall when required hereunder. This section shall not apply:

(1) To buildings or portions thereof used and occupied for trades, businesses, and occupations where high or low temperatures are essential; or

(2) Where the obligation to provide heat is assumed by the lessee.

(b) When the heating of a building is under the control of the lessee or an agent, such lessee or agent, in the absence of a contract or agreement to the contrary, shall be deemed to have contracted to furnish heat in accordance with this section. Unless otherwise agreed, the obligation to heat shall include the time between 6:30 a.m. and 10:00 p.m. in a building or part thereof occupied as a place of residence and during the usual working hours maintained and established in a building or part thereof occupied as a business establishment, whenever the outer temperature falls below 55 degrees Fahrenheit. The presence of heating outlets, radiators, risers or returns in any hall or apartment or part of a building shall be prima facie evidence of an agreement to provide heat.
(Code 1984, § 8.02; Ord. No. 81-93)

Secs. 8-304—8-324. Reserved.

DIVISION 11. OTHER STRUCTURES

Sec. 8-325. Billboards and signs.

(a) *General.* See sign regulations in Chapter 30.

(b) *Materials to be used within Commercial Construction District.* When erected or maintained within the Commercial Construction District, billboards and signs shall be constructed and maintained entirely of incombustible materials, including the structural parts of the frames of such structures; except braces, uprights and the skeleton frames of billboards and signboards to which the metal facing is fastened may be of wood.

(c) *Not to be an obstruction.* No billboard or sign or any part of such structure, or any anchor, brace, guide wire, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or stand pipe; and no such structure or any part of such structure, or any anchor, brace, guide wire, or guide rod shall be erected or maintained so as to cover or obstruct any doors, doorways, or windows or so as to prevent or hinder the raising or placing of ladders against any such building by the City Fire Department if necessary.

(d) *Signs in public places.* No person shall erect, fasten, post, paint, or maintain any sign, picture, poster, or advertisement of any description upon any curb, sidewalk, fence, board, barrel, box, case, railing, pole, post, barricade, material, bridge, bridge fender, dock, pile, structure, or building of any kind placed upon any street, alley, public way, public ground, or public waterway.

(e) *Temporary banner.* No person shall erect or maintain any temporary banner or sign extending beyond the curbline of the street.

(f) *Annual inspection fee.*

(1) See Section 8-47(g).

(2) Exceptions. Wooden signs, untreated, up to 32 square feet, may be allowed in accordance with the zoning site and installation requirements of Chapter 44. Wooden signs exceeding 32 square feet are allowed if such are treated to be fire resistant to meet Underwriters Laboratories' listing of a flamespread Class "A" (zero to 25 minutes) and paint applied to above signs will be flame retardant with an Underwriter's label of flamespread from zero to 25 minutes.

(Code 1984, § 15.75)

Sec. 8-326. Awnings over streets or sidewalks.

No person shall erect, repair, or maintain, contrary to this section, any awning over any sidewalk or street within the City.

(1) *Permit required.* No person shall erect any awning over any sidewalk or street without first obtaining a permit therefor from the Building Inspection Superintendent or an authorized agent.

(2) *Specifications.* Any awning hereafter erected over any sidewalk or street within the City shall be constructed of an adjustable iron frame firmly secured in place and covered with canvas or other suitable material. Such frame shall be at least $7^1/_2$ feet in height above the highest point of the walk, and the lowest point of the flap or fringe of such awning shall not be less than $6^1/_2$ feet above the sidewalk immediately beneath it.

(3) *Permanent metal awnings.* Permanent metal-type awnings may be erected provided a minimum clearance of ten feet is allowed from the sidewalk to the lowest part of the awning.

(Code 1984, § 15.76)

Sec. 8-327. Canopies, hoods, and projecting signs.

No permanent hood, canopy, or projecting sign shall be constructed unless in the manner herein provided.

(1) *Permit and inspections required.* No canopy, hood, or projecting sign shall hereafter be erected without a permit therefor being first secured from the Building Inspection Superintendent or an authorized agent. All such canopies, hoods, or projecting signs shall be inspected yearly by the Building Inspection Superintendent or an authorized agent.

(2) *Certificate of insurance for canopies, hoods, or projecting signs over the public right-of-way.* No permit shall be granted until the applicant files a certificate of insurance with the City Clerk giving evidence of liability insurance with bodily injury limits of at least $1,000,000.00 per occurrence and $1,000,000.00 aggregate, and $500,000.00 property damage each occurrence and $500,000.00 aggregate. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to the City Clerk. Such notice shall suspend the permit until a new certificate complying with this subsection has been filed with the City Clerk.

(3) *Clearance.* There shall be not less than ten feet between the grade of the sidewalk at any point and the lowest point of any appendage or projection of any canopy, hood, and projecting sign extending over a public street right-of-way.

(4) *Project toward streets.* The projections of permanent hoods, canopies, or projecting signs shall not extend over the street nearer than two feet from a vertical projection of the outside face of the curb.

(5) *Height.* The overall height of canopies or hoods, including all projections, ornamentations, accessories, or appurtenances, shall not exceed six feet (there shall not be added after the original erection of such a canopy or hood any sign, poster, or other thing extending beyond six feet above the ten-foot clearance required of such canopy). The maximum distance to the top of any canopy, including all projections, ornamentations, or appurtenances, signs, or other part of the canopy, shall not exceed 16 feet from any point of the sidewalk.

(6) *Accessories to installations.* Any necessary appurtenances or signs of a temporary or permanent installation shall be rigidly attached to the hood or canopy in a manner satisfactory to the Building Inspection Superintendent or any Inspector of the Division of Building Inspection. No swinging signs or accessories shall be permitted.

(7) *Signs erected above canopies or hoods.* Where projecting signs are erected above canopies or hoods, they shall in no manner be attached to any accessory, ornament, or other thing of a temporary or permanent nature. Such signs shall be hung independently of the canopy.

(8) *Drainage to be provided.* All hoods, canopies, and projecting signs shall have gutters and conductors connected with the sewer at the building and shall be so drained as not to discharge any water on the sidewalk or public highway, except as provided in the City Plumbing Code.

(9) *Other design and material requirements.* Canopies, hoods, and projecting signs shall be built of incombustible material throughout, shall be capable of resisting a superimposed load of 30 pounds per square foot, shall extend from the lot line toward the curb at a height in the clear of not less than ten feet, and shall slope and drain toward the building in accordance with the Plumbing Code of the City.

(10) *Suspension from building.* Canopies, hoods, and projecting signs shall be suspended from the building, with no supports resting upon the sidewalk or public highway.

(11) *Approval required.* All canopies, hoods, and projecting signs shall have the approval of the Building Inspection Superintendent or an authorized agent as regards to design and materials of construction.

(Code 1984, § 15.77)

Sec. 8-328. Fire escapes outside.

No outside fire escape or other structural addition projecting from a building over a public alley or thoroughfare shall be erected without first securing a permit from the Building Inspection Superintendent or an authorized agent. The Building Inspection Superintendent or an authorized agent shall not issue a permit for the building of such outside fire escape or other structural addition unless the plans provide for a minimum of 13 feet, six inches vertical clearance from the permanent established grade of the alley or thoroughfare below, provided where such grade has not been established, the clearance shall be on the basis of the proposed grade for such alley or thoroughfare as set by the Director of Public Works.

(Code 1984, § 15.78)

Sec. 8-329. Gas or oil distributing stations.

(a) *Plans and specifications.* The plans and specifications shall conform in all respects to the laws of the State and to existing laws for buildings and construction in the City.

(b) *Design standards.*

(1) *Sidewalk, street, and curb grades.* Sidewalk, street, and curb grades shall be established by the Council and shall be obtained from the Engineering Division, Department of Public Works. All construction shall conform to the grades so established.

(2) *Driveways and stationaries.*

a. *Surfacing.* All stationaries and driveways which receive moving traffic shall be surfaced with bituminous or Portland cement concrete. If Portland cement concrete is used, it shall be a minimum thickness of six inches or of a designed mix containing not less than $5^1/_2$ bags of cement per cubic yard of concrete. If bituminous concrete is used, it shall be laid with a minimum thickness of two inches of a plant hot mix material upon either a four-inch Portland cement concrete base or a six-inch crushed stone base, such base to be properly compacted and rolled.

b. *Corner lots.* Driveway approaches measured along the curbline shall not be less than 25 feet from the intersection of the street right-of-way line on a corner lot or 35 feet from the point of intersection of the curb faces, whichever is greater.

c. *Curb cuts.* Two driveways shall be permitted on both the long and short side of any lot; but in no case shall two driveways be permitted on any side less than 100 feet long. Openings shall not exceed the distances set in this subsection. The opening at the curb to any proposed gas or oil distributing station shall not be greater than 30 feet and at the property line shall not be greater than 20 feet.

d. *Curbing required.* Except at driveway locations, curbing not less than eight inches in height and eight inches in width shall be constructed adjacent to all property lines

and/or street setback lines abutting the street rights-of-way. At all driveway locations, the end 24 inches by eight inches curbing may be evenly tapered to allow the top of such curbing to intersect at the grade with the driveway.

e. *Driveways.* The curbing of all driveways on both sides shall commence at the outside sidewalk line at the grade established by the Engineering Division, Department of Public Works. Such curb shall continue and become attached to the curb at the street at the same grade as such street curbing, the outer edge of such curbing conforming with the entrance measurements as set forth in this section.

f. *Distance between driveways.* The minimum distance between driveways at the property line shall be 30 feet.

g. *Lighting.* The type and location of all lighting shall be shown on the site plan. All outdoor light sources shall be controlled, directed, and/or otherwise screened from illuminating directly upon adjoining or opposite properties. This control can be by landscaping, buildings, louvers, and/or shields on the lights, or with similar devices.

h. *Fencing required.*

1. When abutting a residential zone, decorative fencing, impervious to sight, and not less than four feet nor more than eight feet in height shall be installed along the interior boundaries of the proposed station property to a point 15 feet from the street right-of-way. Curbing eight inches by eight inches shall be placed along the property line within this 15 feet. When abutting a zone other than residential, curbing or bumper guards may replace the fencing equipment.

2. All exterior waste or storage areas shall be properly fenced to screen them from public view.

i. *Setback area.*

1. Where street setback areas are required, the setback area shall not be considered part of the station proper but shall be properly seeded and landscaped.

2. With the permission of the Plan Commission, the station area may extend into the street setback area to within 15 feet of the street right-of-way line if proper curbing is installed as required by the Commission for the purpose of safety and protection of property.

3. Interior and corner side yard setback areas bordering on residential zoning districts shall be landscaped and buffered as required in Chapter 44, regardless of size of parking area.

j. *Underground storage tanks.* The location and size of all underground fuel tanks shall be approved in writing by the Fire Prevention Division of the City Fire Department by submitting a site plan and application to such Division. Installations shall comply with the provisions of Chapter 18.

k. *Elevated pump islands.* All site plans shall show the following information:

1. The location of the elevated pump islands.

2. The location of a rectangular area that shall surround the pump islands. Such area shall be surfaced with Portland cement concrete or bituminous concrete in

accordance with subsection (b)(2)a of this section, and covered and maintained with a solvent resistant material and shall project at least three feet to the front and rear of the pump island and eight feet to each side.

3. The distance from the property line to the nearest point on the face of such pump island. Such distance shall be at least 15 feet.

(c) *Permit.* No gas or oil distributing station shall be erected in the City without first securing a permit from the Building Inspector. No permit shall be issued by the Building Inspector until detailed plans and specifications have been submitted to the Plan Commission and subsequently approved by the Council.

(d) *Approval of plans.* No permit shall be issued until a site plan fulfilling the following requirements has been approved by the Plan Commission pursuant to Chapter 44. Such site plan shall be drawn to an engineer's scale and shall show the location and dimension of all property lines, property description, sidewalks, curbs, trees, lighting standards, utility poles, fire hydrants, mail boxes, traffic signs, water mains, sanitary sewers, storm sewers, storm sewer inlets, storm, sanitary, and water connections, and any other structures on or in the street adjacent to the property as well as on the property and shall show the location of all existing and proposed structures and installations on the property. All elevations shown on such site plan shall give the City datum. Five copies of the plan shall be submitted to the Plan Commission. After approval is indicated thereon, a copy shall be filed with the Building Inspection Superintendent, the City Engineer, and the Director of Planning, and two copies shall be returned to the owner. After a site plan has been approved by the Plan Commission, all construction and operation shall be in accordance with the provisions of the plan, and no certificate of occupancy shall be issued by the Building Inspection Superintendent until all requirements have been fulfilled.

(e) *Noncompliance and inspection.* If it is thought the terms of this section are being violated, the City Engineer or the Building Inspection Superintendent, their agents, or any other parties properly designated by the Common Council, may enter upon the premises at any reasonable time for inspection. If noncompliance is found, all business activities upon such premises shall be suspended until the terms of this section are complied with.
(Code 1984, § 15.79; Ord. No. 5-86; Ord. No. 19-97)

Sec. 8-330. Erection and operation of service stations dispensing liquefied petroleum gas.

(a) No service station dispensing liquefied petroleum gas shall be permitted within 200 feet of a building used for institutional occupancy or public assemblies.

(b) A site plan shall be submitted to the Plan Commission, and a copy of such site plan shall also be filed with the Fire Department to be retained in the Fire Department records.

(c) No building permit for a liquefied petroleum gas service station installation shall be issued until plans are approved by the Fire Chief. Such installation shall not be approved within the Commercial Construction District.

(d) The total quantity of liquefied petroleum gas in one or more containers shall not exceed 12,000 gallons at a single service station.

(e) Each storage container used exclusively in service station operations shall be a minimum of 50 feet from any building or group of buildings, from the centerline of the adjoining streets at the time of installation, and from the adjoining property lines which may be built upon. No container shall be closer than 20 feet to the adjacent right-of-way line of the street.

(f) A six-inch diversion curb shall be installed to protect all liquefied petroleum storage containers at any service station where flammable liquids are also dispensed.

(g) The design and construction of protective guard rails and barriers around containers and metering devices shall be subject to approval by the Fire Chief.

(h) No gas shall be transferred at a liquefied petroleum gas station to any automotive fuel supply tank if such tank requires removal from its normally-established installed position for weighing or gauging.

(i) Liquefied petroleum gas service stations shall be equipped with at least 20 pounds dry powder fire extinguisher or the equivalent, if approved by the Fire Chief.
(Code 1984, § 15.80)

Sec. 8-331. Television and radio receiving and transmitting antennas.

(a) *Applicability.* This section shall apply to the outdoor portion, more than 12 inches in height, of all apparatus used for receiving or transmitting television or radio waves.

(b) *To be of incombustible materials.* All television and radio antenna systems, including the supporting tower or mast, shall be constructed of galvanized steel or other corrosive resistant incombustible material. Where approved by the State Department of Industry, Labor, and Human Relations, towers constructed of wood or wood poles set in the ground may be used to support antenna systems, provided no wood tower or wood pole shall be mounted on the roof of any building or structure.

(c) *Load requirements.*

(1) *Ice load.* The antenna and tower shall support the dead load of the structure plus an ice load of at least one-half inch in radial thickness. The ice load shall be computed upon the wires, cables, messengers, and antenna only.

(2) *To withstand wind.* The tower or mast shall be braced or guyed and anchored to resist a horizontal wind pressure of not less than 30 pounds per square foot of net exposed surface area. Guy wires shall not be anchored to a chimney or to any roof ventilator or vent pipe.

(d) *To be independently mounted.* Antenna systems installed on the roof of a building shall not be supported by or attached to a chimney. All such installations shall be mounted on an independent platform or base and anchored in place. Such platform or base shall be large enough to distribute the weight of the tower over sufficient roof area so the roof will safely support the weight of the structure in addition to the required live and dead roof loads.

(e) *Distance from streets and utility lines.* All antenna systems shall be so installed that no part of the structure will be nearer to a street or other public thoroughfare than the height of the antenna as measured from its platform or base to the top-most point. Any variance necessary from this requirement shall be reviewed by the Plan Commission. If a variance is granted herein, the owner shall sign an agreement, approved by the City Attorney, to hold the City harmless from any and all

liability that may result from the construction and maintenance of any structure permitted pursuant to such variance. No wires, cables, or guy wires shall extend over any street or other public thoroughfare or over any electric power or communication lines.

(f) *Not to interfere with utility poles and lines.* Poles used for electric power or for communication lines shall not be used for supporting or guying any antenna system. Where antenna installations are so located that damage will be caused to adjacent power or communication lines by falling of the antenna structures, a separate safety wire shall be attached to the top of the tower and secured in a direction away from such power or communication lines.

(g) *Electrical installations.* Electrical installations in connection with antenna systems, including the grounding of the tower or mast, shall comply in all respects with the requirements of the State Electrical Code.

(h) *Variance.* The Improvement and Service Committee is authorized to hear and decide special exceptions to the terms of this section and to authorize upon appeal in specific cases such variance from the terms of this section as shall not be contrary to the public interest. Such variance shall be granted only where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship. It is the intent that the spirit of this section shall be observed, public safety and welfare secured, and substantial justice done. If a variance is granted herein, the owner shall sign a contract, approved by the City Attorney, holding the City harmless from any and all liability that may result from the construction and maintenance of any structure permitted pursuant to such variance.
(Code 1984, § 15.81; Ord. No. 12-97)

Sec. 8-332. Pools, ponds, and spas.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Pond means any naturally occurring or manmade body of water that retains or detains the natural flow of water. This definition does not include ponds used for, or for part of a stormwater management plan as regulated in Chapter 42.

Pool means any constructed or prefabricated structure either temporary (installed for a duration of less than seven days) or permanent (installed for a duration of seven days or more), either above ground or in ground, containing or normally capable of containing water that is primarily for the purpose of wading, swimming, or other recreation use. This definition excludes hot tubs, spas, and ponds.

Spa (hot tub) means any hydro-massage pool or tub for recreational or therapeutic use, designed for immersion of users that may or may not be equipped with a filter, heater, and motor-driven blower.

(b) *Permit required.* No construction of a pool intended as a permanent installation, a pond, or spa shall begin unless a permit therefor has been obtained and the fee paid in accordance with the fee provisions of this article. The application for such permit shall be accompanied by a site plan showing the size, location, and description of the property.

(c) *Requirements.*

(1) *Setback.* Permanent above- or in-ground pools, ponds, or spas shall maintain a minimum front yard setback of 25 feet and a rear and side yard setback of ten feet from adjoining property, subject to properly granted variance under Chapter 44. In determining this setback for above-ground pools, ponds, or spas with permanent fencing or decks, any deck, or similar structure shall be considered part of the pool, pond, or spa.

(2) *Fencing.* All pools, ponds, or spas requiring a permit shall be encompassed by fencing as provided under this subsection. A variance to maximum fence height may be granted under the procedures of Chapter 44. However, under no circumstance may the minimum fence height requirements of this subsection be varied.

a. *Structural requirements.* All fences under this subsection (c)(2) shall be constructed in such a manner as to comply with the requirements of Chapter 44, Article V, Division 6, or variance therefrom, and the requirements of this subsection.

1. The fence must be able to withstand 200 pounds force in any direction.

2. The fence shall be so constructed and designed so as to prevent penetration of an object greater than six inches in diameter.

3. All such fences shall be constructed with a locking door or gate which complies with all other height and structural requirements of this section.

b. *Permanent in-ground pools, ponds or spas.* Permanent in-ground pools, ponds, or spas, subject to Chapter 44, Article V, Division 9, shall be encompassed by a freestanding fence not less than 48 inches nor more than 96 inches from the ground level. Such fence shall be no less than three feet from the pool, pond, or spa at its nearest point. The fence shall comply with subsection (c)(2)a of this section.

c. *Above-ground pools.* Above-ground pools, ponds, and spas shall be encompassed by fencing which complies with one or any combination of options listed below and complies with subsection (c)(2)a of this section.

1. A fence in compliance with subsection (c)(2)b of this section.

2. A fence within three feet of the pool, pond, or spa, not less than 48 inches nor more than 96 inches from ground level.

3. A fence attached to a deck or walkway, provided such fence is at least 36 inches above the surface of the deck or walkway and complies with subsection (c)(2)c.2 of this section.

4. A pool wall not less than 48 inches from ground level, provided steps, ladders, or other means of pool access are removed when the pool is not in use.

(3) *Exceptions.* Fencing shall not be required if the following are provided:

a. Pools, ponds, or spas with locking and solid structural covers. Such covers shall be in place whenever the pool, pond, or spa is not in use and/or unsupervised by an adult.

b. Pools, ponds, or spas completely enclosed within a building.

c. Existing pools, ponds, or spas as of April 20, 2004.

d. As determined by the Community and Economic Development Director, that the pool, pond, or spa does not affect the safety, health, or welfare of the residents or the community and does not annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.

(d) *Operation of residential pools, ponds, or spas.*

(1) *Public pools, ponds, or spas prohibited in residential areas.* No person shall operate a public pool, pond, or spa on any premises zoned residential. The operation of a public pool, pond, or spa on residential premises is declared to be a public nuisance.

(2) *Interference with enjoyment of property rights prohibited.* No pool, pond, or spa shall be so located, designed, operated, or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the pool, pond, or spa or located in the neighborhood.

(3) *Shielding lights.* Lights used to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises as regulated in Chapter 44, Article V, Division 8.

(4) *Unnecessary noise.* No person shall make, continue, or cause to be made or continued at any pool, pond, or spa any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of any pool, pond, or spa, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the persons who are in the pool, pond, or spa premises, shall be prohibited.

(5) *Indecent exposure.* Every person using an outdoor pool, pond or spa shall wear a bathing suit or other suitable garment to protect their person from indecent exposure.

(Code 1984, § 15.82; Ord. No. 16-04; Ord. No. 58-04)

Sec. 8-333. Wisconsin Administrative Code adopted.

(a) *Code adopted.* Wis. Admin. Code Chs. SPS 320 through 325, inclusive, and made applicable to any additions or alterations to any existing one- and two-family dwellings, and Wis. Admin. Code Chs. SPS 361 through 366, inclusive, and all amendments thereto are hereby adopted and incorporated into this Code by reference.

(b) *Exemption.* Any one- or two-family dwelling units built prior to the State of Wisconsin's adoption of the Uniform Dwelling Code on June 1, 1980, are exempt from the basement room height requirement in Wis. Admin. Code Ch. SPS 321.

(1) *Plan review fee schedule.* Wis. Admin. Code § SPS 302.31, Table 302.31-2, and all amendments thereto, are hereby adopted and incorporated into this Code by reference. Persons authorized under subsection (b)(2) of this section shall collect on behalf of the City the same fees in the same amounts as set forth in said table.

(2) *Authorized enforcement officials.* The Inspection Service Specialist or delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of this article.

(3) *Conflicts.* Any conflict between the Wisconsin Administrative Code and existing Code provisions shall be resolved in favor of the Wisconsin Administrative Code requirements.

(4) *Penalty.* Any person violating the provisions of this article or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in Section 1-6. Each day of violation shall constitute a separate offense.

(Code 1984, § 15.83; Ord. No. 40-92; Ord. No. 10-12; Ord. No. 21-19, § 2, 10-15-2019)

Secs. 8-334—8-354. Reserved.

ARTICLE III. PLUMBING CODE

Sec. 8-355. Wisconsin State Plumbing Code adopted.

(a) *Adopted by reference.* Wis. Stats. Ch. 145, and the Wisconsin State Plumbing Code, Wis. Admin. Code Chs. SPS 325 and 381 through 387, are adopted and by reference made a part of this article with the same force and effect as though set out herein in full. Failure to comply with any of the provisions of such statutes or Codes shall constitute a violation of this article, punishable according to the penalties provided herein.

(b) *To be on file.* A copy of the Wisconsin State Plumbing Code shall be on file in the offices of the Plumbing Supervisor and the City Clerk.

(Code 1984, § 16.01)

Sec. 8-356. Administration.

(a) *Qualifications.* The Plumbing Supervisor and Plumbing Inspectors shall be licensed plumbers who are skilled in the designing, planning, installing, superintending, and inspecting of plumbing and building drainage work and who have had at least ten years of practical experience in such work.

(b) *Duties and authority.*

(1) The Plumbing Supervisor shall supervise and inspect all plumbing and drainage work in or in connection with all buildings within the City and shall faithfully enforce all laws, ordinances, and rules in relation thereto. The Plumbing Supervisor shall see that the construction, reconstruction, and alteration of all plumbing and drainage hereafter installed in all buildings in the City conform with state laws and with the rules and regulations of the State Department of Health and of the City, shall see that the work is done by licensed plumbers as provided by state law and this article, and shall make or cause to be made all inspections required thereby and in the manner therein set forth. In the discharge of their duties, the Plumbing Supervisor and Inspectors may enter any building during reasonable hours. They shall supervise and inspect plumbing and drainage installations as necessary to adequately enforce and administer the provisions of this article, state law, and the State Plumbing Code, or any amendments thereto, to make plumbing safe and sanitary and to promote the public welfare in all classes of buildings.

(2) The Plumbing Supervisor, or an authorized agent, shall take applications and issue permits to qualified applicants; prepare suitable records of the permits issued; keep proper office records of all transactions; and submit to the Council monthly and annual reports of such transactions.

(Code 1984, § 16.02)

Sec. 8-357. Inspections.

(a) *When required.* The Plumbing Supervisor shall make or cause to be made the following inspections:

(1) *Sanitary sewer and storm drainage.* The entire building sanitary sewer and storm drainage, before backfilling, from the main sewer or other disposal terminal to the building, including connections at the point of discharge, private sewage disposal systems, and water service from curb box or approved well installation into the building.

(2) *Building drain.* The building drain within the building and branches thereof, under tests as prescribed. Such inspection shall be made before any part of the drain has been covered.

(3) *Roughing in.* The soil, waste and vent pipe, and water piping, known as "roughing in," shall be inspected under test before being enclosed or covered.

(4) *Final inspection.* Final inspection of the plumbing installation after fixtures, appurtenances, and appliances have been tested and completed and the installation is ready for use. The final inspection shall be made with the water supply serving such plumbing system turned on and with the water meter installed.

(5) *Certificate of inspection.* The owner or plumber shall be furnished with a certificate indicating an inspection has been made and whether the installation has been approved or disapproved. Violation or condemnation notices shall be issued by letter and shall state the reason for such notice.

(b) *Notice for inspection.* When work is ready for inspection, notice shall be given to the Plumbing Supervisor's Office in accordance with Wis. Admin. Code § SPS 382.21.

(Code 1984, § 16.03)

Sec. 8-358. Supervision of sewers.

(a) The Plumbing Supervisor or an authorized agent shall have jurisdiction over all building sanitary and storm sewers. No such sewer shall be laid, and no opening into or connection with a sewer service lateral shall be made, except under the direction and supervision of the Plumbing Supervisor or an authorized agent.

(b) The Plumbing Supervisor, in connection with the Director of Public Works, shall keep a proper sewer connection record in a book, card index, or plat provided for such purpose showing the location of the lot, the name of the owner of the premises desiring to make such connection, the master plumber proposing to lay the sewer or drain, and the exact location with respect to the public sewer of each drain or sewer so laid. Information concerning the size, location, and depth of public and private sewers or drains and the position of the branches, junctions, and appurtenances shall be furnished by the Director of Public Works. All reasonable care shall be taken to ensure the correctness of such information, but such correctness shall not be guaranteed. When the junction is

not found with three feet of the point designated according to the measurements furnished, an approved Y or T fitting shall be used; such connection shall be made under the direction of the Plumbing Supervisor or their authorized agent.
(Code 1984, § 16.04)

Sec. 8-359. Registration of plumbers.

(a) *To be on file.* The Plumbing Supervisor shall keep on file in the office a registration of all master plumbers engaged in the business of plumbing in the City and all journey-level plumbers and apprentice plumbers working at the plumbing trade in the City.

(b) *Information required.* Such registration shall include the full name and address, license number, and current receipt number of each master or journey-level licensee. The year of apprenticeship and the shop to which indentured shall be maintained on file for each apprentice.
(Code 1984, § 16.05)

Sec. 8-360. Permits.

(a) *Required.* A permit is required to perform work that constitutes "plumbing" as that term is defined in Wis. Stats. § 145.01(10).

(b) *Application.*

(1) Application for a permit shall be made to the Plumbing Supervisor or an authorized agent before any work is started.

(2) Permits may be applied for by licensed master plumbers and by qualified homeowners, except as limited by Wis. Stats. § 145.14(1)(a).

(3) The application shall include the name of the owner and the real estate description of the premises and shall state that the owner and the applicant will be bound by and subject to the rules and regulations of this article.

(c) *Insurance and bond for persons making street cuts.* Before a permit shall be issued for work requiring a cut, excavation or service connection on the traveled portion of any street, a permit therefor shall be obtained, a bond executed and deposited, and a certificate of insurance filed in accordance with the provisions of Section 34-5(b).

(d) *Fees.*

(1) Fees for permits issued under this section shall be as established by resolution of the Common Council.

(2) If an application for a plumbing permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.

(e) *Restrictions on issuance.*

(1) No plumbing or sewer permit shall be granted until a building permit has been issued.

(2) No plumbing or sewer permit shall be issued to any person who is in violation of this article until such violation has been corrected.

(3) No plumbing or sewer permit shall be issued to any master plumber or person against whom an order issued by the Plumbing Supervisor is pending, such as remedy defective work, bad faith, unreasonable delay in performance of plumbing or drainage work, or failure to respond to official communication.

(f) *Expiration.* All permits are good for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of 60 days without good and reasonable cause for same and shall automatically expire on completion of the work for which it was issued.

(g) *Plan examination.*

(1) *Examination required.* Plans and specifications for plumbing to be installed in and/or outside all buildings, structures, parks, areas, or complexes in the following classifications shall be submitted to the Inspection Department and written approval received before commencing work:

a. Theaters and assembly halls.

b. Schools and other places of instruction.

c. Apartment buildings, hotels, motels, resorts, and places of detention.

d. Factories, offices, and mercantile buildings.

e. Private interceptor main sewers. See Wis. Admin. Code § SPS 381.01(193).

All non-code complying portions of the plumbing system installed prior to complete plan approval shall be removed and replaced.

(2) *Approval required.* No permits shall be issued to commence work on any plumbing job in the following classifications without plan approval from the Plumbing Division of the State Department of Health and Social Services:

a. Health care and related facilities. See Wis. Admin. Code § SPS 381.01(116).

b. Reduced pressure zone principle type backflow preventers. See Wis. Admin. Code § SPS 381.01(203m).

c. Controlled roof drainage systems. See Wis. Admin. Code § SPS 381.01(207).

d. Manufactured and mobile homes. See Wis. Admin. Code § SPS 381.01(151).

e. Manufactured and mobile home park water and sewer systems. See Wis. Admin. Code § SPS 326.14.

f. Private domestic sewage treatment and disposal systems serving public buildings and experimental systems serving all buildings. See Wis. Admin. Code Ch. NR 110.

(3) *Installation.* Actual installations shall conform with the approved plans. Any changes shall be submitted to the respective department for approval prior to installation. All work shall also comply with the approved specifications.

(4) *Submission, stamping, and signing plans.* All plans and specifications shall be sealed or stamped by a registered architect, engineer, or registered plumbing designer. A master plumber may design and submit for approval plumbing plans and specifications for a plumbing system which such plumber is to install. Each sheet of plans and specifications the master plumber submits shall be signed, dated, and include the state master plumber's license number.

Where more than one sheet is bound together into one volume, only the title sheet or index sheet need be signed and dated by the person responsible for their preparation, provided the signed sheet clearly identifies the other sheets comprising the bound volume.

(5) *Submission data.* All plans, preliminary or complete, shall be submitted in duplicate. Work shall not commence until written approval for the preliminary or complete plans is received from the Department. All pertinent data shall be a part of or shall accompany all plans submitted for review. Plans shall be examined in the order of their receipt.

(6) *Additions and alterations.* This section shall apply to all new buildings and to all additions and alterations exceeding five plumbing fixtures. It shall also apply where a change of occupancy or use of a building alters the intended use of the plumbing for which the building plans were originally designed. This subsection shall also apply to overall plans for malls, shopping centers, or similar installations consisting of individually-owned stores or shops which are to be installed at a later date.

(7) *Revisions.* After written approval is granted, plumbing plans and specifications shall not be changed without written consent of the department and the architect, engineer, designer, or master plumber responsible for the design.

(8) *Limitations.* In granting approval of plans, specifications, products, devices, or materials, the department does not hold itself liable for any defects in constructions nor for any damages that may result from the specific installation.

(9) *Plan availability.* The architect, professional engineer, registered designer, owner, or plumbing contractor shall keep at the construction site one set of plans bearing the stamp of approval of the respective department.

(Code 1984, § 16.06)

Sec. 8-361. Building sanitary sewers.

(a) *Required.* Every building shall have a separate and independent connection with a public main sanitary sewer and private sewage treatment and disposal system or private main sanitary sewer. Each private main sanitary sewer shall conform to City standards for public sewers and shall be approved by the Plumbing Supervisor. Manholes shall be located not less than 25 feet from any building.

(1) *Exemption.* Upon proof of the following, the Director of Public Works, or designee, may grant an exemption from the requirements of subsection (a) of this section:

a. The building is zoned Low Density Residential (R1) and is located within the City's Urban Expansion District;

b. The purpose of the exemption is to retrofit existing infrastructure that has been installed but not dedicated to the public and/or accepted as public right-of-way;

c. An easement shall be placed on the face of the recorded subdivision plat, certified survey map (CSM) or replat which addresses the location of any shared lateral and identifies the ownership and maintenance responsibilities for the shared lateral from the common point of connection back to the sanitary sewer main;

d. Compliance with any other requirement that the Director of Public Works, or designee, deems necessary.

(2) *Appeal.* Any individual or entity, whose request for an exemption has been denied by the Director of Public Works, or designee, may appeal such determination to the Improvement and Services Committee. Upon appeal, the Improvement and Services Committee shall determine if the Director of Public Works' determination was reasonable and in accordance with subsection (a)(1) of this section. After making such determination the Improvement and Services Committee shall forward its recommendation to the Common Council.

(b) *Piping.* All building sanitary sewer piping extending from a public sewer service lateral or other disposal terminal to within three feet to five feet of the outside foundation walls shall be of cast iron or vitrified clay. Such disposal terminal shall be the end of the sewer service lateral or, in the event no lateral has been installed, the City sewer main. Building sanitary sewer connections to a private main sanitary sewer shall be of cast iron pipe or vitrified clay pipe to within three feet to five feet outside of the foundation wall.

(c) *Clean-outs.* When laterals exceed 75 feet in length, clean-outs shall be provided. See Section 8-363.

(d) *Unconnected pipes to be closed off.* The ends of all sanitary sewer pipes not immediately connected shall be securely closed with a cast iron soil plug to prevent the introduction of sand, earth, or drainage from an excavation.

(e) *Replacement.* When it becomes necessary to replace any building sewer because of stoppages, such sewer shall be replaced in its full length with cast iron pipe or vitrified clay.

(f) *Sewers carrying harmful discharges.* No person shall connect to a public sewer any sewer through which is discharged any substance likely to cause undue corrosion, obstruction, nuisance, explosion, or interference with sewage treatment processes.

(g) *When buildings are razed or moved.* When a building is moved or demolished, the building sewer shall be located at a point outside the foundation walls and shall be sealed off. The plug or seal shall not be covered until approval has been given by the Plumbing Supervisor.
(Code 1984, § 16.07; Ord. No. 5-13)

Sec. 8-362. Building drains.

(a) *Materials.* Each building drain inside a building and to a point three feet to five feet outside the building shall be of cast iron soil pipe or type "L" hard drawn copper.

(b) *Fixtures below sidewalk grade.*

(1) *New construction.* In all new construction, all fixtures located below the sidewalk grade, including lavatories, sinks, and automatic washer drains, shall be provided with an approved Palmer-type backwater valve.

(2) *Existing buildings where drainage systems subject to backflow.* Where a building drainage system is subject to backflow of sewage and where the building was erected prior to August 19, 1972, the owner of the building shall, when ordered by the Plumbing Supervisor or an authorized representative, install approved automatic-type backwater valves in all fixtures located below the sidewalk grade.

(3) *Buildings subject to backwater and basement flooding.* Where it is determined by the Director of Public Works or an authorized representative that backwater and basement flooding is pos-

sible and where the use of plumbing fixtures below the sidewalk grade is critical to the operation and use of a building, backwater valves, sewer ejectors, or pumps shall be installed. Prior to the issuance of a plumbing permit, a plan to prevent backwater and basement flooding showing details of construction of building drains, backwater valves, sewer ejectors, and pumps shall be submitted for approval to the Director of Public Works.

(Code 1984, § 16.08; Ord. No. 58-93)

Sec. 8-363. Clean-outs.

(a) Clean-outs shall be provided for all soil and waste stacks and shall be 28 to 30 inches above the floor.

(b) Clean-outs shall be the same size as the pipes they serve up to four inches in diameter, and shall be not less than four inches for larger pipes.

(Code 1984, § 16.09)

Sec. 8-364. Grease traps and separators.

Grease traps or separators shall be installed wherever greasy wastes from pot or dish washing sinks are discharged into a building drain or sewer. They shall be installed in such places as hotels, restaurants, butcher shops, bakeries, club houses, hospitals, church and school kitchens, etc. Such grease traps or separators shall be designed to adequately serve the fixture (manufacturer's rating may be used for sizing), shall be placed as near as possible to the fixture from which they receive waste, shall be accessible for easy cleaning, and shall be vented to prevent self-siphonage.

(Code 1984, § 16.10)

Sec. 8-365. Storm drainage.

(a) *Drains to connect to storm sewers.* All clear water drains, including roof drains, surface drains, subsoil drains, refrigerator cooling water drains, air conditioning drains, and any other clear water drains, shall discharge into a storm sewer wherever possible but in no case shall discharge be to a sanitary sewer. Where a building was erected prior to August 19, 1972, the owner of the building shall, when ordered by the Plumbing Supervisor or an authorized representative, disconnect all clear water drains.

(b) *Sump pumps.* Every foundation drain shall be connected to a sump pit containing an approved sump pump as specified in Section 8-170(b).

(1) *New installations.* In all new construction, such approved sump pump shall discharge into a storm sewer where such is available or can be made available. In areas where a storm sewer is not available, the sump pump shall discharge into the surface at least ten feet from the building foundation. Discharge from the sump pump shall be directed either to the rear lot line or to the street and shall not be directed as to flow on adjacent property. Discharge from the sump pump shall not create a nuisance. The sump pump discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on a City street or sidewalk, damaging a City street or sidewalk, creating ponds of standing water, or flowing over adjoining property. If the sump pump discharge is directed to the street, a permit must be obtained from the Director of Public Works to direct the discharge from a sump pump to the street.

(2) *Existing installation.*

a. All sump pumps shall discharge into a storm sewer where such is available or can be made available if, in the opinion of the Director of Public Works or Superintendent of Inspection, the sump pump discharge creates a nuisance. The sump pump discharge shall be considered a nuisance in situations including, but no limited to, such discharge creating icing problems on a City street or sidewalk, damaging a City street or sidewalk, creating ponds of standing water, or flowing over adjoining property. If such a nuisance is created, the Superintendent of Inspection or their designee shall require the owner of the property to install a storm sewer lateral and connect the sump pump discharge to the lateral.

b. Where sump discharge is not creating a nuisance and a storm sewer is available, the owner of the property shall install a storm lateral and connect the sump pump discharge to the lateral at the time of the sale of the property. This requirement may be waived by appeal as set forth in subsection (b)(3) of this section.

(3) *Appeal.*

a. The sump pump connection requirement mandated in subsection (b)(2)b of this section, may be appealed by filing a written appeal with the City Clerk within 45 days of the official closing date for the sale of the affected property. The appeal shall specify all bases for the challenge and include documentation from a professional with suitable hydrogeological training as determined by the Director of Public Works supporting the appeal. Failure to file a timely challenge and specify all bases for the challenge waives all rights to a later challenge of the requirement.

b. The written appeal shall be referred to the Department of Public Works. In considering an appeal, the Director of Public Works shall determine whether the sump pump connection requirement is fair and reasonable or whether it should be waived. The Director, at their sole discretion, shall conduct a formal or informal hearing and obtain sufficient facts upon which to make a determination. The Director's decision shall be based upon the evidence presented to them. After making such determination, the Director shall notify the petitioner in writing of their decision within 60 days of the date the appeal was filed under subsection (b)(3)a of this section. Upon denial from the Director, the petitioner may appeal to the Improvement and Services Committee by filing a notice of appeal of the Director's decision within 15 days of notification of denial. Considering the appeal, the Improvement and Services Committee shall determine the decision of the Director of Public Works and may affirm or reverse the Director's decision.

(c) *Roof drains.* The main storm drain conduit for roofs of less than 5,000 square feet in area shall be cast iron pipe from three feet to five feet outside the foundation wall to the service lateral or, where no lateral has been installed, to the storm sewer main or other terminal. Areas over 5,000 square feet may be served by pipes whose standards conform to City specifications for storm drainage. Roof drains for residential units not to exceed two-family units may discharge on the ground, provided such discharge does not create a nuisance. Within property lines, beneath seeded areas, where branches from the main storm drain conduit are used to serve roof drains, pipe conforming to the State Plumbing Code may be used to within three feet to five feet of the foundation walls.

(d) *Parking lots and surface drains.*

(1) *Drainage required.*

a. All parking lots whose area exceeds 2,000 square feet shall provide for interior drainage and be connected with a storm sewer if one abuts or adjoins the parking lot. Lots of 2,000 square feet or less may drain the surface water runoff to an abutting public street or alley if such public way provides stormwater drainage. Where neither drainage method is available, an interior yard storage area shall be provided. All provisions for drainage require approval by the Plumbing Inspector and the Director of Public Works.

b. Where a parking lot is constructed and such construction impedes natural drainage of adjoining property, the parking lot drainage shall be extended as necessary to provide adequate drainage of the adjoining property.

(2) *Conduits.* The size of the conduit serving a parking lot shall be determined by the area to be drained. The conduit for areas less than 5,000 square feet shall be cast iron pipe from the yard drain or catch basin to the service lateral or, where no lateral has been installed, to the City sewer main or other designated terminal. Areas over 5,000 square feet may be served by pipes whose standards conform to City specifications for storm drainage.

(3) *Catch basin and grates.* Catch basin and grate areas shall conform to City specifications.

(e) *Granting of funds for private clear water separation work.*

(1) *Granting of funds.* The City may grant funds for private clear water separation work subject to this subsection (e). Any repayment of funds granted for private clear water separation work to property owned by indigent persons may be deferred by the Council. Such deferment shall be granted only to owner-occupied, single-family or duplex residential real estate. Such deferment shall be by resolution directing the Director of Public Works to pay all or any portion of costs for private clear water separation work used on such property from the Storm Sewer Construction Account.

(2) *Copy of resolution to be filed with Register of Deeds for Brown County.* A copy of such resolution, with a statement of the amount and date paid and description of the property, certified by the City Clerk, shall be recorded with the Register of Deeds for Brown County; the amount shall thereby become a lien upon such real property in favor of the City prior to any other lien other than prior outstanding tax certificates or prior liens hereunder, for the amount paid, with legal interest, and shall be enforceable after transfer of title of the property by sale, inheritance, or will in the manner provided by law for the enforcement of mechanics liens.

(3) *Discharge of lien.* The owner of such property, heirs, personal representatives, or assigns may discharge such lien at any time by paying the amount of such lien with accrued interest to the City Treasurer, who shall execute a satisfaction in such form as may be recorded with the Register of Deeds for Brown County.

(4) *Purchase of lien.* The holder of any subsequent lien may purchase such lien by payment of the amount thereof with accrued interest to the City Treasurer, who shall execute a proper assignment thereof to such payee; and on recording such assignment, such assignee shall have the same rights the assignor had.

(5) *Transfer of title by sale, etc.* After transfer of title by sale, inheritance, or will, or when the basis for indigency no longer exists, the deferred funds shall be due and owing in full.

(6) *Limits for the determination of indigency.* The Council shall establish, by resolution, limits for the determination of indigency. Such limits shall include:

a. Maximum combined annual income of husband, wife, and dependents.

b. Maximum combined assets of husband, wife, and dependents.

(7) *Subject to review.* Such income and asset figures shall be subject to periodic review and modification by the Council.

(8) *Application.* Application for deferment shall be made to the Council upon an affidavit form provided by the City Clerk verified by each applicant.

a. The application shall list the relationship, ages, and employment status of the applicant and all dependents; a complete schedule setting forth all assets, liabilities, and income from all sources, including own and both spouses and their dependents; and any other pertinent information which may assist the City to evaluate such application.

b. The above schedule of net worth and income shall be considered and treated as privileged information and shall not be made public without the applicant's consent.

(9) *Notify Clerk of increases.* The applicant shall notify the City Clerk when there is a material change in the assets and/or annual income increases above the limits described in subsection (e)(6) of this section.

(10) *Providing false or incomplete information.* If the applicant willfully provides false or incomplete information, or when the assets and/or annual income exceed the limits of subsection (e)(6) of this section, the basis for indigency shall no longer exist; and the special assessment shall become due and owing in full.

(11) *Application reviewed by Improvement and Service Committee.* The application for deferment shall be reviewed by the Improvement and Service Committee, which shall make a recommendation to the Council.

(12) *Interest; deferment period.* Interest may be charged during the deferment period. The interest rate shall not, however, exceed the legal rate prescribed by Wisconsin Statutes.

(Code 1984, § 16.11; Ord. No. 18-95; Ord. No. 19-04; Ord. No. 24-07; Ord. No. 24-14)

Sec. 8-366. Water supply systems.

(a) *Water service.*

(1) *Size.* The water service or building supply pipe to any building shall be of sufficient size to provide an ample flow of water under maximum use to all fixtures and points of service. Such size shall be determined by standards set forth by the Wisconsin Department of Safety and Professional Services.

(2) *Material.* The underground water service pipe from the City main or a private water supply system to any building shall be of type "K" copper or polyethylene water tube or ductile iron or polyvinyl chloride water main.

(3) *Valve controls.* Service laterals shall include a corporation stop at the main, and a curb stop or valve at the curb, or privately-owned pump and a valve or stop inside the foundation wall of each building and, where a meter is installed, a valve on both sides of the meter. Service of 1 1/2 inches or over shall have a bypass around the meter.

(4) *Relief valves.* When installed, repaired, replaced, relocated, or reconnected, all equipment for heating and storage of hot water for domestic or commercial purposes shall be equipped with an emergency protective device to prevent excessive pressure and temperature. Such device shall be a combined temperature and pressure relief valve of the test lever and extended thermometer type, in accordance with the latest American Standard ASA 221.22-1958 and listed by the A.G.A. The minimum size shall be three-fourths-inch for both inlet and outlet. The discharge pipe shall be the full size of the relief valve outlet and shall terminate in an open fixture or not more than ten inches from the floor and as close as possible to a drain properly connected to the building drain or building sewer.

(b) *Separate water service.* When a water supply system is intended to serve more than one building owned by or intended for sale to different individuals or groups of individuals, the plans for such water supply system shall be submitted to the General Manager of the Water Utility and the Plumbing Supervisor for approval. The entire work shall conform with this article.

(c) *Cross-connections prohibited.* No private water system shall be connected directly or indirectly to any private water main or pipe that is in turn connected to any publicly owned water main or pipe.

(d) *Plumbing Supervisor may make changes.* The Plumbing Supervisor may require to be made any changes necessary to bring any water supply work up to prescribed standards. Failure to do so when so directed shall be sufficient cause for action to revoke a master or journey-level plumber's license as provided in Wis. Stats. § 145.10.
(Code 1984, § 16.13; Ord. No. 27-05)

Sec. 8-367. Authority to control water service.

After the completion and trial of the work, no person shall turn on or leave turned on any water service curb stop which for any reason has been turned off by the City Water Utility. No unauthorized individual shall turn water on or off after it has been turned on or off from a given service, nor shall anyone make openings in the street or turn off water at the main without a permit therefor and supervision thereof as provided for in this article.
(Code 1984, § 16.14; Ord. No. 27-05)

Sec. 8-368. Compulsory connection to sewer service.

When notified, the owner of any building intended for human habitation or occupancy abutting on any street, alley, or other thoroughfare in which public sanitary sewer has been extended and is available for service, shall cause to be made a sewer connection thereto.
(Code 1984, § 16.15; Ord. No. 24-91)

Sec. 8-369. Compulsory connection to water and well abandonment.

Within 120 days of notification, the owner of any building intended for human habitation or occupancy abutting on any street, alley, or other thoroughfare in which a municipal water main has

been extended and is available for service, shall cause to be made a water connection thereto and shall abandon any existing source of water currently being used or intended to be used for the building for human habitation or occupancy.

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cross-connection means a connection or potential connection between any part of a water supply system and another environment containing substances that, under any circumstances, would allow the substances to enter the water supply system by means of back siphonage or back pressure.

Licensed pump installer means any individual who has obtained a license under Wis. Stats. § 280.15(2m), and Wis. Admin. Code § NR 146.04, as a pump installer and has paid the annual license fee under Wis. Stats. § 280.15(2m)(c)2.

Licensed well driller means any individual who has obtained a license under Wis. Stats. § 280.15(2m), and Wis. Admin. Code § NR 146.04, as a water well driller and has paid the annual license fee under Wis. Stats. § 280.15(2m)(c)1.

Municipal water system means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal-owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

Pump installation means the pump and its associated pressure system including any equipment and material needed to withdraw, obtain, discharge and store water from a well or a spring. The pump installation includes the spring box, reservoir, pump, pump drop pipe, check valves, well cap or seal, pitless adapter, pitless receiver tank, pitless unit, above-ground discharge unit, associated discharge piping and associated connections, valves and appurtenances, pressure tank, sampling faucet, water storage or pressure vessel or structure, the electrical wiring and controls needed to operate the pump or pressure system, and any chemical addition, water treatment device or yard hydrant upstream of the water storage or pressure vessel or building control valve.

Unused well means a well which is not in use or does not have a functional pumping system.

Well means any drillhole or other excavation or opening deeper than it is wide that extends more than ten feet below the ground surface constructed for the purpose of obtaining groundwater.

Well abandonment means the filling and sealing of a well, drillhole, pit or reservoir with materials so the well, drillhole, pit or reservoir will not act as a vertical conduit to contaminate another well, groundwater or an aquifer.

(2) *Well abandonment required.* All unused wells shall be filled and sealed in accordance with the terms of Wis. Admin. Code Ch. NR 812, as amended from time to time, and wells located on premises served by the municipal water system shall be filled and sealed in accordance with the terms of Wis. Admin. Code Ch. NR 812, as amended from time to time, not later than one year from the date the municipal water system is available.

(3) *Private well operation permit.* The Green Bay Water Utility may grant a permit to a private well owner to operate a private well for a period of five years providing the conditions of this section are met. The private well operation permit may be renewed provided that the conditions of this section are met. The Green Bay Water Utility General Manager, or their agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application. Permit applications shall be made on the form provided by the City of Green Bay Water Utility. The following conditions must be met for issuance of a well operation permit:

a. The owner shall pay the established private well operation permit fee.

b. The owner shall demonstrate a need for use.

c. The owner shall operate the well in compliance with Wis. Admin. Code Ch. NR 812, as amended from time to time.

d. A minimum of one safe sample shall be taken prior to issuing or reissuing the permit to establish that the water is bacteriologically safe.

e. The well and pump system shall be functional and evaluated by a licensed well driller or pump installer and certified to comply with Wis. Admin. Code Ch. NR 812, Subch. IV (Wis. Admin. Code § NR 812.42 et seq.). The evaluation shall be documented by completing the State of Wisconsin Department of Natural Resources Form 3300-305 (Wis. Admin. Code Ch. NR 812, Compliance Report).

f. Prohibition of unapproved cross-connections between any private well and pump installations and the municipal water system.

(4) *Well abandonment procedures.*

a. All wells required to be filled and sealed under the jurisdiction of this section shall be filled and sealed according to the procedures and methods of Wis. Admin. Code Ch. NR 812.

b. A copy of the Department of Natural Resources filling and sealing report shall be submitted by the well owner to the Water Utility within 30 days of the completion of the well filling and sealing.

(5) *Hardship.* When, in the judgment of the Water Commission, after recommendation from the Water Utility, it would be inappropriate to apply literally a provision of this section because hardship would result, the Water Commission may waive or vary such provisions so that substantial justice may be done and the public interest secured.

(Code 1984, § 16.15.5; Ord. No. 24-91; Ord. No. 25-16; Ord. No. 27-05)

Sec. 8-370. Individual sewage disposal systems.

Private domestic sewage treatment and disposal systems, where permitted, shall be constructed, maintained, and used in accordance with the provisions of Wis. Admin. Code Ch. SPS 383.
(Code 1984, § 16.16)

Sec. 8-371. General penalty.

Any person who shall violate any provision of this article or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in Section 1-6.
(Code 1984, § 16.20)

Secs. 8-372—8-385. Reserved.

ARTICLE IV. ELECTRICAL CODE

DIVISION 1. GENERALLY

Secs. 8-386—8-402. Reserved.

DIVISION 2. LICENSURE

Sec. 8-403. License or registration required.

No person may install, repair, or maintain electrical wiring or engage in the business of installing, repairing, or maintaining electrical wiring, except as allowed pursuant to Wis. Stats. § 101.862 and this article.
(Ord. No. 01-20, § 1(17.01), 2-4-2020)

Sec. 8-404. Licensure exemptions for homeowners.

Notwithstanding Wis. Stats. § 101.862(4)(a), a residential property owner may only install, repair, or maintain electrical wiring on premises that they own and occupy as a residence without a license if all of the following apply:

(1) The homeowner is reasonably knowledgeable of such work as determined by an Electrical Inspector;

(2) The homeowner discusses the construction procedures and plans with the Electrical Inspector;

(3) The premises is a one-family dwelling;

(4) The homeowner signs the permit and accepts all responsibility for work performed; and

(5) The homeowner does not perform any work on service entrance equipment.
(Ord. No. 01-20, § 1(17.02), 2-4-2020)

Sec. 8-405. Proof of credentials.

The City of Green Bay has the right to verify the licensure of all persons performing electrical work.
(Ord. No. 01-20, § 1(17.03), 2-4-2020)

Secs. 8-406—8-423. Reserved.

DIVISION 3. ELECTRICAL CODE REGULATIONS

Sec. 8-424. Adoption by reference.

Pursuant to authority granted by Wis. Admin. Code § SPS 316.004(2), the City hereby adopts in its entirety Wis. Admin. Code Ch. SPS 316, as it may be amended from time to time, as though fully set forth herein.
(Ord. No. 01-20, § 1(17.05), 2-4-2020)

Sec. 8-425. Existing services.

If any component of the electrical service, from the service point to the load side of the service disconnect, is repaired or replaced, grounding and bonding is required by the City to the same extent required by Wis. Admin. Code § SPS 316.250, as amended from time to time.
(Ord. No. 01-20, § 1(17.06), 2-4-2020)

Secs. 8-426—8-448. Reserved.

DIVISION 4. CODE ENFORCEMENT

Sec. 8-449. Re-inspection fees.

(a) *Definition.* The term "re-inspection fee" means a special charge that may be assessed against a property owner by the City in order to defray the cost of exercising jurisdiction over electrical wiring and of conducting inspections of electrical wiring within the City.

(b) *When assessed.* An Inspector may assess a re-inspection fee if a property is not available to be inspected at the time of a scheduled inspection and/or if the following conditions are met:

(1) The Inspector has found that the owner's parcel is not in compliance with a provision of this article;

(2) The Inspector has informed the property owner of the changes necessary to gain compliance; and

(3) Upon subsequent inspection, the Inspector finds that the same article violation persists.

(c) *Fees charged.* Each re-inspection fee shall be as provided in the City Fee Schedule. A separate re-inspection fee may be assessed each time the conditions under subsection (b) of this section exist.
(Ord. No. 01-20, § 1(17.07), 2-4-2020)

Sec. 8-450. Electrical Inspectors.

(a) *Jurisdiction.* Electrical Inspectors shall exercise jurisdiction over inspection of the installation, alteration, repair, servicing, or maintenance of electrical wiring in all public or private buildings, including places of employment, within the City of Green Bay city limits.

(b) *Authority.* Electrical Inspectors shall ensure all work performed within their jurisdiction complies with this article.

(c) *Duties.* Electrical Inspectors may issue permits and shall maintain records of permits issued to contractors and homeowners, along with any fees received for such permits.
(Ord. No. 01-20, § 1(17.08), 2-4-2020)

Sec. 8-451. Permits.

No person may install, repair, alter, service, or maintain electrical wiring without first obtaining a permit under this article. The Common Council shall determine the amount of any fees associated with obtaining such a permit. The permit fee amount shall double if the permit is issued after work has commenced.
(Ord. No. 01-20, § 1(17.09), 2-4-2020)

Sec. 8-452. Inspection stages.

During the process of performing electrical work, the person performing such work shall ensure the following inspections occur, when required by the Electrical Inspector:

(1) *Rough.* An inspection before any electrical wiring is hidden from view.

(2) *Service.* An inspection of the service equipment and grounding electrode system prior to energizing.

(3) *Final.* An inspection after all work has been completed and wiring concealed.
(Ord. No. 01-20, § 1(17.10), 2-4-2020)

Sec. 8-453. Compliance with article.

Electrical Inspectors may utilize any lawful means to gain compliance with this article, including, but not limited to:

(1) Inspecting electrical wiring.

(2) Withholding electrical permits.

(3) Issuing orders to correct violations.

(4) Assessing re-inspection fees.

(5) Denying/removing the connection of power to equipment.

(6) Issuing citations or complaints for violations.

(7) Condemning a building that is not safe for human habitation.

(Ord. No. 01-20, § 1(17.11), 2-4-2020)

Sec. 8-454. Penalties.

Any person who violates this article or any rule found herein shall forfeit to the City not less than $25.00 nor more than $500.00 for each violation. Each day of violation constitutes a separate offense.

(Ord. No. 01-20, § 1(17.12), 2-4-2020)

Secs. 8-455—8-476. Reserved.

ARTICLE V. HEATING AND AIR CONDITIONING CODE

Sec. 8-477. Licenses.

(a) *Required.*

(1) No person shall act as, engage in the work of, advertise as, or otherwise represent as a heating and/or air conditioning contractor (hereinafter "heating contractor") unless an authorized representative of such person obtains a license as provided in this article. Such license holder shall be responsible for all violations of the provision of this article.

(2) No person shall install, erect, alter, repair, service, reset, or replace any heating or air conditioning system or parts thereof unless such person regularly employs a holder of such license, who shall be the authorized representative of such person in all matters pertaining to this article. Should the authorized representative holder of such license terminate the employment or partnership with such person, a new authorized holder of a license shall be obtained within 180 days thereafter.

(b) *Qualifications.* No license shall be issued unless the applicant shall produce evidence that such person has had not less than three years' experience in wet heat, warm air heating, central air conditioning, electric heating, and service as defined in this article, has satisfactorily completed a course of study in heating given by a recognized school plus one year of experience or is a graduate engineer and has one year of experience, and that the place of business is or will be maintained by such applicant or by the person employing such applicant and will be equipped with equipment necessary to contract for and perform work governed by such license. Service facilities shall be maintained and offered for the servicing of work performed.

(c) *Licenses issued.* Combination or individual licenses shall be obtained for the following:

(1) Wet heat.

(2) Warm air heating.

(3) Central air conditioning.

(4) Electric heating.

(5) Service only.

Licenses in classifications in subsections (c)(1) through (4) of this section include a service license.

(d) *Issuance of license.* Any applicant who has fully complied with the provisions of this article and passed an examination given by the Heating and Air Conditioning Board at each quarterly period shall be issued a license. All examination papers shall be kept on file at the office of the Heating and Air Conditioning Inspector (hereafter "Inspector"). No license shall be issued until a surety bond is filed with the City Clerk in the amount of $2,000.00.

(e) *Fee and renewal.* Fees for licenses issued under this section shall be as established by resolution of the Common Council. Licenses shall be renewed annually.
(Code 1984, § 19.01; Ord. No. 01-12)

Sec. 8-478. Permits.

(a) *Required.* No person shall construct or install within the City any heating or air conditioning equipment or appurtenances without the holder of a license therefor securing a permit therefor setting forth the nature of the work to be performed from the Superintendent of Inspection.

(b) *To whom issued.* No permit shall be issued except to the owner of a residence to personally do work on the owner's home or to a licensed heating contractor. Such permits shall be nontransferable.

(c) *Fees.*

(1) Fees for permits issued under this section shall be as established by resolution of the Common Council.

(2) If an application for a permit has not been obtained prior to the commencement of a job, the applicable permit fee shall be doubled.
(Code 1984, § 19.02; Ord. No. 01-12)

Sec. 8-479. Inspection.

(a) The Inspector shall examine and approve or disapprove all plans and specifications for the performance of any work governed by this article. The Inspector shall inspect all work as required by this article and shall order work stopped which is in violation of this article.

(b) In any new building or addition, immediately upon completion of those portions of the installation which are to be concealed or covered, the heating contractor shall notify the Inspector, who shall make an inspection within two working days after notice for inspection, excepting Sundays or holidays. If no inspection is made within the specified time period, work may proceed. All other inspections shall be made immediately upon notification of the completion of such work.

(c) Wherever work for which a permit has been issued has been ordered stopped by the Inspector, the Inspector shall post such a stop-work notice. After such notice has been posted, no further work shall be done until the violations have been corrected and such corrections approved by the Inspector.
(Code 1984, § 19.03; Ord. No. 01-12)

Sec. 8-480. Performance of heating systems for one- and two-family residences.

Notwithstanding any provisions of this article to the contrary, all heating systems shall be so designed and installed as to maintain a temperature of 70 degrees Fahrenheit inside while the outside temperature is -20 degrees Fahrenheit with a 15 MPH wind. No allowance shall be made for the heating effects of lighting, people, solar conditions, or any other sources of heat not part of the building heating system.
(Code 1984, § 19.06; Ord. No. 01-12)

Sec. 8-481. Hot water and steam heating systems.

(a) *Mains.*

(1) *Size.* The size of mains, risers, and radiator connections shall be selected from capacity tables as shown in the "Heating, Ventilating, and Air Conditioning Guide," latest edition, except design friction loss per foot of pipe shall be between 100 and 500 mininches. Piping systems shall include an expansion tank of proper size.

(2) *Water required.* The amount of water required in gallons per minute shall be determined by the following formula: G.P.M. equals total BTU per hour divided by the temperature drop times 60 minutes per hour times eight pounds per gallon of water. A maximum temperature drop of 20 degrees shall be used in determining G.P.M. Pumps shall be selected from manufacturer's pump capacity charts. The minimum allowable head pressure shall be 2½ feet.

(b) *Piping and piping connections and equipment.*

(1) *Steam heating systems.* All pipe used for steam heating systems shall be not less in weight and strength than that known to the trade as Schedule 40 steel pipe. Piping and piping connections and equipment hereafter installed for all steam heating plant installations or alterations to installations shall conform to the following requirements.

(2) *Hot water heating systems.* All steel pipe used for hot water heating systems shall not be less in weight and strength than that known to the trade as Schedule 40 steel pipe. Brass pipe and copper tubing may be used, provided the weight of all such pipe and tubing shall be Type M or heavier for above-ground and Type L or heavier for underground. All piping shall be cut and reamed in a workmanlike manner.

(3) *Connections to be independently supported.* Pipe connections shall be independently supported in such manner as to prevent undue stresses in pumps.

(4) *Reaming.* After cutting, all pipe shall be reamed to full internal diameter.

(5) *Fittings and joints.* Piping may be jointed together by welding or by the use of fittings. Such welds shall be made in a neat and workmanlike manner and shall be as strong as the base metal. Fittings shall be of cast iron or malleable iron, or of copper, and shall be of standard weight with clean-cut threads, and free from blow-holes or other defects.

(6) *To be protected.* In all piping systems, provision shall be made for adequate anchorage and protection against damage to piping from expansion and contraction.

(7) *Metal hangers required.* Piping and fittings shall be securely supported by metal hangers properly spaced to prevent sag or undue strain on fittings.

(8) *Pitch.* All piping shall be run level or pitched upward toward the point of venting.

(9) *Friction head to be equalized.* The piping system shall be installed so that each circuit has its correct friction head with a balancing valve on each circuit.

(10) *Expansion tanks and relief valves.* Expansion tanks and relief valves shall be installed in accordance with the Heating, Ventilating, and Air Conditioning Guide, latest edition. Relief valves for hot water heating systems shall also conform to the provisions of subsection (c) of this section.

(c) *Relief and pressure-reducing valves.*

(1) Every closed hot water heating system shall be provided with a relief valve which shall be of adequate size and so constructed as to ensure positive relief of any pressure over the pressure rating of the system. Relief valves so employed shall be of such nature and so constructed and arranged as to permit their being tested manually to determine their operating condition. Each such relief valve shall be placed on the boiler side of all valves and accessories and shall be located not lower than the crown sheet of the boiler. Discharge from relief valves shall be piped to within 18 inches of the floor or to an open receptacle.

(2) Pressure-reducing valves shall be subject to the provisions for relief valves.

(d) *Design and installation of hot water radiant panel heating system.*

(1) All hot water radiant panel heating systems shall be designed according to standards set forth in the Heating, Ventilating, and Air Conditioning Guide, latest edition.

(2) The maximum surface temperature shall be 110 degrees Fahrenheit for floor panels and 135 degrees Fahrenheit for ceiling panels.

(3) Screw threads shall not be permitted in coils or grids embedded in concrete slab or in plaster. Ferrous fabrication shall be all-welded except in equipment rooms above floors or in boxes or covered recesses in slab where flow-adjusting cocks are installed. Where no-ferrous pipe or tubing is used in concrete slabs or in plaster, solder sweat fittings shall be used throughout and no ferrous to non-ferrous connections shall be embedded in concrete or plaster or concealed in the construction, nor shall non-ferrous piping or tubing come in contact with steel reinforcing in slabs. Threaded pipe and fittings may be used in equipment rooms above floors or in accessible recess boxes where adjusting flow cocks are installed in slabs. A balancing cock or valve shall be installed for each individual room except storage areas, closet areas, and halls and shall be installed in each individual coil branch, either on the supply side or on the return side.

(4) Before being covered, concealed, or embedded, pipe or tubing shall be tested to a hydrostatic or compressed air pressure of not less than 100 pounds gauge per square inch. When a dual system of hot water baseboard heating and radiant heating is supplied from the same boiler, the radiant system shall have a separate pump, controls, and a means of blending the water so entering water does not exceed temperatures as outlined in subsection (d)(2) of this section.

(e) *Amount of direct steam or hot water radiation to be installed in a steam or hot water heating system.*

(1) *Steam.* The amount of equivalent direct radiation to be installed in a given room where unenclosed radiators are to be employed shall be determined by dividing the heat loss of the room in BTU per hour by 240.

(2) *Hot water.* The amount of equivalent direct radiation to be installed in a given room where unenclosed radiators are to be employed shall be determined by dividing the heat loss of the room in BTU per hour by the BTU heat emission of the radiation at the design average water temperature as given by the manufacturer of the radiator.

(3) *Forced hot water systems.* The maximum water temperature to be used in designing forced hot water systems shall be 200 degrees Fahrenheit, maximum limit setting 220 degrees Fahrenheit, control.

(4) *Enclosed radiators.* If cast iron direct radiators are to be recessed or enclosed in cabinets, allowance shall be made for capacity loss or gain incurred by the type installation.

(5) *Convector and baseboard ratings.* Convector and baseboard ratings used in selecting convectors and baseboards shall be those published by the "Mechanical Contractors Association of America," latest edition.

(6) *Convectors and baseboards used with steam.* All convectors used with steam as the heating medium shall be piped as a two-pipe system unless such convector is specifically designed for use on a one-pipe system. All baseboard radiation shall be piped as a two-pipe system and shall be installed according to the manufacturer's recommendations.

(f) *Boilers.*

(1) *Foundations.* Each steam or hot water boiler installed for use in connection with a heating plant shall be placed on concrete or incombustible floor and shall be level.

(2) *Rating.* Boilers shall have sufficient rating capacity to take care of the radiation load, hot water supply load, piping loss, and any other load which might increase the total load of the boilers. Ratings used shall be net load recommendations as published by the "Mechanical Contractors Association of America," latest edition.

(3) *Boilers to be rated.* No person shall sell or install any boiler for use in the City that has not been rated by a recognized testing laboratory.

(4) *Installation.* Each steam or vapor boiler shall be equipped with a low water cut-off and pressure relief valve.

(Code 1984, § 19.07; Ord. No. 01-12)

Sec. 8-482. Warm air heating.

(a) *Forced warm air heating systems.*

(1) *Definition.* The term "forced warm air heating system," when used in this section, shall mean one or more warm air heating and cooling units within individual housing or within one common housing, one or more motor driven blowers, smoke or vent pipes, individual leader pipes or trunk line systems, or both, with necessary control dampers for supply and return air, automatic controls, registers, faces, and grilles and with provisions for other appurtenances, such as filters, air washers, ozonators, humidifiers, etc., as may be desired.

(2) *Design.* The heat loss of the structure, the furnace size, blower size, registers, and grilles, individual pipe or trunk line duct size, register air temperature, controls and construction details shall be in accordance with the requirements of Design Manuals J, K, No. 4. And No. 9. Of the National Warm Air Heating and Air Conditioning Association, latest editions.

(3) *Cold air ducts.* The heads of all cold air ducts shall be lined with metal. All cold air ducts shall be connected to the furnace. On counter-flow oil or gas units, cold air returns shall be completely lined with metal from the registers to the furnace.

(4) *Limit controls.* Limit controls shall be installed on all forced-air heating units.

(5) *Combustion air.* All forced-air heating equipment installed in confined spaces shall be supplied with combustion air in accordance with procedures outlined in American Standards Installation of Gas Appliances and Gas Piping, latest edition.

(6) *Return air registers.* In no case shall installation of a return air register be permitted in a confined space also containing any fuel-burning device.

(7) *Areas of return and supply ducts and risers.* The total cross-sectional area of all return air ducts and risers shall be at least equal to the total cross-sectional area of all supply ducts and risers. The maximum permissible velocities for residential heating shall be in accordance with the A.S.H.R.A.E. Guide, latest edition.

(b) *Gravity warm air heating systems.*

(1) *Definition.* When used in this article, the term "gravity warm air heating system" means any and all warm air furnaces enclosed with all appurtenances thereto or connections therewith intended to heat any building or enclosure by gravity circulation only, wherein no mechanical force or equipment is applied.

(2) *Design.* The heat loss of the structure, selection of the furnace, registers, and grilles, pipe sizes, and installation details shall be in accordance with the requirements of the National Warm Air Heating and Air Conditioning Association, latest edition.

(3) *Cold air ducts.* The heads of all cold air ducts shall be lined with metal. All cold air ducts shall be connected to the furnace.

(4) *Limit controls.* Limit controls shall be installed on all gravity heating units.

(5) *Combustion air.* All gravity heating equipment installed in confined spaces shall be supplied with combustion air in accordance with procedures outlined in Z21.30, American Standards Installation of Gas Appliances and Gas Piping, latest edition.

(6) *Return air register.* In no case shall the installation of a return air register be permitted in a confined space also containing any fuel-burning device.

(7) *Areas of return and supply ducts and risers.* The total cross-sectional area of all return air ducts and risers shall be at least equal to the total cross-sectional area of all supply ducts and risers and shall be in accordance with A.S.H.R.A.E. Guide, latest edition.

(c) *Supply and return air ducts.*

(1) The following table of U.S. standard metal gauges shall be considered the minimum for ducts and flues constructed of galvanized iron. Ducts constructed of other metal shall be of the equivalent thickness for equal strength. Black iron shall not be permitted.

Table 8-1. Standard Metal Gauges

Round Ducts Diameter in Inches	*Gauge*	*Rectangular Ducts Width in Inches*	*Gauge*
1—12	30	1—14	28
13—24	26	15—24	26
		Over 24	24
Underground	24	Plenums	26
		Up to 24	26
		Over 24	24

(2) All rectangular ducts shall be constructed with diagonal cross-breaks on the top and bottom to stiffen the sheets; or the sheet metal in the ducts or flues shall be at least one gauge heavier than specified in Table 8-1. Fiberglass duct board may be used.

(3) Joints and seams of all ducts, risers, round pipes, and fittings shall be securely fastened and made substantially air-tight. Slip joints shall have a lap of at least one inch and be individually fastened. All duct joints shall be "S" and drive cleat, or locked.

(4) All ducts, risers, and round pipes shall be securely supported by metal hangers, straps, lugs, or brackets which do not obstruct the flow of air.

(5) Joist liners for return air shall be tightly-fitted and securely-fastened to make an air-tight and vibration-free installation.

(6) Volume dampers of the locking type shall be placed in each supply air outlet.

(7) Whenever perimeter heating will be installed underground in a concrete slab at grade level, the perimeter of such slabs shall be insulated with one inch of Styrofoam underground insulation, or the equivalent, to a depth of two feet below the grade. Duct work under a concrete slab shall be installed in accordance with the recommendations of the National Warm Air Heating and Air Conditioning Association's "Established Standards for Ducts," latest edition.

(Code 1984, § 19.08; Ord. No. 01-12)

Sec. 8-483. Air conditioning systems.

(a) *Definition.* The term "air conditioning system" means an assembly of equipment which provides ventilation, air circulation, air cleaning, cooling, and dehumidification with means for controlling room temperature and humidity within prescribed limits.

(b) *Applicability.* This section shall not apply to units serving one room and having all of the components within one housing.

(c) *Design.* The cooling load of the structure, selection of equipment, and design of the air distribution system shall be in accordance with A.R.I. Standards, latest edition.

(d) *Refrigerants.* Only units using Type 1 refrigerants, as classified by A.S.H.R.A.E. Standard 34-57, latest edition, shall be permitted in occupancies governed by this section.

(e) *Installation.*

(1) All equipment shall be supported or mounted with sufficient space allowed for servicing and inspection.

(2) All moving machinery shall be guarded.

(3) All plumbing and electrical connections shall be in accordance with the City Plumbing and Electrical Codes.

(4) Air conditioning equipment governed by this section shall be tested by a recognized testing laboratory.

(5) Systems in which a refrigeration coil is provided with a warm air furnace shall have the refrigeration coil located downstream from the heating surface, unless otherwise approved by the manufacturer. Coils located parallel to the heating units, dampers, or other means used to control air flow shall prevent chilled air from entering the furnace section. Condensate shall be disposed of so as to prevent dripping on the heating element.

(6) All air conditioning equipment governed by this section shall have the cooling capacity rated in BTU per hour at the conditions stated in the A.R.I. Standards.

(7) All duct work installed in conjunction with air conditioning systems shall conform to Section 8-482.

(8) All pipe work shall conform to Section 8-481.

(9) All ducts installed in air conditioned areas, except basements, shall be insulated with a minimum of one-half inch of duct insulation.

(Code 1984, § 19.09; Ord. No. 01-12)

Sec. 8-484. Gas-fired equipment, piping and vents.

(a) *Purpose.* The purpose of this section is to provide minimum standards for the design and installation of gas-fired equipment and associated piping.

(b) *General installation standards.*

(1) All gas space heating equipment installed shall be subject to the inspection and approval of the Inspector.

(2) Heating equipment shall not be installed in any location where flammable vapors are likely to be present, unless the design, operation, and installation will prevent the ignition of such vapor.

(3) Equipment shall be readily accessible for operation and servicing.

(4) Equipment shall be supported and connected to prevent undue strain on the gas supply.

(5) Equipment hereafter installed shall be properly adjusted by the person making the installation; and following installation, no such equipment shall be left connected to the gas piping unless every reasonable precaution has been employed to ensure safe operation of the burners and proper combustion of the gas, due attention being given to draft conditions and ventilation.

(6) Equipment shall not be adjusted to pass a greater amount of gas than the maximum name plate rated capacity.

(7) All gas heating equipment shall be vented to the outside with a minimum vent size as recommended by the manufacturer.

(8) Combustion air shall be provided for all equipment. Equipment installed in concealed areas shall have a minimum vent of 100 square inches.

(9) No permit or license shall be required to vent a hot water heater; the installation shall, however, conform to the provisions of this article.

(10) The requirements of this article are minimum requirements, and any questions concerning the safe installation of gas burning equipment which is not specifically covered herein shall be resolved in accordance with the American Standard manual entitled Installation of Gas Appliances an Ga Piping, latest edition.

(c) *Electronic flame failure safety devices.* All new installations of gas-fired burners with an input of 500,000 BTU per hour capacity or more shall be equipped with electronic flame failure safety devices.

(d) *General rules for gas piping.*

(1) All pipe or tubing used for the installation, extension, alteration, or repair of any gas piping shall be of standard weight and standard dimension, and such pipe or tubing shall either be new or have been used previously for no purpose other than the conveying of gas. All such pipe shall be free from internal obstructions, splits, or other imperfections which render it unfit for the purpose intended, and the ends thereof shall be properly reamed.

(2) Cast iron fittings shall not be used.

(3) Threaded joints shall be made up with an approved pipe thread compound.

(4) All unions shall be ground joint unions.

(5) All gas piping shall be securely strapped with metal straps or approved wire hangers.

(6) Unions, tubing fittings, running threads, right and left couplings, bushings, and swing joints made by combinations of fittings shall not be used in the installation of gas piping which is to be concealed.

(7) Semi-rigid gas tubing may be used to connect freestanding space heating equipment.

(8) Gas piping in solid floors such as concrete shall be laid in channels in the floor suitably covered to permit access to such piping.

(9) Flexible hose shall not be used for the connection of space heating or water heating equipment.

(10) When used on natural gas or liquefied petroleum gas, the joints on seamless copper, brass, steel, or non-ferrous gas tubing shall be made by means of approved gas tubing fittings or brazed or approved flared fittings with a material having a melting point exceeding 1,000 degrees Fahrenheit.

(11) Gas pipe or tubing inside any building shall not be run in or through an air duct, clothes chute, chimney or flue, ventilating duct, dumb waiter, or elevator shaft but through a duct proper for the purpose.

(12) Each outlet, including a valve or cock outlet, shall be securely closed and gas-tight and equipped with a positive plug or cap if the equipment is not to be connected at that time. When equipment is removed from an outlet and the outlet is not to be reconnected at that time, it shall be securely closed and made gas-tight with a positive plug or cap. In no case shall the outlet be closed with a tin cap, wooden plug, cork, etc.

(13) Where condensation of liquefied petroleum gas may occur, the piping shall be pitched back to the container; or suitable means shall be provided for vaporization of the condensate. Compounds used in making up joints shall be resistant to the action of liquefied petroleum gases.

(14) Gas supply lines shall be of adequate size as per the recommendations of the American Gas Association (AGA) Capacity Tables.

(15) All gas heating equipment shall have a manual main shutoff valve provided ahead of all controls within five feet of the main burner.

(16) A ground joint union connection shall be provided downstream from the main manual shutoff valve to permit removal of the controls.

(17) All shutoff devices installed for use on liquefied petroleum heating equipment shall be designed to shut off the gas supply to both the main burner and the pilot burner when the pilot flame is extinguished.

(18) All natural gas-fired heating equipment shall be equipped with an automatic shutoff device which will shut off the gas supply to the main burner whenever the pilot flame is extinguished, in accordance with the requirements of the AGA.

(19) All automatic control devices shall be so located as to be accessible for service work, and the location of heating equipment with respect to adjacent walls and other equipment shall allow easy access to all parts which may require repair or adjustment.

(20) All outside storage tanks for the storage of liquefied petroleum gas of 500 gallons capacity or more shall be on a solid, nonflammable footing. All such storage tanks shall be a minimum distance of ten feet from any residence or property line. For other regulations concerning such storage, see Article III of Chapter 18.

(21) All other installation procedures and sizing of gas piping shall be in accordance with Manual Z21.30, American Standards Installation of Gas Appliances and Gas Piping, latest edition.

(e) *Gas flues and vents.*

(1) All types of central heating equipment, space heaters, unit heaters, and water heaters hereafter installed shall be connected to adequate vents conforming to the provisions of this section.

(2) All flue pipes from a heating unit to the chimney shall be of standard metal or approved Type "B" vents. When the vent connector must be located in or pass through a crawl space or cold areas such as an attic, that portion of the vent connector shall be of listed Type "B" vent material. Single-wall metal pipe shall not pass through any floor or ceiling or anywhere it will create a fire hazard.

(3) All gas-fired equipment requiring a vent shall be vented to a masonry, metal, or factory-built chimney so products of combustion are safely conducted to the outside atmosphere.

(4) No manually operated damper shall be placed in any flue, vent pipe, or vent connector of any gas-fired heating equipment.

(5) Horizontal vent pipes shall be as short as possible and in no case shall the length exceed 75 percent of the vertical height of the flue or chimney to which it is attached. Such vent pipes shall have a minimum pitch of one-fourth inch per lineal foot upward from the draft hood to the chimney. When conditions exist that preclude compliance with the above, an induced draft fan shall be provided.

(6) All vent pipe shall be securely fastened. The vent pipe on design equipment shall not be smaller than indicated by the draft hood.

(7) The flue pipe and draft hood size for conversion burners shall be such as to provide not less than one square inch cross-sectional area per 6,500 hourly BTU input. If the flue pipe exceeds ten feet in length or contains more than two elbows, the next larger size pipe and draft hood shall be used. Where the draft hood is a part of the equipment or is supplied by the equipment manufacturer, it shall be installed without alteration in accordance with the manufacturer's installation instructions.

(8) When entering a passageway in a masonry or metal chimney, the vent connector shall be installed above the extreme bottom to avoid stoppage. The vent connector shall be prevented from entering so far as to restrict the space between its end and the opposite wall of the chimney.

(9) Single wall vent pipes shall not be closer than two inches to any combustible material; and in all cases where single wall vent pipes are less than six inches from any combustible material, the same shall be protected with asbestos mill board of not less than one-eighth inch in thickness.

(10) No flue or vent connector shall be connected to a chimney serving a fireplace unless the fireplace opening is permanently sealed.

(11) Approved Type "B" vents may be used for the venting of gas-fired equipment requiring a vent, provided Type "B" vents shall not be used for the venting of incinerators, solid fuel, or oil-burning equipment.

(12) All vented equipment, except incinerators and units designed for power burners or for forced venting, shall be equipped with a draft hood and shall be of the same size as the equipment flue collar or as recommended by the manufacturer.

(13) All other venting procedures shall comply with the American Standard Installation of Gas Appliances and Gas Piping, latest edition.

(f) *Gas-fired central heating equipment (design and conversion types).*

(1) All new gas-fired central heating equipment of either the design or conversation type shall be approved and listed by the American Gas Association Laboratories or the Underwriters Laboratories. The manufacturer's name, model, and BTU input shall be down on a permanent marker attached to the furnace or boiler. The manufacturer's operating instructions shall be securely attached in a conspicuous location on or near the heating plant.

(2) Central heating boilers or furnaces shall be erected in accordance with the manufacturer's instructions and shall be installed on firm, level fire-resistive foundations unless listed by the manufacturer for installation on a combustible floor or unless the floor is protected in an approved manner.

(3) Central heating boilers and furnaces shall be installed with clearances not less than those specified in Table 8-2, except that equipment listed by the manufacturer for installation at lesser clearances may be installed in accordance with its listings.

Table 8-2. Minimum Clearances for Listed Central Heating Boilers and Furnaces
(Distances from Combustible Construction in Inches)

Type of Equipment	*Above and Rear*	*Front*	*Projection Box or Draft Hood*
Boilers	6 inches above; 6 inches rear	18	6
Furnaces	18 inches above; 6 inches rear	18	6

(4) Furnaces of the revertible flue type shall be designed or modified to prevent the accumulation of gas in any part thereof. All gas-fired units of either the design or conversion type shall have an escape door to allow pressure to escape. One-inch steel pipe shall be fastened to the radiator (seal joint) at one end and the other end shall terminate in breaching or the chimney.

(5) The furnace and chimney shall be clean. The chimney shall be examined if a liner is required; such liner shall be aluminum or stainless steel. All furnaces being converted to gas shall be subjected to a sulfur or other suitable test and examined thoroughly for any cracks or defects. If cracks or defects are found, they shall be remedied before installation. All other standards regulating the installation of gas conversion burners shall be in accordance with American Standard Installation of Domestic Gas Conversion Burners, Manual Z21.8, latest edition, and American Standard Installation of Gas Appliances and Gas Piping, Manual Z21.30, latest edition.

(g) *Room heaters.*

(1) Definition. The term "room heater" means a freestanding type of circulatory heater installed in the room or area which it is intended to heat.

(2) Room heaters shall be placed so as not to cause a hazard to walls, floors, curtains, furniture, doors when open, etc., or to the free movement of persons within the room. Room heaters shall be installed with clearances not less than those specified in Table 8-3, except equipment shall be installed in accordance with its listings. In no case shall the clearance interfere with the requirements for combustion air and accessibility.

Table 8-3. Minimum Clearances for Listed Gas-Fired Room Heaters
(Distance from Combustible Construction in Inches)

Type	*Jacket, Sides, and Rear*	*Projecting Flue Box or Draft Hood*
Warm air circulators	6	6
Radiant heaters	6	6
Water heaters	Flush	—-

(3) No floor furnaces of any type shall be installed or used.

(h) *Recessed wall heaters.* Recessed heaters approved by the American Gas Association shall be installed in accordance with the manufacturer's instructions, provided they shall be accessible for cleaning of heating surfaces; for removal of burners; for replacement of sections, motors, controls, filters, and other work parts; and for adjustment and lubrication of parts requiring such attention.

(i) *Duct furnaces.*

(1) Gas-fired duct furnaces shall be installed with clearances of at least six inches between adjacent walls, ceilings, and floors of combustible construction and the equipment, projecting flue box, or draft hood, provided duct furnaces listed for installation at lesser clearances may be installed in accordance with their listings. In no case shall the clearance interfere with the requirements for combustion air and accessibility.

(2) The installation of duct furnaces shall be such as to make them accessible for cleaning the heating surfaces; removal of burners; replacement of sections, controls, draft hoods, and other working parts; and for adjustment of parts requiring such attention.

(3) The ducts connected to or enclosing duct furnaces shall have removable access panels on both upstream and downstream sides of the furnace, unless all controls are accessible from the outside.

(4) The controls and draft hoods for duct furnaces shall be located outside the ducts. Draft hoods shall be located in the same enclosure from which combustion air is taken.

(5) Circulating air shall not be taken from the enclosure in which the furnace is located.

(6) Duct furnaces shall be erected and firmly supported in accordance with the manufacturer's recommendations.

(j) *Unit heaters.* Suspended type gas-fired unit heaters shall be safely and adequately supported, with due consideration given to their weight and vibration characteristics. Gas-fired unit heaters shall be installed with a minimum clearance of six inches between the unit, projecting flue box, or draft hood and combustible construction. The control side of a unit heater shall be not less than 18 inches from any wall or partition.
(Code 1984, § 19.10; Ord. No. 01-12)

Sec. 8-485. Oil-burning equipment.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Oil burner means any device used in connection with a heating system, designed to burn fuel oil having a minimum flash point of 100 degrees Fahrenheit, as determined by the Tag Closed Tester in

accordance with the method of testing adopted by the American Society for Testing Materials, latest edition, and having a fuel tank or container with a capacity of more than ten gallons connected thereto.

Oil burner equipment includes all tanks, piping, pumps, control devices, and accessories used in connection therewith.

(b) *General provisions.*

(1) The approval of oil burners, fuel oil, use of non-automatic burners, gravity feed to oil burners, pressure tanks, underground tanks, tanks inside the buildings, tank construction, tank vents, tank fill and overflow pipes, gauges, pumps, piping valves, heating oil, test of tank coverings, burner controls modifications, fire-proofing, and all other installation and venting details shall conform with the specification as follows in this section, as provided in the National Board of Fire Underwriters, latest edition.

(2) For either high-pressure or low-pressure conversion oil burners, there shall be at least one-inch block insulation under the combustion chamber. The sides of the combustion chamber shall be filled in with high heat-resistant wool.

(3) Combustion air shall be supplied to any automatic fired heating unit where such unit has no other means of receiving air to the burner. All oil-burning installation shall have a properly installed barometric draft stabilizer.

(4) Inside fuel tanks shall not be more than 275 gallons capacity, but two such tanks may be connected with a three-way valve. Any larger tank shall be enclosed by a three-hour rated fire wall. No tank shall be more than 500 gallons capacity.

(5) Where a fuel line crosses a floor, adequate protection shall be provided. Fuel oil tanks located in the basement shall be a minimum of five feet, five inches from the burner. The fill pipe shall be a two-inch pipe, and the vent pipe shall be a one-inch pipe.

(6) Every fuel oil tank shall be supplied with an oil filter of the proper size.

(7) Every fuel oil tank installed inside shall be supplied with a fuel oil gauge.

(8) All fuel oil fill and vent pipes shall be vented to the outside of the building.

(9) Oil tanks inside using overhead systems to the burner shall have return line systems (two pipe system). No oil floor furnace shall be installed or used.

(Code 1984, § 19.11; Ord. No. 01-12)

Sec. 8-486. Stokers and stoker-fired heating.

(a) *Definition.* For the purposes of this section, the term "stoker" means an automatically or manually controlled mechanical device for feeding solid fuel into the combustion chamber used in connection with a heating plant.

(b) *General rules.*

(1) No stoker not equipped with automatic means of preventing excessive pressure or temperature of the heating medium shall be installed or operated.

(2) The approval of coal stokers, their installation, venting, controls, etc., shall conform with the specifications of the Stoker Manufacturers Association, latest edition.

(Code 1984, § 19.12; Ord. No. 01-12)

Sec. 8-487. Electric and electric panel heating; bathroom wall insert heaters.

(a) *Electric heating.*

(1) The following provisions for electric heating shall cover installation, central boilers, furnaces, heat pumps, and the like. Electric baseboard radiation and resistance heating equipment shall be designed or engineered by professional engineers or contractors licensed under the provisions of this article, but all electrical wiring, conduits, boxes, and connections shall be made by licensed electrical contractors. All resistance heating equipment shall be installed to comply with manufacturer's installation instructions or with the City Electrical Code, whichever is more restrictive.

(2) Heating units and control devices shall be listed by Underwriters Laboratories and shall be installed in compliance with the State Electrical Code.

(3) The labeled voltage of all equipment shall be within five percent of the service voltage provided.

(4) Unless otherwise indicated, installation recommendations contained in the A.S.H.R.A.E. Guide, latest edition, and those of the manufacturer shall be followed.

(5) Thermostatic control shall be provided in each heated room or space, except where a central heating boiler or furnace is installed.

(b) *Electric panel heating.*

(1) The average panel output required under design conditions shall not exceed the BTU per square foot per hour permitted by the U.L. Listing Report.

(2) Every cable shall bear a label identifying the manufacturer and rating of the unit. Cables shall be of standard length and shall not be cut.

(3) The wattage rating of any cable shall not exceed the rating of the controlling thermostat and relay combination.

(4) Prefabricated conductive materials.

a. Panels shall be thermostatically controlled and shall have maximum surface temperatures of 150 degrees Fahrenheit.

b. Panels shall not be cut and lighting fixtures shall not be fastened or cut into the active area of the panel.

(c) *Bathroom wall insert heaters.* Bathroom wall insert heaters and switches shall be located as far as practical from plumbing fixtures and at least 30 inches from the tub or shower.

(Code 1984, § 19.13; Ord. No. 01-12)

Sec. 8-488. Chimneys.

All equipment shall be installed in accordance with the manufacturer's recommendations, subject to the approval of the City Heating and Air Conditioning Inspector's Department.

(1) *Chimney defined.* The term "chimney," as used in this section, means a prefabricated chimney. For provisions regulating masonry chimneys, see the Building Code in Article II of this chapter.

(2) *Temperature and fuel design labeling.* Manufacturers of prefabricated chimneys shall clearly label temperature and fuel design for such chimneys as per U.L. ratings.

(3) *Oil-fired equipment.* For oil-fired equipment, prefabricated chimneys shall provide protection based on flue gas temperatures of no less than 800 degrees Fahrenheit.

(4) *Incinerators.*

a. *Generally.* For incinerators, temperature requirements may vary depending on the capacity of the incinerator and the items being burned. The following are examples:

1. *Two-bushel fueless.* Minimum prefabricated chimney designed for 800 degrees Fahrenheit.

2. *Three-bushel fueless.* Minimum prefabricated chimney designed for 1,200 degrees Fahrenheit.

3. *Four-bushel and larger.* Minimum prefabricated chimney designed for 1,600 degrees Fahrenheit to 2,000 degrees Fahrenheit. See requirements of the Department of Safety and Professional Services.

b. *Prohibited installation.* No incinerator shall be installed on a Type "B" vent.

(Code 1984, § 19.14; Ord. No. 01-12)

Sec. 8-489. General penalty.

Any person who shall violate any provisions of this article or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in Section 1-6.
(Code 1984, § 19.20; Ord. No. 01-12)

Secs. 8-490—8-516. Reserved.

ARTICLE VI. MINIMUM HOUSING STANDARDS

DIVISION 1. GENERALLY

Sec. 8-517. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved means approved by or in accordance with regulations established by the Director of Public Works.

Basement means that portion of a building the floor of which is below the outside ground grade level.

Bath means a bathtub or shower stall.

Bedroom means a habitable room within a dwelling unit or part thereof which is used or intended to be used primarily for the purpose of sleeping, but not including any kitchen or dining room.

Boarding house or *lodging house* means a building or structure, other than a hotel licensed by the State, where lodging and meals for three or more persons are served for compensation. A boarding house or lodging house may be considered a dormitory as defined and regulated within this Code.

City Building Code means Article II of this chapter.

City Electrical Code means Article IV of this chapter.

City Heating and Air Conditioning Code means Article V of this chapter.

City Plumbing Code means Article III of this chapter.

Director of Public Works means the Director of Public Works of the City or an authorized representative.

Dormitory means a communal type living arrangement of four or more persons not related by blood, adoption, or marriage who share common sleeping areas, kitchen, bath, or restroom facilities. The term "dormitory" includes, but is not limited to, shelter facilities, educational facility housing, rooming houses or part thereof, boarding houses or lodging houses, community living arrangements, community based residential facilities, and migrant housing.

Dwelling means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling unit means any habitable room or group of adjoining habitable rooms located within a dwelling or part thereof and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, and by poisoning, spraying, fumigating, trapping, or any other approved pest elimination methods.

Family means any member or individual related by blood, adoption, marriage, and/or no more than two persons not so related, living together on the premises as a single housekeeping unit.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces, stairways, and rooms used for play or recreational purposes.

Homeless family means a group of one or more related individuals who are homeless individuals.

Homeless individual means:

(1) An individual who lacks a fixed, regular, and adequate nighttime residence (without regard to whether the individual is a member of the family); and

(2) An individual whose primary nighttime residence is a supervised public or privately operated shelter designed to provide temporary living accommodations. Temporary living accommodations include welfare hotels, congregate shelters, and transitional housing.

Infestation means the presence of any insects, rodents, or other pests within a dwelling or part thereof or on the dwelling premises or part thereof.

Kitchen means a habitable room used or intended to be used for cooking or the preparation of meals.

Living room means a habitable room within a dwelling unit which is used or intended to be used primarily for general living purposes.

Meaning of certain terms. Whenever the terms "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Non-dwelling structure means a garage, shed, or other similar storage or convenience building attached to or detached from a dwelling or part thereof and used primarily for recreation and the storage of vehicles, lawn and garden appliances, and other household tools or equipment. A non-dwelling structure shall not be used for living or sleeping by human occupants.

Occupant means any person, including an owner or operator, living, sleeping, or cooking in or having actual possession of a dwelling or rooming unit or part thereof.

Operator means any person who has charge, care, or control of a building or part thereof in which dwelling or rooming units or part thereof are let.

Owner means any person who alone or jointly or severally with others has legal title or equitable title to any dwelling or dwelling or rooming unit or part thereof or who has charge, care, or control of any dwelling or dwelling or rooming unit or part thereof as executor, administrator, trustee, or guardian of the estate of the owner.

Plumbing means all of the following facilities and equipment: water pipes, garbage disposal units, waste pipes, vent pipes, toilets, sinks, installed dishwashers, lavatories, baths, installed clothes washing machines, catch basins, drains, vents, domestic hot water heaters, and any other similar fixtures, together with all connections to water, sewer, or gas lines.

Premises means a platted lot or part thereof, an unplatted lot, or parcel of land or a plot of land, either occupied or unoccupied by any dwelling or part thereof or structure.

Roomer means an occupant of a rooming house or part thereof who is not a member of the family of the operator of that rooming house or part thereof, or an occupant of a dwelling unit or part thereof who is not a member of the family occupying the dwelling unit or part thereof.

Rooming house means a building or structure, other than a hotel licensed by the State, where three or more persons are lodged for compensation. A rooming house or part thereof may be considered a dormitory as defined and regulated within this article.

Rooming unit means any room or group of rooms forming a single habitable unit in a rooming house or part thereof used or intended to be used for living and sleeping but not for cooking or eating meals.

Shelter facility means a temporary place of lodging for homeless individuals or homeless families. A shelter facility may be considered a dormitory as defined and regulated within this Code.

State Building Code means Section 8-333.

State Heating, Ventilating, and Air Conditioning Code means Wis. Admin. Code Ch. SPS 364.

State Plumbing Code means Wis. Admin. Code Chs. SPS 381 through 387.

Supplied means paid for, furnished by, or provided by or under the control of the owner or operator.
(Code 1984, § 23.01; Ord. No. 15-93; Ord. No. 81-93; Ord. No. 20-94; Ord. No. 31-04)

Sec. 8-518. Residential rental practices.

(a) *State law adopted.* Wis. Admin. Code Ch. ATCP 134 and Wis. Stats. § 704.95, as they may be amended from time to time, are hereby adopted by reference and incorporated as though fully set forth herein.

(b) *Enforcement.* The Director of Community Development is designated as a City official who may sign and issue citations with respect to this article and may delegate the authority to employees.

(c) *Penalties.* Any person who violates this article shall, for each offense, forfeit not less than $25.00 nor more than $5,000.00.
(Code 1984, § 23.50; Ord. No. 21-94; Ord. No. 38-12)

Secs. 8-519—8-542. Reserved.

DIVISION 2. PURPOSE AND SCOPE

Sec. 8-543. Purpose.

Buildings that are or are becoming dilapidated, neglected, overcrowded with occupants, or unsanitary jeopardize and are detrimental to the health, safety, morals, or welfare of the people of the City. Such buildings are rendered detrimental to the public through faulty design or construction, failure to be kept in a proper state of repair, lack of proper sanitary facilities or adequate lighting or ventilation, inability to properly heat, improper management or any combination of these factors. The City finds that elimination of such buildings or structures or the prevention of the occurrence of such conditions in the future is in the best interests of the citizens of the City, and this article is enacted to foster and encourage such elimination.
(Code 1984, § 23.02)

Sec. 8-544. Compliance with other codes.

The provisions of this article shall not abrogate the responsibility of every person to comply with the provisions of the State Building Code and the Building, Zoning, Plumbing, Heating, and Electrical Codes of the City.
(Code 1984, § 23.03)

Secs. 8-545—8-566. Reserved.

DIVISION 3. ADMINISTRATION AND ENFORCEMENT

Sec. 8-567. Director of Public Works to enforce.

The Director of Public Works is responsible for the enforcement of this article; however, it is declared that the intent of this article can be most effectively carried out by the cooperation of all City departments concerned; and all such departments shall cooperate with the Director of Public Works in the enforcement of this article.
(Code 1984, § 23.10; Ord. No. 81-93)

Sec. 8-568. Inspections.

(a) *To be made by Director of Public Works.* The Director of Public Works shall make inspections to determine the condition of dwelling units, rooming units, and premises or parts thereof located within the City and may enter any building during reasonable hours in the discharge of the duties; and any person who interferes with the Director of Public Works in the discharge of the duties shall be in violation of this article. The Director of Public Works shall have proper identification and shall show same when making such inspections.

(b) *Access of owner or operator.* Every occupant of a dwelling, dwelling unit, or rooming unit or part thereof shall give the owner or operator thereof, or an agent or employee, access to any part of such dwelling, dwelling unit, or rooming unit or part thereof or its premises or part thereof at all reasonable times for the purpose of maintenance or making such repairs or alterations as are necessary to effect compliance with this article or with any lawful rule or regulation adopted, or any lawful notice or order issued, pursuant to the provisions of this article.
(Code 1984, § 23.11; Ord. No. 81-93)

Sec. 8-569. Service of notices and hearings.

Whenever the Director of Public Works determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any of the provisions of this article or of any rule or regulation adopted pursuant thereto, the Director shall give notice of such violation or alleged violation to the person responsible therefor as provided in Wis. Stats. § 66.1337(4)(a). The provisions of Wis. Stats. § 66.1337(4)(a) and (b), pertaining to the service of notices, petition for hearing and review by the Circuit Court, are adopted by reference and made a part of this article as if set out in full. In carrying out the provisions of Wis. Stats. § 66.1337(4)(a), the Protection and Policy Committee is designated the Board established to hear original appeals under this section.
(Code 1984, § 23.12; Ord. No. 81-93)

Sec. 8-570. Emergency orders.

Whenever the Director of Public Works finds that an emergency exists which requires immediate action to protect the public health, the Director of Public Works may, without notice of hearing and in accordance with the provisions of Wis. Stats. § 66.1337(4)(a), issue an order reciting the existence of such an emergency and requiring that such action be taken as the Director of Public Works deems necessary to meet the emergency. Such order shall be effective immediately. Notwithstanding any

other provision of this article, every notice served by the Director of Public Works in accordance with the provisions of Sections 8-593(7), 8-596(a)(11), (b)(2) and (b)(3), and 8-362(j) shall be regarded as an order.
(Code 1984, § 23.13; Ord. No. 81-93)

Sec. 8-571. Condemnation of dwellings and dwelling units or parts thereof as unfit for human habitation.

(a) *When condemnation required.* Any dwelling unit or part thereof which the Director of Public Works finds to have any of the following defects shall be condemned as unfit for human habitation, occupancy, or use:

(1) One which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe, or vermin-infested that it creates a hazard to the health or welfare of the occupants or the public.

(2) One which lacks illumination, ventilation, or sanitary facilities adequate to protect the health or welfare of the occupants or the general public.

(3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or welfare of the occupants or the general public. Any dwelling or dwelling unit or part thereof may be condemned by the Director of Public Works as unfit for human habitation if the owner or occupant fails to comply with any order based on the provisions of this article or any rule or regulation adopted pursuant thereto, provided such dwelling or dwelling unit or part thereof is, in the opinion of the Director of Public Works, unfit for human habitation by reason of such failure to comply.

(b) *Procedure for condemnation.* The condemnation of dwellings and dwelling units or parts thereof as unfit for human habitation, occupancy, or use shall be carried out in accordance with Wis. Stats. § 66.0413, and the Health Commissioner is designated as the "other designated officer" under such provisions.
(Code 1984, § 23.14; Ord. No. 81-93)

Sec. 8-572. General penalty.

Any person who shall violate any provision of this article or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in Section 1-6, except that the minimum penalty for each offense shall be $25.00.
(Code 1984, § 23.15)

Secs. 8-573—8-592. Reserved.

DIVISION 4. HOUSING STANDARDS

Sec. 8-593. Minimum standards for basic equipment and facilities.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit or part thereof for the purpose of living, sleeping, cooking, or eating meals therein which does not comply with the following requirements:

(1) *Kitchen sink and lavatory.* Every dwelling unit or part thereof shall contain an approved kitchen sink. Every dwelling unit or part thereof shall contain a lavatory or wash basin in or adjacent to the toilet room.

(2) *Toilet.* Every dwelling unit or part thereof shall contain a toilet, which shall be placed in a separate room enclosed with partitions which extend to the ceiling.

(3) *Bath.* Every dwelling unit or part thereof shall contain a bath, which shall be contained within a toilet room or within a separate room which affords privacy to a person using such facility.

(4) *Hot and cold water supply to bath and sinks.* Every bath, kitchen sink, and lavatory required under this article shall be properly connected with both hot and cold water lines.

(5) *Water heating facilities.* Every dwelling shall have supplied water heating facilities which are properly installed and maintained in reasonably good working condition, are properly connected with the hot water lines required under subsection (4) of this section, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every bath at a temperature of not less than 120 degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting these requirements when the dwelling or dwelling unit or part thereof heating facilities are not in operation.

(6) *Connection to water and sewer system.* Every kitchen sink, toilet, lavatory basin, and bath shall be in good working condition and properly connected to an approved water and sewer system.

(7) *Plumbing.* All plumbing, plumbing equipment, and plumbing fixtures and the installation thereof shall comply with the Plumbing Codes of the City and of the State.

(8) *Garbage and rubbish.* Every dwelling and dwelling unit or parts thereof shall be provided with adequate facilities for the storing of rubbish and garbage. Such facilities shall comply with the provisions of Chapter 32. Every dwelling unit or part thereof located on premises with two or more additional dwelling units or parts thereof shall have such facilities supplied.

(9) *Exits.* Every dwelling unit or part thereof shall have exits which conform to the exit requirements of the City Building Code or the State Building Code, when applicable. Every exit and passageway shall also comply with the following requirements:

a. It shall be kept in good repair.

b. It shall be unobstructed at all times.

(Code 1984, § 23.20)

Sec. 8-594. Minimum standards for light, heating, and ventilation.

(a) *Window area.* Every habitable room, toilet room, and bathroom shall have at least one window facing directly to the outdoors. The minimum window area shall be at least ten 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 $6^1/_2$ feet above the floor. At least one-half of the window shall be made so as to open the full width unless other means of adequately ventilating such rooms are installed and operating. The outside window in every toilet or bathroom shall have a total area of at least ten percent of the floor area, but not less than four square feet, provided no window or sky light shall be required in adequately ventilated bathrooms or toilet rooms equipped with a ventilation system which is kept in continuous operation.

(b) *Electric outlets.* Where there is suitable electric service available from supply lines which are not more than 300 feet from a dwelling or part thereof, every kitchen, living room, and rooming unit or part thereof within such dwelling or part thereof shall contain at least two separate and remote floor or wall type electric convenience outlets or one such convenience outlet and one supplied ceiling or wall type electric light fixture; and every bedroom, dining room, toilet room, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling type or wall type electric fixture, provided in lieu of one supplied ceiling type or wall type electric fixture a bedroom and dining room may each contain at least two separate and remote floor or wall type electric convenience outlets. Every such outlet and fixture shall be properly installed, maintained in good working condition, and connected to the source of electric power in a proper manner and in accordance with the City Electrical Code.

(c) *Heating facilities.*

(1) Every dwelling unit or part thereof shall have supplied heating facilities; and such facilities shall be properly installed, maintained in good working condition, and capable of adequately heating all habitable rooms, bathrooms, and toilet rooms contained therein or intended for use by the occupants thereof to a temperature of at least 70 degrees Fahrenheit, measured three feet above the floor level, when the outside temperature is at or above -15 degrees Fahrenheit. A dwelling unit or part thereof shall contain a sufficient number of chimney outlets to permit the occupants, through the use of space heaters furnished by the owner, to adequately heat all habitable rooms, bathrooms, and toilet rooms contained therein to a temperature of at least 70 degrees Fahrenheit, measured at least three feet above the floor level, when the outdoor temperature is at or above -15 degrees Fahrenheit. This provision shall not be interpreted to permit the use of space heaters where such use is prohibited by either the City Building or Heating Code or the State Building and Heating, Ventilating and Air Conditioning Codes, when applicable. Every central heating system shall comply with the City Building and Heating Codes and the State Building and Heating, Ventilating and Air Conditioning Codes, when applicable. It shall also comply with the following requirements:

a. The central heating unit shall be in good operating condition.

b. Every heat duct, steam pipe, and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.

c. Every seal between the sections of a warm air furnace shall be tight, so noxious gases will not escape into heat ducts.

(2) Every space heater shall comply with the City Building and Heating Codes and the State Building and Heating, Ventilating, and Air Conditioning Codes, when applicable, and with all of the following requirements:

a. No space heater burning solid, liquid, or gaseous fuels shall be a portable type.

b. Every space heater burning solid, liquid, or gaseous fuels shall be properly vented.

c. Every coal-burning or oil-burning space heater shall have a fire-resistant panel beneath it.

d. The location of space heaters, the insulation of walls and ceilings close to such heaters, and the construction, installation, and guarding of smoke pipes and well or ceilings through which they go shall be in accordance with the Heating Code of the City in Article V of this chapter.

(d) *Lighting of public halls and stairways.* Every public hall and public stairway in every dwelling or part thereof containing four or more dwelling units or part thereof or accommodating more than 20 persons shall be adequately lighted at all times. Such lighting shall include lights at all intersections of stairways. Instead of continuous lighting, every public hall and public stairway in dwellings or parts thereof containing less than four dwelling units or rooming houses accommodating more than three roomers but less than 20 persons shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed.

(e) *Screens.* At least one window in each habitable room, toilet room, and bathroom where windows are required shall be supplied with a screen covering at least one-third of the window area, except where other means of adequately ventilating such rooms are available and operating. Screens shall have a wire mesh of not less than No. 16.

(f) *Basement window screens.* Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.
(Code 1984, § 23.21)

Sec. 8-595. Minimum space, use, and location requirements.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit or part thereof for the purpose of living therein which does not comply with the following requirements:

(1) *Dwelling unit to be occupied by one family.* No dwelling unit or part thereof shall be occupied by more than one family.

(2) *Minimum floor area for dwelling unit or part thereof.* Every dwelling unit or part thereof shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(3) *Minimum floor area for sleeping purposes.* Every room occupied by one person for sleeping purposes shall contain at least 70 square feet of floor space and 490 cubic feet of air space, and every room occupied by more than one person for sleeping purposes shall contain at least 60 square feet of floor space and 400 cubic feet of air space for each occupant thereof, provided these requirements shall be reduced by one-half for children under 12 years of age.

(4) *Arrangement of sleeping, bath, and toilet rooms.* No dwelling or dwelling unit or part thereof containing two or more sleeping rooms shall be so arranged that access to a bathroom or toilet room intended for use by the 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 toilet room.

(5) *When basement space may be habitable.* No basement space shall be used as a sleeping room or dwelling unit or part thereof unless such sleeping room or dwelling unit or part thereof is in conformity with existing City or State Building Codes and complies with the following requirements:

a. The total window area in each room shall be at least equal to the minimum window area required in Section 8-594(a).

b. Such required minimum window area shall be located entirely above the grade of the adjoining ground.

c. The total openable window area in each room shall be at least equal to the minimum required under Section 8-594(a), unless there is supplied some other approved ventilating device.

d. Every habitable room in a basement shall be at least seven feet, six inches high from the floor to the ceiling; and the ceiling shall be at least four feet above the outside ground grade level. The walls and floors shall be damp-proof and waterproof.

(6) *Occupants to have access to sanitary facilities.* Every occupant of every dwelling shall have unrestricted access to a toilet and bath and to a kitchen sink or lavatory located within that dwelling or part thereof.

(7) *Ceiling height with respect to floor area.* At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(Code 1984, § 23.22; Ord. No. 15-93)

Sec. 8-596. Maintenance of dwellings, dwelling units, and rooming units.

(a) *Owner's responsibility.* No person shall occupy as owner-occupant or let to another for occupancy any dwelling or rooming unit or part thereof for the purpose of living therein which does not comply with the following requirements:

(1) *Maintenance of foundations, exterior walls, roofs.* Every foundation, exterior wall, and roof shall be weather-tight, water-tight, and insect-proof, shall be rodent-proof in accordance with the terms of Section 6-7 (Rat Prevention), and shall be kept in a good state of maintenance and repair. The exterior walls of dwellings or parts thereof, rooming houses or parts thereof, and non-dwelling structures shall be either prefinished material, brick, stone, stucco, exterior plaster, stained or painted wood, water-proof shingles, or other material designed and advertised to be used as permanent exterior siding and capable of being painted, stained, or weatherproofed if not prefinished. Materials designed and advertised for insulation, sub-siding, or structural uses other than exterior walls shall not be allowed as exterior siding.

(2) *Maintenance of interior walls, floors, ceilings.* Every interior partition, wall, floor, and ceiling shall be capable of affording privacy, kept in a good state of repair, and so maintained as to permit them to be kept clean and sanitary.

(3) *Rainwater drains.* Rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings, or floors of any room.

(4) *Windows, doors, hatchways.* Every window, exterior door, and basement hatchway shall be weather-tight and shall be kept in a good working condition, well-maintained, and repaired.

(5) *Protection of exterior wood surfaces.* All exterior wood surfaces shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner.

(6) *Stairways and porches.* Every inside and outside stairway, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and in a good state of maintenance and repair.

(7) *Supplied plumbing fixtures.* Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition and in accordance with the Plumbing Codes of the City and the State.

(8) *Chimney and supplied smoke pipes.* Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, and maintained in a good state of repair and in accordance with the City Building and Heating Codes and the State Building and Heating, Ventilating, and Air Conditioning Codes, when applicable.

(9) *Bathroom and toilet room floors.* Every bathroom and toilet room floor shall be so maintained as to be reasonably impervious to water and as to permit such floor to be kept in a clean and sanitary condition.

(10) *Supplied facilities.* Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed or installed that it will function properly and shall be maintained in good working condition.

(11) *Discontinuance of required services, facilities, equipment, or utilities.* No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this article to be removed from, shut off from, or discontinued from any occupied dwelling or dwelling unit let or occupied by said owner or operator, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are being made.

(12) *Pest extermination.* Whenever infestation exists in two or more dwelling units in any dwelling or part thereof, or in the shared or public parts of any dwelling or part thereof containing two or more dwelling units or part thereof, or whenever infestation is caused by failure of the owner to maintain the dwelling or part thereof in a rat-proof or insect-proof condition, extermination thereof shall be the responsibility of the owner.

(13) *Cleanliness of public areas of dwellings.* Every owner of a dwelling containing two or more dwelling units or part thereof shall be responsible for maintaining in a clean and sanitary condition all communal, shared, or public areas of the dwelling and premises or parts thereof which are used or shared by the occupants of two or more dwelling units or part thereof.

(14) *Vacant dwelling units or part thereof to be clean and sanitary before being let for occupancy.* No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant dwelling unit or part thereof unless it is clean, sanitary, free of infestation, and complies with all provisions of this article and all rules and regulations adopted pursuant thereto.

(15) *Maintenance of buildings in certain residence districts.* No person shall occupy as owner-occupant or let to another any building or structure in a district zoned First Residence, Second Residence "A," or Second Residence "B" which does not comply with the provisions of subsections (a)(1), (3) through (6) and (8) of this section.

(b) *Responsibility of occupants.*

(1) *Cleanliness.* Every occupant of a dwelling or dwelling unit or part thereof shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which is occupied or controlled.

(2) *Disposal of rubbish.* Every occupant of a dwelling or dwelling unit shall dispose of all rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Chapter 32.

(3) *Disposal of garbage.* Every occupant of a dwelling or dwelling unit or part thereof shall dispose of all garbage, and any other organic waste which might provide food for rodents, in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers a required by Chapter 32.

(4) *Hanging screens.* Except where the owner has agreed to supply such service, every occupant of a dwelling or dwelling unit shall be responsible for hanging all screen whenever the same are required under the provision of this article or any rule or regulation adopted pursuant thereto. Screens shall be hung at all times that flies or other insects are present.

(5) *Extermination of pests.* Every occupant of a dwelling or part thereof containing a single dwelling unit or part thereof shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit or part thereof in a dwelling containing more than one dwelling unit shall be responsible for such extermination within the unit occupied whenever the dwelling unit is the only one infested, provided whenever infestation is caused by failure of the owner to maintain a dwelling or part thereof in a rat-proof and insect-proof condition, extermination shall be the responsibility of the owner.

(6) *Use and operation of supplied plumbing fixtures.* Every occupant of a dwelling unit or part thereof shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(7) *Destruction, mutilation, and defacing of property.* Every occupant of a dwelling unit or rooming unit or part thereof shall be responsible for the repair or replacement of any part of required residential real estate, required supplied fixtures and equipment, required supplied furnishings, and other required property of an owner when such has been willfully or wantonly damaged, mutilated, or defaced by such occupant.

(Code 1984, § 23.23)

Sec. 8-597. Maintenance of non-dwelling structures, fences, and premises.

No owner shall permit any non-dwelling structure or fence to exist on any premises which does not comply with the following requirements:

(1) *Maintenance of non-dwelling structures.* Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entrance way of every non-dwelling structure shall be so maintained as to prevent the structure from becoming a harbor for rats and shall be kept in a reasonably good state of maintenance and repair.

(2) *Protection of exterior wood surfaces.* All exterior wood surfaces of all non-dwelling structures shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner.

(3) *Maintenance of fences.* Every fence either shall be kept in a reasonably good state of maintenance and repair or shall be removed.

(4) *Grading and drainage of premises.* All premises or part thereof shall be so graded and maintained that no stagnant water will accumulate or stand on the premises or part thereof or within any building or structure located on the premises or part thereof.

(Code 1984, § 23.24)

Secs. 8-598—8-627. Reserved.

DIVISION 5. ROOMING HOUSE/SHELTER FACILITY REGULATIONS

Sec. 8-628. Compliance required.

No person shall operate a rooming house or part thereof or shelter facility or occupy or let to another for occupancy any rooming unit or part thereof in any rooming house or part thereof or shelter facility except in compliance with the requirements of this division and any other applicable section within this Code.

(Code 1984, § 23.30; Ord. No. 21-94)

Sec. 8-629. Permits.

(a) *Required.* No person shall operate a rooming house or part thereof or shelter facility without a valid rooming house or part thereof/shelter facility permit issued by the Director of Public Works in the name of the operator and for the specific dwelling or dwelling unit or part thereof within which the rooming house or part thereof or shelter facility is contained, provided the provisions of this subsection shall not apply to dormitories associated with and run in connection with licensed educational institutions, hotels, motels, bed and breakfast establishments, and community living arrangements which are licensed by an agency of the State of Wisconsin. The term "shelter facilities," as defined in this Code, shall comply with all the rules and regulations herein.

(b) *Application.* The operator shall file the application for a rooming house or part thereof/shelter facility permit and a site plan according to Sections 44-83 and 44-1581, in the office of the Director of Public Works on forms prepared by the Director.

(c) *Issuance of permit and fees.* When all applicable provisions of this division and any rules and regulations adopted pursuant thereto have been complied with by the operator, the Director of Public Works shall issue a rooming house or part thereof/shelter facility permit upon the payment of the fee, which shall be as provided in the City Fee Schedule. Shelter facilities shall be exempt from the fees. All rooming house or part thereof/shelter facility permits so issued shall expire on July 1 following the date of issuance unless sooner suspended or revoked as herein provided. Occupancy shall not exceed the capacity specified in Wis. Admin. Code § SPS 362.0400 or sections referenced therein, or Section 8-632(d).

(d) *Posting of permit.* Every rooming house or part thereof/shelter facility permit issued by the Director of Public Works shall be conspicuously posted by the operator in the rooming house or part thereof or shelter facility for which it is issued and shall remain so posted at all times unless removed by the order of the Director of Public Works.

(e) *Nontransferability of permit.* No rooming house or part thereof/shelter facility permit issued under this division shall be transferable as to person or place; and every operator shall notify the Director of Public Works in writing within 24 hours after having relinquished the operator of a rooming house or part thereof or shelter facility and shall file in writing with the Director of Public Works the name and address of the operator to whom the operation of the rooming house or part thereof or shelter facility was transferred.

(f) *Relationship of permit to other codes.* The issuance of a rooming house or part thereof/shelter facility permit shall not relieve the owner or operator of responsibility for compliance with the Building and Zoning Codes and any other applicable ordinances of the City and County, and with the applicable rules of the State Department of Health and the Department of Safety Professional Services.

(g) *Hearing when permit is denied.* Any person whose application for a permit to operate a rooming house or part thereof or shelter facility has been denied may request and shall be granted a hearing on the matter before the Protection and Policy Committee under the procedure provided by Section 8-569.

(h) *Suspension and revocation of permit.*

(1) *When suspension required.* Whenever, upon inspection of a rooming house or part thereof or shelter facility, the Director of Public Works finds that conditions or practices exist which are in violation of any provision of this article or any other provisions of this Code, rule or regulation adopted pursuant thereto, or if the operator keeps or maintains a disorderly house, the Director of Public Works shall give written notice to the operator of such rooming house or part thereof or shelter facility that, unless such conditions or practices are corrected within a reasonable period, determined by the Director of Public Works, the operator's rooming house or part thereof/shelter facility permit will be suspended.

(2) *Hearing.* Any person who has received notice from the Director of Public Works that the permit is to be suspended unless the existing condition or practices are corrected may request and shall be granted a hearing on the matter before the Protection and Policy Committee under the procedure provided by Section 8-569.

(3) *Suspension.* If no petition for such hearing is filed within 20 days, the permit shall be automatically suspended and the operator shall cease operation of such rooming house or part thereof or shelter facility.

(Code 1984, § 23.31; Ord. No. 21-94)

Sec. 8-630. Operator to control occupancy.

No operator shall at any time allow a larger number of persons to occupy any individual or group sleeping room than is permitted by this division.

(Code 1984, § 23.32; Ord. No. 21-94)

Sec. 8-631. Applicability of other parts of this article.

No person shall operate a rooming house or part thereof or shelter facility unless all of the requirements of Sections 8-594, 8-595(5) and (6), and 8-596(a), except subsections (a)(12) and (13), are complied with, provided for the purpose of interpreting the requirements of the designated sections applicable to the enforcement of this division, the term "multiple dwelling" or "dwelling" shall be interpreted to mean rooming house or part thereof or shelter facility and the term "dwelling unit" shall be interpreted to mean rooming unit or part thereof. Every dwelling unit or part thereof located within a rooming house or part thereof or shelter facility shall comply with all of the requirements for dwelling units or parts thereof as established in accordance with this article.
(Code 1984, § 23.33; Ord. No. 21-94)

Sec. 8-632. Arrangement, equipping, maintenance, and use of facilities.

(a) *Toilets and lavatory basins.* At least one toilet and lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each ten persons or fraction thereof residing within a rooming house or part thereof or shelter facility, including members of the operator's family wherever they share the use of such facilities.

(b) *Baths.* At least one bath, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house or part thereof or shelter facility, including members of the operator's family wherever they share the use of such facilities.

(c) *Location of sanitary facilities.* Every toilet, lavatory basin, and bath shall be located within a room which affords privacy to a person within. All such facilities shall be so located within the rooming house or part thereof or shelter facility as to be accessible to the occupants of each rooming unit or part thereof sharing such facilities without going outside of the dwelling or part thereof and without going through another dwelling unit or part thereof or through a rooming unit or part thereof of another occupant.

(d) *Minimum area for sleeping purposes.*

(1) The capacity of any room occupied for sleeping purposes shall be as follows:

a. 400 cubic feet for each occupant over 12 years of age; and

b. 200 cubic feet for each occupant 12 years of age or under.

(2) The operator of a shelter facility may allow homeless families on an emergency basis to occupy a sleeping room which does not meet the above minimum sleeping area requirements if the operator makes all reasonable attempts to place the family in another shelter which meets those requirements and so long as the family is placed in a room which complies with these regulations within 72 hours.

(e) *Number of sleeping rooms.* Every sleeping room in every rooming house or part thereof or shelter facility shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such sleeping room. No two doors shall bear the same number. No number on any door of any sleeping room shall be changed to any other number without first securing the written approval of the Director of Public Works.

(f) *Preparation or eating of meals in rooming units prohibited.* No occupant of a sleeping room shall prepare meals or store perishable foods therein. The operator shall post in every sleeping room a sign on which shall be written or printed in letters not less than three-eighths-inch in height the following words: "NO COOKING OR STORING PERISHABLE FOODS PERMITTED IN THIS ROOM." Such sign shall remain posted at all times.

(g) *Bed linens and towels.* The operator of every rooming house or part thereof or shelter facility shall effect the change of supplied bed linens and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall maintain all supplied bedding in a reasonably clean and sanitary manner.

(h) *Shades and drapes.* Every window of every room used for sleeping shall be supplied with shades, draw drapes, or other devices or materials which when properly used will afford privacy to the occupant of the room.

(i) *Sanitary maintenance.* The operator of every rooming house or part thereof or shelter facility shall maintain in a sanitary condition all walls, floors, and ceilings and every part of the rooming house or shelter facility, and the entire premises, where the entire structure or building within which the rooming house or part thereof or shelter facility is contained is leased or occupied by the operator.

(j) *Storage and disposal of rubbish and garbage.* Adequate garbage and rubbish storage containers, whose type and location are approved under Chapter 32 shall be supplied by the rooming house or part thereof or shelter facility operator. The operator shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in the required containers.

(k) *Hanging screens, storm doors, and storm windows.* The operator of a rooming house or part thereof or shelter facility shall hang all screen and double storm doors and windows whenever the same are required under this article or any rule or regulation adopted pursuant thereto except where the owner has agreed to supply such service. Screens shall be hung no later than June 1 of each year.

(l) *Extermination of pests.* The operator of a rooming house or part thereof or shelter facility shall cause the extermination of any insects, rodents, or other pests therein and on the entire premises where the entire structure or building within which the rooming house or part thereof or shelter facility is contained is leased or occupied by the operator. Notwithstanding the foregoing provisions of this subsection, whenever infestation of a rooming house or part thereof or shelter facility is caused by a failure of the owner to maintain the dwelling or part thereof within which the rooming house or part thereof or shelter facility is contained in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

(m) *Exits.* Every sleeping room in every rooming house or part thereof or shelter facility shall have exits which conform to the exit requirements of the City and State Building Codes, when applicable. In addition, every exit and passageway shall comply with the following:

(1) It shall be easily accessible from every sleeping room by passageway, without passing through any part of another sleeping room.

(2) It shall be kept in a reasonably good state of repair.

(3) It shall be unobstructed at all times.

(Code 1984, § 23.34; Ord. No. 21-94)

Sec. 8-633. Reporting of communicable disease by operator.

The operator of a rooming house or part thereof or shelter facility shall report to the Brown County Health Commissioner or any State of Wisconsin health care professional licensed under Wis. Stats. Ch. 441 (nurses) or Ch. 448 (medical practitioners), immediately upon discovery the name of any person living in the rooming house or part thereof or shelter facility who is suffering from any communicable disease, as listed in Appendix A to Wis. Admin. Code Ch. DHS 145; and such report shall be made whenever there is reason to believe or suspect that any person in such rooming house or part thereof or shelter facility may be afflicted with any communicable disease.
(Code 1984, § 23.35; Ord. No. 21-94)

Secs. 8-634—8-646. Reserved.

DIVISION 6. DORMITORY FACILITY REGULATIONS

Sec. 8-647. Compliance required.

No person shall operate a dormitory facility or occupy or let to another for occupancy any rooming unit or part thereof in any dormitory facility except in compliance with the requirements of this division and any other applicable section within this Code.
(Code 1984, § 23.40(1); Ord. No. 21-94; Ord. No. 31-04)

Sec. 8-648. Permits.

(a) *Required.* No person shall operate a dormitory facility without a valid dormitory facility conditional use permit issued by the City of Green Bay in the name of the operator and for the specific dwelling or dwelling unit or part thereof within which the dormitory facility is contained, provided the provisions of this subsection shall not apply to dormitories associated with and run in connection with hotels, motels, and bed and breakfast establishments which are licensed by an agency of the State of Wisconsin. The term "dormitory facilities," as defined in this Code, shall comply with all the rules and regulations herein.

(b) *Application.* The operator shall file the application for a dormitory facility conditional use permit and a site plan according to this Code in the office of the Director of Planning on forms prepared by the Director.

(c) *Issuance of permit and fees.* When all applicable provisions of this division and any rules and regulations adopted pursuant thereto have been complied with by the operator, the Director of Planning shall process the conditional use permit request as regulated in Section 44-83.

(d) *Nontransferability of permit.* No dormitory facility permit issued under this division shall be transferable as to person or place; and every operator shall notify the Director of Planning in writing within 24 hours after having relinquished the operator of a dormitory facility and shall file in writing with the Director of Planning the name and address of the operator to whom the operation of the dormitory facility was transferred.

(e) *Relationship of permit to other codes.* The issuance of a dormitory facility conditional use permit shall not relieve the owner or operator of responsibility for compliance with the Building and Zoning Codes and any other applicable ordinances of the City and County, and with the applicable rules of Brown County or the State of Wisconsin.
(Code 1984, § 23.40(2); Ord. No. 21-94; Ord. No. 31-04)

Sec. 8-649. Operator to control occupancy.

No operator shall at any time allow a larger number of persons to occupy any individual or group sleeping room than is permitted by this division.
(Code 1984, § 23.40(3); Ord. No. 21-94; Ord. No. 31-04)

Sec. 8-650. Applicability of other parts of this article.

No person shall operate a dormitory facility unless all of the requirements of Sections 8-594, 8-595(5) and (6), and 8-596(a), except subsections (a)(12) and (13), are complied with, provided for the purpose of interpreting the requirements of the designated sections applicable to the enforcement of this division, the term "multiple dwelling" or "dwelling" shall be interpreted to mean dormitory facility and the term "dwelling unit" shall be interpreted to mean rooming unit or part thereof. Every dwelling unit or part thereof located within a dormitory facility shall comply with all of the requirements for dwelling units as established in accordance with this article.
(Code 1984, § 23.40(4); Ord. No. 21-94; Ord. No. 31-04)

Sec. 8-651. Arrangement, equipping, maintenance, and use of facilities.

(a) *Toilets and lavatory basins.* At least one toilet and lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a dormitory, including members of the operator's family wherever they share the use of such facilities.

(b) *Baths.* At least one bath, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a dormitory facility, including members of the operator's family wherever they share the use of such facilities.

(c) *Location of sanitary facilities.* Every toilet, lavatory basin, and bath shall be located within a room, which affords privacy to a person within. All such facilities shall be so located within the dormitory facility as to be accessible to the occupants of each rooming unit or part thereof sharing such facilities without going outside of the dwelling or part thereof and without going through another dwelling unit or part thereof or through a rooming unit or part thereof of another occupant.

(d) *Minimum area for sleeping purposes.* The capacity of any room occupied for sleeping purposes shall be as follows:

(1) Sleeping areas of at least 50 square feet per person residing in the dormitory with no more than four individuals per room, except that more than four individuals may be allowed per room if all said individuals are related by blood, marriage, or adoption.

(2) Rooms shall consist of enclosed places having walls that extend from the ceiling to the floor and an entry door.

(e) *Number of kitchens/dining areas.* Every dormitory shall have one kitchen and dining area for every ten individuals residing in the dormitory facility.

(f) *Number of laundry facilities.* Every dormitory shall have one laundry facility, consisting of a minimum of one clothes washer, one clothes dryer, and a washbasin, for every ten individuals residing in the dormitory facility.

(g) *Number and size of common area/lounge.* Every dormitory shall have one common use area/lounge of at least 600 square feet in size for relaxation and recreation of the occupants for every ten individuals residing in the dormitory facility.

(h) *Sanitary maintenance.* The operator of every dormitory facility shall maintain in a sanitary condition all walls, floors, and ceilings and every part of the dormitory facility, and the entire premises, where the entire structure or building within which the dormitory facility is contained is leased or occupied by the operator.

(i) *Storage and disposal of rubbish and garbage.* Adequate garbage and rubbish storage containers, whose type and location are approved under Chapter 32 shall be supplied by the dormitory facility operator. The operator shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in the required containers.

(j) *Extermination of pests.* The operator of a dormitory facility shall cause the extermination of any insects, rodents, or other pests therein and on the entire premises where the entire structure or building within which the dormitory facility is contained is leased or occupied by the operator. Notwithstanding the foregoing provisions of this subsection, whenever infestation of a dormitory facility is caused by a failure of the owner to maintain the dwelling within which the dormitory facility is contained in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

(k) *Exits.* Every sleeping room in every dormitory facility shall have exits which conform to the exit requirements of the City and State Building Codes, when applicable. In addition, every exit and passageway shall comply with the following:

(1) It shall be easily accessible from every sleeping room by passageway, without passing through any part of another sleeping room.

(2) It shall be kept in a reasonably good state of repair.

(3) It shall be unobstructed at all times.

(Code 1984, § 23.40(5); Ord. No. 21-94; Ord. No. 31-04; Ord. No. 42-04)

Secs. 8-652—8-668. Reserved.

ARTICLE VII. MANUFACTURED AND MOBILE HOMES

Sec. 8-669. State laws adopted.

Except as otherwise provided in this article, Wis. Stats. § 66.0435, all provisions of Wis. Stats. Ch. 101, and all provisions of Wis. Admin. Code Ch. SPS 326 describing and defining regulations relative to manufactured and mobile homes that the City may adopt as ordinances are hereby adopted and by reference made part of this article as if fully set forth herein. Any future amendments, revi-

sions, or modifications of the statutes and regulations incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of manufactured and mobile homes in the City of Green Bay.
(Code 1984, § 26.01)

Sec. 8-670. Parking of manufactured and mobile homes restricted.

Except as provided in this article, no person shall park within the City any manufactured and mobile home e on any street, alley, highway, or other public place or on any privately-owned land.
(Code 1984, § 26.02)

Sec. 8-671. Manufactured and mobile home park licenses.

(a) *Required.* No person shall establish, operate, or maintain or permit to be established, operated, or maintained upon any property owned, leased, or controlled by said owner a manufactured and mobile home park within the City without first securing a license therefor from the Division of Building Inspection pursuant to this article. Such license shall expire on 12:00 midnight, June 30 of the year of issue but may be renewed under the provisions of this article for additional maximum two-year periods.

(b) *Location restricted.* An application for the construction of a manufactured and mobile home park shall be considered only when its proposed location is within a district zoned to permit such use.

(c) *Application.* The application for a license or a renewal thereof shall be made on forms furnished by the City Clerk and shall include the name and address of the owner in fee of the tract or if the fee is vested in some person other than the applicant, a duly verified statement by such person that the applicant is authorized to construct or maintain the manufactured and mobile home park and make the application, and such legal description of the premises upon which the manufactured and mobile home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new, or revised manufactured and mobile home park shall be accompanied by five copies of the park plan showing the following, either existing or as proposed:

(1) The area to be used for park purposes.

(2) Roadways and driveways.

(3) The location and designation of dependent and independent manufactured and mobile home spaces.

(4) The location of service buildings and the number of sanitary conveniences, including toilets, washrooms, laundries, and utility rooms, to be used by occupants of the manufactured and mobile home park.

(5) A complete layout of storm, sanitary, and water systems for the service building and spaces.

(6) The method and plan of garbage removal.

(7) A plan for electrical lighting of spaces.

(d) *Issuance of license.*

(1) *Approval and fee required.* The application for such license or renewal thereof shall be approved by the Inspection Division. Before a license is issued, the applicant shall pay an annual fee

in accordance with Wis. Admin. Code Ch. SPS 326. Said license shall expire on June 30 annually. A penalty fee as provided in the City Fee Schedule shall apply to renewal applications postmarked after June 30. Operation in any fiscal year requires a license.

(2) *Municipal sanitary facilities required.* No license shall be issued for a manufactured and mobile home park where municipal sanitary facilities are not available.

(e) *Revocation and suspension.* A license may be suspended or revoked after a hearing held pursuant to Wis. Stats. § 66.0435. Any hearing for the suspension, revocation, or non-renewal of a license shall be conducted before the Protection and Policy Committee. At the conclusion of the hearing, the Protection and Policy Committee shall recommend to the Common Council that the license be suspended, revoked, or non-renewed if it finds that the licensee committed a violation. The Common Council shall consider and take action on the recommendation of the Protection and Policy Committee within 45 days after the committee adjourns the hearing. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.
(Code 1984, § 26.03)

Sec. 8-672. Management of manufactured and mobile home parks.

(a) *Office to be in park.* In every manufactured and mobile home park, there shall be located the office of the attendant or person in charge of such park. A copy of the park license and of this article shall be posted therein, and the park register shall at all times be kept in such office.

(b) *Duties of attendant and licensee.* The attendant or person in charge, together with the licensee, shall:

(1) Keep a register of all occupants, which shall be open at all times to inspection by state, federal, and local officers and which shall show for all occupants of the manufactured and mobile home park the following information:

a. Names and addresses.

b. Number and ages of all children.

c. Number of public elementary school children.

d. Number of public secondary school children.

e. State of legal residence.

f. Dates of entrance and departure.

g. License numbers of all manufactured and mobile homes and towing or other vehicles, and states issuing such licenses.

h. Place of last location and length of stay.

i. Place of employment of each occupant.

(2) Maintain the park in a clean, orderly, and sanitary condition at all times.

(3) Ensure that the provisions of this article are complied with and enforced and report promptly to the proper authorities any violations of this article or any other violations of law which may come to attention.

(4) Collect the monthly parking permit fee and keep a record book showing the names of persons paying such fees and the amounts paid.

(5) Submit with the total monthly parking permit fees to the City Treasurer a monthly report showing the names of persons paying such fees and the amount paid if less than for a full month. Such report shall also indicate departure time for current tenants and arrival time for new tenants and departure time if occurring the same month as arrival.

(Code 1984, § 26.04)

Sec. 8-673. Applicability of plumbing, electrical, and building ordinances.

All plumbing, electrical, building, and other work on or at any park licensed under this article shall be in accordance with City ordinances, the requirements of the State Plumbing, Electrical, and Building Codes, and the regulations of the State Department of Health. Permits granted under this article grant no permission to erect or repair any structure or to do any plumbing or electrical work.
(Code 1984, § 26.05)

Sec. 8-674. Variances.

When, in the judgment of the Plan Commission or the Council, a provision of this article may not literally be applied due to unusual hardship, such provision may be altered as long as the basic intent of control herein stated is retained.
(Code 1984, § 26.06)

Sec. 8-675. Adoption of Administrative Code.

Wis. Admin. Code Ch. SPS 326, and any subsequent changes therein, is hereby adopted and incorporated herein as if fully set forth. Failure to comply therewith shall constitute a violation of this article, punishable according to the penalties provided therein. A copy of such code shall be on file in the office of the Inspection Division.
(Code 1984, § 26.07)

Sec. 8-676. General penalty.

Any person violating any provision of this article shall, upon conviction thereof, forfeit not more than $500.00. Each day of violation may constitute a separate offense.
(Code 1984, § 26.08)

Chapter 9

RESERVED

Chapter 10

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ARTICLE I. IN GENERAL

Sec. 10-1. Pawnbrokers and secondhand article and jewelry dealers.

Wis. Stats. § 134.71 is hereby adopted and, by reference, made a part of this chapter with the same force and effect as though fully set out herein. Failure to comply with any of the provisions of this chapter shall constitute a violation of this chapter, punishable according to the penalties set forth in Section 1-6.
(Code 1984, § 6.06; Ord. No. 33-07)

Secs. 10-2—10-18. Reserved.

ARTICLE II. LICENSES AND INSPECTIONS

DIVISION 1. GENERALLY

Sec. 10-19. Licenses required.

A license shall be required for the sale of each of the following or the conduct of the business or activity, at the license fee indicated in the City Fee Schedule. The license shall be for one year unless otherwise indicated.

(1) Ambulances.

(2) Auto salvage storage.

(3) Bakeries and confectioneries.

(4) Billiard and pool tables, gamerooms.

(5) Canvasser, solicitor, peddler and transient merchants, and direct sellers.

(6) Cigarettes.

(7) Closing out sales.

(8) Restaurants.

(9) Fermented malt beverages.

(10) Hotels and motels, as defined in Chapter 38, Article II, and Wis. Admin. Code § ATCP 72.03.

(11) Intoxicating liquor.

(12) Junk and second-hand dealers.

(13) Parades.

(14) Pawn brokers.

(15) Residential building contractors.

(16) Retail food markets.

(17) Sales at City Stadium.

(18) Taxicab business licenses.

(19) Taxicab operator's licenses.

(20) Circuses and carnivals.

(21) Advisory inspections, as defined in Section 10-21.

(22) Pre-inspections, as defined in Section 10-22.

(Code 1984, § 6.01; Ord. No. 12-13; Ord. No. 8-14)

Sec. 10-20. Issuance and revocation of licenses.

(a) *License or permit required.* No person shall engage in any business or activity enumerated in Section 10-19, without a license or permit therefor as provided by this section. The terms "license" and "permit," as used throughout this chapter, shall be interchangeable.

(b) *Granting of licenses.* The designated officer may issue the following licenses subject to the standards established by this chapter without prior approval of the Council:

(1) Auto salvage storage: City Clerk, upon approval of City Planner.

(2) Bakeries: City Clerk.

(3) Billiard and pool tables, gamerooms: City Clerk, upon approval by Chief of Police.

(4) Canvasser, solicitor, peddler and transient merchant and direct sellers: City Clerk, upon approval by the Chief of Police.

(5) Eating and drinking establishments: City Clerk.

(6) Hotel and motel: City Treasurer.

(7) Junk and secondhand dealers: City Clerk.

(8) Parades: Chief of Police.

(9) Pawn brokers: City Clerk, upon approval by Chief of Police.

(10) Residential building contractors: Building Inspection Superintendent.

(11) Retail food stores: City Clerk.

(12) Sales at City stadium: Green Bay Stadium Commission. All other licenses shall be granted by the Council, unless otherwise designated.

(13) Swimming Pools: City Clerk, upon approval by the Health Commissioner.

(c) *Payment of taxes and other obligations.*

(1) The following are conditions precedent to the issuance by the City Clerk, Health Department, or Inspection Division of any licenses or permit, except alcohol beverage licenses, provided under this Code. Payment of delinquent obligations prior to the issuance of alcohol beverage licenses are governed by Section 4-9(d).

a. The payment of all personal property taxes and room taxes imposed pursuant to Wisconsin Statutes or this Code and all other claims or judgments due and owing from the applicant to the City of Green Bay at the time the license or permit is issued.

b. The payment of all taxes, claims, or judgments, as described in subsection (c)(1)a of this section, relating to the property or business previously licensed if the new license

is granted conditionally upon or subsequent to the sale or transfer of the business or stock in trade or furnishings or equipment of the premises or the sale or transfer of the ownership or control of a corporation.

(2) No license or permit shall be issued until all required payments have been made, unless other arrangements are made with the City Treasurer.

(3) A determination made under this section may be appealed by the applicant to the Common Council, which shall provide for due notice and hearing before the Finance Committee. The Common Council shall make findings of fact and issue its conclusion. In the event the Common Council makes a determination that an error was committed, any amount improperly paid by the applicant shall be promptly refunded, together with the current passbook interest rate per annum from the date the amount was paid to the date of refund.

(Code 1984, § 6.02; Ord. No. 23-85)

Sec. 10-21. Advisory inspections.

Any school, church, or other agency or organization not required to be licensed by the State of Wisconsin or City of Green Bay may request the Green Bay Health Department to make an advisory inspection of such establishments to ascertain compliance of all municipal and state codes under Health Department jurisdiction. The fee for such inspection shall be as described at Section 10-19(21).
(Code 1984, § 6.27)

Sec. 10-22. Pre-inspections.

Whenever an established bakery, confectionery, manufactured and mobile home park, tourist rooming house, frozen confectionery/soft drink establishment, restaurant, liquor license establishment, hotel, motel, retail food market, swimming pool, rooming house, or bed and breakfast establishment changes ownership or control in such a manner as to require that the license application must be amended, or upon the initial application of any person or business entity for a license for any of the above-referenced activities, the City of Green Bay shall conduct a pre-licensing inspection. The fee for such inspection shall be as described at Section 10-19(22).
(Code 1984, § 6.28)

Sec. 10-23. Penalty.

Any person who violates any provision of this chapter shall, upon conviction, forfeit not less than $5.00 nor more than $500.00, together with the costs of prosecution, provided forfeitures imposed for the violation of any of the sections relating to the sale of beer and liquor shall not exceed the maximum forfeiture set forth in the Wisconsin Statutes for similar violations. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the County Jail not to exceed 90 days or until such forfeiture and costs are paid. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.
(Code 1984, § 6.30)

Sec. 10-24. Suspension and revocation of certain licenses.

(a) *Certain licenses may be suspended or revoked.* Licenses issued under this Chapter and Chapter 38, Article II may be suspended or revoked pursuant to this section.

(b) *Enforcement of rules and regulations.* Whenever, upon inspection of a licensed establishment by an authorized agent of the Health Commissioner or by the Health Commissioner, it is found the establishment is not operating or equipped as required in subsection (a) of this section, the Health Commissioner or an agent shall notify in writing the person operating the premises and shall specify the requirements described by state law or code and local ordinance to make such place of business conform to the standards established, and shall specify the time limit within which compliance shall take place. If the time limit in the order is not met, or any extension of time granted for compliance, then the permit to operate the establishment may be suspended by the Health Commissioner.

(c) *Inspection.*

(1) *Access to licensed premises.* The Health Commissioner or an authorized representative may enter any establishment licensed under subsection (a) of this section to inspect the premises, secure samples or specimens, examine and copy any relevant document, or obtain photographs or other evidence needed to enforce the provisions of the above-referenced section.

(2) *Examination and condemnation of food or drink.* Samples of food or drink in any bakery, confectionery, restaurant, or retail food establishment may be taken from an establishment and examined by the Health Commissioner as often as deemed necessary for the protection from unwholesomeness or adulteration. Wis. Stats. § 97.02 is incorporated by reference as if fully set forth herein.

(d) *Emergency health hazard situations.* Whereas a result of an inspection, the Health Commissioner or an agent has reasonable cause to believe that any inspected food, construction, sanitary condition, method, or operation of a premises or equipment used on the premises creates a danger to health, the Health Commissioner may issue a temporary order prohibiting the sale or movement of food for any purpose or otherwise prohibiting the continued operation which creates the immediate danger to health. The Health Commissioner or authorized agent may, in addition to the above, without written notice, suspend a license referred to in subsection (a) of this section where the violations of the above-referenced provisions exist to such a degree as to constitute, in the opinion of the Health Commissioner, an immediate health hazard. By so doing, the licensee must immediately cease all operations authorized by the license or permit. Wis. Stats. § 97.12(2) is incorporated by reference as if fully set forth herein.

(e) *Appeal by the operator.* Any person aggrieved by an order of the Health Commissioner may appeal such order to the Board of Health within 30 days after the issuance of such order. The Board of Health may either reaffirm, summarily set aside, or modify the order, or set a date for a hearing on the matter. The action taken by the Board of Health may either suspend the order or continue it in force pending determination of the issue. If the Board of Health has summarily modified the order, the person aggrieved may appeal from the modified order. The procedures for appeal of Health Department orders, as found at Section 8-569, shall apply. An order of the Board of Health may be appealed to the Circuit Court of Brown County pursuant to the Wisconsin Statutes.
(Code 1984, § 6.31)

Secs. 10-25—10-51. Reserved.

DIVISION 2. CITIZEN AND LEGAL IMMIGRANT PROTECTION

Sec. 10-52. Purpose.

The City of Green Bay expects that those who wish to be licensed to conduct business within the City adhere to all state and federal laws, including those proscribing employment of unauthorized aliens. In no way does the City intend or condone discriminatory practices or profiling but rather simply adherence to the law.
(Code 1984, § 6.025(1); Ord. No. 23-07)

Sec. 10-53. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Basic pilot program means the Employment Eligibility Verification/Basic Pilot Program administered by the United State Citizenship and Immigration Services (USCIS), a partner of the United States Immigration and Customs Enforcement Agency (ICE).

Contracted company means any company or individual that receives contracts or grants from the City of Green Bay and has employees that performs work within the limits of the City of Green Bay.

License means any license or permit listed in this chapter and any license listed in Chapter 8, Articles IV and V.

Unauthorized alien means a person who is an unauthorized alien as defined by 8 USC 1324a(h)(3).
(Code 1984, § 6.025(2); Ord. No. 23-07)

Sec. 10-54. Applicability.

This division applies to all licenses enumerated in this chapter and Chapter 8, Articles IV and V, and to all contracted companies. This division applies only to employees of license holders and contracted companies who work within the City of Green Bay. This division does not apply to employees working outside of the City limits.
(Code 1984, § 6.025(3); Ord. No. 23-07)

Sec. 10-55. Enrollment in Basic Pilot Program strongly encouraged.

All licensees and contracted businesses are strongly encouraged to enroll in the Basic Pilot Program administered by the USCIS. The program is a tool that can be utilized to screen all employees or potential employees before they perform work within the City of Green Bay.
(Code 1984, § 6.025(4); Ord. No. 23-07)

Sec. 10-56. Unlawful employment and licensing of unauthorized aliens.

No City license, contract, or grant shall be issued to unauthorized aliens. All licenses, contracts, and grants issued by the City shall be subject to the condition that unauthorized aliens not be employed by the license holder within the City of Green Bay consistent with 8 USC 1324a.

(1) A violation of the above condition shall be a basis for revocation of a license or termination of a contract or grant and removal of a contracted company from future consideration by the City of Green Bay.

(2) It shall be a defense that an employer was shown and can produce fraudulent documentation of an employee's legal immigration status. The above defense will also apply if the employee was cleared through the Basic Pilot Program.

(3) This section does not hold license holders or contracted companies responsible for unauthorized aliens who are employed by said license holder or contracted company for work performed entirely outside of the limits of the City of Green Bay.

(Code 1984, § 6.025(5); Ord. No. 23-07)

Sec. 10-57. Revocation and non-renewal of licenses, contracts, and grants.

(a) *Intent.* No license granted shall be revoked or non-renewed and no contract or grant shall be terminated by the Common Council without first affording the license holder or contracted company an opportunity for a public evidentiary hearing.

(b) *Hearing forum.* The Protection and Policy Committee shall conduct any hearing substantially consistent with the process delineated in Wis. Stats. Ch. 68 or 125, respectively, unless otherwise stated.

(c) *Federal determination required.* No license, contract, or grant shall be revoked, non-renewed, denied, or terminated under this division until after a federal determination of an alien's unlawful status is received.

(Code 1984, § 6.025(6); Ord. No. 23-07)

Secs. 10-58—10-87. Reserved.

DIVISION 3. SPECIFIC BUSINESSES

Sec. 10-88. Circuses and carnivals.

(a) *License required.* No person shall operate any circus or carnival where the public is admitted without first obtaining a license under this section.

(b) *Fees.* The owner or operator of each circus or carnival to which the public is admitted shall, upon application for a license, pay to the City Treasurer the sum as provided in the City Fee Schedule. Such license shall expire annually.

(c) *Exception.* This section shall not apply to any performance or show which is a part of the activities of the Green Bay Recreation Department.

(Code 1984, § 6.10)

Sec. 10-89. Cigarette license.

The sale and licensing of cigarettes in the City shall be regulated pursuant to Wis. Stats. § 134.65. Such section, exclusive of the penalties contained therein, is incorporated herein by reference and made a part of this section as though fully set out at length.

(Code 1984, § 6.11)

Sec. 10-90. Auto salvage storage; permit and regulations.

(a) The Plan Commission shall enact such rules and regulations, including such items, without limitation, as fencing, distance from highways, etc., for the regulation of the dismantling, accumulation, or storage of junked automobiles or the parts therefor outside of any building as deemed necessary for the public health, safety, and welfare. Rules and regulations so enacted shall, after ratification by the Council and publication in the official newspaper, become a part of this section by reference as though fully incorporated herein.

(b) No person shall accumulate or store any junked automobile or parts thereof outside of any building on any real estate within the City unless a permit is obtained from the City Clerk for such use of the premises. Prima facie evidence of operating an auto salvage yard, either for purposes of dismantling, accumulating, or storage thereof, is shown by the placement of any ad classified in the auto salvage section of the yellow pages or any ad which refers to the business of accumulating, storing, or dismantling any junk automobiles or parts. The City Clerk shall not issue a permit unless the application is approved by the Superintendent of Inspection and a fee as provided in the City Fee Schedule paid to the City Treasurer. All permits shall expire on December 31 of each year and must be renewed. A renewal application may be denied for violation of this section; and when approval is denied, the Superintendent of Inspection shall state the reasons for so denying on the application. The City Clerk shall notify the applicant of disapproval, and the applicant shall be given an opportunity to be heard before the Protection and Policy Committee.

(c) The Superintendent of Inspection shall not approve an application for a permit to accumulate or store junked automobiles or parts thereof unless the premises conform to the rules and regulations of the Plan Commission.

(d) The rules and regulations governing the storage of junked automobiles or parts thereto shall be enforced by the Building Inspection Division.
(Code 1984, § 6.08)

Sec. 10-91. Sidewalk cafe permit.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Class B license means any Class B (beer), Class B (liquor), or Class B combination license, as defined under Section 4-3, issued by the City of Green Bay.

Sidewalk cafe means any group of tables, chairs, benches, or partitions maintained within the public right-of-way for use directly in front of an establishment with a valid Class B license.

(b) *Permit required.* No person shall operate a sidewalk cafe without first obtaining a sidewalk cafe permit under this section. The sidewalk cafe permit shall consist of two components: a revocable occupancy permit and an amendment of liquor license premises description to include the public right-of-way.

(c) *Application.*

(1) Prior to applying for a sidewalk cafe permit, an applicant must:

a. Obtain a revocable occupancy permit by applying through the Department of Public Works.

b. Following receipt of the revocable occupancy permit, submit a request to the City Clerk to amend the liquor license premises description to include the public right-of-way. This request must be approved by the Protection and Policy Committee and the Common Council, as provided in Section 4-9.

(2) a. After having satisfied the requirements of subsection (c)(1) of this section, an applicant shall then submit an application for a sidewalk cafe permit to the Department of Public Works.

b. The Director of Public Works, or their designee, shall verify that the revocable occupancy permit has been issued and that the description of the licensed premises in the applicant's liquor license has been appropriately amended as provided in this section prior to taking action on the sidewalk cafe permit application.

(d) *Appeal procedure.* Any person aggrieved may appeal the denial or revocation of a sidewalk cafe permit to the Improvement and Services Committee. The applicant shall file written notice of appeal with the City Clerk within seven days after receiving notice of the denial. After obtaining receipt of the appeal, the Committee shall place the matter on the soonest Improvement and Services Committee agenda practicable for review.

(e) *Duties of permittee.* A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(f) *Revocation of permit.*

(1) The Director of Public Works may revoke a sidewalk cafe permit if they determine that the permittee has violated Chapter 4 or Wis. Stats. Ch. 125; if they determine that occupancy of the sidewalk is detrimental to the public health, safety or welfare; or if the right-of-way subject to such permit is required for some other public purpose.

(2) The sidewalk cafe permit shall automatically be revoked if the revocable occupancy permit is revoked, if the description of the licensed premises is amended such that it no longer includes the public right-of-way, or if the permittee no longer holds a valid liquor license.

(3) Revocation of the revocable occupancy permit shall have no effect on the validity of the permittee's liquor license. Revocation of the permittee's liquor license and/or amendment of their liquor license premises description to no longer include the right-of-way shall have no effect on the validity of the permittee's revocable occupancy permit.

(g) *Duration of permit.* A sidewalk cafe permit shall be valid throughout the period in which the person or entity identified as the property owner, establishment operator, and Class B license holder on the initial sidewalk cafe permit application, including the application for a revocable occupancy permit as well as a new application for a liquor license.
(Code 1984, § 6.155; Ord. No. 11-17; Ord. No. 12-20, § 1(6.155), 5-19-2020)

Sec. 10-92. Newspaper vending machines.

Each newspaper vending machine company which intends to place a vending machine in the public right-of-way of the City shall annually obtain a permit from the City at a fee as provided in the City Fee Schedule per year, subject to all of the following terms and conditions:

(1) The location of each vending machine shall be such that it does not restrict pedestrian traffic.

(2) The location of each vending machine shall be such that it does not restrict vehicular traffic.

(3) Each vending machine shall be properly affixed or attached to a freestanding structure provided by the vendor. Such vending machine shall be secured from the weather elements, including, but not limited to, wind, rain, and snow.

(4) The vendor shall assume all liability for the placement of each vending machine in the public right-of-way.

(5) Each vendor shall execute and deliver to the City a hold harmless agreement relieving the City from any and all liability for the placement and continued use of such vending machine, such agreement to be approved by the City officials; and the vendor shall provide to the City a certificate of insurance naming the City as an additional insured in an amount consistent with the levels established by Section 8-274, as it now exists and may hereafter be amended. Such certificate of insurance shall be for bodily injury and personal property damage.

(6) No vending machine shall be permitted to be located until all of the conditions above have been satisfied.

(Code 1984, § 6.22)

Sec. 10-93. Parklet permit.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Parking space means a designated area between the travel lane of a street and the face of the curb, marked by the City of Green Bay Department of Public Works, and dedicated solely for use as automobile parking.

Parking space equivalent unit means an unmarked area located between the travel lane of the street and the face of the curb, measuring eight feet perpendicular from the curb face by 20 feet parallel to the curb face.

Parklet means a temporary extension of the terrace area into the parking lane of a public street which provides additional space for amenities, including, but not limited to, seating, dining, bike racks, and/or landscaping. A parklet may occupy up to two parking spaces or parking space equivalent units.

(b) *Permit required.* No person shall operate a parklet without first obtaining a permit under this section. The parklet permit shall be valid to occupy the parking space or parking space equivalent unit between the dates of May 1 through October 31, inclusive, annually.

(c) *Technical standards.* Parklets shall conform to the following technical standards:

(1) The parklet shall provide for unimpeded and ADA-complaint pedestrian access to the sidewalk.

(2) The parklet shall maintain drainage of storm water in curb line without impediment.

(3) The finished surface of the parklet shall be flush with the top of curb within one-half inch in vertical difference.

(4) The parklet shall not prohibit access to utilities located within the public right-of-way, and must be able to be removed upon 72-hour notice to provide access to utilities, if requested.

(5) The parklet owner shall be responsible for maintenance within the Parklet area, including garbage collection.

(6) Reflective soft-hit posts shall be installed on each corner of the parklet.

(7) The outside, traffic-facing edge of the parklet shall be protected by Manual of Uniform Traffic Control Devices-compliant object markers.

(8) If the parklet is to be used as a sidewalk cafe, as defined under Section 10-91, the applicant must also obtain a sidewalk cafe permit.

(9) Parklet applicant shall be required to provide a Certificate of Insurance, listing the City of Green Bay as an additional insured, for the classifications and limits established by the City of Green Bay Risk Management Department.

(d) *Application.* Priority consideration will be given to applications submitted between the dates of November 1 and February 1. The Department of Public Works will consider all submitted applications between February 15 and May 1 of any given year, unless the Department of Public Works grants an extension due to issues raised during the application process. Applications submitted outside this time window will be reviewed on an as-submitted basis.

(e) *Fee.* The fee for a parklet permit shall be as provided in the City Fee Schedule for permits issued in 2020, and thereafter shall be established annually by resolution, at a rate of not less than an amount as provided in the City Fee Schedule.

(f) *Duration of permit.* A parklet permit shall be valid throughout the period of three calendar years, beginning on the date of issuance. The parklet permit is non-transferrable without the written consent of the Director of the Department of Public Works.

(g) *Appeal procedure.* Any person aggrieved may appeal the denial or revocation of a parklet permit to the Improvement and Services Committee. The applicant shall file written notice of appeal with the City Clerk within seven days after receiving notice of the denial. After obtaining receipt of the appeal, the Committee shall place the matter on the soonest Improvement and Services Committee agenda practicable for review.

(h) *Duties of permittee.* A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(i) *Revocation or suspension of permit.*

(1) The Director of Public Works may revoke a parklet permit if they determine that the permittee has violated the Technical Standards contained in this section; if they determine that occupancy of the parklet is detrimental to the public health, safety, or welfare; or if the right-of-way subject to such permit is required for some other public purpose.

(2) The Director of the Department of Public Works may revoke a parklet permit if the applicant has misrepresented or provided false information in the application.

(Ord. No. 18-20, § 1, 6-29-2020)

Sec. 10-94. Practice of massage or bodywork therapy requires state licensing.

(a) *License required.*

(1) The definitions set forth in Wis. Stats. § 460.01, as amended from time to time, are hereby incorporated by reference as if fully set forth herein.

(2) No person who is required to hold a license under Wis. Stats. Ch. 460 for the practice of massage therapy or bodywork therapy shall practice that profession unless that person is licensed by the State of Wisconsin as required under Wis. Stats. § 460.02.

(3) No person or business shall employ or contract for the services of an individual to practice massage therapy or bodywork therapy unless the individual is licensed under Wis. Stats. § 460.02.

(b) *Penalty.* Any person who shall violate any provision of subsection (a) of this section shall, upon conviction, forfeit not less than $1.00 nor no more than $1,000.00. Each day that a violation occurs or continues shall be considered a separate offense pursuant to Wis. Stats. § 460.17(2).

(c) *Advertising.* No person or business who is required to hold a license under Wis. Stats. Ch. 460 shall advertise the availability of massage therapy or bodywork therapy to be performed within the corporate limits of the City unless that person holds a valid, unexpired license issued by the State of Wisconsin and otherwise complies with Wis. Stats. § 460.13.
(Ord. No. 34-20, § 1, 1-19-2021)

Secs. 10-95—10-112. Reserved.

ARTICLE III. ENTERTAINMENT FACILITIES

DIVISION 1. GENERALLY

Secs. 10-113—10-137. Reserved.

DIVISION 2. ENTERTAINMENT FACILITY LICENSING

Sec. 10-138. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement devices means any machine, game, table, or device which is designed, intended, or used as a test of skill or entertainment, the use of which is made available for any valuable consideration. The definition of the term "amusement device" is not intended to include a standard size bowling alley, jukebox, or other coin-operated music machine or mechanical riding device, pool or billiard table.

Arcade means a premises holding out amusement devices for public use. Arcades shall not include mercantile establishments unless such establishment creates and maintains a separate area designed or intended or reasonably likely to be used primarily by persons under the age of 21 years for the use of amusement devices.

Billiard hall means a commercial premises open to the public, upon which any billiard table or pool table is kept, except a premises holding a Class "B" liquor license.

Dance facility means a premises, the principal purpose of which is providing dances, concerts, live music, and/or a dance floor in a non-alcohol setting. Dances sponsored by an accredited school are not included. A dance facility shall include premises licensed under Chapter 4, during those times when no alcohol is served, consumed, or given away on the licensed premises pursuant to Wis. Stats. § 125.07(3)(a)10.

Entertainment facility means an arcade, billiard hall, dance facility, roller rink, or youth facility.

Roller rink means a premises open to public use for the purpose of roller skating.

School night means the night preceding a day on which school is in session in the Green Bay Area Public School District.

Youth facility means a commercial premises offering recreational or amusement activities to guests, members, patrons, or customers, the majority of whom can reasonably be expected to be under the age of 21 years.
(Code 1984, § 6.03(1); Ord. No. 24-01)

Sec. 10-139. License required.

No person, partnership, corporation, or other organization shall operate an entertainment facility without first obtaining a license. No license or interest in a license may be transferred to any person, partnership, or corporation.
(Code 1984, § 6.03(2); Ord. No. 24-01)

Sec. 10-140. Temporary license.

No person may promote, organize, or otherwise conduct an event, the principal purpose of which is providing a dance, concert, live music, and/or a dance floor in a non-alcohol setting on a premises not licensed under Section 10-139 unless such person has first obtained a temporary facility license

pursuant to this division. The application for such license shall be as provided in Section 10-142(a). The fee for such license shall be as provided in the City Fee Schedule, and the duration of such license shall not exceed 24 hours as specified in the license application.
(Code 1984, § 6.03(3); Ord. No. 24-01)

Sec. 10-141. Exempt organizations.

Organizations which own real property exempt from taxation pursuant to Wis. Stats. § 70.11(1), (2), (3), (4), (10), and (12) shall be exempt from Sections 10-139 and 10-140.
(Code 1984, § 6.03(4); Ord. No. 24-01)

Sec. 10-142. Facility license.

(a) *Application to Clerk.* Any person, partnership, or corporation desiring to secure a facility license shall make application to the City Clerk. The application for a license shall be upon a form approved by the City Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers or directors of a corporate applicant, and any other person who is interested directly in the control of the business, shall furnish the following information under oath:

(1) Name, address, and age.

(2) Whether the applicant holds any interest in any other facility.

(3) A building plan of the facility to be licensed.

(4) The ages of patrons to be allowed to enter the facility.

(5) All convictions or pending charges of felony, misdemeanor or ordinance violations.

(6) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, and all officers and directors of the corporation.

(7) All convictions or pending charges of felony, misdemeanor or ordinance violations of a corporation, partnership or other organization for which the applicant was or is a director, officer, partner or person interested directly in the control of the organization.

(b) *Qualifications.* To receive a facility license, an applicant must meet the following standards:

(1) All persons required to be named under subsection (a) of this section shall be at least 18 years of age.

(2) At least one person required to be named under subsection (a) of this section, or a registered agent if the applicant is a corporation, shall have continuously resided in the State of Wisconsin for at least 90 days prior to filing the application.

(3) No person required to be named under subsection (a) of this section shall have been convicted of a violation of an ordinance or law which substantially relates to the licensed activity.

(4) No person required to be named under subsection (a) of this section shall have been a director, officer, partner or person interested directly in the control of an organization that has been convicted of a violation of any ordinance or law which substantially relates to the licensed activity.

(c) *License fee and duration.* The fee for a facility license shall be as provided in the City Fee Schedule. If the premises is also licensed under Chapter 4, the license fee shall be as provided in the City Fee Schedule. Such license shall terminate on December 31 of the year it is issued, unless sooner revoked. (Code 1984, § 6.03(5); Ord. No. 24-01)

Sec. 10-143. Facility operator's license.

(a) *Application to Clerk.* Any person desiring to secure a facility operator's license shall make application to the City Clerk. The application for a facility operator's license shall be upon a form approved by the City Clerk and shall include the following information:

(1) Name, address, and date of birth.

(2) Information regarding whether the applicant has ever been denied a license to operate a youth facility.

(3) All convictions or pending charges of felony, misdemeanor or ordinance violations.

(b) *Qualifications.* To receive a facility operator's license, an applicant must meet the following standards:

(1) The applicant shall be at least 18 years of age.

(2) The applicant shall have continuously resided in the State of Wisconsin for at least 90 days prior to filing the application.

(3) The applicant shall not have been convicted of a violation of an ordinance or law which substantially relates to the licensed activity.

(c) *License fee and duration.* The fee for an operator's license shall be as provided in the City Fee Schedule. Such license shall terminate on December 31 of the year it is issued, unless sooner revoked. (Code 1984, § 6.03(6); Ord. No. 24-01)

Sec. 10-144. Procedure for granting licenses.

(a) *Facility license.* The Common Council shall grant facility licenses under the following procedure:

(1) *Investigation.* The Green Bay Police Department shall investigate the applicant's qualifications to be licensed.

(2) *Committee review.* The Protection and Policy Committee shall consider the application and any recommendation of the Police, Building Inspection, Fire, or Planning Departments of the City and the Brown County Department of Health and make a recommendation to the Common Council as to whether the license shall be granted or denied. In making this determination, the Committee shall consider the location of the proposed facility, the qualifications of the applicant, the condition of building or licensed premises, compliance with any relevant laws, the nature of the intended use of the facility and the likelihood of disturbance to surrounding neighborhoods, and any other reason pertaining particularly to the applicant or the premises to be licensed.

(3) *Conditional granting.* The Common Council may set additional conditions designed to protect the tranquility of the surrounding neighborhood or the facility patrons. No license shall be

issued under this division unless such condition is satisfactorily fulfilled. Violation of any such condition shall be considered a violation of this division and grounds for suspension or revocation of the license.

(4) *Administrative approval.* Prior to the issuance of any license, the Department of Public Works, Inspection Division, and Brown County Department of Health shall certify that the premises complies with all applicable laws and regulations on a form to be provided by the City Clerk. No license shall be issued for a premises not in compliance with such laws and regulations. The departments may place conditions upon a license consistent with the provisions of this chapter and the laws of the State of Wisconsin. Violation of any such condition shall be considered a violation of this division and grounds for suspension or revocation of the license.

(b) *Operator's license.*

(1) *Police department review.* Upon the filing of an operator's license application, the City Clerk shall forward the application to the Police Department for review of the applicant's qualifications under Section 10-142(b). If the Police Department determines that any portion of the application is false or that the applicant does not possess the qualifications under Section 10-142(b), the license may be denied by the Police Department.

(2) *Council approval.* If the Police Department approves the issuance of the license, the Common Council may grant the license without further review.

(3) *Appeal.* Any applicant whose application has been denied by the Police Department may appeal such determination to the Protection and Policy Committee. Upon appeal, the Protection and Policy Committee shall determine if the applicant possesses the qualifications under Section 10-142(b). After making such determination, the Protection and Policy Committee shall forward its recommendation to the Common Council.

(Code 1984, § 6.03(7); Ord. No. 24-01)

Sec. 10-145. Conduct of business.

(a) *Ages allowed.* A licensee shall indicate the ages of persons to be allowed entry into the licensed premises on the application form. The licensee shall not allow persons outside the ages indicated on its application to enter or remain in the licensed premises. A licensee may choose from the following options:

(1) 18 years of age and older.

(2) 16 years of age and older.

(3) All ages permitted.

(b) *Closing hours.* Licensed premises shall close during the times indicated below based upon the ages of persons allowed on the premises and indicated by the licensee on the application:

(1) *18 years of age and older.* The licensed premises shall close between the hours of 2:00 a.m. and 8:00 a.m.

(2) *16 years of age and older.* The licensed premises shall close between the hours of 10:00 p.m. and 8:00 a.m. on school nights and 12:00 midnight and 8:00 a.m. at other times.

(3) *All ages permitted.* The licensed premises shall close between the hours of 10:00 p.m. and 8:00 a.m. on school nights and 11:00 p.m. and 8:00 a.m. at other times.

(c) *Loitering during school hours.* No premises licensed hereunder shall permit juveniles to loiter thereon during school hours on days when the Green Bay Area Public Schools are in regular session.

(d) *Police entry.* The licensee hereby consents to the entry of the Police or other duly authorized representative of the City, at all reasonable times for the purpose of inspection and search, and consents to the removal from said premises of all things and articles therein had in violation of the City ordinances or state laws, and consents to the introduction of such things as evidence in any proceeding that may be brought for such offenses.

(e) *Maintaining order.* The licensee shall maintain peace and order in and around the licensed premises. This duty shall extend to and include any adjacent parking lot or facility adjacent to and servicing the licensed premises. The Police Department may order any disorderly house closed until 8:00 a.m. the following day when, in the reasonable view of the Department, the licensee failed to maintain order.

(f) *Alcohol prohibited.* No person may possess or consume alcohol beverages on the licensed premises or in the parking lot, nor may any person procure, sell, dispense or give away alcohol beverages to any person on the licensed premises during the period of licensed activity.

(g) *Licensed operator.* The licensee or an operator licensed pursuant to this division shall be present on the licensed premises at all times that the facility is open to the public.

(h) *Re-admission prohibited.* During events on a licensed premises for which a cover charge, entry fee, or other fee is charged as a condition of entering the premises, no person shall be allowed to re-enter the premises without paying such fee each time they enter the premises.

(i) *Compliance.* The licensee shall ensure the compliance of its premises, patrons, customers, employees, agents, and staff with the provisions of this division.

(j) *Extended operating hours.* The Protection and Policy Committee, subject to the approval of the Common Council, may grant extended operating hours not to exceed 2:00 a.m. upon finding that the licensee has presented a written plan which will ensure compliance with this section. No person under the age of 16 years may enter, remain on, or loiter in the licensed premises after the times outlined in subsection (b)(3) of this section. No person under the age of 18 years may enter, remain on, or loiter in the licensed premises after the times outlined in subsection (b)(2) of this section. The licensee shall be responsible for ensuring the compliance of the licensed premises with the conditions. Noncompliance with the plan or any condition placed upon the extended operating hours shall terminate the extension and subject the licensee to the provisions of subsection (b) of this section.
(Code 1984, § 6.03(8); Ord. No. 24-01; Ord. No. 34-01)

Sec. 10-146. Suspension, revocation and non-renewal of licenses.

(a) *Grounds for action.* Licenses under this division may be suspended, revoked, or non-renewed for any of the following reasons:

(1) Any violation of any provision of this division.

(2) Any violation of any State statute, ordinance, or regulation occurring at the licensed premises.

(3) Violation of any municipal health, building, zoning, fire prevention, plumbing, or electrical codes occurring at the licensed premises.

(4) Any other reason which creates in the minds of reasonable people any apprehension or concern that the premises licensed hereunder is not promoting a safe and wholesome environment for youth patrons.

(b) *Procedure.*

(1) *Complaint.* Upon a complaint filed by any City department or any citizen that grounds for suspension, revocation, or non-renewal exist, the City Clerk shall issue a summons directed to any peace officer commanding the licensee to appear before the Protection and Policy Committee on a day and at a place named in such summons, not less than three nor more than ten days from its date, and show cause why the license should not be suspended, revoked, or non-renewed. Such summons shall be served at least three days before the time in which such person is commanded to appear, and shall be served as provided in Wis. Stats. Ch. 801.

(2) *Hearing.* The hearing shall be conducted before the Protection and Policy Committee. The complainant and licensee may be represented by counsel and present and cross-examine witnesses. A transcript of the hearing may be prepared at the licensee's expense.

(3) *Recommendations.* At the conclusion of the evidentiary hearing, the Protection and Policy Committee, following deliberation in open or executive session, shall recommend to the Common Council that the license be suspended for not less than ten days nor more than 90 days or revoked, if it finds the complaint to be true.

(4) *Council action.* The Common Council shall consider and take action on the recommendation of the Protection and Policy Committee within 45 days after the Committee adjourns the hearing. The Common Council may adopt, reject, modify, or remand the recommendation of the Committee for further deliberations.

(5) *Appeal.* Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.

(Code 1984, § 6.03(9); Ord. No. 24-01)

Sec. 10-147. Penalties.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Licensee means the person to whom the license has been issued or such person's agents, employees, or assigns.

Violation means any violation of this division.

(b) *Forfeiture.* Any person violating a provision of this division where no penalty is specified shall be subject to a forfeiture of not less than $1.00 nor more than $1,000.00 for each offense.

(c) *License suspension.* A court shall revoke any license or permit issued under this division for not less than ten nor more than 30 days if the court finds that the licensee committed a violation within 24 months after committing one previous violation.

(d) *License revocation.* A court shall revoke any license or permit issued under this division if the court finds that the licensee committed a violation within 24 months after committing two previous violations.

(e) *Counting.* For purposes of counting previous violations under subsections (c) and (d) of this section, multiple violations arising out of the same incident and on the same date shall be considered a single violation.
(Code 1984, § 6.03(10); Ord. No. 24-01)

Sec. 10-148. Wis. Stats. Ch. 68 not to apply.

Wis. Stats. Ch. 68 shall not apply to the administrative process outlined in this division.
(Code 1984, § 6.03(11); Ord. No. 24-01)

Secs. 10-149—10-179. Reserved.

ARTICLE IV. ADULT BUSINESS ESTABLISHMENTS

DIVISION 1. GENERALLY

Secs. 10-180—10-196. Reserved.

DIVISION 2. SEXUALLY-ORIENTED ADULT ENTERTAINMENT ESTABLISHMENTS

Sec. 10-197. Intent.

(a) It is the purpose of this division to regulate sexually-oriented adult-entertainment establishment businesses (hereinafter referred to as "adult establishment") to promote the health, safety, morals, and general welfare of the citizens of the City of Green Bay; to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with such establishments; and to establish reasonable and uniform regulations to prevent the serious health hazards associated with unsafe and unsanitary conditions known to exist in those establishments and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those establishments.

(b) The Common Council has the specific authority under the 21st Amendment to the U.S. Constitution, as interpreted by various courts, to prohibit certain forms of activity in alcohol-licensed establishments, and further has the general police power to protect the public health, safety and general welfare of its residents in both alcohol and non-alcohol licensed establishments.

(c) Certain activities as defined herein, and the businesses within which such activities or simulations thereof may occur, 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 affect the quality of life of the communities, and that these secondary effects are detrimental to the public health, safety and general welfare of citizens.

(d) The Council recognizes that some activities described herein are protected as expression under the First, Fourth, Fifth, Ninth and 14th Amendments to the United States Constitution, and the Council further recognizes that such rights are among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights.

(e) Based on experience in other communities, the Council is aware, however, that businesses associated with such activities and such activities themselves may and do generate secondary effects which the Council believes are detrimental to the public health, safety and welfare of the citizens of the City of Green Bay; among these secondary effects are:

(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 these activities may occur;

(3) Health risks through the spread of sexually transmitted diseases; and

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

(f) The Council further recognizes that these activities, and the businesses within which these activities or simulations thereof may occur, have serious objectionable operational characteristics, particularly when located in proximity to each other and other areas as specified herein, thereby contributing to urban blight and downgrading the quality of life in the adjacent area and surround neighborhoods.

(g) The Council, desiring to prevent these adverse effects and thereby protecting the public health, safety and general welfare of the citizens of the City of Green Bay, protecting its citizens from increased crime, preserving the quality of life, preserving the property values and character of surrounding neighborhoods and deterring the spread of urban blight, believes that the following rules promote the goal of reducing the secondary effects noted above.
(Code 1984, § 6.34(1); Ord. No. 34-96)

Sec. 10-198. Adult entertainment regulated.

(a) It shall be a violation of this division for any person to perform, or for any person, licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises:

(1) Which exposes their specified anatomical areas, as that term is defined in this division;

(2) Which exposes any device, costume or covering which gives the appearance of or simulates specified anatomical areas, as that term is defined in this division;

(3) To engage in or to simulate specified sexual activities, as that term is defined in this division;

(4) To commit an indecent act of sexual gratification with another with knowledge that they are in the presence of others, or to publicly and indecently expose one's genitals or pubic areas; or

(5) To engage in any form of straddle dancing, as that term is defined in this division.

(b) Exemption. The provisions of this division do not apply to any theatrical production which contains specified sexual activities or exposes specified anatomical areas as defined in this division performed in a theater, or in a theater-type setting, by a professional or amateur theatrical or musical company which has serious artistic merit, provided that such production is not a violation of other applicable law or ordinance. The provisions of this division do not apply to an establishment that is a bona fide private club whose membership as a whole engages in social nudism or naturism as in a nudist resort or camp, or such other establishment in which the predominant business or attraction of the establishment is not the offering to customers of a product, service, or entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and the establishment is not distinguished by an emphasis on, or the advertising or promotion of, materials related to employees depicting, describing, displaying, exposing, or simulating specified sexual activities or specified anatomical areas.

(c) No person, employee, entertainer or patron shall be permitted to have any physical contact with any entertainer on the premises during any performance, with the exception of tipping.
(Code 1984, § 6.34(1.5); Ord. No. 34-96)

Sec. 10-199. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means a person who performs any service or work on the licensed premises, including, but not limited to, providing entertainment, performing work of a management or supervisory nature, or performing support functions on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, amateur, or otherwise and whether or not said person is paid a salary, wage, or other compensation by the licensee. The term "employee" does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

Sexually-oriented adult-entertainment establishments means bookstores, motion picture theaters, mini-motion picture theaters, bath houses, modeling studios, body painting studios, and cabarets; and are more specifically defined as:

Adult bath house means an establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the state, which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this division.

Adult body painting studio means an establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this division, the adult body painting studio shall not be deemed to include a tattoo parlor.

Adult bookstore means an establishment having a substantial or significant portion of its stock and trade in books, magazines, other periodicals, videotapes, compact disks, and/or other electronic media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein.

Adult cabaret means an establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.

(1) Any adult cabaret, as defined above, which features such entertainment on a periodic and infrequent basis is considered an adult-entertainment establishment only during those times when the adult entertainment is being presented or the entertainers are on the premises; and all provisions of this division shall apply during those presentations. Further, such periodic adult cabaret shall notify the Green Bay Police Department at least 24 hours prior to the date on which such adult entertainment is to take place.

(2) Any periodic adult establishment, as defined above, shall be licensed yearly in accordance with the licensing provisions hereinafter set forth.

Adult mini-motion picture theater means an enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.

Adult modeling studio means an establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise.

Adult motel means a hotel, motel, or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

(2) Offers a sleeping room for rent for a period of time that is less than ten hours; or

(3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

Adult motion picture theater means an enclosed building with a capacity of 50 or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.

Adult motion picture theater (outdoor) means a parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to specified sexual activity or specified anatomical areas.

Adult novelty shop means an establishment or business having a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activities as defined herein or stimulating such activity.

Specified anatomical areas means:

(1) Less than completely and opaquely covered:

a. Human genitals, pubic region;

b. Buttock (attire which is sufficient to comply with this requirement are T-bars, T-backs, and thongs);

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse, or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

Straddle dancing, also known as lap dancing or face dancing, means the use by an employee or performer of any part of one's body to touch the specified anatomical area of another, including another employee or performer, regardless of whether the touching occurs while either party is displaying or exposing any specified anatomical area, regardless of whether the touch or touching is direct or through a medium, regardless of whether the touch or touching is consensual or for the exchange of a donation, gratuity, tip or anything of value, including, but not limited to, money. Straddle dancing shall include the straddling of the legs of an employee over any part of the body of a person, regardless of whether there is a touch or touching.
(Code 1984, § 6.34(2); Ord. No. 34-96; Ord. No. 16-99; Ord. No. 3-07)

Sec. 10-200. License required.

(a) Except as provided in subsection (d) of this section, no adult establishment shall be operated or maintained in the City of Green Bay without first obtaining a license to operate issued by the City of Green Bay.

(b) A license may be issued only for one adult establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one adult establishment must have a license for each.

(c) No license or interest in a license may be transferred to any person, partnership, or corporation.
(Code 1984, § 6.34(3))

Sec. 10-201. Application for license.

(a) Any person, partnership, or corporation desiring to secure a license shall make application to the City Clerk.

(b) The application for a license shall be upon a form approved by the City Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers or directors of a corporate applicant, and any other person who is interested directly in the control of the business, shall furnish the following information under oath:

(1) Name, address, and age.

(2) Whether the applicant holds any interest in any other adult entertainment establishment license or similar license or permit.

(3) Whether the applicant has ever had any other adult entertainment establishment license or similar license or permit revoked or suspended, and the reason therefor.

(4) All convictions or pending charges of felony, misdemeanor or ordinance violations, except minor traffic violations, within five years immediately proceeding the date of application.

(5) Fingerprints and two portrait photographs at least two inches by two inches of the applicant.

(6) The name and address of the adult entertainment establishment to be operated by the applicant.

(7) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, and all officers and directors of the corporation.

(8) All convictions or pending charges of felony, misdemeanor or ordinance violations of a corporation, partnership or other organization for which the applicant was or is a director, officer, partner or person interested directly in the control of the organization, within five years immediately preceding the date of application.

(Code 1984, § 6.34(4); Ord. No. 16-99)

Sec. 10-202. Standards for issuance of license.

(a) To receive a license to operate an adult entertainment establishment, an applicant must meet the following standards:

(1) If the applicant is an individual:

a. The applicant shall be at least 18 years of age.

b. Subject to Wis. Stats. Ch. 111, the applicant shall not have been convicted of or plead nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature within five years immediately preceding the date of the application.

c. The applicant shall not have been convicted of or plead nolo contendere to a violation of an ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

d. The applicant shall not be or have been a director, officer, partner or person interested directly in the control of an organization that has been convicted of or plead nolo contendere to a violation of any ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

(2) If the applicant is a corporation:

a. All officers, directors, and others required to be named under Section 10-201(b) shall be at least 18 years of age.

b. Subject to Wis. Stats. Ch. 111, no director, officer, partner or person interested directly in the control of the organization shall have been convicted of or plead nolo conten-

dere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature within five years immediately preceding the date of the application.

c. No director, officer, partner or person interested directly in the control of the organization shall have been convicted of or plead nolo contendere to a violation of any ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

d. No director, officer, partner or person interested directly in the control of the organization shall be or have been a director, officer, partner or person interested directly in the control of an organization that has been convicted of or plead nolo contendere to a violation of any ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

e. The applicant shall not have been convicted of or plead nolo contendere to a violation of any ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

(3) If the applicant is a partnership, joint venture, or other type of organization where two or more persons have a financial interest:

a. All persons having a financial interest in the partnership, joint venture, or other type of organization shall be at least 18 years of age.

b. Subject to Wis. Stats. Ch. 111, no person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of or plead nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.

c. No person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of or plead nolo contendere to a violation of any ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

d. No person having a financial interest in the partnership, joint venture, or other type of organization shall have been a director, officer, partner or person interested directly in the control of an organization that has been convicted of or plead nolo contendere to a violation of an ordinance or law which substantially relates to the licensed activity within five years immediately preceding the date of the application.

(b) The Green Bay Police Department shall investigate the applicant's qualifications to be licensed.

(c) The Health Department, Building Inspection Division, and Planning Department shall inspect the premises proposed to be licensed to verify compliance with this division and their respective codes.

(d) No license shall be issued unless the applicant provides proof of one of the following:

(1) Ownership of a properly zoned building or parcel of real property upon which a building can be constructed. Proper zoning includes lawful pre-existing nonconforming use status.

(2) A lease on a building which is properly zoned to house the venture. Proper zoning includes lawful pre-existing nonconforming use status.

(3) An option to purchase property which is properly zoned for the venture. Proper zoning includes lawful pre-existing non-conforming use status.

(4) An option to lease property which is properly zoned for the venture. Proper zoning includes lawful pre-existing nonconforming use status.

(e) The Protection and Policy Committee shall review the application and recommendations of the Police Department, Health Department, Building Inspection Division, and Planning Department and recommend action to the Common Council. Should the Common Council fail to act upon an application within 60 days of its filing, the application shall be deemed granted, except as provided in subsection (f) of this section.

(f) If any charges are currently pending which, if resulting in a conviction, would disqualify the applicant pursuant to subsection (a) of this section, the Common Council may postpone action on the application until such time as the charge is resolved. Should the Common Council fail to act upon an application within 60 days of the resolution of the charge, the application shall be deemed granted.
(Code 1984, § 6.34(5); Ord. No. 16-99)

Sec. 10-203. Fees.

A license fee as provided in the City Fee Schedule shall be submitted with the application for a license. Such fee shall be waived if the proposed adult establishment is operating under or has applied for an alcohol beverage license under Chapter 4 and has paid the alcohol beverage licensing fee thereunder.
(Code 1984, § 6.34(6))

Sec. 10-204. Denial of application.

(a) *Notice.* Whenever the Common Council denies an initial application, the City Clerk shall notify the applicant by certified mail of such denial at the address indicated on the application. The denial shall be postmarked no later than seven days after the action by the Common Council.

(b) *Failure/refusal to provide information.* Failure or refusal of the applicant to give any information relevant to the investigation of the application or cooperate with any investigation required by this division shall constitute an admission by the applicant that they are ineligible for such license and shall be grounds for denial of the application.

(c) *Request for formal hearing.* If the applicant requests a hearing within ten days of receipt of notification of denial, a public hearing shall be held before the Protection and Policy Committee within 30 days of the request for hearing. The hearing shall proceed as provided in subsection (d) of this section.

(d) *Hearing.* The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on their own behalf under subpoena by the common Council, if such is required, and the hearing may be stenographically recorded at the licensee's option and expense.

(e) *Recommendation.* Within 15 days of a hearing pursuant to subsection (d) of this section, the Protection and Policy Committee shall submit a report to the Common Council recommending whether the application should be granted or denied. The Committee shall provide the applicant with a copy of the report.

(f) *Council decision.* The Common Council shall consider the recommendation of the Protection and Policy Committee no later than the second regularly scheduled meeting following its receipt of the Committee's report. The applicant may file an objection to the report and have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether arguments shall be presented orally or in writing, or both. The Common Council shall decide the matter and shall prepare a written decision which shall be filed with the City Clerk. The City Clerk shall provide the applicant a copy of the decision by certified mail at the address indicated on the license, which shall be postmarked no later than 20 days after the Common Council's decision.

(g) *Appeal.* If the Common Council denies the application, the written notice provided the licensee shall indicate that the decision may be appealed to a court of competent jurisdiction.
(Code 1984, § 6.34(7); Ord. No. 16-99)

Sec. 10-205. Renewal of license.

(a) *Process.* Every license issued pursuant to this division will terminate on December 31 of the year it is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the City Clerk not later than October 31 of the year in which the license will terminate. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(b) *Fee.* A license renewal fee as provided in the City Fee Schedule shall be submitted with the application for renewal.

(c) *Investigation.* The Green Bay Police Department shall investigate the applicant's continuing qualifications to be licensed.

(d) *Premises inspection.* The Health Department, Building Inspection Division, and Planning Department shall inspect the licensed premises to verify continued compliance with this division and their respective codes.
(Code 1984, § 6.34(8); Ord. No. 16-99)

Sec. 10-206. Suspension, revocation, or non-renewal of license.

(a) *Grounds.* The license granted herein may be revoked or suspended for up to six months or non-renewed by the Common Council as follows:

(1) If the applicant or an officer, partner, or person directly interested in the control thereof has made or recorded any statement required by this division knowing it to be false or fraudulent or intentionally deceptive.

(2) For a violation of any provision of this division, this Code, or Wisconsin Statutes that substantially relates to the licensed activity by the licensee, an employee, officer, partner, or

person directly interested in the control of the licensed organization. Any act or omission of an employee constituting a violation of a provision of this division shall be deemed the act or omission of the licensee.

(3) After conviction of any establishment personnel of an offense under Wis. Stats. Ch. 944, an offense against the person or property of a patron of the establishment, or of an offense involving substance in Wis. Stats. Ch. 961, Subch. II.

(b) *Notice.* No license shall be revoked, suspended, or not renewed by the Common Council except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Protection and Policy Committee. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof.

(c) *Hearing.* The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on their own behalf under subpoena by the Common Council if such is required, and the hearing may be stenographically recorded at the licensee's option and expense.

(d) *Recommendation.* Within 15 days of a hearing pursuant to subsection (c) of this section, the Protection and Policy Committee shall submit a report to the Common Council including a recommendation as to what, if any, action the Common Council should take with respect to the license. The Committee shall provide the licensee with a copy of the report.

(e) *Council decision.* The Common Council shall consider the recommendation of the Protection and Policy Committee no later than the second regularly scheduled meeting following its receipt of the Committee's report. The complainant and licensee may file an objection to the report and have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether arguments shall be presented orally or in writing, or both. If the Common Council, after arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension, revocation, or non-renewal, the license shall be suspended, revoked, or non-renewed as provided at subsection (a) of this section. The Common Council shall decide the matter and shall prepare a written decision which shall be filed with the City Clerk. The City Clerk shall provide the licensee a copy of the decision by certified mail at the address indicated on the license, which shall be postmarked no later than 20 days after the Common Council's decision.

(f) *Appeal of decision and stay of action.* If the Common Council suspends, revokes, or non-renews a license under subsection (b) of this section, the written notice provided the licensee shall indicate that the decision may be appealed to a court of competent jurisdiction. The suspension, revocation, or non-renewal shall be stayed for a period of 30 days from the date on which the licensee receives such notice. If, within the 30-day period, the licensee appeals the suspension, revocation, or non-renewal to a court of competent jurisdiction, the action shall be stayed pending the outcome of this appeal. If the licensee fails to appeal the action to a court of competent jurisdiction within 30 days, the action shall take effect upon the expiration of such period.
(Code 1984, § 6.34(9); Ord. No. 16-99)

Sec. 10-207. Display of license.

The license shall be displayed in a conspicuous public place in the adult establishment. (Code 1984, § 6.34(10); Ord. No. 16-99)

Sec. 10-208. Physical layout of adult establishments.

Any adult establishment having available for customers, patrons, or members any booth, room, or cubicle for the private viewing of any sexually-oriented adult entertainment must comply with the following requirements:

(1) *Access.* Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult establishments and shall be unobstructed by any door, lock, or other control-type devices.

(2) *Construction.* Every booth, room, or cubicle shall meet the following construction requirements:

a. Each booth, room, or cubicle shall be separated from adjacent booths, rooms, cubicles, and any non-public areas by a wall.

b. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.

c. All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet and be light colored, non-absorbent, smooth textured and easily cleanable.

d. The floor must be light colored, non-absorbent, smooth textured, and easily cleanable.

e. The lighting level of each booth, room, or cubicle, when not in use, shall be a minimum of ten foot-candles at all times, as measured from the floor.

(3) *Occupants.* Only one individual shall occupy a booth, room, or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

(Code 1984, § 6.34(11))

Sec. 10-209. Responsibilities of the licensee.

(a) *Employee register.* The licensee shall maintain on the premises a register of all employees, showing the name and aliases or stage names used by the employee, and dates of employment and termination. The employee information shall be maintained in the register for a period of three years following termination. The licensee shall make the register available immediately for inspection by Police upon demand at all reasonable times.

(b) *Police entry and inspection.* The licensee hereby consents to the entry of the police or other duly authorized representatives of the City at all reasonable times for the purpose of inspection and search of the premises, and consents to the removal from said premises of all things and articles therein had in violation of the City ordinances or state laws, and consents to the introduction of such things as evidence in any proceeding that may be brought for such offenses. No licensee or

employee may refuse entry of police or other duly authorized representatives of the City at any reasonable time. The term "reasonable time" includes, without limitation, all times when the premises is open for business.

(c) *Minors prohibited.* No licensee, person in charge, or employee may directly or indirectly permit a person under 18 years of age to enter an adult entertainment establishment.

(d) *Cleanliness.* The licensee shall maintain the premises in a clean and sanitary manner at all times.

(e) *Lighting.* The licensee shall maintain at least ten foot-candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room, or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles; provided, however, at no time shall there be less than one foot-candle of illumination in said aisles, as measured from the floor.

(f) *Patron compliance.* The licensee shall ensure compliance of the establishment, its employees and its patrons with the provisions of this division.

(g) *Information posting—Booths.* The licensee shall ensure there are conspicuously posted inside each booth, stall, partitioned portion of room, or individual room an unmutilated and undefaced sign or poster supplied by the Health Department which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.

(h) *Information posting—Main entrance.* The licensee shall ensure there are conspicuously displayed at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the Health Department pertaining to sexually transmitted diseases.

(i) *Booth occupancy posting.* The licensee shall ensure there are posted regulations concerning booth occupancy on signs, with lettering at least one inch high, that are placed in conspicuous areas of the establishment and in each of the viewing enclosures.

(j) *Information, charges.* The Health Department shall charge its reasonable costs for supplying such posters, brochures, pamphlets, and other information supplied under this section.

(k) *Security.* At live performances which are expected to or do attract 50 or more patrons, during those times in which performers are on the premises, a licensee shall ensure there is adequate and readily identifiable licensed security personnel posted near any room where the performers dress or change clothing.

(l) *Loitering prohibited.* The licensee shall prohibit loitering within the external boundaries of the real property upon which the adult-entertainment establishment is located. The licensee shall initiate and enforce a no loitering policy, post conspicuous signs stating that no loitering is permitted on such property, designate one or more employees to monitor the activities on such property by visually inspecting such property at least once every 30 minutes or inspecting such property by use of video cameras and monitors, and provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering.

(m) *Private/semi-private room supervision.* The licensee shall ensure that any live entertainment that is provided on the premises in a private or semi-private room to five or fewer persons takes place in the direct, unobstructed line of sight of an employee's station at which at least one employee is on duty and stationed at all times during which such entertainment takes place.

(n) *Hours of operation.* Effective January 1, 2000, no adult entertainment establishment may remain open between the hours of 2:00 a.m. and 6:00 a.m., except on Saturday and Sunday the closing hours shall be between 2:30 a.m. and 6:00 a.m.

(o) *Alcohol prohibited.* No alcohol beverages shall be possessed, consumed, sold, or carried on any portion of the premises of an establishment unless such premises possesses a valid license for such beverages under Chapter 4.
(Code 1984, § 6.34(12); Ord. No. 16-99; Ord. No. 17-99; Ord. No. 4-02)

Sec. 10-210. Registration of employees.

(a) *Procedure.* All establishment employees shall register with the Green Bay Police Department prior to working, performing, or otherwise undertaking any duties in or on the licensed establishment. Such registration shall include the person's full name, birth date, any aliases or stage names used, name of employer, and date of employment. Registrants shall provide a valid form of government-issued identification at the time of registration. A person employed by more than one establishment shall register separately for each establishment.

(b) *Proof of registration.* Upon registration, the Police Department shall provide a copy of the filed registration form to the employee. The employee shall keep such copy and a valid form of government-issued identification available for production upon request at all times while employed at the establishment listed as the employer on the registration form.

(c) *Fee and duration.* The fee for each registration shall be as provided in the City Fee Schedule, which shall be paid to the Police Department to cover the administrative costs of the registration. Registrations shall be valid for the registrant's term of employment at the establishment.

(d) *Licensee responsibility for registration.* A licensee shall not directly or indirectly allow an employee who is not registered to work, perform, or otherwise undertake any duties in or on the licensed establishment.
(Code 1984, § 6.34(13); Ord. No. 4-02; Ord. No. 12-10)

Sec. 10-211. Exclusions.

All private schools and public schools, as defined in Wis. Stats. Ch. 115, located within the City of Green Bay are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.
(Code 1984, § 6.34(14))

Sec. 10-212. Penalties and prosecution.

(a) *Forfeiture.* Any person, partnership, or corporation who is found to have violated this division shall forfeit a definite sum not exceeding $1,000.00.

(b) *License revocation.* A court shall revoke any license issued under this division if the court finds that the licensee committed a violation within 12 months of a previous violation. For purposes of this subsection, multiple violations arising out of the same incident and on the same date shall be considered a single violation.

(c) *Separate offense.* Each violation of this division shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

(d) *Licensee responsibility.* Any act or omission of an employee constituting a violation of a provision of this division shall be deemed the act or omission of the licensee.
(Code 1984, § 6.34(15); Ord. No. 16-99)

Secs. 10-213—10-232. Reserved.

DIVISION 3. ESCORT SERVICES

Sec. 10-233. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee. An escort whose name is furnished by an escort service, is referred to a customer through an escort service, or is an agent, employee, independent contractor, or volunteer for an escort service shall be considered an employee of such service for the purposes of this division.

Escort means any person who, for consideration, accompanies or offers to accompany another person to or about social affairs, entertainment or places of amusement, consorts with another person about any place of public resort or within any private quarters, or agrees to privately model lingerie, perform a striptease, or perform in a nude or semi-nude state for another person.

Escort service means any person who, for consideration, furnishes, offers to furnish, advertises to furnish, or refers escorts.

In call means any arrangement whereby an escort is provided on a premises owned, leased, rented, or controlled by the escort or escort service.
(Code 1984, § 6.36(1); Ord. No. 41-00)

Sec. 10-234. Exemptions.

This division does not apply to businesses, agencies and persons licensed by the State of Wisconsin or the City pursuant to a specific statute or ordinance, and employees employed by a business so licensed and which perform an escort or an escort service function as a service merely incidental to the primary function of such profession, employment, or business and which do not hold themselves out to the public as an escort or an escort service.
(Code 1984, § 6.36(2))

Sec. 10-235. Regulated acts.

(a) *License and registration required.* No escort service shall operate or provide service in the City without first obtaining a license. No person shall escort in the City unless employed by a licensed escort service and properly registered pursuant to Section 10-243.

(b) *In calls in residential zones.* No escort or escort service may conduct in calls on residentially zoned property.

(c) *Separate license.* A license may be issued only for one escort service with one trade name. Any person, partnership, or corporation which desires to operate more than one escort service must have a separate license for each service.

(d) *Transfer prohibited.* No license or interest in a license may be transferred to any person, partnership, or corporation.

(e) *Unlawful acts.* No escort or escort service may engage in unlawful acts while acting as an escort. A violation of a criminal statute or ordinance by an escort shall be considered a violation of this division by the licensee.

(f) *Advertising.* No person may advertise indicating that an escort service is available in the City of Green Bay unless that service possesses a valid license. No escort service may advertise using a trade name unless that trade name is disclosed in its application. Any advertisements or escort activity conducted under an unreported trade name shall be considered unlicensed activity.

(g) *Physical contact prohibited.* No escort shall touch a customer or the clothing of a customer while exposing specified anatomical areas, as defined in Section 10-199.

(h) *Customers under age 18 years.* No person shall escort or agree to escort a person under the age of 18 years.
(Code 1984, § 6.36(3))

Sec. 10-236. Application for license.

(a) *Application to Clerk.* Any person, partnership, or corporation desiring to secure a license shall make application to the City Clerk. The application for a license shall be upon a form approved by the City Clerk. Each applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers, directors, and any other person who is interested directly in the control of the business for corporate applicants, shall furnish the following information under oath:

(1) Name, address, and age.

(2) Whether the applicant holds any interest in any other escort service license or similar license or permit.

(3) Whether the applicant has ever had any other escort service license or similar license or permit revoked or suspended, and the reason therefor.

(4) All convictions and pending charges of felony, misdemeanor, or ordinance violations.

(5) Fingerprints and two portrait photographs at least two inches by two inches of the applicant.

(6) All convictions and pending charges of felony, misdemeanor, or ordinance violations of a corporation, partnership or other organization for which the applicant was or is a director, officer, partner, or person interested directly in the control of the organization.

(7) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, and all officers and directors of the corporation, and provide a certified copy of the articles of incorporation.

(8) If the applicant is a partnership, the application shall specify the name and address of all partners and provide a certified copy of the partnership agreement or articles of partnership.

(b) *Additional information.* Each service shall furnish the following information under oath at the time of application:

(1) The trade name of the escort service. An escort service may operate under only one trade name per license.

(2) The complete address of the proposed business location with a copy of the deed, lease, or other document pursuant to which the applicant occupies such premises.

(3) The service's Federal Employer Identification number.

(4) A written plan setting forth:

a. The exact nature of the business to be conducted;

b. Office organization;

c. Advertising theme and method;

d. Copies of contracts to be used with escorts and customers;

e. The method of operation of the escort service, including the hours that the service will be open to the public; and

f. The methods of promoting the health and safety of escorts.

(Code 1984, § 6.36(4))

Sec. 10-237. Standards for issuance of license.

(a) *Standards.* To receive a license to operate an escort service, an applicant must meet the following standards:

(1) All persons required to be named under Section 10-236(a) shall be at least 18 years of age.

(2) No person required to be named under Section 10-236(a) shall have been convicted of a felony.

(3) Subject to Wis. Stats. Ch. 111, no person required to be named under Section 10-236(a) shall have been convicted of a law or ordinance violation involving moral turpitude, prostitution, obscenity, or another crime of a sexual nature in any jurisdiction.

(4) No person required to be named under Section 10-236(a) shall have been convicted of a violation of a law or ordinance which substantially relates to the licensed activity.

(5) No person required to be named under Section 10-236(a) shall have been a director, officer, partner, or person interested directly in the control of an organization that has been convicted of a violation of any law or ordinance which substantially relates to the licensed activity.

(b) *Investigation.* The Green Bay Police Department shall investigate the applicant's qualifications to be licensed.

(c) *False information.* Providing false or inaccurate information on the application or in the investigation of the application shall constitute an admission by the applicant that they are ineligible for such license and shall be grounds for denial of the application.

(d) *Lack of cooperation.* Failure or refusal of the applicant to give any information required by this division or relevant to the investigation of the application or cooperate with any investigation required by this division shall constitute an admission by the applicant that they are ineligible for such license and shall be grounds for denial of the application.

(e) *Committee review.* The Protection and Policy Committee shall review the application and the recommendation of the Police Department and recommend action to the Common Council. Should the Common Council fail to act upon an application within 60 days of its filing, the application shall be deemed granted, except as provided in subsection (f) of this section.

(f) *Pending charges.* If any charges are currently pending which, if resulting in a conviction, would disqualify the applicant pursuant to subsection (a) of this section, the Common Council may postpone action on the application until such time as the charge is resolved. Should the Common Council fail to act upon an application within 60 days of the resolution of the charge, the application shall be deemed granted.
(Code 1984, § 6.36(5))

Sec. 10-238. Fees.

A nonrefundable application fee as provided in the City Fee Schedule and a license fee as provided in the City Fee Schedule shall be submitted with the application for a license.
(Code 1984, § 6.36(6); Ord. No. 4-07)

Sec. 10-239. Denial of application.

Whenever an application is denied, the City Clerk shall, within 14 days of the denial, advise the applicant in writing of the reasons for such action. The applicant may appeal the decision to a court of competent jurisdiction.
(Code 1984, § 6.36(7))

Sec. 10-240. Renewal of license.

(a) *Process.* Every license issued pursuant to this division will terminate on December 31 of the year it is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the City Clerk not later than October 31 of the year in which the license will terminate. The application for renewal shall be filed with and dated by the City Clerk. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(b) *Fee.* A license renewal fee as provided in the City Fee Schedule shall be submitted with the application for renewal.

(c) *Investigation.* The Green Bay Police Department shall investigate the applicant's continuing qualifications to be licensed.
(Code 1984, § 6.36(8); Ord. No. 4-07)

Sec. 10-241. Suspension, revocation, or non-renewal of license.

(a) *Grounds.* The license granted herein may be revoked or suspended for up to six months or non-renewed by the Common Council as follows:

(1) If the licensee or any person required to be named under Section 10-236(a) has made or recorded any statement required by this division knowing it to be false or fraudulent or intentionally deceptive;

(2) For the violation by the licensee, an employee, or any person required to be named under Section 10-236(a), of any provision of this division, this Code, or the Wisconsin Statutes that substantially relates to the licensed activity; or

(3) After the conviction of the licensee, an employee, or any person required to be named under Section 10-236(a) of an offense under Wis. Stats. Ch. 944, an offense against the person or property of a patron, an offense involving substance in Wis. Stats. Ch. 961, Subch. II (Wis. Stats. §§ 961.11—961.25), or any other offense which is substantially related to the licensed activity.

(b) *Notice.* No license shall be revoked, suspended, or not renewed by the Common Council except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Protection and Policy Committee. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof.

(c) *Hearing.* The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on their own behalf under subpoena by the Common Council if such is required, and the hearing may be stenographically recorded at the licensee's option and expense.

(d) *Recommendation.* Within 15 days of a hearing pursuant to subsection (c) of this section, the Protection and Policy Committee shall submit a report to the Common Council, including a recommendation as to what, if any, action the Common Council should take with respect to the license. The Committee shall provide the complainant and licensee with a copy of the report.

(e) *Council decision.* The Common Council shall consider the recommendation of the Protection and Policy Committee no later than the second regularly scheduled meeting following its receipt of the Committee's report. The complainant and licensee may file an objection to the report and have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether arguments shall be presented orally or in writing, or both. If the Common Council, after arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided at subsection (a) of this section. The Common Council shall decide the matter and shall prepare a written decision which shall be filed with the City Clerk.

The City Clerk shall provide the licensee a copy of the decision by certified mail at the address indicated on the license, which shall be postmarked no later than 20 days after the Common Council's decision.

(f) *Appeal.* If the Common Council suspends, revokes, or non-renews a license, the written notice provided the licensee shall indicate that the decision may be appealed to a court of competent jurisdiction.
(Code 1984, § 6.36(9))

Sec. 10-242. Responsibilities of the licensee.

(a) *Compliance.* The licensee shall ensure compliance of the service and all employees with the provisions and requirements of this division. Every act or omission by an employee constituting a violation of the provisions of this division shall be deemed the act or omission of the licensee of the escort service by which the escort is employed, and the licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission.

(b) *Records and reports required.* Every escort and escort service shall:

(1) Provide to each patron a written contract and receipt of payment for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount of money such services shall cost the patron, and any special terms or conditions relating to the services to be performed.

(2) Maintain a legible written record of each transaction of any escort furnished to or arranged for on behalf of any person or customer. The record shall show the date and hour of each transaction, the name, address, and telephone number of the person requesting an escort, and the name of every escort furnished.

The records required by subsections (b)(1) and (2) of this section shall be kept available and open for inspection by the Green Bay Police Department during business hours.
(Code 1984, § 6.36(10))

Sec. 10-243. Registration of escorts.

(a) *Information.* All escorts shall, prior to acting as an escort, register with the Green Bay Police Department. Such registration shall include the following:

(1) Name, address, birth date, any aliases, pseudonyms, or stage names used, and telephone numbers.

(2) The name of the licensed escort service by which they are employed.

(3) Photographs and fingerprinting with the Green Bay Police Department.

(b) *Identification card.* Upon registration, the Green Bay Police Department will provide to each escort an identification card containing their photograph, identity, and the escort service by which the escort is employed. The escort shall keep the card available for production at all times while acting as an escort.

(c) *Duration.* All registrations hereunder are valid for the term of the affiliated escort service's license.

(d) *Fee.* The registration fee shall be as provided in the City Fee Schedule per registration, which shall be paid to the Green Bay Police Department to cover the costs of the identification card and administration.

(e) *Employment by multiple services.* Any escort employed by more than one escort service shall submit a separate registration for each service by which the escort is employed.
(Code 1984, § 6.36(11))

Sec. 10-244. Penalties and prosecution.

(a) *Forfeiture and license revocation.*

(1) Any person, partnership, or corporation who is found to have violated Section 10-235(a) shall forfeit a definite sum not less than $2,000.00 and not exceeding $5,000.00 and a court shall revoke any license issued to the person under this division.

(2) Any person, partnership, or corporation who is found to have violated any other section of this division shall forfeit a definite sum not exceeding $5,000.00 and a court shall revoke any license issued to the person under this division.

(b) *Separate offense.* Each violation of this division shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.
(Code 1984, § 6.36(12); Ord. No. 49-04)

Sec. 10-245. Wis. Stats. Ch. 68 not to apply.

Wis. Stats. Ch. 68 shall not apply to the administrative process outlined in this division.
(Code 1984, § 6.36(13))

Secs. 10-246—10-268. Reserved.

ARTICLE V. DIRECT SALES

Sec. 10-269. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable organization means any benevolent, philanthropic, patriotic, or eleemosynary partnership, association, or corporation, or one purporting to be such which has maintained a permanent office in Brown County for at least the six months immediately preceding the date of application.

Direct sales means selling goods at any location other than a permanent place of business. The sale of goods includes donations required for the retention of goods by a donor or prospective customer. A direct seller shall also include any person selling or displaying any goods from a stand.

Goods means personal property of any kind and personal services offered or sold independently of, in conjunction with, or incidental to any personal property offered or sold.

Motor vehicle means as defined in Wis. Stats. § 340.01(35).

Other property means private property and public property which is not a public right-of-way.

Permanent merchant means a merchant who has maintained a permanent retail location in Brown County and maintained consistent business hours open to the public at least one hour per week for at least the six months preceding the date of application.

Sidewalk means all areas of public rights-of-way not intended for use by motor vehicles

Solicitor and *solicitation* mean any person who goes from house-to-house, place-to-place, or street-to-street selling or taking orders for goods or offering to sell or take orders for goods; any person who goes from house-to-house, place-to-place, street-to-street, or in a public place solicits monetary donations.

Special event means an athletic event, ceremony, demonstration, exhibition, march, pageant, parade, procession, race, show or other similar display which interferes with the normal flow or regulation of traffic upon the streets, sidewalks, or rights-of-way, or the normal use of parks or other public grounds. Boundaries for the special event shall be set forth in the application and permit for said event.

Stand means a stand, tent, cart, pushcart, or non-permanent structure from which direct sales are conducted. A person shall also be deemed to have a stand, although there is no structure associated therewith, whenever a person remains in any one location for more than 15 minutes.

Street means those portions of public rights-of-way intended for use primarily by motor vehicles.
(Code 1984, § 6.201; Ord. No. 14-06; Ord. No. 20-10)

Sec. 10-270. Direct sales permit required.

No person shall engage in direct sales activity without the appropriate permit for the stand, vehicle, or location from which direct sales activity is conducted. A permittee shall be responsible for the acts and omissions of any employee, agent, or independent contractor while engaged in direct sales activity.
(Code 1984, § 6.202)

Sec. 10-271. Solicitor's permit required.

No person shall engage in solicitation without a permit.
(Code 1984, § 6.203)

Sec. 10-272. Permit exemptions.

The following activities shall be exempted from the permit requirement of this article:

(1) The delivery of goods to regular customers on established routes. This exemption shall not apply to direct sales on a sidewalk.

(2) The sale of goods at wholesale to dealers in such goods.

(3) A home visit specifically requested by the buyer.

(4) A sale required by statute or order of any court.

(5) A bona fide auction sale pursuant to law.

(6) Direct sales and solicitation conducted by a charitable organization or an agent thereof. This exemption shall not apply to direct sales on a sidewalk.

(7) Direct sales conducted by a permanent merchant or an agent thereof. This exception shall not apply to direct sales on a sidewalk.

(8) Direct sales conducted at a special event.

(Code 1984, § 6.204)

Sec. 10-273. Application.

(a) *Form.* A person desiring to secure a permit shall make application to the City Clerk and shall furnish all information deemed necessary by the Clerk under oath.

(b) *Identification.* The applicant shall present to the City Clerk a valid form of government-issued identification bearing the applicant's photograph.

(c) *Other permits.* Where applicable, the applicant shall present the City Clerk with the following:

(1) A valid retail food permit issued by the Brown County Health Department.

(2) A seller's permit as required by Wis. Stats. § 77.52.

(Code 1984, § 6.205)

Sec. 10-274. Permit fees and duration.

(a) *Temporary.* A temporary permit shall be valid for a period of 30 consecutive days from its issuance, unless sooner revoked. The fee for a temporary direct sales permit shall be as provided in the City Fee Schedule, and the fee for a temporary solicitor's permit shall be as provided in the City Fee Schedule.

(b) *Annual.* An annual permit shall be valid through December 31 of the year of its issuance, unless sooner revoked. The fee for a direct sales permit shall be as provided in the City Fee Schedule, and the fee for a solicitor's permit shall be as provided in the City Fee Schedule.

(c) *Locations.* Permits for direct sales on sidewalks and other property shall be valid for up to three locations per permit, as indicated on the application. A permittee may request additional locations for a fee as provided in the City Fee Schedule per additional location. A permittee may request a change in location by filing the appropriate request with the City Clerk and paying a fee as provided in the City Fee Schedule per location to be changed.

(Code 1984, § 6.206)

Sec. 10-275. Procedure for granting licenses.

(a) *Police Department review.* The Police Department shall review completed applications. If the Police Department determines that any portion of the application is false or that the applicant has been convicted of a violation of an ordinance or law which substantially relates to the activity described in the application, the application may be denied by the Police Department.

(b) *Clerk approval.* If the Police Department approves the issuance of the permit, the City Clerk may grant the permit without further review, except as provided in Section 10-276(6)h.

(c) *Appeal.* Any applicant whose application has been denied by the Police Department may appeal such determination to the Protection and Policy Committee, subject to final disposition by the Common Council. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.

(d) *Effect of denial of application or appeal.* An applicant whose permit has been denied by the Police Department or whose appeal has been denied by the Common Council may not apply for a permit for a period of one year from the date of the original application.
(Code 1984, § 6.207)

Sec. 10-276. Direct sales regulations.

All direct sales, whether conducted pursuant to a permit issued by the City or exempted from the permit requirements pursuant to Section 10-272, shall comply with the following regulations:

(1) *Litter.* No direct seller shall allow rubbish or litter to accumulate in or around the area in which they are conducting business, whether generated by the direct seller's business or the public at large. At least one clean, plastic-lined trash container clearly marked for litter shall be kept and maintained in the area by the direct seller.

(2) *Noise.* No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside of a 75-foot radius from the source.

(3) *Special events.* No person shall engage in direct sales at a special event without permission of the organization sponsoring the event.

(4) *Display of permits.* A direct seller shall prominently display the permit issued under this article, as well as any other permits required for the operation, in an area visible to all customers.

(5) *Distance limitations.* No direct sales shall occur within the following distance limitations:

a. *Crosswalks and intersections.* 15 feet of a crosswalk, intersection, or alley entrance.

b. *Fire hydrants.* Ten feet of a fire hydrant, as measured along the curb face.

c. *Railroad crossing.* 50 feet of the near edge of a railroad grade crossing.

d. *Ramps.* In any location where access to a disabled curb ramp or bus loading zone would be hindered.

e. *Similar products.* No direct sales may occur within 150 feet of a permanent merchant retailing similar or competing products, unless the permittee obtains written consent from such merchant. The permittee shall possess such consent at the location where direct sales are occurring at all times while engaged in direct sales activity.

f. *Other direct sellers.* No direct sales may occur within 25 feet of another direct seller.

g. *Alcohol establishments.* No direct sales may occur within 50 feet of any portion of a premises licensed to sell alcohol beverages for on-premises consumption between 10:00 p.m. and 6:00 a.m.

(6) *Direct sales on sidewalks.* No direct sales shall occur on a sidewalk unless all of the following requirements are satisfied:

a. *Specific location required.* A direct seller must obtain a separate permit for each specific sidewalk location from which direct sales will occur. Transient direct sales on sidewalks are prohibited.

b. *Allocation of locations.* Only one permit may be granted for a specific location. If more than one application is received for the same location, the first eligible applicant will be granted the permit to operate from such location. However, if more than one application is received for an annual permit for the same location by December 1 of the year proceeding the permit year, the Clerk will randomly select one applicant from those eligible to receive a permit for such location.

c. *Removal.* A direct seller shall remove the stand and all associated items from the sidewalk immediately upon ceasing direct sales activity and at all times when direct sales are prohibited.

d. *Sidewalk width.* No direct sales shall be conducted unless a minimum width of six feet of unobstructed pedestrian space remains on the sidewalk.

e. *Use of amenities.* No permittee shall use any of the amenities, including, but not limited to, benches, flower planters, trees, shelters, kiosks, and light poles, for the display of merchandise or attachment of any equipment or advertising materials.

f. *Permission from adjacent property.* A permittee shall obtain permission from the owner or lessee of the property adjacent to the sidewalk where direct sales are to be conducted. Proof of such permission shall be filed with the City Clerk at the time of application for a permit. The permittee shall possess such proof at the location where direct sales are occurring at all times while engaged in direct sales activity.

g. *Insurance.* A permittee must file a certificate of insurance and indemnification meeting the requirements set by resolution of the Common Council with the City Risk Manager prior to the issuance of a permit. Should the certificate lapse or otherwise fail to be in force, the permit shall be considered invalid.

h. *Council approval.* Applications for a direct sales permit for a sidewalk or a change in authorized locations shall be reviewed and approved by the Common Council, with a preliminary review and recommendation to be conducted by the Protection and Policy Committee. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.

(7) *Direct sales on streets.* No person may engage in direct sales on a street unless conducted from a motor vehicle under the following limitations:

a. *Warning lights.* The vehicle from which sales are conducted shall display the warning lamps described in Wis. Stats. § 347.26(6)(a).

b. *Obstruction of traffic.* The vehicle shall remain stationary only as long as necessary to complete a sales transaction and in no case shall remain stationary longer than ten minutes, be positioned when stationary in a manner which does not obstruct a normal traffic lane, and be operated in a manner which does not obstruct the normal flow of traffic.

c. *Insurance.* A permittee must file a certificate of insurance and indemnification meeting the requirements set by resolution of the Common Council with the City Risk Manager prior to the issuance of a permit. Should the certificate lapse or otherwise fail to be in force, the permit shall be considered invalid.

(8) *Direct sales on other property.* No direct sales shall be conducted in, on, or above other property without first obtaining permission from the owner or person in control of such property. The permittee shall possess such proof at the location where direct sales are occurring at all times while engaged in direct sales activity.

(Code 1984, § 6.208; Ord. No. 30-06)

Sec. 10-277. Solicitation regulations.

All solicitation, whether conducted pursuant to a permit issued by the City or exempted from the permit requirements pursuant to Section 10-272, shall comply with the following regulations:

(1) *Disclosure.* After the initial greeting and before any other statement is made to a prospective customer, a solicitor shall identify themself, disclose the name of the company or organization they are affiliated with, if any, and the identity of goods or services offered for sale.

(2) *Identification.* A solicitor shall display on their person the permit issued by the City, if applicable, and possess on their person a valid form of government-issued identification bearing the permittee's photograph at all times while engaged in solicitation.

(3) *Soliciting contrary to sign.* A solicitor shall not call at a place where a sign is displayed bearing the words "No Soliciting," "No Peddlers," or words of similar meaning.

(4) *State law compliance.* A solicitor shall comply with the applicable provisions of Wis. Stats. Ch. 423.

(5) *Streets.* Solicitation shall not occur in streets, unless such solicitation is conducted by an organization recognized by the Internal Revenue Service as a Section 501(c)(3) organization that has obtained a special event permit pursuant to Article IX of this chapter. An organization authorized to conduct street solicitation shall not engage in such solicitation more than once per calendar year. The duration of the solicitation shall not last for more than three consecutive days and shall take place during day light hours. An organization conducting such solicitation shall execute a hold harmless agreement with the City of Green Bay prior to issuance of the special events permit.

(6) *Time limitations.* No solicitation shall occur between 9:00 p.m. and 9:00 a.m., except by appointment.

(Code 1984, § 6.209; Ord. No. 15-12)

Sec. 10-278. Suspension, revocation and non-renewal of permits.

A permit may be suspended, revoked, or non-renewed for a violation of any provision of this article or a violation of a statute, ordinance, or regulation substantially related to the permitted activity. A hearing for the suspension, revocation, or non-renewal of a permit shall be conducted before the Protection and Policy Committee. At the conclusion of the hearing, the Protection and Policy Committee shall recommend to the Common Council that the license be suspended for not less than ten days nor more than 90 days or revoked if it finds that the permittee committed a

violation. The Common Council shall consider and take action on the recommendation of the Protection and Policy Committee within 45 days after the Committee adjourns the hearing. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.
(Code 1984, § 6.210)

Sec. 10-279. Penalties.

(a) *Forfeiture.* Any person violating a provision of this article shall be subject to a forfeiture of not less than $1.00 nor more than $1,000.00 for each offense.

(b) *License suspension.* A court shall suspend any permit issued under this article for not less than ten nor more than 30 days if the court finds that the permittee committed a violation within 24 months after committing one previous violation.

(c) *License revocation.* A court shall revoke any permit issued under this article if the court finds that the permittee committed a violation within 24 months after committing two previous violations.

(d) *Counting.* For purposes of counting previous violations under subsections (b) and (c) of this section, multiple violations arising out of the same incident and on the same date shall be considered a single violation.
(Code 1984, § 6.211)

Sec. 10-280. Wis. Stats. Ch. 68 not to apply.

Wis. Stats. Ch. 68 shall not apply to the administrative process outlined in this article.
(Code 1984, § 6.212)

Secs. 10-281—10-336. Reserved.

ARTICLE VI. JUNK DEALERS

Sec. 10-337. Definitions.

Wis. Stats. § 134.405(1), as it may be amended from time to time, is hereby adopted and incorporated as though fully set forth herein. In addition, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk means any ferrous scrap, nonferrous scrap, metal article, proprietary article, plastic bulk merchandise containers, synthetic or organic material, cloth, rags, clothing, paper, rubbish, bottles, rubber, furniture, inoperable motor vehicle parts, or other discarded articles.

Junk dealer means any person or business who stores, buys, or sells any junk and maintains a yard or building as a principal place of business, excluding persons whose business is principally the sale of used vehicles, or persons dealing in secondhand articles of personal property for resale that are subject to the provisions set forth in Section 10-1.

Regulated property means nonferrous scrap, metal articles, and proprietary articles.
(Code 1984, § 6.07(1); Ord. No. 36-07; Ord. No. 16-13)

Sec. 10-338. Applicability.

No person or business may act as a junk dealer without first obtaining a license under this article.
(Code 1984, § 6.07(2); Ord. No. 36-07; Ord. No. 16-13)

Sec. 10-339. Application.

Every applicant for a license to engage in the business of junk dealer shall file with the City Clerk, on or before January 1 of the license year, a written application upon the form prepared and provided by the City, signed by the applicant. Such application shall state:

(1) The name and residence of the applicant, if an individual, partnership, or firm; or the names of the principal officers and their residences if the applicant is an association or corporation.

(2) The length of time such applicant or any individual, firm or corporation or partnership, or the manager or person in charge, if the applicant is an association or corporation, has resided in the City; whether convicted of a felony or misdemeanor; and, if so, what offense, when, and in what court.

(3) Whether the applicant or officers of applicant have previously engaged in the business for which a license is sought.

(4) The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold, or otherwise handled.

(5) The premises where such business is to be located or carried on, or where the collected articles are to be stored.

(Code 1984, § 6.07(3); Ord. No. 36-07; Ord. No. 16-13)

Sec. 10-340. Inspection.

The City Clerk shall report such application to the Chief of Police, Fire Chief, and Inspection Department for investigation prior to approval. The Inspection Department shall inspect or cause to be inspected any junk dealer's premises to determine whether they comply with all the laws, ordinances, rules, and regulations. Such premises and all structures thereon shall be so situated and constructed that the business may be carried on in a sanitary condition, shall contain no fire hazards, and shall be so arranged that thorough inspection may be made at any time by the proper health, fire, building, and police authorities. The inspecting officers shall report compliance or noncompliance to the Police, stating the respects in which the premises do not comply with such laws, ordinances rules, and regulations.
(Code 1984, § 6.07(4); Ord. No. 36-07; Ord. No. 16-13)

Sec. 10-341. Granting or refusing license.

(a) *Issued by City Clerk.* Upon filing of the application, investigation indicating compliance, approval of such applicant, and payment of the license fee, the City Clerk shall issue the applicant a license. All licenses shall be numbered in the order in which they are issued and shall state the location of the business, the date of the issuance, the expiration of the license, and the name and address of the licensee. Such license shall be issued as of January 1 of the particular license year and shall expire on or before December 31 of that same year. No license shall be transferable as to person or location.

(b) *Persons convicted of a felony.* No license shall be granted to any person or the members or officers of an association, partnership, or corporation who has been convicted within one year of the date of the application of a violation of this article, nor, subject to Wis. Stats. § 111.335, to any person who has within three years of the date of the application been convicted of a felony reasonably related to the licensed activity.

(c) *Notification of noncompliance.* Upon a showing of noncompliance by investigation or disapproval of such application, the applicant shall be notified by the Police and afforded an opportunity to be heard before the Protection and Policy Committee.
(Code 1984, § 6.07(5); Ord. No. 36-07; Ord. No. 16-13)

Sec. 10-342. Fees.

Every junk dealer shall pay an annual fee as provided in the City Fee Schedule.
(Code 1984, § 6.07(6); Ord. No. 36-07; Ord. No. 16-13)

Sec. 10-343. License to be displayed.

On licensed premises, every holder of a license shall at all times keep the license posted in a conspicuous place on the premises described in the application. No person shall post such license upon premises other than those mentioned in the application or knowingly deface or destroy such license.
(Code 1984, § 6.07(7); Ord. No. 36-07; Ord. No. 16-13)

Sec. 10-344. Electronic reports of regulated property transactions to Police.

(a) Junk dealers must submit an electronic report of every regulated property transaction to the Police Department no later than the business day following the date of purchase, by transferring it from their computer to the web server via modem designated by the Green Bay Police Department. The electronic reports shall include each seller's or deliverer's name, date of birth, identification number, and address, and the number and state of issuance of the license plate on each seller's or deliverer's vehicle. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the Police Department using procedures that address security concerns of the junk dealer and the Police Department.

(b) If a junk dealer is unable to successfully transfer the required reports by modem, the junk dealer must provide the Police Department with printed copies of all regulated property transactions by 12:00 noon the next business day.

(c) If the problem is determined to be in the junk dealer's system and is not corrected by the close of the first business day following the failure, the junk dealer must provide the required reports, and shall be charged a daily reporting failure fee as provided in the City Fee Schedule until the error is corrected; or, if the problem is determined to be outside the junk dealer's system, the junk dealer must provide the required reports and resubmit all such transactions via modem when the error is corrected.

(d) Regardless of the cause or origin of the technical problems that prevented the junk dealer from uploading the regulated property transactions, upon correction of the problem, the junk dealer shall upload every regulated property transaction from every business day the problem has existed.

(e) The provisions of this section notwithstanding, the Police Department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

(f) Section 10-345 shall not apply to businesses which had less than 50 regulated property transactions in the past calendar year. However, any such junk dealer must follow the daily reporting procedure for each regulated property transaction by submitting a written transaction form approved by the Police Department to the Department on the business day following the date of the regulated property transaction.
(Code 1984, § 6.07(8); Ord. No. 36-07; Ord. No. 16-13)

Sec. 10-345. Property records to be kept for police inspection.

Every licensee shall keep such records as prescribed by Wis. Stats. § 134.405(3)(a)2 to 5 and (3)(b) and make them available to a law enforcement officer who presents credentials at the junk dealer's place of business during business hours.
(Code 1984, § 6.07(9); Ord. No. 36-07; Ord. No. 16-13)

Sec. 10-346. Purchase where number defaced.

No licensee shall buy, sell, or receive, dispose of, conceal, or possess any motor vehicle, part, or accessory from which the manufacturer's serial number or any other number of identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of such vehicle, part, or accessory.
(Code 1984, § 6.07(10); Ord. No. 36-07; Ord. No. 16-13)

Sec. 10-347. Stolen goods to be reported and exhibited.

Any licensee who has or receives any goods, articles, or things stolen or lost or alleged or supposed to have been stolen or lost shall exhibit the same on demand to any police officer.
(Code 1984, § 6.07(11); Ord. No. 36-07; Ord. No. 16-13)

Sec. 10-348. Renewal.

Any license issued hereunder may be renewed upon application, but Section 10-340 relating to inspection and report shall not apply unless the ownership of the premises is changed. However, any such application for a renewal shall be subject to the license fees under Section 10-342 and all other provisions of this article.
(Code 1984, § 6.07(12); Ord. No. 36-07; Ord. No. 16-13)

Secs. 10-349—10-369. Reserved.

ARTICLE VII. JUNK COLLECTORS

Sec. 10-370. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk means any old or scrap metal, metal alloy, synthetic or organic material, cloth, rags, clothing, paper, rubbish, bottles, rubber, furniture, inoperable motor vehicle parts, used building materials, or other discarded articles.

Junk collector means any person who collects, delivers, buys, or sells any junk, but who is not a junk dealer as defined in Article VI of this chapter.
(Code 1984, § 6.075(1); Ord. No. 17-13)

Sec. 10-371. Applicability.

No person may act as a junk collector without first obtaining a license under this article.
(Code 1984, § 6.075(2); Ord. No. 17-13)

Sec. 10-372. Application.

Every applicant for a license to engage in junk collecting shall file with the City Clerk a written application upon the form prepared and provided by the City, signed by the applicant. Such application shall state:

(1) The name and residence of the applicant.

(2) Whether convicted of a felony or misdemeanor; and, if so, what offense, when, and in what court.

(3) Whether the applicant has been previously engaged in the activity for which a license is sought.

(4) The detailed nature of the activity to be conducted and the kind of materials to be collected, bought, sold, or otherwise handled.

(Code 1984, § 6.075(3); Ord. No. 17-13)

Sec. 10-373. Granting or refusing license.

(a) *Issued by City Clerk.* Upon filing of the application, investigation indicating compliance, approval of such applicant, and payment of the license fee, the City Clerk shall issue the applicant a license. All licenses shall state the date of the issuance, the expiration of the license, and the name and address of the licensee. Every license shall expire on December 31 of the year of issuance. No license shall be transferable as to person or location.

(b) *Persons convicted of a felony.* No license shall be granted to any person or the members or officers of an association, partnership, or corporation who has been convicted within one year of the date of the application of a violation of this article, nor, subject to Wis. Stats. § 111.335, to any person who has within three years of the date of the application been convicted of a felony reasonably related to the licensed activity.

(c) *Notification of noncompliance.* Upon a showing of noncompliance by investigation or disapproval of such application, the applicant shall be notified by the Police Department and afforded an opportunity to be heard before the Protection and Policy Committee.
(Code 1984, § 6.075(4); Ord. No. 17-13)

Sec. 10-374. Fees.

Every junk collector shall pay an annual fee as provided in the City Fee Schedule.
(Code 1984, § 6.075(5); Ord. No. 17-13)

Sec. 10-375. License to be kept on person.

Every holder of a license shall keep the license on their person while engaged in junk collecting. Upon request by a City of Green Bay employee, or designee, the licensee shall provide proof of license to requestor.
(Code 1984, § 6.075(6); Ord. No. 17-13)

Sec. 10-376. Hours of junk collecting.

No licensed junk collector shall collect junk on or near residential properties from the hours of 10:00 p.m. to 7:00 a.m.
(Code 1984, § 6.075(7); Ord. No. 17-13)

Sec. 10-377. Items where number defaced.

No licensee shall collect or possess any motor vehicle, part, or accessory from which the manufacturer's serial number or any other number of identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of such vehicle, part, or accessory. Every licensee to whom is offered for sale, storage, or wreckage any motor vehicle, part, or accessory from which has been removed the manufacturer's serial number or any other identification mark shall immediately notify the Chief of Police of such offer.
(Code 1984, § 6.075(8); Ord. No. 17-13)

Sec. 10-378. Stolen goods to be reported and exhibited.

If any goods, articles, or personal property are advertised in any newspaper printed in the City as having been lost or stolen and the same, or any articles answering the description advertised or any part or portion thereof, come into the possession of any licensee, the licensee shall give information thereof in writing to the Chief of Police and state from where and whom, if known, the article was received, collected, bought, delivered or sold. Any licensee who has or receives any goods, articles, or things stolen or lost or alleged or supposed to have been stolen or lost shall exhibit the same on demand to any police officer.
(Code 1984, § 6.075(9); Ord. No. 17-13)

Sec. 10-379. Renewal.

Any license issued hereunder may be renewed upon application. However, any such application for a renewal shall be subject to the license fees under Section 10-374 and all other provisions of this article.
(Code 1984, § 6.075(10); Ord. No. 17-13)

Secs. 10-380—10-401. Reserved.

ARTICLE VIII. EVENT TICKET SALES

Sec. 10-402. Permit required.

A permit shall be required of any person conducting the business of or engaged in the scalping of any ticket the day of any National Football League game or any other special event at Lambeau

Field, except for the original ticket holder of the event. The burden of proof shall be on the original ticket holder to prove this fact. The term "scalping" is defined as the sale of any ticket for more than face value. The term "original ticket holder" is defined as the first purchaser of a ticket from the event sponsor.
(Code 1984, § 6.12(1); Ord. No. 28-08)

Sec. 10-403. Registration.

The registration, investigation, appeal and revocation procedures found in this chapter shall apply to any person required to obtain a permit for conducting the business of or engaged in the scalping of any ticket for any National Football League game or any other special event at Lambeau Field. Permits are valid one year from the date of issuance and shall be $800.00 per year. The applicant shall agree to indemnify and hold the City harmless and shall be required to secure commercial general liability insurance in the amount of $1,000,000.00 or such other amount as amended by resolution of the Common Council from time to time. Each applicant shall be issued photo identification by the City of Green Bay, which shall be displayed in plain view while engaged in the scalping of any ticket for any National Football League game or any other special event at Lambeau Field within the sale area designated by the City of Green Bay.
(Code 1984, § 6.12(2); Ord. No. 28-08)

Sec. 10-404. Sale area.

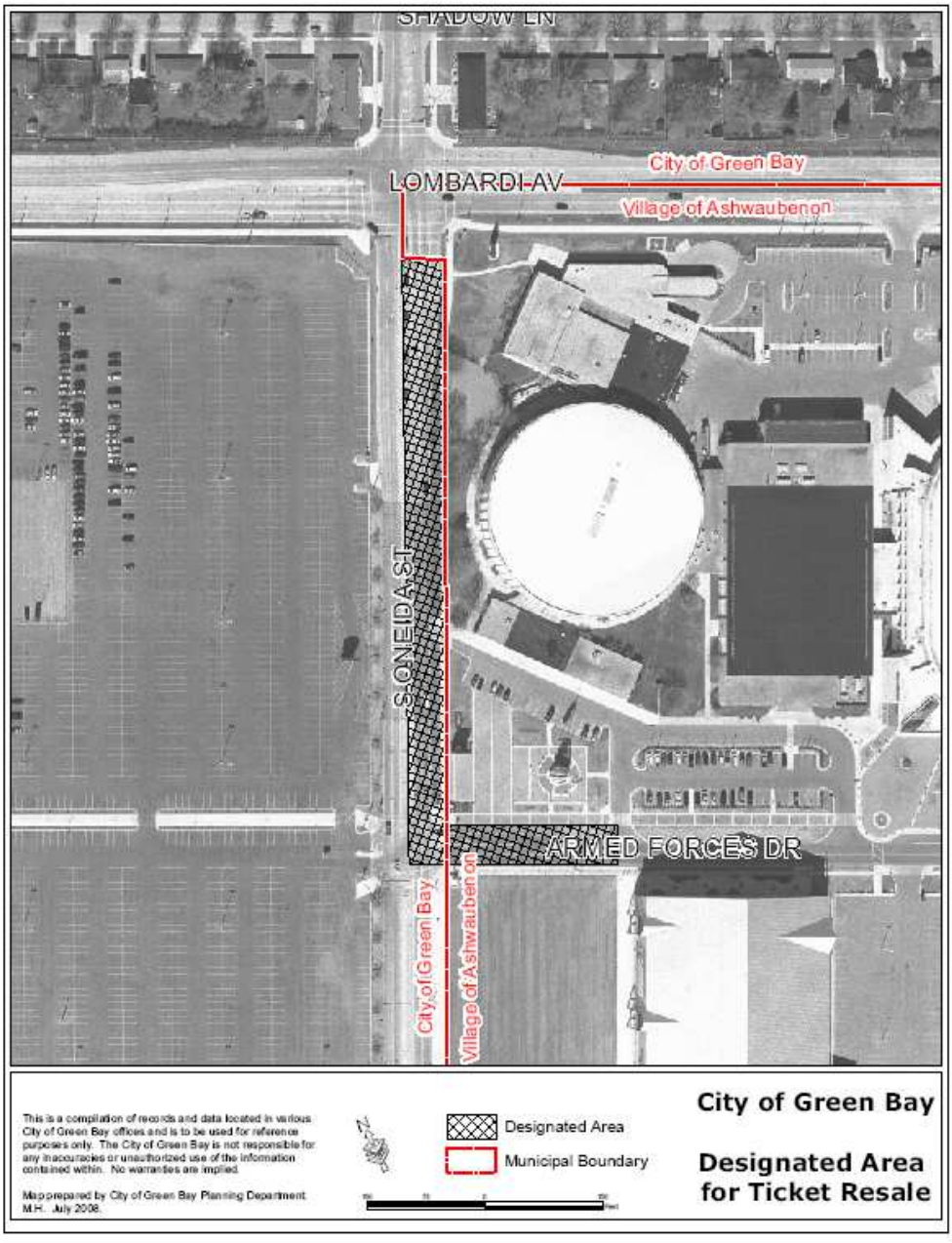
Any person, including the original ticket holder, conducting the business of or engaged in the scalping of any ticket the day of any National Football League game at Lambeau Field shall be required to conduct such business in a designated area. The designated area is defined as the public right-of-way of Armed Forces Drive from the intersection of Armed Forces Drive and Oneida Street to a point 270 feet east of said intersection and the eastern one-half of the public right-of-way of Oneida Street inclusive of the northbound lanes of Oneida Street from the intersection of Lombardi Avenue and Oneida Street to a line extending from the southern boundary of the Armed Forces Drive right-of-way, specifically displayed in the following map. Any person, including the original ticket holder, conducting the business of or engaged in the scalping of any ticket the day of any National Football League game at Lambeau Field outside the designated area shall be subject to any of the penalties set forth in Section 10-405. For any special event at Lambeau Field, including, but not limited to, a National Football League game, no person may scalp any ticket in the Lambeau Field parking lot or adjoining sidewalks or from any vehicle or bicycle at any time on the day of the special event at Lambeau Field. Sale of tickets for face value or less is exempt from this article.
(Code 1984, § 6.12(3); Ord. No. 28-08)

Sec. 10-405. Penalty.

Any person that violates any provision of this article shall forfeit not less than $500.00 nor more than $1,000.00 for each violation per day, plus the costs of prosecution. Each violation shall constitute a separate offense. Persons in violation of this article are further subject to confiscation of tickets.
(Code 1984, § 6.12(4); Ord. No. 28-08)

Sec. 10-406. Map of designated area of ticket resale.

City of Green Bay Designated Zone Area



(Code 1984, § 6.12; Ord. No. 28-08)

Secs. 10-407—10-423. Reserved.

ARTICLE IX. SPECIAL EVENTS

Sec. 10-424. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attendees means the total number of participants and spectators in attendance at an event. Vendors are not considered attendees.

Customary use of a park. Customary use of a park will depend on the type of park engaged for that activity and will be determined by the Director of Parks, Recreation and Forestry or their designee.

Large events means special events involving crowd sizes over 5,000 attendees, as well as events specifically designated as large events, such as those involving the use of fireworks or pyrotechnics, the use of the bay or the Fox River, major physical activity by participants, moderate to severe exposure of spectators to hazards, and/or the inclusion of animals or alcohol beverages. Large events may include, but are not limited to, team or individual sporting events, circuses, carnivals with rides, parades with floats, marathons or similar races, walks for charity, social gatherings, music festivals, art festivals, farmers markets, performances, and exhibitions. Vehicle barriers may be required for large events.

Medium events means special events involving crowd sizes between 1,000 and 5,000 attendees, as well as events specifically designated as medium events, such as those involving physical activity by participants, moderate exposure of spectators to hazards, and/or the inclusion of animals or alcohol beverages. Medium events may include, but are not limited to, team or individual sporting events, circuses, carnivals with rides, parades with floats, marathons or similar races, walks for charity, social gatherings, music festivals, art festivals, farmers' markets, performances, and exhibitions.

Resident means any person who maintains their primary living quarters within the City of Green Bay city limits.

Safety Manager means the Safety Manager of the City of Green Bay or their designee.

Simple events means special events involving a small nonprofit or neighborhood association where the principal applicants reside within the City of Green Bay city limits. Simple events are limited to neighborhood or small nonprofit events that take place either in a City park or occur as a block party. Simple events involve crowd sizes of fewer than 250 attendees, limited physical activity by participants, and no severe exposure of spectators to hazards. Simple events may include, but are not limited to, picnics, annual meetings, movies in the park, and block parties.

Small events means special events involving crowd sizes of fewer than 1,000 attendees, as well as events specifically designated as small events, such as those involving limited physical activity by participants and/or no exposure of spectators to hazards. Small events may include, but are not limited to, team or individual sporting events, walks for charity, social gatherings, small-budget film making, music festivals, art festivals, farmers markets, performances, and exhibitions.

Special event means an athletic event, ceremony, demonstration, exhibition, march, pageant, parade, procession, race, show, or other similar display which interferes with the normal flow or regulation of traffic upon the streets, sidewalks, and/or rights-of-way, or the customary use of parks or other public grounds.

Special Event Committee. In an effort to streamline the approval process for the benefit of applicants, a Special Event Committee is established so that applications may be reviewed by all necessary City staff at one time instead of requiring individual approvals. The Special Event Committee shall be made up of the Special Event Coordinator, the Safety Manager, and at least one representative from each of the following City departments: Police Department, Fire Department, Department of Public Works, Community and Economic Development Department, and the Parks Department. The Special Event Committee shall be responsible for evaluating and taking action on applications for special events.

Special Event Coordinator means the person who will coordinate between applicants and City departments, ensuring appropriate departmental approval of special events applications.

Special Hazard Events means special events involving greater potential for exposure of spectators to hazards. Special hazard events may include, but are not limited to, professional or collegiate sporting events, vehicle races, athletic events in the bay or on the Fox River, and fireworks displays. Vehicle barriers may be required.
(Ord. No. 28-18, § 1(1), 9-7-2019)

Sec. 10-425. Permit required.

No person shall conduct, manage, or engage in a special event unless a permit has been approved by and obtained from the Special Event Coordinator and Special Event Committee. Any person seeking to offer goods and/or services at a special event is responsible for verifying that the required permit has been approved as described herein prior to participating in the event.
(Ord. No. 28-18, § 1(2), 9-7-2019)

Sec. 10-426. Exceptions.

This article shall not apply to funeral processions or governmental agencies acting within the scope of their functions.
(Ord. No. 28-18, § 1(3), 9-7-2019)

Sec. 10-427. Application.

(a) *Deadlines.* An application for a special event permit shall be filed with the Special Event Coordinator in the following timeframes:

(1) For a large, medium, or small event, not less than 60 days before the event is to take place.

(2) For a simple event, not less than 15 days before the event is to take place.

(3) Late applications. The Special Event Coordinator, where good cause is shown, may consider any application which is not timely filed, and shall assess a late fee as described in the Special Event Fee Schedule.

(b) *Filing and contents.* The applicant shall submit the application form prescribed by the Special Event Committee, which shall set forth the following information:

(1) The name, address, and telephone number of the person seeking to conduct such event.

(2) The name, address, and telephone number of the applicant.

(3) The dates of the special event. If the special event consists of a series of consecutive or successive events occurring in the same location, include all applicable dates.

(4) A detailed map identifying all relevant information, including, but not limited to:

a. The event location or route to be traveled, the starting and termination points, and any other important points along the route;

b. The portions of the sidewalk, street, or other right-of-way proposed to be included or utilized in the event;

c. The location of all assembly areas for the event;

d. The location of any tents or other structures;

e. The location of any vendors not located within a tent or other structure;

f. Points of ingress and egress;

g. Any location at which alcohol will be sold; and

h. Any other important points to be noted.

(5) A written description of the event location or route to be traveled, the starting point, the termination point, and any other important points to be noted (e.g., "Starting at 100 N. Jefferson, then West on Walnut St. to Washington St., ending at the Cherry Street ramp"). The written description must match the map provided.

(6) A written description of the location of any assembly areas for such event. Streets and nearest intersections should be used in describing the location (e.g., "At City Hall, located at 100 N. Jefferson Street," or, "In the City Hall parking lot located at the corner of Jefferson Street and Cherry Street"). The written description must match the map provided.

(7) The approximate number of attendees anticipated, the number of animals and vehicles included in the event, the type of animals, a description of the vehicles, and a description of how the animals and vehicles will be utilized (e.g., walking, performing, on exhibit only, etc.).

(8) The start and end time of the event. For any event continuing past 10:00 p.m., the applicant must indicate whether any necessary permits have been obtained pursuant to City noise ordinances.

(9) If multiple activities will occur during the special event, a list of times when any activity of the event will begin, as well as the time when participants are expected to begin gathering at all assembly areas.

(10) The distance to be maintained between each part or activity of the event. If multiple vendors will be present during the special event, the distance of vendor booths should also be identified.

(11) Whether alcohol beverages will be served and/or consumed in conjunction with the event, the locations of such activities, and whether all necessary licenses have been obtained.

(12) Verification that the applicant agrees to pay, within 30 days of billing, the costs of any additional City services. If the applicant fails to pay all such costs within 30 days of billing, the applicant may be denied a permit for future events.

(13) Any additional information which the Special Event Coordinator finds reasonably necessary to determine whether a permit should be issued.

(c) *Insurance and indemnification.* Proof of insurance or indemnification is required for all events, except for recognized neighborhood associations hosting simple events. The applicant shall furnish a certificate of insurance and indemnification meeting the requirements set by resolution of the Common Council.

(d) *Application fee.* A nonrefundable application fee to cover the administrative costs of processing the permit shall be paid to the City by the applicant when the application is filed, in accordance with the Special Event Fee Schedule.
(Ord. No. 28-18, § 1(4), 9-7-2019)

Sec. 10-428. Administration.

(a) *Action upon application.* Upon receipt, the application shall be reviewed as provided for in this article. The Special Event Coordinator shall provide written notice of the issuance or denial of the permit within 15 days of receipt of an application. If the application is denied, the notice shall state the reasons for the denial.

(b) *Event designation.* The Special Event Coordinator, in consultation with the Safety Manager, will have full discretion to determine whether the proposed event qualifies as a simple, small, medium, or large event, based on the information in the application and the specific features of the proposed special event, regardless of the applicant's designation on the application. The Special Event Coordinator and Safety Manager will also have full discretion as to whether the proposed event poses any special hazards and/or requires any additional permits.

(c) *Special Event Fee Schedule.* The Special Event Fee Schedule shall be established by resolution of the Common Council. The Safety Manager shall review the Special Event Fee Schedule no less than annually to determine whether the fees reflect the actual costs incurred by the City, and shall make recommendations to the Common Council regarding changes to the Special Event Fee Schedule resolution. A copy of the Special Event Fee Schedule shall be available in the City Clerk's Office and on the City's website.

(d) *Special hazard fee.* A special hazard fee will be charged for special hazard events in addition to the application fee. Special hazard fees will be invoiced to the applicant after the application has been approved and it has been determined that the event qualifies as a special hazard event. The special hazard fee will be established by the Special Event Fee Schedule.

(e) *Cancellation fee.* A cancellation fee may be charged for any events cancelled within 15 days of the scheduled event date. The cancellation fee will be established by the Special Event Fee Schedule.
(Ord. No. 28-18, § 1(5), 9-7-2019)

Sec. 10-429. Additional City services.

(a) If the special event will require more than minimal use of any City equipment or services, the applicant shall pay the actual costs for the use of such equipment or services. This may include, but is not limited to, Community and Economic Development Department services, Parks, Recreation and Forestry services, Fire Department services, Police Department services, Department of Public Works services, and/or barricades.

(b) To ensure public safety for the event and the City, the City reserves the right to require special events to maintain minimum levels of dedicated fire/EMS services and police/security services throughout the duration of the event. Estimated minimum services will be determined prior to the event, but may reasonably increase or decrease as actual event conditions change to ensure public safety. Actual public safety services shall be determined at the sole discretion of the Police Chief and Fire Chief, or their respective designees. Outside vendors may be retained for such services; however, City approval of such vendors and services shall be obtained prior to the event.
(Ord. No. 28-18, § 1(6), 9-7-2019)

Sec. 10-430. Public safety and security resource staffing for special events.

Public safety and security staff consisting of the Police Chief, Fire Chief, and Director of Public Works, or their designees, will determine the need for multiple or additional resources based on special risk considerations, which will be communicated to the event organizer. Public safety and security staff may waive the requirement for services depending on the event, location, time of year, etc. Costs associated with these resources are the responsibility of the event organizer.
(Ord. No. 28-18, § 1(7), 9-7-2019)

Sec. 10-431. Event risk considerations.

Event risk considerations may affect the required Police, Fire, Medical, or Public Works resources referenced in Sections 10-429 and 10-430. Examples of event risk considerations include, but are not limited to:

(1) The time of day during which the event takes place (i.e., day or night);

(2) Whether alcohol will be available for sale and/or consumption;

(3) The total duration of the event;

(4) The type of event;

(5) Whether the event will be general admission or contain reserved seating for spectators;

(6) The location and geography of the event, including whether the event will span multiple locations;

(7) The anticipated traffic control needs associated with the event;

(8) The time of year at which the event takes place and the type of weather expected;

(9) Whether the event has been held in the past, and whether there were any associated problems; and

(10) Whether the event will involve the use of fireworks or other pyrotechnics.
(Ord. No. 28-18, § 1(8), 9-7-2019)

Sec. 10-432. Standards for issuance.

The Special Event Coordinator shall perform an initial review of the application for completeness, then forward it to the Special Event Committee for action. The Special Event Committee may consult with the Safety Manager and other City departments as necessary, and consider any other

such information obtained by or provided to the Special Event Coordinator, prior to taking action on the application. The permit shall be issued when the Special Event Committee has determined that:

(1) The applicant has complied with all of the application requirements of Section 10-427.

(2) The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic in the vicinity of its location.

(3) The conduct of the event will not require the diversion of so great a number of police officers as to prevent normal police protection to the City.

(4) The concentration of persons, animals, and vehicles at the event will not unduly interfere with proper fire and police protection of or ambulance service to areas in the vicinity of the event.

(5) The conduct of the event will not unduly interfere with the operation of hospitals, schools, or other public institutions.

(6) In the case of a parade, race, or march, the event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays.

(7) The special event will not conflict or interfere with another special event for which a permit has already been approved.

(8) There are a sufficient number of parking spaces within a reasonable distance to accommodate the number of vehicles expected.

(9) Adequate sanitation or other necessary health facilities will be available at the event.

(10) The conduct of the event is not reasonably likely to cause injury to persons or property.

(Ord. No. 28-18, § 1(9), 9-7-2019)

Sec. 10-433. Appeal procedure.

An applicant may appeal the denial of a special event permit to the Protection and Policy Committee. The applicant shall file written notice of appeal with the City Clerk within seven days after receiving notice of the denial. Within 15 days of receipt of the appeal, the Committee shall give the applicant an opportunity to be heard.

(Ord. No. 28-18, § 1(10), 9-7-2019)

Sec. 10-434. Notice to City and other officials.

Immediately upon the approval of a special event permit, the Special Event Coordinator shall send a copy thereof to the Mayor, the Chief of Police, the Fire Chief, the Director of Parks, Recreation and Forestry, the Director of Community and Economic Development, and the Director of Public Works.

(Ord. No. 28-18, § 1(11), 9-7-2019)

Sec. 10-435. Duties of permittee.

Once the application is granted, the applicant becomes the permittee. All permittees shall comply with all permit directions and conditions and with all applicable laws and ordinances, and shall follow all safety directives from the Police Department, Fire Department, and/or Department of

Public Works. The permittee's failure to follow any safety directives, or their allowance of any unsafe conditions to develop or continue, shall be grounds for citation and for denial of future special event permit applications.
(Ord. No. 28-18, § 1(12), 9-7-2019)

Sec. 10-436. Public conduct during special events.

(a) *Generally.* All attendees at any special event must obey all City ordinances, including Section 24-117, as amended from time to time. The permittee shall take necessary remedial measures to ensure attendee compliance with City ordinances and to prevent unsafe conditions from developing or continuing, up to and including stopping the special event if attendee conduct is creating a nuisance or disturbance.

(b) *Public conduct during parades, races, walks, or marches.*

(1) *Interference.* No person shall obstruct, impede, interfere with, or unreasonably hamper any parade, race, walk, march, or parade assembly, nor any person, vehicle, or animal participating or used in a parade.

(2) *Driving through parades, races, walks, or marches.* No person shall drive a vehicle between the vehicles or persons comprising a parade, race, walk, or march when such vehicles or persons are in motion and are conspicuously designated as participating in such an event.

(3) *Parking on parade, race, walk, or march route.* The Chief of Police may prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade, race, walk, or march. The Chief of Police shall post signs to such effect, and no person shall park or leave unattended any vehicle in violation thereof.
(Ord. No. 28-18, § 1(13), 9-7-2019)

Secs. 10-437—10-455. Reserved.

ARTICLE X. PUBLIC VEHICLE SERVICES

Sec. 10-456. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the individual applying for a license under this article or any person who is an officer of a corporation that is applying for a license under this article.

Public vehicle means any vehicle held for public hire by charging a monetary fee on a per ride, time, or distance basis to carry passengers to designations without following any fixed routes. A public vehicle shall include, but is not limited to, taxicabs, limousines, horses and horse-drawn carriages, pedicabs, shuttles, bar and party busses, motorcycles used for tours, and human service vehicles, but does not include any of the following:

(1) Vehicles operated primarily as funeral cars.

(2) Vehicles operated by city, state or federal governments.

(3) Vehicles operated primarily as ambulances.

(4) Vehicles operated primarily for transporting property.

(5) Commercial motor vehicles.

Public vehicle business means any enterprise that owns a public vehicle or manages the operation of a public vehicle.

Public vehicle operator means any person who operates a vehicle which transports passengers for hire or compensation, except vehicles operated solely as those exempted under this article.
(Code 1984, § 6.21(1); Ord. No. 5-07; Ord. No. 8-14; Ord. No. 19-15)

Sec. 10-457. Licenses required.

(a) *Business license.* No person may engage in a public vehicle business unless each public vehicle used in the business is licensed. A public vehicle business license shall expire on December 31 of each year.

(b) *Operator's license.* No person may operate a vehicle for purposes upon a highway unless the person is licensed as a public vehicle operator. A public vehicle operator's license shall expire on May 31 of each year.
(Code 1984, § 6.21(2); Ord. No. 5-07; Ord. No. 8-14; Ord. No. 19-15)

Sec. 10-458. Business license application process.

(a) *Application.* A person wishing to obtain a public vehicle business license shall apply to the City Clerk upon an approved form and pay to the Clerk a license fee as provided in the City Fee Schedule for each public vehicle managed by the person. The Clerk shall forward the application to the Police Department for review. The Police Department shall deny the application if any of the following applies:

(1) The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.

(2) The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.

(3) The applicant made a false statement on the application.

(4) The applicant is under 18 years old.

(b) *Appeal.* If the Police Department denies an application for a business license, the applicant may appeal within 15 days after the Police Department mails a notice of denial to the applicant. If the applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection and Policy Committee.

(c) *Hearing before Committee.* The Committee may approve any application placed on its agenda only if the applicant is qualified under this article and may place conditions upon approval. The Common Council shall affirm, reverse or modify the committee decision.

(d) *Issuance.* The Clerk shall issue the public vehicle business license if the applicant has been approved by the Common Council and has satisfied all other provisions of this article.

(e) *Vehicle inspection.* Before a public vehicle business may operate a public vehicle on a highway, the public vehicle shall obtain a license sticker from the Police Department by passing an inspection. The Police Department shall collect a fee as provided in the City Fee Schedule for each motor vehicle inspection. This subsection does not apply to a vehicle owned or operated by:

(1) A nonprofit corporation that provides to the Police Department proof that the vehicle passed a state vehicle inspection.

(2) An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the Police Department proof that the vehicle passed a state vehicle inspection.

(f) *Insurance.* Every public vehicle shall be covered by liability insurance coverage containing limits of liability of not less than $500,000.00 per occurrence combined single limit bodily injury and property damage, issued by a company authorized to do business in the State of Wisconsin. A certificate of insurance coverage specific to each vehicle shall be filed with the Risk Management Division.

(g) *Police Department review.* The Police Department shall affix a license sticker to the rear of each inspected vehicle if the Department determines that the vehicle is:

(1) Licensed with the City Clerk.

(2) In a safe operating condition.

(3) Registered pursuant to Wis. Stats. Ch. 341.

(4) Insured as required by this section.

(5) Conspicuously displaying on the exterior driver and passenger side of the vehicle:

a. The name or trade name of the public vehicle business.

b. The phone number of the public vehicle business.

c. A unique number assigned by the public vehicle business that identifies the particular vehicle.

(6) Conspicuously displaying within the front passenger compartment:

a. A display holder within which public vehicle operators can show their licenses while operating the public vehicle.

b. All rates or fees charged to passengers.

(Code 1984, § 6.21(3); Ord. No. 5-07; Ord. No. 8-14; Ord. No. 19-15)

Sec. 10-459. Operator's license application process.

(a) *Application.* A person wishing to obtain a public vehicle operator's license shall apply to the City Clerk upon a Common Council approved form and pay to the Clerk the proper license fee and submit an acceptable passport-sized photo. The Clerk shall forward the application to the Police Department for review. If the Police Department approves the application, it shall forward its recommendation to the Clerk. The Police Department shall deny the application if any of the following applies:

(1) The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.

(2) The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.

(3) The applicant made a false statement on the application.

(4) The applicant is under 18 years old.

(b) *Appeal.* If the Police Department denies an application for an operator's license, the applicant may appeal within 15 days after the Police Department mails a notice of denial to the applicant. If the applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection and Policy Committee. The Committee shall approve the application only if the applicant is qualified under this article and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee decision.

(c) *Issuance.* The Clerk shall issue a public vehicle operator's license if the applicant has been approved by the Police Department or the Common Council and has satisfied all other provisions of this article.
(Code 1984, § 6.21(4); Ord. No. 5-07; Ord. No. 8-14; Ord. No. 19-15)

Sec. 10-460. Public vehicle regulations.

The owner and operator of a public vehicle are both responsible for ensuring compliance with this section.

(1) *Maintenance.* No person may operate a vehicle registered under this article unless the vehicle complies with all the conditions necessary to become a licensed public vehicle at the time it is in operation.

(2) *Receipts.* Upon a customer's demand, the operator of a public vehicle shall provide a receipt at the time of payment in legible type or writing containing the firm name, operator's name and number, any items for which the charge is made, the total amount paid, and the date of payment. The receipt may be provided in electronic form if payment is made by electronic means.

(3) *Rates.* Public vehicles may charge for service at a rate per unit of time, a rate per unit of distance, a flat rate per ride, or by using a taximeter.

a. *Report to Clerk.* The owner or operator of a public vehicle shall at all times maintain a schedule of rates on file with the City Clerk and may not charge any rate higher than the rate on file with the City Clerk.

b. *Taximeters.* A public vehicle may use a taximeter to determine the cost of service, subject to the following regulations:

1. No person shall use or permit to be used upon any public vehicle a taximeter which is in error more than four percent in efficiency and more than one percent in excess interval under test.

2. After sundown, the face of the taximeter shall be illuminated by suitable light so arranged as to be readily discernible to the passengers.

3. The case of the taximeter shall be sealed and have its cover gear intact.

4. Upon complaint to the Clerk's Office, the taximeter subject to complaint shall be inspected by the Inspection Department.

(4) *Operator ID display.* No person may operate a public vehicle unless the person who is licensed to operate it is displaying their operator's license.

(Code 1984, § 6.21(5); Ord. No. 5-07; Ord. No. 8-14; Ord. No. 19-15)

Sec. 10-461. License suspension or revocation.

Any person may file a complaint with the City Clerk alleging a licensee has violated any provision of this Code or state law that substantially relates to the licensed activity. If the Common Council determines that the complaint is true, it shall revoke the license or suspend the licensee's license for not less than ten and not more than 90 days. If the Common Council determines the complaint to be unsubstantiated, it shall dismiss the complaint. If the Common Council determines the complaint is false and the complainant acted in bad faith, it shall dismiss the complaint. Wis. Stats. Ch. 68 shall not apply to public vehicle licensing decisions.

(Code 1984, § 6.21(6); Ord. No. 5-07; Ord. No. 8-14; Ord. No. 19-15)

Secs. 10-462—10-490. Reserved.

ARTICLE XI. QUADRICYCLES

Sec. 10-491. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the individual applying for a license under this article or any person who is an officer of a corporation that is applying for a license under this article.

Commercial quadricycle means a vehicle with fully operative pedals for propulsion entirely by human power that:

(1) Has four wheels and is operated in a manner similar to a bicycle;

(2) Is equipped with at least 12 seats for passengers;

(3) Is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle;

(4) Is used for commercial purposes; and

(5) Is operated by the vehicle owner or an employee of the owner.

Commercial quadricycle business means any enterprise that owns a commercial quadricycle or manages the operation of a commercial quadricycle.

Commercial quadricycle operator's license means a public vehicle operator's license as described in Article X of this chapter.

Public commercial quadricycle operator means any person who operates a commercial quadricycle which transports passengers for hire or compensation.

(Code 1984, § 6.215(1); Ord. No. 21-16; Ord. No. 4-17)

Sec. 10-492. Licenses required.

(a) *Commercial quadricycle business license.* No person may engage in a commercial quadricycle business unless each commercial quadricycle used in the business is licensed. A commercial quadricycle business license shall expire on December 31 of each year.

(b) *Operator's license.* No person may operate a commercial quadricycle for purposes upon a highway or public road unless the person is licensed as a public commercial quadricycle operator. The public commercial quadricycle operator's license shall expire on December 31 of each year. (Code 1984, § 6.215(2); Ord. No. 21-16; Ord. No. 4-17)

Sec. 10-493. Commercial quadricycle business application process.

(a) *Application.* A person wishing to operate a commercial quadricycle business shall apply to the City Clerk for a business license pursuant to Section 10-457(a) using an approved form and pay the Clerk a license fee as provided in the City Fee Schedule for each commercial quadricycle managed by the person. The Clerk shall forward the application to the Police Department for review. The Police Department shall deny the application if any of the following applies:

(1) The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.

(2) The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the particular job or licensed activity.

(3) The applicant made a false statement on the application.

(4) The applicant is under 18 years old.

(b) *Route approval.* If the Police Department approves the application for a commercial quadricycle business license, the Police Department shall forward the application to the Protection and Policy Committee for the Committee to approve, deny, or amend the proposed route. The Common Council shall affirm, reverse, or modify the Committee's decision.

(c) *Appeal.* If the Police Department denies an application for a commercial quadricycle business license, the applicant may appeal within 15 days after the Police Department mails a notice of denial to the applicant. If the applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection and Policy Committee.

(d) *Hearing before Committee.* The Committee may approve any application placed on its agenda only if the applicant is qualified under this article and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee's decision.

(e) *Issuance.* The Clerk shall issue the commercial quadricycle business license if the applicant has been approved by the Common Council and has satisfied all other provisions of this article.

(f) *Vehicle inspection.* Before a commercial quadricycle business may operate a commercial quadricycle on a highway, the applicant shall obtain a license sticker from the Police Department by passing an inspection. The Police Department shall collect a fee as provided in the City Fee Schedule for each commercial quadricycle inspection. This subsection does not apply to a commercial quadricycle owned or operated by:

(1) A nonprofit corporation that provides to the Police Department proof that the vehicle passed a state vehicle inspection.

(2) An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the Police Department proof that the vehicle passed a state vehicle inspection.

(g) *Insurance.* Every commercial quadricycle operator shall maintain liability insurance coverage for the commercial quadricycle containing the limits of not less than $500,000.00 per occurrence combined single limit bodily injury and property damage, issued by a company authorized to do business in the State of Wisconsin. A certificate of insurance coverage specific to each commercial quadricycle shall be filed with the Risk Management Division.

(h) *Police Department review.* The Police Department shall affix a license sticker to the rear of each inspected commercial quadricycle if the Department determines that the commercial quadricycle is:

(1) Licensed with the City Clerk.

(2) In a safe operating condition.

(3) Insured as required by this section.

(4) Conspicuously displaying on the exterior driver and passenger side of the vehicle:

a. The name or trade name of the public vehicle business.

b. The phone number of the public vehicle business.

c. A unique number assigned by the commercial quadricycle business that identifies the particular vehicle.

(5) Conspicuously displaying within the front passenger compartment: A display holder within which commercial quadricycle operators can show their licenses while operating the commercial quadricycle.

(Code 1984, § 6.215(3); Ord. No. 4-17; Ord. No. 21-16)

Sec. 10-494. Commercial quadricycle operator's license application process.

(a) *Application.* A person wishing to obtain a commercial quadricycle operator's license shall apply to the City Clerk using a Common Council approved form and pay to the Clerk the proper license fee and submit an acceptable passport-sized photo. The Clerk shall forward the application to the Police Department for review. If the Police Department approves the application, it shall forward its recommendation to the Clerk. The Police Department shall deny the application if any of the following applies:

(1) The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.

(2) The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the particular job or licensed activity.

(3) The applicant made a false statement on the application.

(4) The Applicant is under 18 years old.

(b) *Appeal.* If the Police Department denies an application for a commercial quadricycle operator's license, the applicant may appeal within 15 days after the Police Department mails a notice of denial to the applicant. If the applicant files a timely appeal with the Clerk, the Clerk shall schedule an

appeal hearing before the Protection and Policy Committee. The Committee shall approve the application only if the applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee's decision.

(c) *Issuance.* The Clerk shall issue a commercial quadricycle operator's license if the applicant has been approved by the Police Department or the Common Council and has satisfied all other provisions of this section.
(Code 1984, § 6.215(4); Ord. No. 4-17; Ord. No. 21-16)

Sec. 10-495. Commercial quadricycle regulations.

The owner and operator of a commercial quadricycle are both responsible for ensuring compliance with this section.

(1) Licensees must adhere to the routes specified in their submitted application. New routes must be applied for and approved by the Common Council before a licensee may use the new routes. Temporary routes must be applied for and approved by the Chief of Police or their designee. A temporary route application must be submitted in writing and include a proposed map no later than three business days prior to the applicant's proposed first date of operation of the temporary route. No licensee shall operate a commercial quadricycle on a street closed off to public traffic regardless of whether the street is included in an approved route. Any deviation from a new or temporary route without approval shall be a violation of this section.

(2) Commercial quadricycle operation is permitted between the hours of 10:00 a.m. and 10:30 p.m. Commercial quadricycle operation does not include the use of a commercial quadricycle for maintenance, inspection, or without passengers.

(3) It is unlawful for any person to operate or to permit another to operate a commercial quadricycle at other times or in other locations than those approved by the Common Council or the Chief of Police or their designee.

(4) No public commercial quadricycle operator shall drive, or be permitted by a public commercial quadricycle operator to drive, a commercial quadricycle without a valid Wisconsin driver's license or a valid driver's license issued by any other state in the United States.

(5) Passengers on a commercial quadricycle may possess on or carry onto the commercial quadricycle no more than 36 ounces of fermented malt beverages, as defined in Wis. Stats. § 125.02(6). No other alcohol beverages, as defined in Wis. Stats. Ch. 125, may be possessed on, carried upon, or consumed upon a commercial quadricycle.

(6) No glass containers may be carried on a commercial quadricycle.

(7) Restrictions on possession, transportation and consumption of alcohol beverages in the operation of commercial quadricycles upon City highways and public places shall apply to operation of commercial quadricycles when used for non-revenue producing events or transportation in addition to regular commercial activities.

(8) No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.

(9) No person may drive a commercial quadricycle with an alcohol concentration of more than 0.02.

(10) No person may drive a commercial quadricycle on which any alcohol beverages are carried or consumed other than fermented malt beverages under this section.

(11) No person may drive a commercial quadricycle on which alcohol beverages are sold and may not transport alcohol beverages on a commercial quadricycle for the purposes of sale or delivery upon sale.

(12) Passengers shall be advised by the operator, driver or other person responsible for the operation of the commercial quadricycle that no alcohol beverages shall be possessed on, carried upon, or consumed on a commercial quadricycle in violation of City ordinance or state statute, and shall conspicuously post a notice of these restrictions upon the commercial quadricycle in a form and manner approved by the City.

(13) The operator of the commercial quadricycle shall hold a valid operator's license pursuant to Section 10-494.

(14) The operator of the commercial quadricycle shall operate the vehicle at all times in compliance with applicable local and state traffic and parking laws.

(15) Failure of a person to comply with the regulations of this section or to operate in accordance with the approved plan of operation shall constitute grounds for suspension or revocation as provided in Section 10-461.

(16) The Common Council may adopt and from time to time amend the regulations relating to commercial quadricycles and their operations, including, but not limited to, hours of operations, routes, vehicle markings and safety equipment.

(Code 1984, § 6.215(5); Ord. No. 4-17; Ord. No. 21-16)

Secs. 10-496—10-513. Reserved.

ARTICLE XII. UNDERGROUND SPRINKLER SALES AND INSTALLATIONS

Sec. 10-514. General installation, repair, etc., of system.

(a) The installing, replacing, repairing, or relocating of any lawn sprinkler system shall be made in conformance with the provisions of this article.

(b) Definition. The term "person" means an individual, partnership, association or corporation.

(Code 1984, § 6.35(1); Ord. No. 20-93; Ord. No. 6-19, § 1, 3-5-2019)

Sec. 10-515. License required.

(a) No person shall install, replace, repair, or relocate an underground sprinkler system within the City of Green Bay unless that person has obtained an underground sprinkler system license.

(b) A residential homeowner may install, replace, repair, or relocate an underground lawn sprinkler system at their own home without such a license, provided:

(1) In the opinion of the Plumbing Inspector, the homeowner is reasonably knowledgeable of such work.

(2) The person discusses the construction procedure and plans with the Inspector.

(3) The person occupies the dwelling at the time the work is being done.

(4) The person receives an underground sprinkler system permit and complies with all the provisions of that section.

(c) Any license issued under this section shall terminate on December 31 of each year.
(Code 1984, § 6.35(2); Ord. No. 20-93; Ord. No. 6-19, § 2, 3-5-2019)

Sec. 10-516. Qualifications and requirements.

All applicants for an underground lawn sprinkler license must:

(1) Apply to the City Clerk, who shall forward said application to the Improvement and Service Committee for its recommendation of approval or denial to the Common Council. Every applicant shall furnish satisfactory evidence to the Improvement and Service Committee that the applicant has the capability to install an underground sprinkler system.

(2) The application shall include the following:

a. Applicant's name.

b. Business address and phone number.

c. Qualifications of applicant.

d. The number of years involved in the service of installing, replacing, repairing or assembling underground sprinkler systems.

e. Any other qualification pertaining particularly to the applicant and the work to be performed.

(3) Each applicant shall include the required application fee at the time of submittal.

(4) Revocation/suspension. Any license issued under this section may be revoked or suspended for cause by the Improvement and Service Committee with approval by the Green Bay Common Council at any time upon a hearing and sufficient written, sworn charges, filed with the Improvement and Service Committee. Causes for revocation or suspension shall include, but not limited to, the following:

a. Failure to comply with the provisions of this article and any rules issued by the Committee hereunder.

b. Failure to comply with any other applicable provision of this Code, state law, or City ordinance, rule, or regulation.

c. Abandonment of any contract or undertaking without good cause or fraudulent departure from plans or specifications.

d. Failure to obtain or cause to be obtained permits when the same are required by this article.

The holder of such license shall be given reasonable notice of the hearing and of the charges. Any person having had their license revoked under the provisions of this section shall not be granted a new license for a period of one year thereafter. Any suspension shall be for such term or conditions judged appropriate by the Improvement and Service Committee, but in no case shall any suspension exceed a term of 12 months.

(5) Scope of license. The holder of a valid underground sprinkler system license may install, replace, repair, or relocate only that part of the lawn sprinkler system from the discharge side of approved vacuum breaker or backflow preventer. Only the holder of a valid master plumber license, or a journey-level plumber license, working under such a master plumber, shall install the vacuum breaker or backflow preventer.

(Code 1984, § 6.35(3); Ord. No. 20-93; Ord. No. 6-19, § 3, 3-5-2019)

Sec. 10-517. Permits and inspections.

(a) *Permit required.* No work of installing, replacing, repairing, or relocating any lawn sprinkler system shall be commenced by any person without first obtaining a plan approval and a permit from the Building Inspection Division.

(b) *Right-of-way.* No underground sprinkler shall be installed in the public right-of-way unless all provisions of Section 34-17 regarding private transmission facilities are met.

(c) *Fee.* The fee for the permit required by this section shall be as established by resolution of the Common Council.

(d) *Connection.* Underground lawn sprinkler systems shall not be connected to the water distribution system unless such lawn sprinkler system is separated from the water distribution system by an approved vacuum breaker or backflow preventer.

(e) *Valves and controls.* All work shall be done in accordance with applicable plumbing standards.

(f) *Notice for inspection.* The permittee shall notify the Plumbing Inspection Office when installation is completed. The permittee must allow inspection of said system by the Inspector prior to covering of the system.

(g) *Approval, disapproval.* Upon the inspection of any lawn sprinkler system installation or work for which a permit was issued under this section, the Inspector shall indicate in writing that such installation or work has been inspected and approved or disapproved.

(Code 1984, § 6.35(4); Ord. No. 20-93; Ord. No. 21-09; Ord. No. 6-19, § 4, 3-5-2019)

Secs. 10-518—10-542. Reserved.

ARTICLE XIII. LOBBYISTS

Sec. 10-543. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Client means a person who pays consideration to another to engage in lobbying.

Lobbying means the act of attempting to influence legislative or administrative action or inaction by oral or written communication with any Green Bay city official on behalf of another.

Lobbyist means a person, other than a full-time employee of the client, who is paid consideration by another to engage in lobbying.

(Code 1984, § 6.38(1); Ord. No. 10-11; Ord. No. 9-14)

Sec. 10-544. Registration process.

(a) Before engaging in lobbying, a lobbyist shall complete a registration form and submit the completed form to the City Clerk along with payment of the registration fee.

(b) The registration fee shall be as provided in the City Fee Schedule.

(c) The lobbyist shall provide the following information on the registration form:

(1) The lobbyist's full name, home or business address, phone number and e-mail address;

(2) The name of each of the lobbyist's clients; and

(3) The amount of money or value of consideration paid to the lobbyist by each client.

(d) After filing a registration form in accordance with the provisions in this section, the lobbyist shall update the form to include subsequent clients before engaging in lobbying on their behalf.

(e) There shall be no fee to update the registration form with current or additional information.
(Code 1984, § 6.38(2); Ord. No. 10-11)

Sec. 10-545. Conditions for lobbyist participation.

No lobbyist may engage in lobbying on behalf of a particular person or organization until:

(1) The lobbyist has filed a completed registration form with the City Clerk;

(2) The name of each client is entered on the lobbyist's registration form filed with the City Clerk; and

(3) The amount of money or consideration paid to the lobbyist by each client to compensate the lobbyist for engaging in lobbying is entered on the lobbyist's registration form filed with the City Clerk.
(Code 1984, § 6.38(3); Ord. No. 10-11)

Sec. 10-546. Registration form to be e-mailed and kept updated.

The City Clerk shall e-mail a copy of any registration form filed with the Clerk's Office to all elected officials, including any updates by the lobbyist.
(Code 1984, § 6.38(4); Ord. No. 10-11)

Sec. 10-547. Penalties.

(a) Each person or organization for which a person lobbies in violation of Section 10-545 shall be considered a separate violation.

(b) Each day a person violates Section 10-545 shall be a separate violation.

(c) Any person who violates Section 10-545 shall forfeit no more than $250.00.
(Code 1984, § 6.38(5); Ord. No. 10-11; Ord. No. 5-18, § 1, 4-17-2018)

Secs. 10-548—10-572. Reserved.

ARTICLE XIV. MOBILE FOOD ESTABLISHMENTS

Sec. 10-573. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Edible goods includes, but is not limited to:

(1) Prepackaged and prepared food, including, but not limited to, ice cream, hot dogs, desserts, and pizza.

(2) On-site prepared food, including, but not limited to, shaved ice, sandwiches, and tacos.

Mobile means the state of being in active, but not necessarily continuous, movement.

Mobile food establishment means a restaurant or retail food establishment where food is served or sold from a movable vehicle, trailer or cart which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance, or except as specified in the Wisconsin Food Code.

Mobile food vendor means the registered owner of a mobile food establishment or the owner's agent or employee, or any business which sells edible goods from a mobile food establishment within the City of Green Bay.

Sell means the act of exchanging a good for profit or in return for a donation.

Service base means an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place, and where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.

Vehicle means any motor vehicle as defined by Wis. Stats. § 340.01(35) or trailer as defined by Wis. Stats. § 340.01(71). The term "vehicle" shall also include any bicycle or other self-propelled device.

Vend means to sell or to transfer the ownership of an article to another for a price in money. (Code 1984, § 6.39(1); Ord. No. 12-15)

Sec. 10-574. License required.

(a) *No vending/selling without approved license.* No mobile food vendor and/or mobile food establishment shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever in the City of Green Bay without having obtained an approved license from the City Clerk.

(b) *Issuance and expiration of license.* Every mobile food vendor shall have a license issued by the City Clerk to conduct business in the City of Green Bay. Each mobile food establishment shall be licensed separately. A mobile food establishment license shall expire on June 30 each year.

(c) *License fee.* The license to operate a mobile food establishment shall be as provided in the City Fee Schedule. If an applicant requests a license under this article from an existing City of Green Bay based business that sells food-based products, the license fee shall be as provided in the City Fee Schedule.

(d) *License renewal.* Licenses must be renewed annually. To renew a license, each applicant must submit a renewal application, a renewal fee as provided in the City Fee Schedule, and any new permitting documentation upon the license renewal. License renewal from an existing City of Green Bay based businesses shall be as provided in the City Fee Schedule. If the applicant fails to submit the application and renewal fee within 30 calendar days after the expiration of the license, the applicant shall reapply as a new applicant.

(e) *Transfer of license.* A license issued under this article shall not be transferable from person to person. A license is valid for one vehicle only and shall not be transferrable between vehicles.

(f) *Surrender of license; alteration of license; failure to display license.* On the expiration of a license issued under this article, the license holder shall surrender the license to the City Clerk. No person shall alter or change in any manner any license issued under the provisions of this article, and such alteration or the failure of the holder of the license to display the license in a conspicuous place on the mobile unit or their person or to exhibit the license upon demand of any officer or customer or prospective vendee shall be cause for revocation of such license.
(Code 1984, § 6.39(2); Ord. No. 22-20, § 1, 8-18-2020)

Sec. 10-575. License application process.

(a) *Application.* Any person desiring to operate a mobile food establishment shall apply for a license on a form promulgated by the City Clerk and pay the proper license fee for each mobile food establishment managed by the person. The City Clerk shall forward the application to the Police Department for review. If the Police Department approves the application, the City Clerk shall issue the license to the applicant.

(b) *Application denial.* An applicant of a mobile food establishment may be denied where:

(1) The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.

(2) The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.

(3) The applicant made a false statement on the application.

(4) The applicant is under 18 years old.

(5) The applicant is found to have unpaid civil judgments which relate to the duties and responsibilities of the permitted occupation which shall be determined by the nature and the amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments.

(c) *Appeal; hearing before Committee.* If the Police Department denies an application for a license, the applicant may appeal within 15 days after the City Clerk mails a notice of denial to the applicant. If the applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection and Policy Committee.

(d) *Committee approval; Council action.* The Committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee decision.

(e) *Issuance.* The Clerk shall issue the mobile food establishment license if the applicant has completed the application requirements and has been approved by the Police Department.
(Code 1984, § 6.39(3); Ord. No. 22-20, § 1, 8-18-2020)

Sec. 10-576. License suspension or revocation.

The Common Council may revoke or suspend, for no fewer than ten days and nor more than 90 days, any license under this article for violation by any vendor or the vendor's employee or agent of any provision of this chapter or any state law or City ordinance which renders future vending contrary to the public health, safety or welfare, or for fraud or misrepresentation in solicitation under this chapter.
(Code 1984, § 6.39(4); Ord. No. 22-20, § 1, 8-18-2020)

Sec. 10-577. Sanitation requirements.

Each applicant must certify that they have received all necessary County and State permits and provide copies thereof to the Clerk's office.
(Code 1984, § 6.39(6); Ord. No. 22-20, § 1, 8-18-2020)

Sec. 10-578. Conduct of business.

(a) *General regulations.* The following regulations shall apply to mobile food establishments during the regular order of business:

(1) A licensee shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted edible goods, nor intentionally misrepresent to any prospective customer the purpose of their solicitation, the name of the business of their principal, if any, the source of supply of the goods, wares or merchandise which they sell or offer for sale or the disposition of the proceeds of their sales.

(2) A licensee shall not use the license provided by the City after expiration or revocation of the license.

(3) A licensee shall keep the premises in a clean and sanitary condition and the edible goods offered for sale well-covered and protected from dirt, dust and insects. All food vendors shall comply with requirements of State and local authorities.

(4) A licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of, goods, wares, or merchandise in the City of Green Bay between the hours of 6:00 a.m. and 10:00 p.m. All sales within the portion of the Downtown District of Green Bay, as defined and displayed in Exhibit A in Section 10-580, shall be allowed between the hours of 6:00 a.m. and 3:00 a.m.

(5) All business activity relating to the mobile food establishments in the public right-of-way shall be conducted from the curbside of the vehicle at all times. No sales shall be made from a vehicle except from the curbside of said vehicle, unless otherwise authorized by the owner of private property.

(b) *Zoning restrictions.*

(1) The vendor of the mobile food establishment shall not operate in a congested area where such operation impedes or inconveniences public use. No vendor shall engage in the licensed business on any public park, playground, school, library or other public premises.

(2) No mobile food establishment or pedestrian desiring to conduct business at the mobile food establishment shall obstruct an adjacent path or lane of travel. A path or lane of travel includes, but is not limited to, sidewalks, motor vehicle lanes, bicycle lanes and other designated parking areas.

(3) No mobile food vendor shall be located on any private property without written permission from the property owner. A copy of the written permission shall be kept in the mobile food unit at all times. The mobile food vendor shall comply if asked to leave the private property by the property owner or a City official.

(4) No mobile food establishment shall conduct business within 500 feet of Bay Beach Amusement Park or any fair, festival, special event or civic event that is licensed or sanctioned by the City of Green Bay unless the licensee has obtained written permission from the event sponsor.

(Code 1984, § 6.39(7); Ord. No. 22-20, § 1, 8-18-2020)

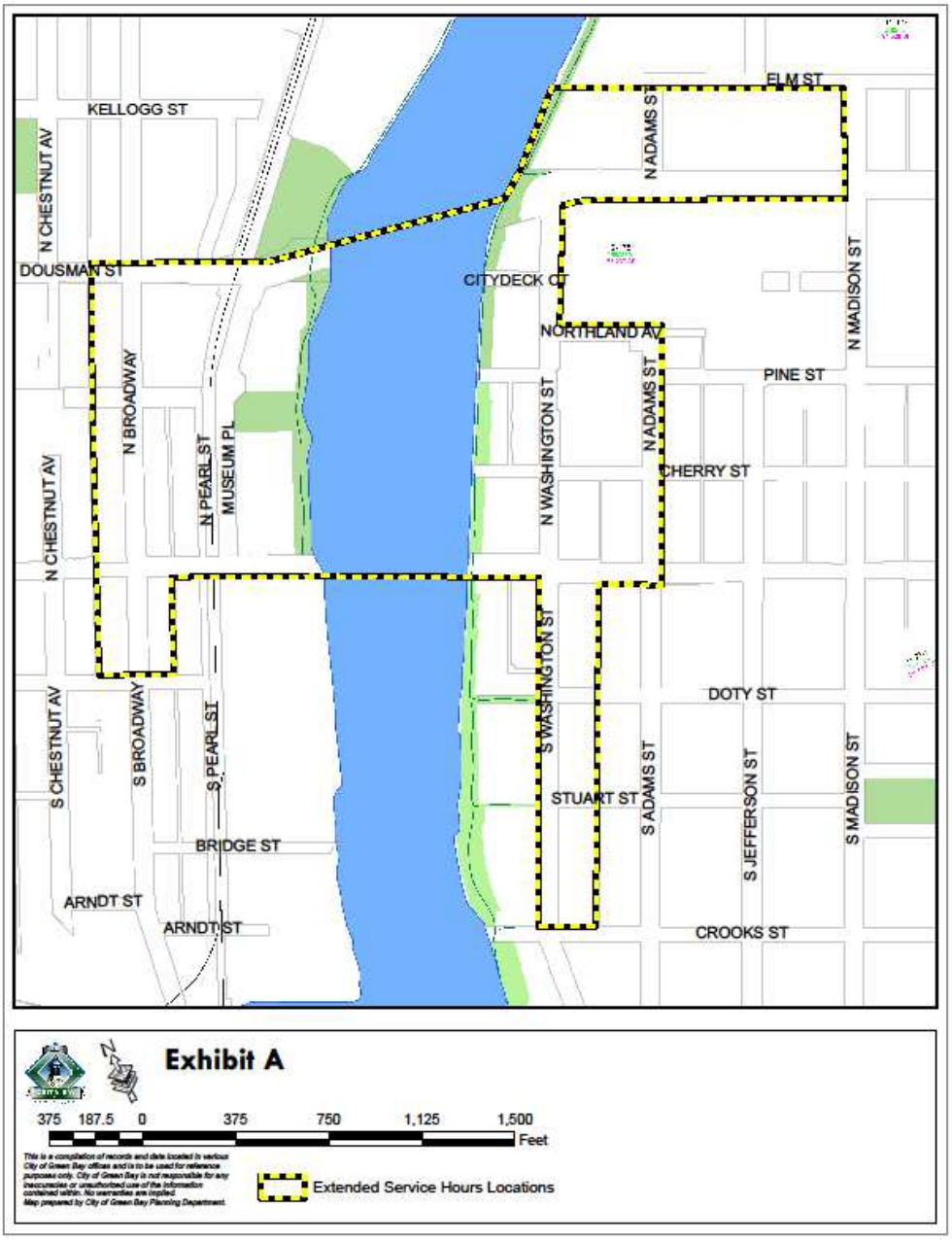
Sec. 10-579. Penalties.

A licensee or vendor who violates any provision of this article or any regulation, rule, or order made hereunder shall be subject to a forfeiture of not less than $1.00 nor more than $500.00 for each offense.

(Code 1984, § 6.39(8); Ord. No. 22-20, § 1, 8-18-2020)

Sec. 10-580. Designated zone for mobile food establishments.

Exh. A. Designated District Zone Area



(Code 1984, § 6.39(Exh. A))

Secs. 10-581—10-597. Reserved.

ARTICLE XV. TREE AND BRUSH TRIMMERS

Sec. 10-598. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

For hire means that monetary compensation is expected to be received upon completion of the work.

Person means an individual, partnership, association, or corporation.
(Code 1984, § 9.20(1))

Sec. 10-599. License required.

(a) No person shall cut, trim, or prune any tree or brush for hire within the City of Green Bay unless that person has obtained a tree and brush trimmer license.

(b) Application shall be made to the City Clerk, who shall forward said application to the Improvement and Service Committee for its recommendation of approval or denial to the Common Council. Every applicant shall furnish satisfactory evidence to the Improvement and Service Committee that the applicant has the capability to cut or trim trees and brush and to remove the trimmings resulting from the work.

(c) The application shall include the applicant's name, business address, and number of years involved in the service of cutting or trimming trees or brush.

(d) Any license issued under this article shall terminate on December 31 of each year.

(e) Fee, bond required.

(1) Each applicant shall include the required application fee at the time of submittal.

(2) Before any license is issued, the applicant shall file with the City Clerk a bond to the City in the sum of $1,000.00 conditioned that the licensee shall observe and obey all rules and regulations relating to the disposing of the tree or brush trimmed.

(f) Exceptions. The license requirement shall not apply to public service employees, including, but not limited to, employees of the City of Green Bay, electric, gas, water, or telephone companies while engaged in their occupation as a public service employee.
(Code 1984, § 9.20(2) ; Ord. No. 7-19, §§ 1, 2, 3-5-2019)

Sec. 10-600. Permit required.

All licensed trimmers shall, before beginning a new job for hire, obtain a trimming permit from the Department of Public Works.
(Code 1984, § 9.20(3))

Sec. 10-601. Licensee responsibility.

(a) Each person licensed as a tree and brush trimmer shall be responsible to properly dispose of all trimmings and scraps which shall result from the licensed activity.

(b) If the licensee fails to properly dispose of said trimmings, the City will dispose of them and charge the licensee the actual cost of said disposal.

(c) Any costs incurred by the City to dispose of said trimmings shall be taken from the bond posted with the City Clerk. No subsequent permits will be issued by the Department of Public Works until the licensee has replenished the bond posted to the original sum of $1,000.00.
(Code 1984, § 9.20(4))

Sec. 10-602. Revocation of license.

(a) If any person licensed under this section violates any provision of this section, the Common Council may, upon giving the licensee five days' notice and an opportunity to be heard before the Improvement and Service Committee, revoke the license.

(b) Any person who has had a tree and brush trimming license revoked under this section shall not be eligible to again receive a tree and brush trimmer license within 12 months of the date of the revocation.
(Code 1984, § 9.20(5) ; Ord. No. 7-19, § 3, 3-5-2019)

Sec. 10-603. Penalty.

(a) Any person found to be trimming or cutting trees or brush for hire without a license, as herein prescribed, shall be subject to a forfeiture of not less than $100.00 nor more than $1,000.00.

(b) Any person violating any other provision of this article shall be subject to a forfeiture of not less than $25.00 nor more than $500.00.
(Code 1984, § 9.20(6))

Sec. 10-604. Enforcement.

The Director of Public Works shall enforce this article.
(Code 1984, § 9.20(7))

Secs. 10-605—10-617. Reserved.

ARTICLE XVI. WEIGHTS, MEASURES AND COMMODITIES

DIVISION 1. GENERALLY

Sec. 10-618. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial weighing or measuring devices means those devices used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure.

Commodity means any product or commodity that is sold, offered for sale, or held or distributed for sale in the State. The term "commodity" includes a consumer commodity.

Consumer commodity means any of the following:

(1) Food as defined under Wis. Stats. § 97.01(6), except alcohol beverages;

(2) A drug as defined under 21 USC 321(g)(1), except biological animal products, antibiotics, drugs dispensed by prescription and drugs containing insulin;

(3) A device as defined under 21 USC 321(h);

(4) A cosmetic as defined under 21 USC 321(i);

customarily produced and distributed for retail sale to consumers and used by consumers for purposes of consumption, personal care or the performance of household tasks.

Measure means any device or adjunct used to ascertain the weight, size, quantity, or other dimension of any liquids, solids, or other articles and includes computing attachments to scales or capacity measures.
(Code 1984, § 22.04)

Secs. 10-619—10-632. Reserved.

DIVISION 2. CITY SEALER

Sec. 10-633. Powers.

The Sealer shall exercise those powers and that authority as set forth in Wis. Stats. § 98.05(1) through (4), which is hereby adopted and incorporated as if fully set forth herein.
(Code 1984, § 22.02)

Sec. 10-634. Duties.

(a) *Inspection.* At least once annually, and more often if in the Sealer's judgment such inspection is warranted, the Sealer shall inspect, test, try, and correct, if need be, any measure or commodity, either in the place of business where the same is used or at the Sealer's Office or other place as the Sealer deems more advisable. Such inspection shall also be made whenever any measure is installed, renewed, or altered in any specified stand, store, conveyance, or establishment or whenever any written request to examine any particular measure is filed in the Sealer's Office.

(b) *General supervision.* The Sealer shall have general supervision over all sales of commodities within the City, shall re-weigh or re-measure packages in accordance with this article whenever the Sealer may have reason to suspect the perpetration of fraud in transactions and shall enforce the laws of the State and ordinances of the City so that fraud may be eliminated insofar as it is possible.

(c) *Records and reports.* The City Sealer shall keep a complete record of the work done and shall make an annual report to the Mayor, which report shall be filed with the City Clerk. An annual report, duly sworn to, shall also be sent to the Department of Agriculture.

(d) *Arrest and confiscation.* The Sealer, by virtue of the office, shall arrest or cause to be arrested all violators of this article and shall seize any false measure or false quantities of commodities found in the possession of the person so arrested and deliver the same to the magistrate before whom the

person so arrested is required to be taken and, if no arrest is made, shall seize and destroy any false measure or shall condemn the same according to the rules and regulations of the State Department of Agriculture, Trade and Consumer Protection. The owner shall not use any measure of which such disposition is made until it has been sealed.

(e) *Sealer not to sell measures.* The Sealer shall not act as agent for or sell any measure or offer or expose the same for sale in the City or charge or receive any article of value for repairing any measure. The Sealer shall not seal any measure without first making an actual inspection and proof of the same for each measure so marked.

(f) *Fees.* The City shall assess fees on any person or business that receives services under the Weights and Measures Program. The fees shall be established by the City Sealer and set by resolution of the Common Council.
(Code 1984, § 22.03)

Sec. 10-635. Adoption of state and federal standards.

The following federal standards, Wisconsin Statutes sections and state rules are adopted by reference and shall be enforced under this chapter, with violations of such provisions subject to the penalties set forth in Section 10-712:

(1) Wis. Stats. Ch. 97 — Food Regulation.

(2) Wis. Stats. Ch. 98 — Weights and Measures.

(3) Wis. Stats. Ch. 100 — Marketing; Trade Practices.

(4) Wis. Admin. Code Ch. ATCP 90 — Fair Packaging and Labeling.

(5) Wis. Admin. Code Ch. ATCP 91 — Selling Commodities by Weight, Measure or Count.

(6) Wis. Admin. Code Ch. ATCP 92 — Weights and Measures.

(7) Wis. Admin. Code Ch. ATCP 109 — Freezer Meat and Food Service Plans.

(8) Wis. Admin. Code Ch. ATCP 124 — Price Comparison Advertising.

(9) Wis. Admin. Code Ch. ATCP 93 — Flammable and Combustible Liquids.

(10) NIST Handbook 44, 130, 133 U.S. Department of Commerce; Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(Code 1984, § 22.05)

Secs. 10-636—10-660. Reserved.

DIVISION 3. MEASURES

Sec. 10-661. Testing, sealing, and certificates.

(a) *Measures to be tested.* Any person using scales or measures for the buying or selling of any commodity within the City shall bring such scales or measures to the City Sealer to have them tested unless the Sealer tests them at the place of business. No person shall sell, offer for sale, or give away within the City any measure unless the same has been tested and sealed by the Sealer.

(b) *All measures tested to be marked.* All measures tested by the Sealer and found to conform to the legal standards shall be marked sealed or in such other manner as the State Department of Agriculture, Trade and Consumer Protection may direct.

(c) *Certificate of inspection.* In addition, the Sealer shall give to each person from whom any measure has been tested a certificate, properly dated, showing in detail for what measure such certificate is given and the result of the test; and a duplicate thereof shall be retained by the Sealer and kept on file in the office.

(d) *Responsibility of equipment owners or users.* The owner, operator, or user of any commercial weights and measures equipment, devices, or associated equipment is responsible for the accuracy and maintenance of the same. All commercial weighing and measuring devices must be maintained in the same condition as when said device was manufactured.

(1) It shall be the duty of every owner, operator, or user to notify the Sealer, in writing, of acquisition of any device, whether new, rebuilt, or used, or of the major repair, conversion, or calibration of any device already in use.

(2) Notice of any acquisition, major repair, conversion, calibration, or seal removal must be reported to the City Sealer or Deputy City Sealer orally or in written form within 24 hours of such activity.

(3) Commercial weights and measures devices regulated by this article shall bear security seals appropriately affixed to any adjustment mechanisms designed to be sealed. The security seal shall bear the mark or imprint of the Sealer or Deputy Sealer, or other weights and measures official, or service person authorized by the State of Wisconsin. Said security seal only may be removed to facilitate repairs of devices.

(Code 1984, § 22.06)

Sec. 10-662. Peddlers to have certificates.

No license shall be issued under the provisions of this Chapter to any hawker, peddler, vendor, or dealer unless such person presents a certificate from the Sealer showing that the measures used by such person have been properly inspected, tested, and sealed immediately preceding the issuance of such license.

(Code 1984, § 22.07)

Secs. 10-663—10-682. Reserved.

DIVISION 4. SALE OF COMMODITIES

Sec. 10-683. Commodities offered for sale to be weighed or measured.

No person shall sell or offer for sale within the City any fruits, vegetables, berries, or grain of any description, any article of dry measurement or any ice, coal, or any other goods, wares, merchandise, commodities, or produce without having first correctly weighed or measured the same in the amount ordered or purchased by the buyer.

(Code 1984, § 22.08)

Sec. 10-684. Misrepresentation of price.

(a) *Prices.* Whenever any commodity or service is sold or is offered, exposed, or advertised for sale by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser.

(b) *Cash registers and similar devices.* Prices generated by a device such as a cash register or scanning system are also affected under this section. The Sealer shall inspect and test such systems and monitor pricing declarations made by or relative to them, such as pricing signs, shelf tags, or individually price-marked units, to ensure agreement of all prices. Prices generated by these systems shall wholly agree with posted or pre-marked prices for the item being sold.

(c) *Cash registers.* Each cash register used in buying and selling transactions shall be maintained in proper operating condition by its owner. All components, attachments and functions of the register shall be operating correctly as designed. All pricing representations shall be accurate.

(d) *UPC, scanning and points of sale systems.* Pricing systems utilizing a scanning device, such as a hand-held gun or wand or counter-mounted scanner units at retail checkouts which read universal product code symbols or other bar code labels and the like, shall be maintained in proper operating condition and be so calibrated to accurately read the intended symbols and then generate the proper description and price for the given code.
(Code 1984, § 22.09)

Secs. 10-685—10-711. Reserved.

DIVISION 5. PENALTIES

Sec. 10-712. Violations specified; intent of false weight.

(a) *Violations.* Any person who violates any provision of this article, except as otherwise provided, or who uses in the buying or selling of any commodity or thing, for hire, reward, or otherwise, or possesses any false or condemned measure, any weighing machine which does not balance or any measure which has not been sealed by the Sealer within one year, except as expressly provided by statute, or any person who sells or offers to sell any weight or measure which has not been sealed by the Sealer, or who sells or offers or exposes for sale or keeps for the purpose of sale a lesser quantity of any commodity than such quantity is represented to be or any person who is guilty of giving false or insufficient weight or measure of commodities, of taking or attempting to take false or overweight measure of commodities when in the custom of trade, or any buyer or an agent who does the weighing or measuring of or selling of commodities in a manner contrary to law, shall, upon conviction, forfeit not less than $25.00 nor more than $500.00 for each offense, together with the costs of prosecution, and in default of the payment thereof shall be imprisoned in the County Jail not to exceed 90 days, or until such forfeiture and costs are paid. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this article.

(b) *Prima facie evidence of false weight.* The possession of any false or insufficient weight or measure shall be prima facie evidence that the same was intended to be used or sold in violation of this article.
(Code 1984, § 22.10)

Secs. 10-713—10-737. Reserved.

ARTICLE XVII. ALARM SYSTEMS

Sec. 10-738. Purpose.

The primary purpose of this article is to reduce the incidence of false alarms by eliminating those which are preventable or avoidable. It is also meant to encourage the installation of reliable alarm systems in all structures within the City to provide additional protection to persons and property from fire, crime, and such other hazards as may constitute a danger to persons and/or property.
(Code 1984, § 27.501(1); Ord. No. 22-15; Ord. No. 29-05)

Sec. 10-739. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm business means any person, firm, partnership, or corporation which alters, installs, leases, maintains, monitors, replaces, sells, services, or responds to an alarm system or which causes any of these activities to take place.

Alarm system means a device or system that emits, transmits, or relays a remote or local audible, visual, or electronic signal indicating an alarm condition and intended to or reasonably expected to summon police or fire services. The term "alarm system" does not include an alarm installed on a vehicle or an alarm designed to alert only the inhabitants of a premises that does not emit a signal that is audible or visible from the exterior of the structure.

Alarm user means any person, firm, partnership, or corporation on whose premises an alarm system is maintained.

False alarm means an alarm signal resulting in a response by police and/or fire services during which no evidence of an alarm condition is located.

Fire alarm system means a system or portion of a combination system consisting of components and circuits arranged to monitor and/or exterior annunciate the status of a fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

Hold-up alarm means an alarm system in which the signal transmission is initiated by the action of a robber or employee of the protected premises.

Residential means an individual who resides at a one- or two-family dwelling.
(Code 1984, § 27.501(2); Ord. No. 22-15)

Sec. 10-740. Alarm business permit.

(a) *Requirement.* No person shall operate an alarm business in the City of Green Bay without first obtaining an alarm business permit.

(b) *Application.* A person desiring to secure a permit shall make application to the City Clerk and shall furnish all information deemed necessary by the Clerk under oath and present a valid form of government-issued identification bearing the applicant's photograph.

(c) *Fee and duration.* An alarm business permit shall be valid through December 31 of the year of its issuance, unless sooner revoked. The fee shall be as provided in the City Fee Schedule.

(d) *Procedure for granting.* The Police Department shall review completed applications. If the Police Department determines that any portion of the application is false or that the applicant has been convicted of a violation of an ordinance or law that substantially relates to the licensed activity, the application may be denied by the Police Department. If the Police Department approves the issuance of the permit, the City Clerk may grant the permit without further review. Any applicant whose application has been denied by the Police Department may appeal such determination to the Protection and Policy Committee, subject to final disposition by the Common Council. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.
(Code 1984, § 27.501(3))

Sec. 10-741. Alarm user permit.

(a) *Requirement.* An alarm user who is residential is required to obtain a permit for any hold-up or burglar alarm systems installed, but is not required to obtain a fire alarm permit. An alarm user who is not residential is required to obtain a fire alarm permit. Apartment buildings that only contain battery operated smoke detectors that are not interconnected through wiring or wireless technology are not required to obtain a fire alarm permit. The fire alarm permit shall be displayed at the main fire alarm control panel. If an alarm user who is not residential installs a hold-up or burglar alarm system, a permit is required.

(b) *Application.* A person desiring to secure an alarm system permit shall apply directly to the City Clerk. In addition to the alarm user's information, each alarm user shall provide the name and contact information for at least one additional person who can be reached at any time and who is authorized by the alarm user to respond to an alarm signal and who can open the premises in which the system is installed and deactivate or reset the alarm system.

(c) *Fee and duration.*

(1) An alarm user permit shall be valid through December 31 of the year of its issuance, unless sooner revoked.

(2) Alarm user permit fee. The fee for an alarm user permit is as provided in the City Fee Schedule.

(d) *Procedure for granting.* The Police Department or Fire Department may grant the alarm user permit upon the filing of a completed application and payment of the appropriate fee.
(Code 1984, § 27.501(4); Ord. No. 22-15)

Sec. 10-742. Fees for false alarms.

(a) *Hold-up alarms.*

(1) *Premises holding a permit.* After the Police Department has recorded one false hold-up alarm in any calendar year, the permittee shall be assessed fees for any subsequent false hold-up alarms in a calendar year as provided in the City Fee Schedule.

(2) *Premises without a permit.* The alarm user shall be assessed fees for any false hold-up alarms in a calendar year as provided in the City Fee Schedule.

(b) *Other alarm systems.*

(1) *Premises holding a permit.* After the Police Department or Fire Department has recorded one false alarm in any calendar year, the permittee may be assessed fees for any subsequent false alarms in a calendar year as provided in the City Fee Schedule.

(2) *Premises without a permit.* The alarm user may be assessed fees for any false alarms in a calendar year as provided in the City Fee Schedule.

(c) *Fee payment.* False alarm fees shall be paid to the City Treasurer. Fees unpaid within 60 days of billing shall be collected as a special charge pursuant to Wis. Stats. § 66.0627.
(Code 1984, § 27.501(5))

Sec. 10-743. Signal time limit.

Any alarm system that, when activated, causes an audible or visual signal externally of the premises shall signal for a maximum of 30 minutes; after which time the system shall cease all signals, resetting itself for any new activation.
(Code 1984, § 27.501(6))

Sec. 10-744. Violations.

(a) Any alarm user who alters, disables, or destroys its fire alarm system to render the fire alarm system inoperable shall be subject to forfeiture not to exceed $1,000.00.

(b) Any alarm user who does not obtain a required permit shall be subject to forfeiture not to exceed $60.00.
(Code 1984, § 27.501(7); Ord. No. 22-15)

Secs. 10-745—10-771. Reserved.

ARTICLE XVIII. FIREARMS DEALERS

Sec. 10-772. Purpose.

The primary purpose of this article is to require businesses which deal in the sale of firearms to install reliable emergency alarm systems in order to provide additional protection from burglary or robbery of large quantities of guns in stock, which is turn adds to the safety and protection of the citizens of the City of Green Bay.
(Code 1984, § 27.502(1))

Sec. 10-773. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system, burglar-alarm system, hold-up alarm system, alarm user, answering service, and automatic-dialing device. See Section 10-739.

Engaged in the business means a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms; but such term shall not include a person who makes occasional sales, exchanges, or purchases firearms for the enhancement of a personal collection or for a hobby.

Firearms dealer means any person engaged in the business of selling firearms at wholesale or retail and having a license as a dealer issued by the U.S. Department of Treasury; but such term shall not include a pawn broker or a gunsmith who is engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to the firearms.
(Code 1984, § 27.502(2))

Sec. 10-774. Requirement.

(a) A firearm dealer shall install and maintain a burglar and hold-up alarm system in any structure within the City in which guns are displayed, stored, or kept. The alarm system must, either by answering service or automatic-dialing device, immediately notify or signal the Green Bay Police Department of an emergency situation that the alarm system is designed to detect.

(b) Nothing in this article shall be construed to limit the alarm user from complying with the provisions of Article XVII of this chapter.
(Code 1984, § 27.502(3))

Chapter 11

RESERVED

Chapter 12

CIVIL RIGHTS

Sec. 12-1. Findings; declaration of policy.
Sec. 12-2. Purpose.
Sec. 12-3. Definitions.
Sec. 12-4. Housing discrimination prohibited.
Sec. 12-5. Discrimination in public places of accommodation or amusement prohibited.
Sec. 12-6. Access by persons with disabilities to public places of accommodation or amusement.
Sec. 12-7. City facilities.
Sec. 12-8. Employment discrimination prohibited.
Sec. 12-9. Enforcement and jurisdiction.
Sec. 12-10. Forfeiture.
Sec. 12-11. Equal Rights Commission established.

Sec. 12-1. Findings; declaration of policy.

(a) A vibrant, livable, successful, and productive city is made possible by the talents, contributions, and well-being of its diverse residents. It is the policy of the City that the equal rights of all those who live and work in the City are ensured, and that equal rights and equal opportunities within the context of the larger commercial and social fabric of the Green Bay community are promoted.

(b) The practice of providing equal opportunities to persons without regard to actual or perceived sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, receipt of rental assistance, marital status, familial status, sexual orientation, gender identity, gender expression, gender nonconformity, transgender status, past or present military service, or status as a victim of domestic abuse, sexual assault, or stalking is a desirable goal of the City and a matter of legitimate concern to its government. Discrimination against any City resident endangers the rights and privileges of all residents. The denial of equal opportunity intensifies group conflict, undermines the foundations of democratic society, and adversely affects the general welfare of the community. Denial of equal opportunity in housing forces individuals and families who are discriminated against to live in housing that falls below reasonably acceptable standards. Denial of equal opportunity in employment deprives the community of the fullest productive capacity of those of its members so discriminated against and denies to them the sufficiency of earnings necessary for maintaining the standards of living consistent with their abilities and talents.

(c) The provision of adequate safeguards against discrimination is a proper and necessary function of City government. To protect the health, safety, and general welfare of all inhabitants of and all persons employed within the City, it is declared to be the public policy of the City to foster, protect, and enforce the right to equal opportunity without regard to sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, receipt of rental assistance, marital status, familial status, sexual orientation, gender identity, gender expression, gender nonconformity, transgender status, past or present military service, status as a victim of domestic abuse, sexual assault, or stalking, or an individual's affiliation or perceived affiliation with any of these categories. To fully effectuate this policy of promoting nondiscrimination, the City shall endeavor to eliminate all discrimination that may occur in the City.

(d) Where applicable, this chapter shall be interpreted and applied consistently with the provisions of Title VII of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968, 42 USC 2000a et seq., 42 USC 3601 et seq., 24 CFR 100 et seq., 29 CFR 1600 et seq., Wis. Stats. §§ 66.1011, 106.50, 106.52, and 111.31—111.395, and any successor provisions of State and federal law.
(Ord. No. 25-20, § 1(50.01), 10-20-2020)

Sec. 12-2. Purpose.

Each sector of society engaged in the life of the City has a role in promoting equal rights, equity, and a social fabric free of discrimination. City government is uniquely positioned to assume a primary leadership role in these efforts. To achieve this leadership objective, each department, agency, and unit of City government shall be accountable for promoting social and economic equity for all residents of the City, and structuring their work so that the outcomes are directed toward social and economic equity for all residents.
(Ord. No. 25-20, § 1(50.02), 10-20-2020)

Sec. 12-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ancestry means the country, nation, tribe, or other identifiable group from which one descends.

Commission means the Equal Rights Commission.

Covered multifamily dwelling shall have the same meaning as its definition in 24 CFR 100.201, as amended from time to time.

Disability.

(1) The term "disability" means, with respect to a person, any of the following:

a. A physical or mental impairment which substantially limits one or more of the person's major life activities.

b. A record of having such an impairment.

c. Being perceived as having such an impairment.

(2) The term "disability" does not include current, illegal use of or addiction to a controlled substance.

Familial status means one or more individuals, who have not attained the age of 18 years, being domiciled with a parent or another person having legal custody of such individuals; or the designee of the parent or other person having such custody, with the written permission of the parent or other person. For purposes of this chapter, the term "familial status" shall include any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Gender expression means a person's external manifestations of gender, which may be expressed through name, pronouns, clothing, haircut, behavior, voice, body characteristics, or other means. A person's gender expression may be the same or different from that associated with the person's assigned sex at birth.

Gender identity means a person's internal sense of their gender. A person's gender identity may be the same as or different from their assigned sex at birth.

Gender nonconformity broadly describes individuals who do not conform to traditional expectations of their assigned sex at birth and/or whose gender expression does not fit neatly into a conventional gender category.

Housing means any building, structure, or part thereof which is used or occupied, or is intended, arranged, or designed to be used or occupied as a residence, home, or place of habitation of one or more human beings, including a mobile home as defined in Wis. Stats. § 66.0435, and any land or part thereof which is offered for sale, lease, or use as a site for a building, structure, or part thereof intended or designed to be used or occupied as a residence, home, or place of habitation of one or more human beings, including a mobile home park as defined in Wis. Stats. § 66.0435.

Lawful source of income means income that is legally derived and that is subject to reasonable and good-faith efforts to verify the lawfulness of its derivation, and includes moneys received from public assistance, pension, and supplementary security income.

Marital status means the status of being married, separated, divorced, widowed, or single.

Owner means any person having the right of ownership or possession or the right of transfer, sale, rental, or lease of any housing, or the agent of any such person.

Person means one or more individuals, labor organizations, employment agencies, corporations, partnerships, associations, cooperatives, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy or receivers or other fiduciaries, and the agents of any of the foregoing; but, because of actual, potential, or perceived conflicts of interest, shall not include the City of Green Bay, the Green Bay Housing Authority, the Redevelopment Authority of the City of Green Bay, any department of the City, or any other municipal, State, or federal governmental body or any agent, officer, or employee acting in the course of such employment.

Protected person means any individual intended to be protected from violations of prohibited discrimination under this chapter. This includes protections afforded based on an individual's actual or perceived sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, receipt of rental assistance, marital status, familial status, sexual orientation, gender identity, gender expression, gender nonconformity, transgender status, past or present military service, status as a victim of domestic abuse, sexual assault, or stalking, or an individual's affiliation or perceived affiliation with any of these categories.

Public place of accommodation or amusement includes those accommodations, facilities, and services that a person holds out to be open to the common and general use, participation, and enjoyment of the public for any purpose. The term "public place of accommodation or amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation, hotels, motels, resorts, restaurants, taverns, barbers, cosmetologists, aestheticians, electrologists, manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusements, goods, or services are available either free or for consideration, except where such a broad interpretation would deny to any person rights guaranteed by the constitutions of Wisconsin and of the United States. The term "public place of accommodation or amusement" does not include:

(1) Any institution or club which by its nature is distinctly private; or

(2) A place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods, or services during an event at which the organization or institution provides the accommodations, amusement, goods, or services to the following individuals only:

   a. Members of the organization;

   b. Guests named by members of the organization or institution; and/or

   c. Guests named by the organization or institution.

Receipt of rental assistance means receipt of rental assistance under 24 CFR Subtitle B, Chapter VII (24 CFR 700—799)(commonly known as the Section 8 program) or any other rental assistance that is not considered household income.

Sexual orientation means the type of sexual, romantic, emotional, or spiritual attraction one has the capacity to feel for some others, generally labeled based on the gender relationship between the person and the people to whom they are attracted.

Transgender broadly refers to individuals whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation.
(Ord. No. 25-20, § 1(50.03), 10-20-2020)

Sec. 12-4. Housing discrimination prohibited.

(a) In this section, prohibited discrimination includes discrimination because of the protected person status of the buyer, renter, or applicant, or any person residing in or intending to reside in a dwelling after it is sold, rented, or made available.

(b) It shall be an unfair discrimination practice and unlawful and hereby prohibited:

(1) For any owner to refuse to transfer, sell, or rent, or to refuse to negotiate for the sale, or rental of, or to otherwise make unavailable, deny, or withhold from any person such housing because of the person's status as a protected person.

(2) For any owner to discriminate against any person in the terms, conditions, or privileges of the transfer, sale, or rental of any housing, or in the provision of services or facilities in connection therewith, because of the person's status as a protected person. Nothing in this section shall be deemed to prohibit a housing provider from considering a history of disruptive, abusive, or dangerous behavior.

(3) For any person to make, print, publish, post or broadcast, or cause to be made, printed, published, posted or broadcasted, any notice, statement, or advertisement with respect to the sale, rental, or financing of a dwelling that expresses any preference, limitation, specifications, or discrimination, or an intention to make such preference, limitation, specification, or discrimination, as to any protected persons.

(4) For any owner to falsely represent to any person that any dwelling is not available for inspection, sale, or rental on the basis of a prospective occupant's or tenant's status as a protected person. A person who has received written notice from the Green Bay Police Department that a drug nuisance under Wis. Stats. § 823.113 exists on property for which the person is responsible as owner may take action to eliminate the nuisance, including but not limited to eviction of residents, provided such action is not a subterfuge to evade the provisions of this chapter.

(5) For any person to induce or attempt to induce any person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of protected persons or persons of a particular economic status or by representations to the effect that such present or prospective entry will or may result in any of the following:

a. The lowering of real estate values in the area.

b. A deterioration in the character of the area.

c. An increase in criminal or antisocial behavior in the area.

d. A decline in the quality of the schools or other public service facilities in the area.

(6) For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transac-

tion, or in the terms or conditions of such a transaction, because of a person's status as a protected person. As used in this section, the term "residential real estate-related transaction" means any of the following:

a. The lending of money or security, guaranteeing any loan, accepting any mortgage, or in any other manner making available any other funds or resources for the construction, acquisition, purchase, rehabilitation, repair, improvement, or maintenance of any housing or housing accommodation.

b. The selling, brokering, or appraising of residential real property. Nothing in this section prohibits a person engaged in the business of making or furnishing appraisals of residential real property from taking into consideration factors other than a person's status as a protected person.

(7) For any owner to make or cause to be made any written or oral inquiry or record concerning the nature of any disability of prospective occupants or tenants of such housing, or persons associated with them, unless such inquiry or record is necessary for compliance with applicable local, State, or federal law.

(8) For any person to refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, an owner may condition permission for such a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(9) For any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling.

(10) a. If a protected person with a disability keeps an animal that is specially trained to assist the disabled person, it is discrimination for any person to refuse to sell or rent housing to the protected person, cause the eviction of the person from the housing, require extra compensation from the person as a condition of continued residence in the housing, or engage in the harassment of the person because of their service animal, if all of the following apply:

1. Upon request, the protected person shows to the owner credentials issued by a school recognized by the State or an agency thereof as accredited to train animals for individuals with disabilities; and

2. The protected person accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

b. This subsection (b)(10) does not apply in the case of the rental of owner-occupied housing if the owner or a member of the owner's immediate family occupying the housing possesses and, upon request, presents to the person a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the protected person possesses.

(c) Nothing in this section shall affect any person's decision to share occupancy of a lodging room, apartment, or dwelling or part thereof unit with another person.

(d) Information allowed.

(1) Nothing in this section shall be deemed to prohibit an owner from requiring that any person who seeks to buy, rent, or lease any housing supply information concerning the person's prior residence, or familial, marital, financial, and business status.

(2) Nothing in this section shall be deemed to prohibit an owner from refusing to sell, rent, or lease any housing to any person on the basis of such person's treatment of any property formerly occupied by such person or on the basis of such person's record in paying rent or other obligations when due, or such person's ability to pay.

(e) The prohibition in this section against discrimination against a person with protected person status because of the person's age or familial status does not apply to housing for older persons, as defined in Wis. Stats. § 106.50(1m)(m), as amended from time to time.

(f) It is not a violation of this chapter to restrict occupancy in a dwelling to persons with disabilities or to provide housing for older persons as defined in Wis. Stats. § 106.50(1m)(m), as amended from time to time.

(g) It is not a violation of this chapter to restrict occupancy in a dwelling or part thereof to protected persons or to provide housing for protected persons as provided under any State or federal program that is specifically designed and operated to assist persons in a protected class, as defined in the State or federal program. For example, it is not a violation of this chapter to restrict occupancy in a dwelling or part thereof to veterans, homeless individuals, or survivors of domestic violence.
(Ord. No. 25-20, § 1(50.04), 10-20-2020)

Sec. 12-5. Discrimination in public places of accommodation or amusement prohibited.

(a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any public place of accommodation or amusement, as defined in Section 12-3, without discrimination upon the basis of a person's status as a protected person.

(b) It shall be an unfair discrimination practice and unlawful and hereby prohibited:

(1) For any person to deny to another, or to charge another a price different from the regular rate charged to others for the full and equal enjoyment of any public place of accommodation or amusement because of the person's status as a protected person.

(2) For any person to directly or indirectly publish, circulate, display, mail, or otherwise disseminate any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of status as a protected person, or that the patronage of a protected person is unwelcome, objectionable, or unacceptable for any reason.

(3) For any person to subject a person, directly or through contractual, licensing or other arrangements, to a denial of the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity on the basis of the individual's status as a protected person.

(4) For any person to, notwithstanding the existence of separate or different programs or activities provided in accordance with this section, deny an individual the opportunity to participate in programs or activities that are not separate or different on the basis of the individual's status as a protected person.

(c) This section does not prohibit special services, rates, or benefits provided to veterans or to any protected person 50 years of age or older.
(Ord. No. 25-20, § 1(50.05), 10-20-2020)

Sec. 12-6. Access by persons with disabilities to public places of accommodation or amusement.

(a) No individual shall be discriminated against on the basis of disability, or because of the known disability of an individual with whom the individual or entity is known to have a relationship or association, in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any public place of accommodation or amusement by any person who owns, leases (or leases to another), or operates a public place of accommodation or amusement.

(1) Denial of participation. It shall be prohibited discrimination to subject an individual, on the basis of a disability, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.

(2) Participation in unequal benefit. It shall be prohibited discrimination to afford an individual, on the basis of a disability, directly or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

(b) A public place of accommodation or amusement shall make reasonable modifications in policies, practices, and procedures to permit the full and equal enjoyment of the public place of accommodation or amusement by a person with a disability. Those policies, practices, and procedures shall ensure that a person with a disability is not segregated from other patrons of the public place of accommodation or amusement.

(c) This section is not intended to impose a greater duty than the reasonable accommodation requirements of the Americans with Disabilities Act Amendments Act of 2008.

(d) Exemptions for private clubs and religious organizations. The provisions of this section shall not apply to private clubs or organizations exempted from coverage under Section 12-3, or to religious organizations or entities controlled by religious organizations, including places of worship, to the extent that requiring compliance would violate State or federal law.
(Ord. No. 25-20, § 1(50.06), 10-20-2020)

Sec. 12-7. City facilities.

(a) It shall be an unfair discrimination practice and unlawful and hereby prohibited for any person, public official, employee, agent, agency, authority, board, commission, or committee of the City of Green Bay to deny any person the use of City facilities or otherwise discriminate against any person in the use of City facilities because of such person's status as a protected person.

(b) This section is not intended to impose a greater duty than the reasonable accommodation requirements of the Americans with Disabilities Act Amendments Act of 2008.
(Ord. No. 25-20, § 1(50.07), 10-20-2020)

Sec. 12-8. Employment discrimination prohibited.

(a) It shall be an unfair discrimination practice and unlawful and hereby prohibited:

(1) For any person or employer to discriminate against any person with respect to the failure or refusal to hire, discharge, compensation, terms, conditions, or privileges of employment, including promotion, on the basis the person's status as a protected person.

(2) For any person or employer, individually or in concert with others, to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any person of employment opportunities or which would otherwise adversely affect their status as an employee because of such person's status as a protected person.

(3) For any person or employer to fail or refuse to refer for employment, or otherwise to discriminate against any person in a manner that would deprive or limit the person's employment opportunities or otherwise adversely affect their status as an applicant or prospective employee, on the basis of the person's status as a protected person.

(4) For any person or employer to refuse to reasonably accommodate an employee's or prospective employee's disability, unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise, or business.

(b) It is the policy of the City of Green Bay to include in all contracts negotiated or renegotiated by a contracting department of the City a provision obligating the contractor not to discriminate against any qualified employee or qualified applicant for employment on the basis of a person's status or perceived status as a protected person, and to require the contractor to include a similar provision in all subcontracts.

(c) Sexual harassment. No employer, labor organization, or employment agency shall engage in sexual harassment, and employers shall ensure that all of their employees work in an environment free of sexual harassment.

(d) Exceptions. Notwithstanding any other provision of this section, the following are permitted practices which do not violate this section:

(1) For any employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer or a labor organization to admit or employ any person in those certain instances where religion, sex, age, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(2) For any employer to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this section, except that no such employee benefit plan shall excuse the failure to hire any person.

(3) For an employer to take the behavioral manifestations of an applicant's mental disability into consideration in determining whether the applicant is qualified.

(4) For any employer, labor organization, or employment agency to fail or refuse to hire a person with a disability if the employer, labor organization, or employment agency can show that the person's disability is reasonably related to their ability to adequately undertake the job-related responsibilities of the employment.

(5) For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment, pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of status as protected persons.

(Ord. No. 25-20, § 1(50.08), 10-20-2020)

Sec. 12-9. Enforcement and jurisdiction.

(a) *Complaints.*

(1) Any person who claims to have been aggrieved or injured under this chapter may file a written complaint with the City Clerk alleging a discriminatory practice or violation. The complaint shall be in writing and signed by the complainant. Such complaints shall be filed within 300 days after the alleged violation of this chapter.

(2) The complaint shall contain the following information:

a. The complainant's name, address, and telephone number;

b. The name and address of the person(s) or entity the complainant alleges discriminated against them or violated this Code;

c. The names, addresses, and telephone numbers of witnesses, if any;

d. The date of the alleged violation or discriminatory practice;

e. A statement describing in detail the alleged violation or discriminatory practice;

f. A short description of any injury suffered;

g. Any other facts the complainant believes are important; and

h. The original signature of the complainant.

(b) *Review of complaint.* The City Clerk shall provide a copy of a timely-filed complaint to the City Prosecutor for preliminary review for completeness and jurisdictional determination under subsection (d) of this section.

(1) If the City Prosecutor determines that the complaint does not satisfy the requirements of subsection (a) of this section, the City Prosecutor shall return the complaint to the complainant without taking any action, and notify the complainant what information is missing from the complaint.

(2) If the City Prosecutor determines that the City does not have jurisdiction over the complaint, the City Prosecutor shall notify the complainant in writing that the City does not have jurisdiction, and shall direct the complainant to the appropriate State or federal agency.

(3) a. Upon receipt of a verified complaint over which the City has jurisdiction, the City Prosecutor shall initiate enforcement proceedings in Municipal Court.

b. The City Attorney shall have the authority to issue subpoenas compelling the attendance of witnesses and production of documents for actions arising under this section. Such subpoenas shall be served according to Wis. Stats. §§ 885.03 and 885.04. Failure to comply with a subpoena issued under this section may result in contempt, as described in Section 2-122(h).

(c) *Jurisdiction.*

(1) The City shall not exercise jurisdiction over any complaint that sets forth or states any facts or allegations that are within the subject matter jurisdiction of any State or federal equal rights agency, including, but not limited to, the U.S. Equal Employment Opportunity Commission (EEOC) or the Equal Rights Division of the Wisconsin Department of Workforce Development (ERD), regardless of whether the complainant has chosen to file with that agency.

(2) The City Prosecutor shall take no action on any complaint against the City of Green Bay or any public official, employee, agent, agency, authority, board, commission, or committee thereof. The City Prosecutor shall refer the complaint to the ERD, EEOC, the U.S. Department of Housing and Urban Development (HUD), or any other State or federal agency that has jurisdiction over the complaint for appropriate action as provided by law. The complainant shall be informed of all such referrals.

(Ord. No. 25-20, § 1(50.09), 10-20-2020)

Sec. 12-10. Forfeiture.

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a forfeiture of not more than $1,000.00.
(Ord. No. 25-20, § 1(50.10), 10-20-2020)

Sec. 12-11. Equal Rights Commission established.

(a) *Members.* The Equal Rights Commission (ERC) shall consist of nine residents of the City, appointed from a diverse and representative cross section of the community, inclusive of traditionally underrepresented groups, who shall be members only so long as they shall reside in the City. The membership of the Commission shall include one Alderperson.

(b) *Appointment.* Members of the Commission shall be appointed by the Mayor, subject to confirmation by the Council. The Alderperson shall be elected for a term of two years, and all other members of the Commission shall be appointed for a term of three years, except that three members initially appointed shall be appointed for a term of two years, and two members initially appointed shall be appointed for a term of one year. Each member shall hold office until a successor is appointed and confirmed. A vacancy occurring other than by expiration of the member's term shall be filled by appointment of the Mayor and confirmation by the Council for the unexpired portion of the term.

(c) *Officers.* A Chairperson and Vice Chairperson shall be elected from the membership of the Commission at the first regular meeting of each calendar year by a majority of the members of the Commission.

(d) *Powers and duties.*

(1) *Monitoring and promoting.* The Commission shall meet not less than four times annually for monitoring the employment, contracting, and program activities of the City, and prepare and provide timely reports to the Mayor and Council on efforts to promote equal rights, equal opportunities, positive community relations, and to eliminate discrimination and inequities in City government and the City.

(2) *Reporting.*

a. *Departments.* The Human Resources Department, with the cooperation of all departments, shall regularly provide the Commission with information of efforts and activities undertaken across City government to achieve the leadership objectives described in Sections 12-1 and 12-2. This information shall from time to time identify programs and activities conducted by the City to promote equal rights and equal opportunity, as well as goals, challenges, and strategies for the future. The Human Resources Department shall provide the Commission with information about activities and accomplishments with respect to diversity and equal employment opportunity in City employment. Upon request of the Commission, other City departments, agencies, and units shall report to the Commission orally, in writing, or both, at the pleasure of the Commission.

b. *Mayor and Common Council.* The Commission shall provide a written communication to the Mayor and the Common Council, not less than annually, summarizing the activities of the Commission and the progress of the City in meeting the leadership objectives specified in this chapter. This communication shall further include an examination of those conditions in the City at large which contribute to or detract from equal rights and an environment free from discrimination. The communication shall provide recommendations for furthering the purposes and objectives provided in this chapter.

(3) *Equal opportunities and equity issues.* The Commission may, at its discretion, engage with employers, housing providers, community organizations, and other stakeholders to create positive working relationships focused on providing equal opportunities throughout the City and raising awareness of important equity issues.

(Ord. No. 25-20, § 1(50.11), 10-20-2020)

Chapter 13

RESERVED

Chapter 14

EMERGENCY MANAGEMENT AND SERVICES

Article I. In General

Secs. 14-1—14-38. Reserved.

Article II. Local Emergency Management Agency

Sec. 14-39. Continuity of government.

ARTICLE I. IN GENERAL

Secs. 14-1—14-38. Reserved.

ARTICLE II. LOCAL EMERGENCY MANAGEMENT AGENCY

Sec. 14-39. Continuity of government.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Attack means any attack by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons.

Authorized deputy means a person who is presently authorized to perform all of the functions, exercise all of the powers, and discharge all of the duties of an office if the lawful incumbent is unavailable.

Emergency interim successor means a person designated pursuant to this section for possible temporary succession to the powers and duties, but not the office, of a City officer if such officer or any authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

Unavailable means 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 the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and any authorized deputy are absent or unable, for physical, mental, or legal reasons, to exercise the powers and discharge the duties of the office.

(b) *Designation, status, qualifications, and terms of emergency interim successors.*

(1) *Elective officers.* Within 30 days after entering upon the duties of office, each member of the Council and all City elected officers shall, in addition to any authorized deputy, designate such number of emergency interim successors to the office and specify their rank in order of succession after any authorized deputies or emergency successors or combination thereof for the office.

(2) *Appointive officers.* The Council shall, within the time specified in subsection (b)(1) of this section, in addition to any authorized deputy, designate for appointive officers, including the Police Chief and the Fire Chief, such number of emergency interim successors to these officers and specify their rank in order of succession after any authorized deputies so that there will be no less than three authorized deputies or emergency interim successors or combination thereof for each officer.

(3) *Review of designations.* The incumbent of elective offices specified in subsection (b)(1) of this section, and the Council in the case of those appointive offices specified in subsection (b)(2) of this section, shall review and, as necessary, promptly revise the designations of emergency interim successors to ensure that at all times there are at least three such qualified emergency interim successors or authorized deputies or any combination thereof for each office specified.

(4) *Qualifications.* No person shall be designated or serve as an emergency interim successor unless such person may under state law or City ordinance hold the office of the person to whose powers and duties such person is designated to succeed, but no provision prohibiting an officer or employee of the City from holding another office shall be applicable to an emergency interim successor.

(5) *Status of emergency interim successor.* A person designated as an emergency interim successor holds that designation at the pleasure of the designator, provided the designee must be replaced if removed. The designee retains this designation as emergency interim successor until replaced by another individual appointed by the authorized designator.

(c) *Assumption of powers and duties of officer by emergency interim successor.* If, in the event of attack, any officer named in subsections (b)(1) and (2) of this section and any authorized deputy is unavailable, the emergency interim successor highest in rank in order of succession who is not unavailable shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor exercises or resumes and discharges these duties only until such time as the lawful incumbent officer or authorized deputy or emergency interim successor higher in rank in order of succession exercises or resumes the exercise of the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

(d) *Recording and publication.* The name, address, and rank in order of succession of each duly authorized deputy shall be filed with the City Clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the City Clerk the successor's name, address, and rank in order of succession. The City Clerk shall keep on file all such data regarding authorized deputies and emergency interim successors which shall be open for public inspection.

(e) *Formalities of taking office.* At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they succeed.

(f) *Quorum and vote requirements.* In the event of an attack:

(1) Quorum requirements for the Council shall be suspended; and

(2) Where the affirmative vote of a specified proportion of members for approval of an ordinance, resolution, or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

(Code 1984, § 1.08; Ord. No. 81-93)

Chapter 15

RESERVED

Chapter 16

ENVIRONMENT

Article I. In General

Secs. 16-1—16-30. Reserved.

Article II. Construction Site Erosion Control

Sec. 16-31. Authority.
Sec. 16-32. Findings of fact.
Sec. 16-33. Purpose.
Sec. 16-34. Applicability and jurisdiction.
Sec. 16-35. Definitions.
Sec. 16-36. Applicability of maximum extent practicable.
Sec. 16-37. Technical standards.
Sec. 16-38. Performance standards for construction sites not required to be permitted.
Sec. 16-39. Performance standards for construction sites required to be permitted.
Sec. 16-40. Permitting requirements, procedures and fees.
Sec. 16-41. Erosion and sediment control plan, statement, and amendments.
Sec. 16-42. Fee schedule.
Sec. 16-43. Inspection.
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Secs. 16-46—16-75. Reserved.

Article III. Stormwater Management

Sec. 16-76. Authority.
Sec. 16-77. Findings of fact.
Sec. 16-78. Purpose and intent.
Sec. 16-79. Definitions.
Sec. 16-80. Applicability and jurisdiction.
Sec. 16-81. Stormwater management performance standards.
Sec. 16-82. Permitting requirement and procedures and fees.
Sec. 16-83. Stormwater management plans.
Sec. 16-84. Maintenance agreement.
Sec. 16-85. Enforcement and penalties.
Sec. 16-86. Appeals.

Secs. 16-87—16-102. Reserved.

Article IV. Illicit Discharge and Connection

Sec. 16-103. Authority.
Sec. 16-104. Findings of fact.
Sec. 16-105. Purpose and intent.
Sec. 16-106. Definitions.
Sec. 16-107. Applicability and jurisdiction.
Sec. 16-108. Responsibility for administration.

Sec. 16-109. Compatibility with other regulations.
Sec. 16-110. Ultimate responsibility.
Sec. 16-111. Illicit discharges or connections.
Sec. 16-112. Watercourse protection.
Sec. 16-113. Compliance monitoring.
Sec. 16-114. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.
Sec. 16-115. Notification of spills.
Sec. 16-116. Violations, enforcement, and penalties.
Sec. 16-117. Appeal of notice of violation.
Sec. 16-118. Enforcement measures after appeal.
Sec. 16-119. Cost of abatement of the violation.
Sec. 16-120. Violations deemed a public nuisance.
Sec. 16-121. Remedies not exclusive.
Secs. 16-122—16-137. Reserved.

Article V. Coal Tar Sealant Products

Sec. 16-138. Definitions.
Sec. 16-139. Regulation of application and sale of coal tar and or other high-PAH sealant products.
Sec. 16-140. Exemptions.
Sec. 16-141. Enforcement.
Sec. 16-142. Penalty.

ARTICLE I. IN GENERAL

Secs. 16-1—16-30. Reserved.

ARTICLE II. CONSTRUCTION SITE EROSION CONTROL

Sec. 16-31. Authority.

(a) This article is adopted under the authority granted by Wis. Stats. § 62.234. This article supersedes all provisions of an ordinance previously enacted under Wis. Stats. § 62.23, that relate to construction site erosion control. Except as otherwise specified in Wis. Stats. § 62.234, the provisions of Wis. Stats. § 62.23 apply to this article and to any amendments to this article.

(b) The provisions of this article are deemed not to limit any other lawful regulatory powers of the Common Council.

(c) The Common Council hereby designates the Director of Public Works to administer and enforce the provisions of this article, hereby known as the "Administering Authority."

(d) The requirements of this article do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:

(1) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under Wis. Stats. §§ 281.16 and 283.33.

(2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Wis. Admin. Code § NR 151.004.

(Code 1984, § 34.01)

Sec. 16-32. Findings of fact.

The Common Council finds that runoff from land disturbing construction activities and land development activities carries significant amount of sediment and other pollutants to the waters of the state in the City of Green Bay.
(Code 1984, § 34.02)

Sec. 16-33. Purpose.

It is the purpose of this article to protect and promote the health, safety and welfare of the people; maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; preserve the natural resources, control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, to the maximum extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state, lakes, streams and wetlands in the City of Green Bay.
(Code 1984, § 34.03)

Sec. 16-34. Applicability and jurisdiction.

(a) *Applicability.*

(1) The following types of land development or land disturbing construction activities are required to be permitted except as provided under subsection (a)(2) of this section:

a. Those involving grading, removal of protective ground cover or vegetation, excavation, land filling, or other land disturbing construction activity affecting a surface area of 4,000 square feet or more.

b. Those requiring a subdivision plat or certified survey approval or the construction of one- and two-family residential dwellings or commercial, industrial, or institutional buildings on lots of approved subdivision plats.

c. Those requiring a certified survey approval or the construction of houses or commercial, industrial, or institutional buildings on lots of approved certified surveys.

d. Those involving street, highway, road, or bridge construction, enlargement, relocation, or reconstruction.

e. A construction site, which has 100 linear feet or greater of land disturbance to a highway, street, driveway, swale, ditch, waters of the state, wetland, protective area, or other non-agricultural drainage facility which conveys concentrated flow. Wetlands shall be delineated in accordance with Wis. Admin. Code § NR 103.08(1m).

f. Those involving the laying, repairing, replacing, or enlarging of an underground pipe, wire, cable, or facility for a distance of 300 feet or more.

g. A construction site which has 100 cubic yards or greater of excavation volume, filling volume, or some combination of excavation and filling volume.

(2) This article does not apply to the following:

a. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.

b. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under 40 CFR 122, for land disturbing construction activity.

c. Nonpoint discharges from agricultural facilities and practices.

d. Nonpoint discharges from silviculture activities.

e. Mill and crush operations.

f. Routine maintenance for project sites that have less than five acres of land disturbance if performed to maintain the original line and grade, hydraulic, capacity or original purpose of the facility.

(3) Land development or land disturbance activities that do not meet the criteria in subsection (a)(1) or (2) of this section are non-permitted sites and shall meet the requirements within Section 16-38.

(4) Notwithstanding the applicability requirements in subsection (a)(1) of this section, this article applies to construction sites of any size that, as determined by the Administering Author-

ity, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(b) *Jurisdiction.* This article applies to land disturbing construction activity on construction sites and land developing activities located within the boundaries and jurisdiction of the City of Green Bay.

(c) *Exclusions.* This article is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1), but also including the office of District Attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33(2).
(Code 1984, § 34.04)

Sec. 16-35. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administering Authority means a governmental employee, or a regional planning commission empowered under Wis. Stats. § 62.234, that is designated by the Common Council to administer this article.

Agricultural activity area means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.

Agricultural facilities and practices has the meaning in Wis. Stats. § 281.16(1).

Agricultural production area means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

Average annual rainfall means a calendar year of precipitation, excluding snow, which is considered typical. For purposes of this article, average annual rainfall means measured precipitation in Green Bay, Wisconsin between March 29 and November 25, 1969.

Best management practice or *BMP* means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Business day means a day that the office of the Director of Public Works is routinely and customarily open for business.

Cease and desist order means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Administering Authority.

Common plan of development or sale means a development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but ones not limited to, subdivision plats, certified survey maps, and other developments.

Construction site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development 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.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall. The TR-55, Type II, 24-hour design storms for the City of Green Bay are: one-year, 2.2 inches; two-year, 2 1/2 inches; five-year, 3.3 inches; ten-year, 3.8 inches; 25-year, 4.4 inches; and 100-year, 5.3 inches.

Development means residential, commercial, industrial, institutional, or other land uses and associated roads.

Division of land means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a five-year period.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Erosion and sediment control plan means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

Extraterritorial means the unincorporated area within three miles of the corporate limits of a first, second, or third-class city, or within 1 1/2 miles of a fourth-class city or village.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

Land disturbing construction activity (or disturbance) means any manmade 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. The term "land disturbing construction activity" includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.

MEP or *maximum extent practicable* means a level of implementing best management practices in order to achieve a performance standard specified in this article which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standards and site conditions.

Performance standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the Administering Authority to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Pollutant has the meaning given in Wis. Stats. § 283.01(13).

Pollution has the meaning given in Wis. Stats. § 281.01(10).

Protective area has the meaning given in Section 16-81(h).

Responsible party means any entity holding fee title to the property or performing services to meet the performance standards of this chapter through a contract or other agreement.

Runoff means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Separate storm sewer means a conveyance or system of conveyances, including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

(1) Is designed or used for collecting water or conveying runoff.

(2) Is not part of a combined sewer system.

(3) Is not draining to a stormwater treatment device or system.

(4) Discharges directly or indirectly to waters of the state.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

Stop-work order means an order issued by the Community and Economic Development Director or Director of Public Works, which requires that all construction activity on the site be stopped.

Technical standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under Wis. Stats. § 85.095(1)(b). The term "transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Wisconsin Department of Natural Resources pursuant to Wis. Stats. § 281.33.

Type II distribution means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973." The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

Waters of the state has the meaning given in Wis. Stats. § 281.01(18).
(Code 1984, § 34.05)

Sec. 16-36. Applicability of maximum extent practicable.

Maximum extent practicable applies when a person who is subject to a performance standard of this article demonstrates to the Administering Authority's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.
(Code 1984, § 34.06)

Sec. 16-37. Technical standards.

(a) *Design criteria, standards and specifications.* All BMPs required for compliance with this article shall meet the design criteria, standards and specifications based on any of the following:

(1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Wis. Admin. Code Ch. NR 151, Subch. V (Wis. Admin. Code §§ NR 151.30—151.32).

(2) Technical standards and other guidance identified within the City of Green Bay Storm Water Reference Guide.

(3) For this article, average annual basis is calculated 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.

(4) a. Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an equivalent design Type II distribution storm, and when considering the geographic location of the site and the period of disturbance.

b. Note to users: The USLE and its successors RUSLE and RUSLE2 utilize an R factor which has been developed to estimate annual soil erosion averaged over extended time periods. The R factor can be modified to estimate monthly and single-storm erosion.

(b) *Other standards.* Other technical standards not identified or developed in subsection (a) of this section may be used provided that the methods have been approved by the Administering Authority.
(Code 1984, § 34.07)

Sec. 16-38. Performance standards for construction sites not required to be permitted.

(a) *Responsible party.* The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs is the responsible party and shall comply with this section.

(b) *Erosion and sediment control practices.* Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

(1) The deposition of soil from being tracked onto streets by vehicles.

(2) The discharge of sediment from disturbed areas into on-site stormwater inlets.

(3) The discharge of sediment from disturbed areas into adjacent waters of the state.

(4) The discharge of sediment from drainage ways that flow off the site.

(5) The discharge of sediment by dewatering activities.

(6) The discharge of sediment eroding from soil stockpiles existing for more than seven days.

(7) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this section.

(c) *Location.* The BMPs shall be located so that treatment occurs before runoff enters waters of the state.

(d) *Implementation.* The BMPs used to comply with this section shall be implemented as follows:

(1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.

(2) Erosion and sediment control practices shall be maintained until final stabilization.

(3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

(5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(Code 1984, § 34.08)

Sec. 16-39. Performance standards for construction sites required to be permitted.

(a) *Responsible party.* The responsible party shall implement an erosion and sediment control plan, developed in accordance with Section 16-41 that incorporates the requirements of this section.

(b) *Erosion and sediment control plan.* A written site-specific erosion and sediment control plan shall be developed in accordance with Section 16-41 and implemented for each construction site.

(1) *Preventive measures.* The erosion and sediment control plan shall also incorporate all of the following:

a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.

b. Minimization of soil compaction and preservation of topsoil.

c. Minimization of land disturbing construction activity on slopes of 20 percent or more.

d. Development of spill prevention and response procedures.

(2) *Sediment control practices.* Where appropriate, the plan shall include the sediment control practices that will be used (for each site where land disturbing construction activity will occur) to prevent or reduce the following to the maximum extent practicable:

a. Prevent tracking of sediment from the construction site onto roads and other paved surfaces. Each site shall have graveled roads, access drives, and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed, at a minimum, before the end of each workday, and more frequently if tracking is occurring.

b. Prevent the discharge of sediment as part of site de-watering. Water pumped from the site shall be treated by temporary sedimentation basins or other appropriate controls for the highest dewatering pumping rate. Dewatering must also comply with WDNR rules. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

c. Protect the separate storm drain inlet structure from receiving sediment.

d. The discharge of sediment from disturbed areas into adjacent waters of the state.

e. The discharge of sediment from drainage ways that flow off the site.

f. The discharge of sediment eroding from soil stockpiles existing for more than seven days.

g. The discharge of sediment from erosive flows at outlets and in downstream channels.

h. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

i. The use, storage and disposal of building materials, debris, garbage, chemicals, cement, concrete truck washout, litter, sanitary waste, toxic materials, hazardous materials, cleaning wastes, and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into storm sewers and waters of the state. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this paragraph provided they have appropriate permits.

(c) *Erosion and sediment control requirements.* The erosion and sediment control plan shall meet the following minimum requirements to the maximum extent practicable:

(1) BMPs shall be designed, installed, inspected and maintained to control total suspended solids carried in runoff from the construction site as follows:

a. For permitted construction sites of land disturbing construction activity, reduce the total suspended solids load by 80 percent, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80 percent sediment reduction to meet the requirements of this subsection. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this subsection. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.

b. Soil loss prediction tools that estimate the sediment load leaving the construction site under varying land and management conditions, or methodology identified in of Wis. Admin. Code Ch. NR 151, Subch. V (Wis. Admin. Code §§ NR 151.30—151.32), shall be used to calculate sediment reduction. The soil loss prediction tool must show that BMPs that, by design, discharge no more than five tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.

c. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this subsection. Credit may be given toward meeting the sediment performance standard of this subsection for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

(2) Notwithstanding subsection (c)(1) of this section, if BMPs cannot be designed and implemented to reduce the sediment load by 80 percent on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80 percent reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.

(3) Site erosion control. The following criteria apply only to land development or land disturbing construction activities that result in runoff leaving the site:

a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in subsection (c)(3)c.2 or 3 of this section. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5 feet per second across the disturbed area for the set of one-year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

c. Runoff from the entire disturbed area on the site shall be controlled by meeting either subsections (c)(3)c.1 and 2 or (c)(3)c.1 and 3 of this section and WDNR Technical Standards, whichever is more restrictive.

1. All disturbed ground left inactive for 15 or more days shall be stabilized by mulching, temporary or permanent seeding, sodding, covering with tarps, or equivalent control measures. Seeding and sodding may only be used from May 1 to September 15 of any year. If temporary seeding is used, a permanent cover shall also be required as part of the final site stabilization.

2. For sites with ten or more acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Sedimentation basins shall be designed, constructed and maintained per WDNR Technical Standards. At a minimum, each sedimentation basin shall have a surface area of at least one percent of the area draining to the basin and at least three feet of depth. Sediment shall be removed to maintain a depth of three feet. The

basin shall be designed to trap sediment greater than 15 microns in size, based on the set of one-year design storms having duration from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

3. For sites with less than ten acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

4. Runoff from sites or slopes of 12 percent or more may require additional or different control methods which are not listed in this subsection (c)(3)c.

(4) Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a down slope drainage length of less than 25 feet to a roadway or drainage channel. If remaining for 15 days or more, the piles shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than 15 days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction, soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control when exposed for more than 15 days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

(d) *Location.* The BMPs used to comply with this section shall be located prior to runoff entering waters of the state or regional stormwater treatment facilities. Regional stormwater treatment facilities are appropriate for control of post-construction pollutants, they should not be used for construction site sediment removal.

(e) *Implementation.* The BMPs used to comply with this section shall be implemented as follows:

(1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in Section 16-41.

(2) Erosion and sediment control practices shall be inspected and maintained until final stabilization.

(3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

(5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(f) *Alternate requirements.* The Administering Authority may establish requirements more stringent than those set forth in this section if the Administering Authority determines that an added level of protection is needed for sensitive resources.
(Code 1984, § 34.09)

Sec. 16-40. Permitting requirements, procedures and fees.

(a) *Permit required.* No landowner, land user or responsible party may commence a land disturbing activity subject to this chapter without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Administering Authority.

(b) *Permit application and fee.* At least one landowner, land user controlling or using the site, party desiring to, or responsible party that will undertake a land disturbing construction activity or land developing activity subject to this article shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Section 16-41 and shall pay an application fee as shown in the City Fee Schedule to the Administering Authority. By submitting an application, the applicant is authorizing the Administering Authority to enter the site to obtain information required for the review of the erosion and sediment control plan.

(c) *Permit application review and approval.* The Administering Authority shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(1) Within 15 business days of the receipt of a complete permit application, as required by subsection (b) of this section, the Administering Authority shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this article.

(2) If the permit application and erosion and sediment control plan are approved, the Administering Authority shall issue the permit.

(3) If the permit application or erosion and sediment control plan is disapproved, the Administering Authority shall state in writing the reasons for disapproval.

(4) The Administering Authority may request additional information from the applicant. If additional information is submitted, the Administering Authority shall have 15 business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.

(5) Failure by the Administering Authority to inform the permit applicant of a decision within 15 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(d) *Surety bond.* As a condition of approval and issuance of the permit, the Administering Authority shall require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

(e) *Permit requirements.*

(1) All permits shall require the responsible party to:

a. Install all BMPs as identified in the approved erosion and sediment control plan.

b. Notify the Administering Authority upon completion of the initial BMP installation to request a BMP inspection prior to commencing further land disturbing construction activity or land developing activity.

c. Notify the Administering Authority within 48 hours of commencing any land disturbing construction activity or land developing activity.

d. Notify the Administering Authority of completion of any supplemental BMPs within seven calendar days after their installation.

e. Obtain permission in writing from the Administering Authority prior to any modification pursuant to Section 16-41(c) of the erosion and sediment control plan.

f. Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

g. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities (or land developing activity) and document repairs in weekly site inspection reports.

h. Conduct construction site inspections at least once per week and within 24 hours after a precipitation event of 0.5 inch or greater. Repair or replace erosion and sediment control BMPs as necessary within 24 hours of an inspection or notification that repair or replacement is needed. Maintain, at the construction site, weekly written reports of all inspections. Weekly inspection reports shall include all of the following: date, time and location of the construction site inspection; the name of individual who performed the inspection; an assessment of the condition of erosion and sediment controls; a description of any erosion and sediment control BMP implementation and maintenance performed; and a description of the present phase of land disturbing construction activity at the construction site. Submit a copy of the weekly inspection report electronically to the Administering Authority.

i. Allow the Administering Authority to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan.

j. Keep a copy of the erosion and sediment control plan, stormwater management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.

(2) The permit applicant shall post the certificate of permit coverage in a conspicuous location at the construction site.

(f) *Permit conditions.* Permits issued under this section may include conditions established by the Administering Authority in addition to the requirements set forth in subsection (e) of this section, where needed to ensure compliance with the performance standards in Section 16-39.

(g) *Permit duration.* Permits issued under this section shall be valid for a period of 180 days, or the length the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Administering Authority may extend the number of periods one or more times for up to an additional 180 days for each extension. The Administering Authority may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this article.

(h) *Maintenance.* The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this chapter until the site has undergone final stabilization.

(i) *Alternate requirements.* The Administering Authority may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than one acre of disturbance.

(j) *Final stabilization.* Upon final stabilization and vegetation of disturbed areas, the best management practices shall be removed.
(Code 1984, § 34.10)

Sec. 16-41. Erosion and sediment control plan, statement, and amendments.

(a) *Erosion and sediment control plan requirements.* The erosion and sediment control plan required under Section 16-39(b) shall contain, at a minimum, the following information:

(1) Name, address, and telephone number of the landowner and responsible parties.

(2) A legal description of the property proposed to be developed.

(3) A site map of existing site conditions on a scale of at least one inch equals 100 feet showing the site and immediately adjacent areas:

a. Site boundaries and adjacent lands which accurately identify site location;

b. Lakes, streams, wetlands, channels, ditches, and other watercourses on the site and adjacent lands;

c. Location of the 100-year floodplain/flood fringe and floodway;

d. Identification of the predominant soil types;

e. Location and general identification of the vegetative cover;

f. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;

g. Locations and dimensions of utilities, structures, roads, highways, and paving; and

h. Site topography at a contour interval not to exceed two feet.

(4) Plan of final site conditions. A plan of final site conditions at the same scale as the existing site map showing the site changes.

(5) Site construction plan. A site construction plan including:

a. Location and dimensions of all proposed land disturbing construction or land developing activities;

b. Locations and dimensions of all temporary soil or dirt stockpiles;

c. Performance standards applicable to the site;

d. Proposed best management practices with installation details;

e. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this chapter;

f. Schedule of anticipated starting and completion date of each land disturbing construction or land developing activity, including the installation of construction site erosion control measures needed to meet the requirements of this article; and

g. Provisions for maintenance of the construction site erosion control measures during construction.

(6) Submittal of all soil loss prediction tool results and iterations.

(b) *Erosion and sediment control plan statement.* For each construction site identified under Section 16-34(a)(1), (3) and (4), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Administering Authority. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of this chapter. A site map shall also accompany the erosion and sediment control plan statement. Further, it shall also include the best management practices that will be used to meet the requirements of this article, including the site development schedule.

(c) *Amendments.* The applicant shall amend the erosion and sediment control plan if any of the following occur:

(1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.

(2) There is a change in construction schedule which will impact the duration the construction site is not temporarily or permanently restored.

(3) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.

(4) The Administering Authority notifies the applicant of changes that are required in the erosion and sediment control plan.

(d) *Alternate requirements.* The Administering Authority may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than one acre of disturbance.
(Code 1984, § 34.11)

Sec. 16-42. Fee schedule.

The fees referred to in other sections of this article shall be established by the Administering Authority and may from time to time be modified by resolution. A schedule of the fees established by the Administering Authority shall be available for review in the Department of Public Works - Engineering or Planning/Building Inspection Department.
(Code 1984, § 34.12)

Sec. 16-43. Inspection.

If land disturbing construction activities are occurring without a permit required by this article, the Administering Authority may enter the land pursuant to the provisions of Wis. Stats. § 66.0119(1), (2), and (3).
(Code 1984, § 34.13)

Sec. 16-44. Enforcement.

(a) *Building, site development, and services not included in a public works contract.*

(1) The Administering Authority may post a stop-work order if any of the following occur:

a. Any land disturbing construction activity or land developing activity regulated under this article is occurring without a permit;

b. The erosion and sediment control plan is not being implemented in a good faith manner; or

c. The conditions of the permit are not being satisfied.

(2) If the permittee, responsible party or individual performing the land disturbing activity does not cease the activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions within five days, the Administering Authority shall revoke the permit.

(3) If the landowner or land user, responsible party or individual performing the land disturbing activity, where no permit has been issued or the permit has been revoked, does not cease the activity within five days after being notified by the Administering Authority, or if a responsible party violates a stop-work order posted under subsection (a)(1) of this section, the Administering Authority shall request the City Attorney to obtain a cease and desist order.

(4) The Administering Authority or the Improvement and Service Committee may retract the stop-work order under subsection (a)(1) of this section or the permit revocation under subsection (a)(2) of this section.

(5) Five days after posting a stop-work order under subsection (a)(1) of this section, the Administering Authority may issue a notice of intent to the permittee, landowner, land user or responsible party of the Administering Authority's intent to perform work necessary to comply with this article. The Administering Authority may go on the land and commence the work after 14 days from issuing the notice of intent. The costs of the work performed by the Administering Authority, plus interest, shall be billed to the permittee, landowner, land user or responsible party. In the event a permittee, landowner, land user or responsible party fails to pay the amount due, the City Clerk shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to Wis. Stats. § 66.0703.

(6) Any person violating any of the provisions of this chapter may be subject to forfeiture of not less than $50.00 nor more than $500.00 and the costs of prosecution of each violation. Each day a violation exists shall constitute a separate offense.

(7) Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction, abatement of nuisance, or other available and appropriate remedies. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

(8) No building occupancy permit may be issued if any provision herein is not complied with.

(b) *Right-of-way and public utility easements; public works contract.*

(1) The Administering Authority shall order construction halted if:

a. The activity regulated under this chapter is undertaken without a permit;

b. The erosion and sediment control plan is not being implemented in a good faith manner; or

c. The conditions of the permit are not being met.

(2) After the Administering Authority notifies the offender of noncompliance, the Director shall take whatever steps are necessary to enforce the erosion and sediment control plan, including, but not limited to, having the permittee make corrections, using its own forces, or engaging other contractors. The cost of such work by other contractors or City forces, plus interest, shall be billed to the permittee.

(Code 1984, § 34.14)

Sec. 16-45. Appeals.

(a) *Improvement and Service Committee.* The Improvement and Service Committee:

(1) Shall hear and decide appeals for all sites where it is alleged that there is error in any order, decision or determination made by the Administering Authority in administering this article except for cease and desist orders obtained under Section 16-44(a)(3).

(2) May authorize, upon appeal, variances from the provisions of this article which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.

(3) Shall use the rules, procedures, duties and powers authorized in hearing and deciding appeals and authorizing variances.

(4) Shall forward its recommendation to the Common Council for final action.

(b) *Who may appeal.* Appeals to the Improvement and Service Committee may be taken by any aggrieved applicant, permittee, landowner, land user, person or by any office, department, board, or bureau of the City of Green Bay affected by any order, decision or determination made by the Administering Authority in administering this article.

(c) *Request for appeal.* A written notice to the Director of Public Works shall be made requesting the appeal to be heard by the Improvement and Service Committee.

(Code 1984, § 34.15)

Secs. 16-46—16-75. Reserved.

ARTICLE III. STORMWATER MANAGEMENT

Sec. 16-76. Authority.

(a) The ordinance from which this article is derived is adopted by the City of Green Bay pursuant to its police powers and under the authority granted by Wis. Stats. § 62.234. This article supersedes all conflicting and contradictory stormwater management regulations previously enacted under Wis. Stats. § 62.23. Except as specifically provided for in Wis. Stats. § 62.234, the provisions of Wis. Stats. § 62.23 apply to this article and to any amendments to this article.

(b) The provisions of this article are deemed not to limit any other lawful regulatory powers of the same governing body.

(c) The City of Green Bay hereby designates the Director of Public Works to have the Administering Authority to administer and enforce the provisions of this article.

(d) The requirements of this article do not preempt more stringent stormwater management requirements that may be imposed by any of the following:

(1) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under Wis. Stats. §§ 281.16 and 283.33.

(2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Wis. Admin. Code § NR 151.004.

(Code 1984, § 30.01)

Sec. 16-77. Findings of fact.

The City of Green Bay finds that uncontrolled stormwater runoff from land development activity has a significant impact upon water resources and the health, safety, and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction land development activity runoff can:

(1) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing pollutant loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(4) Reduce the quality of groundwater by increasing pollutant loadings.

(5) Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainageways and other minor drainage facilities.

(6) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes.

(7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

(Code 1984, § 30.02)

Sec. 16-78. Purpose and intent.

(a) *Purpose.* The purpose of this article is to establish long-term stormwater management requirements and criteria that will prevent and control water pollution and diminish the threats to public health, safety, welfare, and aquatic environment life due to runoff of stormwater from development or redevelopment. Specific purposes are to:

(1) Further the maintenance of safe and healthful conditions.

(2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve groundcover and scenic beauty; and promote sound economic growth.

(3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(b) *Intent.*

(1) It is the general intent of the City of Green Bay that this article achieves its purpose through:

a. Regulating long-term, post land development activity stormwater discharges to waters of the state and the U.S.

b. Controlling the quantity, peak flow rates, and quality of stormwater discharges from land development activities.

(2) It is more fully the intent of the City of Green Bay to provide services to maintain and enhance the quality of life within the community. To this end, the City of Green Bay will manage stormwater to protect, maintain, and enhance the natural environment, diversity of fish and wildlife, human life, property, and recreational use of waterways within the City of Green Bay area.

(3) This article may be applied on a site-by-site basis.

(4) The City of Green Bay recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this article is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Wis. Stats. § 281.16, for regional stormwater management measures and have been approved by the Common Council, it is the intent of this article that the approved plan be used to identify post-construction management measures acceptable for the community.

(Code 1984, § 30.03)

Sec. 16-79. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administering Authority means the governmental employee designated by the City of Green Bay to administer this article. The Director of Public Works has been designated to have the authority to administer this article, pursuant to Section 16-76(c).

Agricultural activity area means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.

Agricultural facilities and practices has the meanings given in Wis. Stats. § 281.16(1).

Agricultural production area means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

Applicant means any landowner, land user, their agent, assignee, or contractor responsible for submitting and carrying out the requirements of this article. The term "applicant" shall also mean any subsequent landowner to whom this article applies.

Average annual rainfall means a typical year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a Department publication for the location closest to the municipality. For purposes of this article, average annual rainfall means measured precipitation in Green Bay, Wisconsin between March 29 and November 25, 1969.

Best management practice or *BMP* means structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

Business day means a day that offices of the City of Green Bay are routinely and customarily open for business.

Cease and desist order means a court-issued order to halt land developing or disturbing activity that is being conducted without the required permit or in violation of a permit issued by the City of Green Bay.

Combined sewer system means a system for conveying both sanitary sewage and stormwater runoff.

Common plan of development or sale means all lands included within the boundary of a certified survey or subdivision plat created for the purpose of development or sale of property where multiple separate and distinct land developing activity may take place at different times and on different schedules.

Connected imperviousness means an impervious surface connected to the waters of the state or the U.S. via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

Construction site means an area upon which one or more land disturbing activities occur, including areas that are part of a larger common plan of development or sale.

Design rainfall event means a discrete rainstorm characterized by a specific duration, rainfall intensity, and return frequency.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall. The TR-55, Type II, 24-hour design storms for the City of Green Bay are: one-year, 2.2 inches; two-year, 2½ inches; five-year, 3.3 inches; ten-year, 3.8 inches; 25-year, 4.4 inches; and 100-year, 5.3 inches.

Development district means one of three districts that make up the City of Green Bay to promote development in a prioritized fashion according to projected population and land use needs as established by General Ordinance 17-90, and found in Section 36-97.

Direct conduit to groundwater means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharge to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

Discharge volume means the quantity of runoff discharged from the land surface as the result of a rainfall event.

Division of land means the creation from one parcel of two or more parcels or building sites of 20 or fewer acres each in areas where such creation occurs at one time or through the successive partition within a five-year period.

Effective infiltration area means the area of the infiltration system that is used to infiltrate runoff, and does not include the area used for site access, berms or pretreatment.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Exceptional resource waters means waters listed in Wis. Admin. Code § NR 102.11.

Existing land use condition means the condition of the proposed development site and the adjacent properties that are present at the time of the stormwater permit application. The term "existing land use condition" applies only for the purpose of properly sizing stormwater detention facilities per Section 16-81(c) and properly sizing stormwater conveyance systems in accordance to the requirements of this article per Section 16-81(c).

Fee in lieu means a payment of money to the City of Green Bay in place of meeting all or part of the stormwater performance standards required by this article.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

Financial guarantee means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City of Green Bay by the responsible party to ensure that requirements of this article are carried out in compliance with the stormwater management plan.

Future proposed land use or post-development conditions means any proposed land alterations or disturbances, including, but not limited to, removal of vegetative cover, excavating, filling/grading, construction of buildings, roads, parking lots, paved storage areas, and similar facilities.

Governing body means the Common Council.

Gross aggregate area means the total area, in acres, of all land located within the property boundary containing the land development activity.

Groundwater enforcement standard means a numerical value expressing the concentration of a substance in groundwater, which is adopted under Wis. Stats. § 160.07, and Wis. Admin. Code § NR 140.10, or Wis. Stats. § 160.09, and Wis. Admin. Code § NR 140.12.

Groundwater preventive action limit means a numerical value expressing the concentration of a substance in groundwater that is adopted under Wis. Stats. § 160.15 and Wis. Admin. Code § NR 140.12 or 140.20.

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, swimming pools, ponds, decks, sidewalks, driveways, gravel and paved parking lots and streets are examples of areas that typically are impervious.

In-fill area means an undeveloped area of land located within an existing urban sewer service area surrounded by development or development and natural or manmade features where development cannot occur.

Infiltration means the process by which rain, precipitation or surface runoff enters or penetrates into or through the underlying soil.

Infiltration system means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

Karst feature means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

Land development activity means any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. The term "land development activity" does not include agricultural cropping activities.

Land disturbing construction activity or disturbance means any manmade 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 activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.

Maintenance agreement means a legal document that is filed with the County Register of Deeds as a property deed restriction and which provides for long-term maintenance of stormwater management practices.

Maximum extent practicable or *MEP* means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this article which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

Natural wetlands means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include existing, mitigation and restored wetlands.

New development means that portion of a post-construction site where impervious surfaces are being created or expanded. Any disturbance where the amount of impervious area for the post-development condition is greater than the pre-development condition is classified as new development. For purposes of this article, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications, as appropriate.

Non-stormwater discharge means a discharge to the storm sewer system created by some process other than the runoff from precipitation.

Nonstructural measure means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in stormwater that does not require the design or installation of fixed stormwater management facilities.

Off-site means lands located outside the property boundary described in the permit application for land development activity.

On-site means lands located within the property boundary described in the permit application for land development activity.

Ordinary high water mark has the meaning given in Wis. Admin. Code § NR 115.03.

Other than residential development means development of the following land uses: commercial, industrial, government and institutional, recreation, transportation, communication, and utilities.

Outstanding resource waters means waters listed in Wis. Admin. Code § NR 102.10.

Peak flow discharge rate means the maximum rate at which a unit volume of stormwater is discharged.

Performance security means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City of Green Bay by the permit holder to ensure that requirements of this article are carried out in compliance with the stormwater management plan.

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 City of Green Bay to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Permit administration fee means a sum of money paid to the City of Green Bay by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

Pervious surface means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

Pollutant has the meaning given in Wis. Stats. § 283.01.

Pollution has the meaning given in Wis. Stats. § 281.01.

Post-construction site means a construction site following the completion of land disturbing construction activity and final site stabilization.

Post-construction stormwater discharge means any stormwater discharged from a site following the completion of land disturbing construction activity and final site stabilization.

Post-development land use condition means the extent and distribution of land cover types, anticipated to occur under conditions of full development that will influence precipitation runoff and infiltration. See also *Future proposed land use condition.*

Pre-development land use condition means land which has runoff characteristics equivalent to runoff curve numbers (CNs) of 30, 58, 71, and 78 for hydrologic soil groups A, B, C, and D, respectively, or runoff coefficients 0.10, 0.13, 0.17, 0.21 for hydrologic soil groups A, B, C, and D, respectively, if the Rational Method is being used. This term is used for the purpose of matching of pre- and post-development stormwater peak flows and volumes as required by this article, pursuant to Section 16-81(b). See also *Existing land use condition.*

Pre-treatment means the treatment of stormwater prior to its discharge to wetlands, infiltration practices or the primary stormwater treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.

Preventative action limit has the meaning given in Wis. Admin. Code § NR 140.05.

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.

Public drainage system means all facilities owned and operated by the City of Green Bay, Brown County or the Wisconsin Department of Transportation for the purpose of collecting, conveying, storing, treating and properly disposing of stormwater runoff.

Redevelopment means areas where development is replacing older development.

Residential land development means that which is created to house people, including the residential dwellings as well as all affected portions of the development, including lawns, driveways, sidewalks, garages, and access streets. This type of development includes single-family, multifamily, apartments, and trailer parks.

Responsible party means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.

Routine maintenance means that portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower half of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower half of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed. For purposes of this article, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications, as appropriate.

Runoff means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Separate storm sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catchbasins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

(1) Is designed or used for collecting water or conveying runoff.

(2) Is not part of a combined sewer system.

(3) Is not draining to a stormwater treatment device or system.

(4) Is not part of a publicly-owned wastewater treatment works that provides secondary or more stringent treatment.

(5) Discharges directly or indirectly to waters of the state or the U.S.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

Site restriction means any physical characteristic that limits the use of a stormwater best management practice.

Stop work order means an order issued by the City of Green Bay that requires that all construction activity on the site be stopped.

Stormwater conveyance system means any method employed to carry stormwater runoff from a development to waters of the state. Examples of methods include swales, channels, and storm sewers.

Stormwater management measure means structural or nonstructural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

Stormwater management plan means a comprehensive plan that identifies and designs what actions will be taken to reduce stormwater quantity and pollutant loadings from the post-development land use condition to levels meeting the requirements of this article.

Stormwater management system plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Stormwater runoff means that portion of precipitation that does not soak into the soil and flows off the surface of the land and into the natural or artificial conveyance network.

Technical standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Top of the channel means an edge, or point on the landscape, landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet, landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.

TR-55 means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under Wis. Stats. § 85.095(1)(b). The term "transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to Wis. Stats. § 281.33.

Type II distribution means a rainfall type curve as established in the United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

Urban expansion district means those areas of the City which are located on the fringe of the Urban Service District and are already partially served and/or fully served with minimal additional facilities expansion and is delineated on the City development district map approved by ordinance dated December 1990.

Urban reserve district means those areas of the City in which land divisions are not allowed due to their distance from the urbanized and serviced areas of the City and is delineated on the City development district map approved by ordinance dated December 1990.

Urban service district means those areas of the City in which infilling is encouraged because they are already fully serviced by urban facilities, are within one mile of an existing neighborhood park, and are within the City's developable areas as designated in the Comprehensive Plan, and is delineated on the City development district map approved by ordinance dated December 1990.

Waters of the state has the meaning given in Wis. Stats. § 281.01(18).

WPDES means Wisconsin Pollutant Discharge Elimination System.

WPDES stormwater permit means a permit issued by the Wisconsin Department of Natural Resources under Wis. Stats. § 147.021, that authorizes the point source discharge of stormwater to waters of the state and is regulated by Wis. Admin. Code Ch. NR 216 (Stormwater discharge permit). (Code 1984, § 30.04)

Sec. 16-80. Applicability and jurisdiction.

(a) *Applicability.* This article applies to land development, land disturbance or land disturbing construction activities that meet the applicability criteria specified in this section. This article also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development or sale that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules.

(1) Residential land development with a gross aggregate area of one acre or more;

(2) Residential land development with a gross aggregate area less than one acre, if there is at least 0.25 acre of impervious surfaces;

(3) Land development, other than a residential land development, with a gross aggregate area of one-half acre or more; or

(4) In the opinion of the City of Green Bay is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(b) *Jurisdiction.* This article applies to land development, land disturbance or land disturbing construction activities within the boundaries of the City of Green Bay.

(c) *Exclusions.* This article is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1).

(d) *Waivers.* Requests to waive the stormwater management plan requirements shall be submitted to the Director of Public Works for approval. Waivers may be granted if it can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this article. (Code 1984, § 30.05)

Sec. 16-81. Stormwater management performance standards.

(a) *Responsible party.* The landowner or the post-construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain post-construction stormwater BMPs is the responsible party and shall comply with this article.

(b) *Stormwater management plan.* The responsible party shall develop and implement a written post-construction stormwater management plan that incorporates the requirements of this section.

(c) *Development districts.* All land development activities shall conform to stormwater management standards established for the development district within which the development occurs.

(d) *Maintenance of effort.* For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of Wis. Admin. Code Ch. NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of Wis. Admin. Code §§ NR 151.122 through 151.125, or the City of Green Bay stormwater standards, whichever is more stringent.

(e) *Stormwater discharge quantity.* Unless otherwise provided for in this article, all land development activities subject to this article shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site as described in this article. The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or land disturbance. Infiltration of stormwater runoff shall be in accordance with Wis. Admin. Code Ch. NR 151 and WDNR technical standards.

(1) On-site management practices shall be used to meet the minimum performance standards for each development district as described in the applicable subsection below.

a. All developments less than five acres in size in the Urban Service District shall not increase peak flow rates of stormwater runoff from that which would have resulted from the same storm occurring over the site with the land in its existing land use conditions for design rainfall events with recurrence intervals of two, ten, and 100 years. The Director of Public Works may require more stringent or less stringent criteria if it has been determined that the downstream storm sewers can or cannot handle the runoff from the site.

b. All developments five acres or more in the Urban Service District shall be subject to the criteria described in subsection (e)(1)c of this section. The Director of Public Works may require more stringent or less stringent criteria if it has been determined that the downstream storm sewers can or cannot handle the runoff from the site.

c. All proposed land developments in the Urban Reserve and Urban Expansion Districts shall not increase peak flow rates of stormwater runoff from that which would have resulted from the same storm occurring over the site with the land in its pre-development land use conditions for design rainfall events with recurrence intervals of two,

ten, and 100 years. The Director of Public Works may require more stringent or less stringent criteria if it has been determined that the downstream storm sewers can or cannot handle the runoff from the site.

(2) All stormwater conveyance systems within the proposed development of all development districts and receiving surface runoff from the proposed development shall be designed to completely contain peak storm flows as described in subsections (b)(2)a and b of this section. Calculations for determining peak flows for conveyance system sizing shall be based on the existing or future proposed land use conditions for off-site areas (whichever results in the highest peak flows), and the future proposed land use conditions for the on-site areas.

a. For publicly-owned or maintained open channel conveyance systems, the peak flow from the 25-year storm shall be completely contained within the channel bottom and banks.

b. For publicly-owned or maintained storm sewer pipes, the peak flow from the ten-year storm shall be completely contained within the pipes with no surcharging or pressurized flow.

c. Private storm sewer pipes shall be constructed to contain the peak flow from the five-year storm with no surcharging or pressurized flow.

(3) Determination of peak flow rates and volume of runoff for purposes of meeting the requirements of subsections (e)(1) and (2) of this section shall be computed by procedures based on the principles and procedures approved by the Director of Public Works.

(4) The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.

(5) An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of non-erosive discharge velocities and reasonable downstream conveyance.

(6) All discharges will be restricted to public drainage systems (including storm sewers and ditches) or to waters of the state or the U.S. It shall be the responsibility of the applicant to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water from the proposed development onto private lands.

(7) Increases or decreases in the hydrology of natural wetlands shall be minimized to the extent practical. Where such changes are proposed, the impact of the proposal on wetland shall be assessed and meet the requirements of Wis. Admin. Code Ch. NR 103.

(8) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(f) *Stormwater discharge quality.* Unless otherwise provided for in this article, all land development activities subject to this article shall establish on-site management practices to control the quality of stormwater discharged from the site. The amount of total suspended solids control previ-

ously required for the site shall not be reduced as a result of the proposed development or land disturbance. On-site management practices shall be used to meet the following minimum standard established for each development district:

(1) Stormwater management measures in the Urban Expansion District and Urban Reserve District shall be designed to remove on an average annual basis a minimum of 80 percent of the total suspended solids load from the proposed on-site development when compared to the proposed on-site development without stormwater management measures. The effectiveness of the stormwater management measures shall be evaluated using criteria provided by the Director of Public Works.

(2) Stormwater management measures in the Urban Service District less than five acres shall be designed to remove on an average annual basis a minimum total suspended solids load of 40 percent for redevelopment sites and a minimum of 80 percent for new development from the proposed on-site development when compared to the proposed on-site development without stormwater management measures. The effectiveness of the stormwater management measures shall be evaluated using criteria provided by the Director of Public Works.

(3) The Director of Public Works may require stormwater management measures in the Urban Service District for developments five acres or greater to be designed to remove on an average annual basis a minimum of 80 percent of the total suspended solids load from the proposed on-site development when compared to the proposed on-site development without stormwater management measures. The effectiveness of the stormwater management measures shall be evaluated using criteria provided by the Director of Public Works.

(4) Discharge of urban stormwater pollutants to natural wetlands shall have pretreatment and vegetative buffers, unless otherwise exempted by the Director of Public Works.

(5) Infiltration of stormwater runoff shall be in accordance with Wis. Admin. Code Ch. NR 151 and WDNR technical standards. When infiltration basins, bio-filtration or bio-infiltration basins or other such practices are proposed as a BMP for the site, a soils investigation following WDNR technical standard 1002 shall be prepared.

(6) Stormwater discharges shall have pretreatment prior to infiltration to prolong maintenance of the infiltration practice and to prevent discharge of stormwater pollutants at concentrations that will result in exceedance of groundwater preventive action limits or enforcement standards established by the Department of Natural Resources in Wis. Admin. Code Ch. NR 140. Stormwater infiltration is prohibited under the following circumstances:

   a. Stormwater generated from highly contaminated source areas at manufacturing industrial sites;

   b. Stormwater carried in a conveyance system that also carries contaminated, non-stormwater discharges; or

   c. Stormwater generated from active construction sites.

(7) Petroleum products in runoff from gas pump areas and vehicle maintenance areas shall be controlled with a properly designed and maintained oil and grease separator, or other equivalent practice. The structure or practice shall remove all visible sheen from the runoff prior to discharge to waters of the state, the U.S., or the City's storm sewer system. A combina-

tion of the following BMPs or others may be used, maintained with appropriate documentation: canopies, oil and grease separator, petroleum spill cleanup materials, or any other structural or nonstructural method of preventing or treating petroleum in runoff.

(8) Stormwater ponds and infiltration devices shall not be located closer to water supply wells than indicated below without first notifying the Director of Public Works.

a. 100 feet from a private or transient non-public water supply well;

b. 1,200 feet from a municipal water supply well; or

c. The boundary of a recharge area to a well identified in a well head area protection plan.

(9) The amount of total suspended solids control previously required for the site shall not be reduced as a result of the proposed development or disturbance.

(10) Pollutant loading models such as SLAMM, P8 or equivalent methodology shall be used to evaluate the efficiency of the design in reducing total suspended solids.

(11) If the design cannot achieve the applicable total suspended solids reduction specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.

(12) More or less stringent treatment limits may be required at the discretion of the Director of Public Works.

(13) The maximum extent practicable applies when a person who is subject to a performance standard of this article demonstrates to the City of Green Bay's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making this assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

(g) *Technical standards.* The following methods shall be used in designing and maintaining the water quality, peak discharges and infiltration, protective area, and fueling/vehicle maintenance components of stormwater practices needed to meet the water quality standards of this article:

(1) Consistent with the technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Subch. V of Wis. Admin. Code Ch. NR 151 (Wis. Admin. Code §§ 151.30—151.32) and as modified herein:

a. Interior pond slopes shall be 4:1.

b. Top of berm shall be ten feet wide unless analysis is shown that a lesser width is acceptable to withstand saturated soil pressure.

(2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the City of Green Bay.

(h) *Protective areas.* Stormwater runoff through and around protective areas shall be in conformance with Wis. Admin. Code Ch. NR 151.

(1) In this section, protective area does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.

a. For outstanding resource waters and exceptional resource waters: 75 feet.

b. 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.

c. For lakes: 50 feet.

d. For highly susceptible wetlands: 75 feet. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins.

e. For less susceptible wetlands: ten percent of the average wetland width, but no less than ten feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass, cultivated hydric soils; and any gravel pits, or dredged materials or fill material disposal sites that take on the attributes of a wetland.

f. For wetlands not subject to subsections (h)(1)d or e of this section: 50 feet.

g. In subsections (h)(1)a, d and e of this section, determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Wis. Admin. Code § NR 103.03.

h. For concentrated flow channels with drainage areas greater than 130 acres: ten feet.

(2) Wetland boundary delineation shall be made in accordance with current Wisconsin Department of Natural Resources procedures. This subsection does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

(3) Subsection (f) of this section applies to post-construction sites located within a protective area, except those areas exempted pursuant to subsection (h)(6) of this section.

(4) The following requirements shall be met:

a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the stormwater management plan shall contain a written, site-specific explanation.

b. 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 where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to

provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

c. Best management practices such as filter strips, swales, or wet detention basins that are designed to control pollutants from non-point sources may be located in the protective area.

(5) A protective area established or created after the adoption date (July 19, 2016) of the ordinance from which this article is derived shall not be eliminated or reduced, except as allowed in subsection (h)(6)c, d, or e of this section.

(6) Exemptions. The following areas are not required to meet the protective area requirements of subsection (f) of this section:

a. Redevelopment and routine maintenance areas, provided the minimum requirements within in subsection (h)(5) of this section are satisfied.

b. In-fill development areas less than five acres.

c. Structures that cross or access surface waters such as boat landings, bridges and culverts.

d. Structures constructed in accordance with Wis. Stats. § 59.692.

e. Areas of post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative groundcover is necessary to maintain bank stability.

(i) *General considerations for stormwater management measures.* The following considerations shall be observed in on-site and off-site runoff management:

(1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

(2) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(j) *BMP location.*

(1) To comply with the performance standards required under this section, BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system, but shall be installed in accordance with Wis. Admin. Code § NR 151.003.

(2) The Administering Authority may approve off-site management measures, provided that all of the following conditions are met:

a. The administrating authority determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the City of Green Bay and that contains management requirements consistent with the purpose and intent of this article.

b. The off-site facility meets all of the following conditions:

1. The facility is in place.

2. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this article.
3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(k) *Exceptions.* The Director of Public Works may waive the minimum requirements for on-site stormwater management practices established in subsections (e) and (f) of this section upon written request of the applicant, in which a site-specific explanation as to why that level of reduction is not attained and the total solids load shall be reduced to the maximum extent practicable, and provided that at least one of the following conditions applies:

(1) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Director of Public Works and that is required to be implemented by local ordinance.

(2) Provisions are made to manage stormwater by an off-site facility. This requires that the off-site facility is in place, is designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices meeting the requirements of this article, and has a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.

(3) The Director of Public Works finds that meeting the minimum on-site management requirements is not technically feasible due to site restrictions.

(4) This article does not apply to redevelopment projects that result in no net increase in impervious area and does not have exposed parking lots or roads.

(l) *Additional requirements.* The Administering Authority may establish stormwater management requirements more stringent than those set forth in this article if the Administering Authority determines that the requirements are needed to control stormwater quantity or control flooding, due to, but not limited to, insufficient downstream system capacity, potential erosion of stream channels, or impacts on flood stages, and to comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

(m) *Fee in lieu of on-site stormwater management practices.* Where the Director of Public Works waives all or part of the minimum on-site stormwater management requirements under subsection (k)(3) of this section, or where the waiver is based on the provision of adequate stormwater facilities provided by the City of Green Bay downstream of the proposed development, as provided for under subsection (k)(2) of this section, the applicant shall be required to pay a fee in an amount determined in negotiation with the City of Green Bay. In setting the fee for land development projects, the City of Green Bay shall consider an equitable distribution of the cost of land, engineering design, and construction.
(Code 1984, § 30.06)

Sec. 16-82. Permitting requirement and procedures and fees.

(a) *Permit required.* No landowner, land operator or responsible party may undertake a land disturbing or land development activity subject to this article without receiving a permit from the Director of Public Works prior to commencing the proposed activity.

(b) *Permit application and fee.* Unless specifically excluded by this article, any landowner operator or responsible party desiring a permit shall submit to the Director of Public Works a permit application made on a form provided by the City of Green Bay for that purpose.

(1) Unless otherwise exempted or excluded by this article, a permit application must be accompanied by the following in order for the permit application to be considered by the Director of Public Works:

a. A stormwater management plan;

b. A maintenance plan and a maintenance agreement;

c. Any easements which may be required;

d. A copy of plans and specifications for all stormwater facilities;

e. Certification by a professional engineer;

f. Any payment of a fee-in-lieu, as provided for under Section 16-81(m);

g. A nonrefundable permit administration fee; and

h. Performance securities, if applicable by subsection (d) of this section.

(2) The stormwater management plan shall be prepared to meet the requirements of Section 16-83 and the maintenance agreement shall be prepared to meet the requirements of Section 16-84.

(3) Fees shall be those established by the Director of Public Works and billed to the applicant for actual expenses charged by the City or its consultant to review the stormwater management plan. Fees may, from time to time, be reviewed and modified by resolution.

(c) *Review and approval of permit application.* The Director of Public Works shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(1) Within 30 business days of the receipt of a complete permit application, including all documents as required by subsection (b)(1) of this section, the Director of Public Works shall inform the applicant whether the application, stormwater management plan, maintenance agreement and easements are approved or disapproved based on the requirements of this article. The Director of Public Works shall base the decision on requirements set forth in Sections 16-81, 16-83, and 16-84.

(2) If the stormwater permit application, stormwater management plan, maintenance agreements and easements are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the Director of Public Works shall issue the permit.

(3) If the stormwater permit application, stormwater management plan, maintenance agreements or easements are disapproved, the City of Green Bay shall detail in writing the reasons for disapproval. The applicant may revise the stormwater management plan or agreement, or may appeal the decision to the Improvement and Service Committee as provided for in Section 16-86.

(4) If additional information is submitted, the Director of Public Works shall have 30 business days from the date the additional information is received to inform the applicant that the application, plan, maintenance agreement and easements are either approved or disapproved.

(5) Failure by the Director of Public Works to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed disapproval of the submittal.

(d) *Practice installation and maintenance performance security.* The Director of Public Works may, at their discretion, require the submittal of a performance security prior to issuance of the permit in order to ensure that the stormwater practices are installed and maintained by the permit holder as required by the stormwater management plan. The Director of Public Works shall determine the amount of the performance security. The performance security shall not exceed the total estimated construction cost of the stormwater management practices approved under the permit, plus 15 percent. The amount of the maintenance performance security shall be determined by the Director of Public Works not to exceed the maintenance costs estimated in the stormwater plan for the period during which the permit holder has maintenance responsibility. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. Conditions for the release of performance security are as follows:

(1) The installation performance security shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer in the State of Wisconsin that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this article. The Director of Public Works may make provisions for a partial pro rata release of the performance security based on the completion of various development stages.

(2) The maintenance performance security, minus any costs incurred by the City of Green Bay to conduct required maintenance, shall be released at such time that the responsibility for practice maintenance is passed on to another private entity via an approved maintenance agreement or to the City of Green Bay.

(e) *Permit conditions.* All permits issued under this article shall be subject to the following conditions, and holders of permits issued under this article shall be deemed to have accepted these conditions. The Director of Public Works may suspend or revoke a permit for violation of a permit condition upon written notification to the permittee, landowner or responsible party. An action by the Director of Public Works to suspend or revoke this permit may be appealed in accordance with Section 16-86.

(1) Compliance with this permit does not relieve a permittee of the responsibility to comply with other applicable federal, state, and local laws and regulations.

(2) A permittee, landowner or responsible party shall design, install, inspect and maintain all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan, maintenance agreement, and this permit.

(3) A permittee, landowner or responsible party shall notify the Director of Public Works at least two business days before commencing any work in conjunction with the stormwater management plan and within five business days upon completion of the stormwater management practices. If required as a special condition, the permittee, landowner or responsible party shall make additional notification according to a schedule set forth by the Director of Public Works so that practice installations can be inspected during construction.

(4) Practice installations required as part of this article shall be certified as-built by a Wisconsin licensed professional engineer.

(5) Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and this article. The Director of Public Works or other competent professionals identified by the Director of Public Works must make the inspection. The Director of Public Works shall notify a permittee, landowner or responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of the permit. A permittee, landowner or responsible party is further required to submit a certificate of completion, stating the completion of the permitted work in accordance with the plans, City of Green Bay, state and federal requirements. The certificate must be signed by the permittee, the contractor and the design engineer.

(6) A permittee, landowner or responsible party shall submit any proposed modifications to an approved stormwater management plan in writing to the Director of Public Works at least 30 days prior to execution. The Director of Public Works may require that a proposed modification be submitted as an original permit application for approval prior to incorporation into the stormwater management plan and execution.

(7) A permittee, landowner or responsible party shall maintain all stormwater management practices specified in the approved stormwater management plan until the practices either become the responsibility of the City of Green Bay or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(8) The responsible party authorizes the Director of Public Works to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Subch. VII of Wis. Stats. Ch. 66 (Wis. Stats. § 66.0701 et seq.), or to charging such costs against the financial guarantee posted under subsection (d) of this section.

(9) If so directed by the Director of Public Works, a permittee, land owner or responsible party shall repair, at the permittee's own expense, all damage to adjoining municipal facilities and drainageways caused by stormwater runoff where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

(10) A permittee, landowner or responsible party shall permit property access to the Director of Public Works for the purpose of inspecting the property for compliance with the approved stormwater management plan and the permit.

(11) Where a stormwater management plan involves change in direction of some or all runoff off of a site, increases in peak rate and/or total volume of runoff from the site, it shall be the responsibility of the permittee to obtain from adjacent property owners any easements or other necessary property interests concerning the prevention of endangerment to property or public safety and flowage of water per Section 16-81(e)(6). Issuance of this permit does not create or affect any such rights.

(12) A permittee is subject to the enforceable actions detailed in Section 16-85 if the permittee fails to comply with the terms of a permit.

(13) Additional requirements established.

(14) The permit applicant shall post the certificate of permit coverage in a conspicuous location at the construction site.

(f) *Permit duration.* Permits issued under this section shall be valid from the date of issuance through the date the Director of Public Works notifies the permittee that all stormwater management practices have passed the final inspection or the permit is suspended or revoked pursuant to Section 16-85(f).
(Code 1984, § 30.07)

Sec. 16-83. Stormwater management plans.

(a) *Plan requirements.* The stormwater management plan required under Section 16-82 shall contain any such information the Director of Public Works may need to evaluate the environmental characteristics of the area affected by land development activity, the potential impacts of the proposed development upon the quality and quantity of stormwater discharges, the potential impacts upon the area's water resources and drainage utilities, and the effectiveness and acceptability of proposed stormwater management measures in meeting the performance standards set forth in this article. Unless specified otherwise by this article, stormwater management plans shall contain, at a minimum, the information described below:

(1) Name, address, e-mail address and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; persons responsible for installation of stormwater management practices; and persons responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.

(2) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(3) A narrative describing the existing site conditions (soils, topography, land use, protective areas, and environmentally sensitive areas).

(4) A narrative describing the proposed development, including what is going to be developed and the phasing (construction schedule) of the development from initial groundbreaking to final stabilization.

(5) 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.

(6) Results of investigations of soils and groundwater required for the placement and design of stormwater management measures.

(7) A discussion as to the analysis performed to achieve water quantity and quality standards, including a summary of results, the method of conveyance, and assumptions made.

(8) A discussion as to what short-term and long-term best management practices will be utilized during the course of construction and post-construction including a complete construction/ installation schedule.

(9) A statement that the selected BMP's are designed in accordance with WDNR Technical Standards. If they are not, a discussion as to how the design differs from the Technical Standard and the reason for the variance.

(10) Are there special construction, installation and short-term/long-term maintenance items that need to be considered for the life of each stormwater management practice proposed, if so, what are they and at what frequency are these items to be addressed.

(11) Calculations and data to support the final results. 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 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.

(12) Pre-development site map with property lines, disturbed limits, and drainage patterns, summary of impervious areas (parking lots, roofs, sidewalks, etc.) and pervious areas (lawns, ponds, swales, landscaping, etc.).

(13) One or more site maps at a scale of not less than one inch equals 40 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed two feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100-year floodplain; location of wells and well head protection areas covering the project area and delineated pursuant to Wis. Admin. Code Ch. NR 811.

(14) Post-development site map with property lines, disturbed limits, and drainage patterns.

a. Total area of disturbed impervious surfaces within the site.

b. Total area of new impervious surfaces within the site.

c. Performance standards applicable to site.

d. Proposed best management practices.

e. Groundwater, bedrock, and soil limitations.

f. One or more site maps at a scale of not less than one inch equals 40 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavements; post-construction topographic contours of the site at a scale not to exceed two feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainageway; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

(15) Separation distances. Stormwater management practices shall be adequately separated from wells to prevent contamination of drinking water. Explanation of any restrictions on stormwater management measures in the development area imposed by well head protection plans and ordinances.

(16) Plans, specifications, detailed drawings including, but not limited to, cross-sections and profiles of all permanent stormwater conveyance and treatment practices.

(17) Cost estimates for the construction, operation, and maintenance of each stormwater management practice.

(b) *Alternate requirements.* The Administering Authority may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 16-81(i) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

(c) *Engineer certification.* All site investigations, plans, designs, computations, and drawings shall be certified by a State of Wisconsin registered professional engineer to be prepared in accordance with accepted engineering practice and in accordance with criteria set forth by the Director of Public Works.

(d) *Exceptions.* The Director of Public Works may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 16-81.
(Code 1984, § 30.08)

Sec. 16-84. Maintenance agreement.

(a) *Maintenance agreement required.* The maintenance agreement required for stormwater management practices under Section 16-82(b) shall be an agreement between the City of Green Bay and the permittee, landowner or responsible party. The maintenance agreement shall be recorded as a property deed restriction with the County Register of Deeds so that it is binding upon all subsequent owners of land served by the stormwater management practices.

(b) *Agreement provisions.* The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 16-82(b)(1):

(1) Identification of the landowner, responsible party, or organization responsible for long-term maintenance of the stormwater management plan.

(2) Identification of the stormwater facilities and designation of the drainage area served by the facilities.

(3) Identification of the landowner, responsible party or organization responsible for long-term maintenance of the stormwater management practices in accordance with the stormwater practice maintenance provisions contained in the approved stormwater management plan submitted under Section 16-82(b).

(4) A schedule of regular maintenance of each facility or aspect of the stormwater management system consistent with the stormwater management plan.

(5) The Director of Public Works is authorized to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the approved stormwater management plan and maintenance agreement.

(6) The Director of Public Works shall maintain public records of the results of the site inspections, shall inform the landowner responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition and a reasonable time frame during which the corrective action must be taken.

(7) The Director of Public Works is authorized to perform the corrected actions identified in the inspection report if the landowner does not make the required corrections in the specified time period. The City of Green Bay shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subch. VII of Wis. Stats. Ch. 66 (Wis. Stats. § 66.0701 et seq.).

(c) *Termination of agreement.* The maintenance agreement shall be terminated at such time that responsibility for maintenance of the stormwater management practice is legally transferred to the City of Green Bay or agency acceptable to the City of Green Bay, through a written, binding agreement. The termination date of the maintenance agreement required under subsection (a) of this section shall be the date upon which the legal transfer of maintenance responsibility to the City of Green Bay or agency is made effective.
(Code 1984, § 30.09)

Sec. 16-85. Enforcement and penalties.

(a) Any land development activity initiated after the effective date of the ordinance from which this article is derived by any person, firm, association, or corporation subject to these provisions shall be deemed a violation unless conducted in accordance with said provisions.

(b) The Director of Public Works may issue a citation or a notice of violation of any noncomplying land disturbing construction activity or post-construction runoff in order to correct any violation of this article. A notice or violation shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.

(c) Upon receipt of written notification from the Director of Public Works, a permittee, landowner or responsible party shall correct work that does not comply with the stormwater management plan or other provisions of the permit within 30 days or a permittee, landowner or responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works in the notice.

(d) If the violations to a permit issued pursuant to this article are likely to result in damage to properties, public facilities, or waters of the state, the City of Green Bay may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City of Green Bay plus interest and legal costs shall be billed to the responsible party.

(e) The Director of Public Works may issue a stop work order on any land development or land disturbing activity in violation of this article, or to request the City Attorney to obtain a cease and desist order in any court with jurisdiction.

(f) The Director of Public Works may suspend or revoke a permit issued under this article for noncompliance with these provisions.

(g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Director of Public Works or by a court of competent jurisdiction.

(h) The Director of Public Works is authorized to refer any violation of this article, or a stop work order or cease and desist order issued pursuant to this article, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.

(i) Any person, firm, association, or corporation who does not comply with any provision of this article or order issued hereunder shall be subject to a forfeiture of not less than $50.00 nor more than $500.00 per offense, together with the costs of prosecution. Each day that a violation exists shall constitute a separate offense.

(j) When the Director of Public Works determines that a permittee has failed to follow practices set forth in the stormwater management plan submitted and approved pursuant to Section 16-82, or has failed to comply with schedules set forth in said stormwater management plan, the Director of Public Works or a party designated by the Director of Public Works may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Director of Public Works shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any performance or maintenance bond posted pursuant to Section 16-82(d). Where such a bond has not been established, or where such a bond is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

(k) Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction pursuant to Wis. Stats. § 62.23(8). It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

(l) Nothing in this article shall limit or exclude the City from taking any other action under any City municipal code, state statute, or other remedy allowed by law.
(Code 1984, § 30.10)

Sec. 16-86. Appeals.

(a) *Improvement and Service Committee.* The Improvement and Service Committee shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works in administering this article. The Improvement and Service Committee shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Improvement and Service Committee may authorize variances from the provisions of this article that are not contrary to the public interest, and where, owing to special conditions, a literal enforcement of this article will result in unnecessary hardship.

(b) *Who may appeal.* Any officer, department, board or bureau of the City of Green Bay or any aggrieved person affected by any decision of the Director of Public Works may appeal to the Improvement and Service Committee.

(c) *Time for appeal.* An appeal to the Improvement and Service Committee pursuant to subsection (a) of this section must be commenced by filing a written notice of appeal within 30 days of the order, decision or determination made by the Director of Public Works and to be reviewed.
(Code 1984, § 30.11)

Secs. 16-87—16-102. Reserved.

ARTICLE IV. ILLICIT DISCHARGE AND CONNECTION

Sec. 16-103. Authority.

(a) This article is adopted by the City of Green Bay pursuant to its police powers and under the authority granted by Wis. Stats. § 281.33. This article supersedes all conflicting and contradictory stormwater management regulations previously enacted under Wis. Stats. § 62.23. Except as specifically provided for in Wis. Stats. § 281.33, the provisions of Wis. Stats. § 62.23 apply to this article and to any amendments to this article.

(b) The provisions of this article are deemed not to limit any other lawful regulatory powers of the same governing body.

(c) The City of Green Bay hereby designates the Director of Public Works to have the Administering Authority to administer and enforce the provisions of this article.

(d) The requirements of this article do not preempt more stringent stormwater management requirements that are imposed by WPDES stormwater permits issued by the Department of Natural Resources under Wis. Stats. § 147.021.
(Code 1984, § 31.01)

Sec. 16-104. Findings of fact.

The City of Green Bay finds that polluted stormwater runoff from lands within the City of Green Bay has a significant impact upon water resources and the health, safety, and general welfare of the community. Specifically, polluted stormwater runoff can:

(1) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing loadings of nutrients and other urban pollutants.

(2) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(3) Reduce the quality of groundwater by increasing pollutant loads.

(4) Threaten public health, safety, property, and general welfare.

(5) Diminish the public enjoyment of natural resources.
(Code 1984, § 31.02)

Sec. 16-105. Purpose and intent.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the City of Green Bay through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and

state law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The objectives of this article are:

(1) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.

(2) To prohibit illicit connections and discharges to the MS4.

(3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this article.

(Code 1984, § 31.03)

Sec. 16-106. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administering Authority means the governmental employee designated by the City of Green Bay to administer this article. The Director of Public Works or their designee has been designated to have the authority to administer this article, pursuant to Section 16-103(c).

Authorized enforcement agency (AEA) means the City of Green Bay's Department of Public Works, employees or designees of the Director of Public Works are designated to enforce this article.

Best management practices (BMPs) means structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Business day means a day that offices of the City of Green Bay are routinely and customarily open for business.

Cease and desist order means a court-issued order to halt land developing activity that is being conducted without the required permit.

Contaminated stormwater means stormwater that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery in the source areas listed in Wis. Admin. Code Ch. NR 216.

Department or *DNR* means the Wisconsin Department of Natural Resources.

Discharge, as defined in Wis. Stats. Ch. 283, when used without qualification, includes a discharge on any pollutant.

Discharge of pollutant or discharge of pollutants, as defined in Wis. Stats. Ch. 283, means any addition of any pollutant to the waters of this state from any point source.

Discharge volume means the quantity of runoff discharged from the land surface as the result of a rainfall event.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, spilt, or otherwise managed.

Illicit connections means either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4, including, but not limited to, any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit discharge means any discharge to a municipal separate storm sewer system (MS4) that is not composed entirely of stormwater, except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, firefighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

Impervious surface means a surface that does not allow infiltration during precipitation events. Rooftops, sidewalks, parking lots, and street surfaces are examples of impervious surfaces.

Industrial activity means activities subject to WPDES industrial permits per Wis. Admin. Code Ch. NR 216 and Wis. Stats. Ch. 283.

Municipal separate storm sewer system (MS4), as defined in Wis. Admin. Code Ch. NR 216, means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catchbasins, curbs, gutters, ditches, constructed channels or storm drains, which meets all the following criteria:

(1) Is owned or operated by a municipality;

(2) Is designed or used for collecting or conveying stormwater;

(3) Is not a combined sewer conveying both sanitary and stormwater; and

(4) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

Municipality means any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes, stormwater or other wastes.

Natural wetlands means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include existing, mitigation and restored wetlands.

Non-stormwater discharge means a discharge to the MS4 created by some process other than the runoff from precipitation.

Outfall means the point at which stormwater is discharged to waters of the state or to a storm sewer.

Owner means any person holding fee title, an easement or other interest in property.

Pollutant, as defined in Wis. Stats. Ch. 283, means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, petroleum product (gasoline, kerosene, oil, diesel), antifreeze, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution, as defined in Wis. Stats. Ch. 283, means any manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

Pollution prevention means taking measures to eliminate or reduce pollution.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Private drainage system means all facilities which are not owned and operated by the City of Green Bay, Brown County or the Wisconsin Department of Transportation for the purpose of collecting, conveying, storing, treating and properly disposing of stormwater runoff.

Public drainage system means all facilities owned and operated by the City of Green Bay, Brown County or the Wisconsin Department of Transportation for the purpose of collecting, conveying, storing, treating and properly disposing of stormwater runoff.

Responsible party means an individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency, or that person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance who shall notify the department immediately of any discharge not exempted by law.

Stormwater means runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

Stormwater management plan/stormwater pollution prevention plan means documents which describe 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 stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse means a natural or artificial channel through which water flows. These channels include:

(1) All blue and dashed blue lines on the USGS quadrangle maps;

(2) All channels shown on the soil maps in the NRCS soils book for Brown County;

(3) All channels identified on the site; and

(4) New channels that are created as part of a development.

The term "watercourse" includes waters of the state as herein defined.

Waters of the state, as defined in Wis. Stats. Ch. 283, means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, 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 the State or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

Wisconsin Pollutant Discharge Elimination System (WPDES) stormwater discharge permit means a Wisconsin Pollutant Discharge Elimination System permit issued pursuant to Wis. Stats. Ch. 283.
(Code 1984, § 31.04)

Sec. 16-107. Applicability and jurisdiction.

This article shall apply to all water entering the MS4 generated on any lands within the boundaries of the City of Green Bay, unless explicitly exempted by an authorized enforcement agency.
(Code 1984, § 31.05)

Sec. 16-108. Responsibility for administration.

The Administering Authority and/or its agents shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the Administering Authority may be delegated in writing by the Director of the Administering Authority to persons or entities acting in the beneficial interest of or in the employ of the agency.
(Code 1984, § 31.06)

Sec. 16-109. Compatibility with other regulations.

This article is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
(Code 1984, § 31.07)

Sec. 16-110. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.
(Code 1984, § 31.09)

Sec. 16-111. Illicit discharges or connections.

(a) *Illicit discharges.*

(1) No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater.

(2) Allowed discharges.

a. Water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, and street wash water.

b. Discharges or flow from firefighting, and other discharges specified in writing by the Administering Authority as being necessary to protect public health and safety.

c. Discharges associated with dye testing; however, this activity requires a verbal notification to the Administering Authority and the Department of Natural Resources a minimum of one day prior to the time of the test.

d. Any non-stormwater discharge permitted under either a NPDES or a WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency or the Wisconsin Department of Natural Resources. Any person subject to either a NPDES or a WPDES stormwater discharge permit shall comply with all provisions of such permit.

(b) *Illicit connections.*

(1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(4) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the Administering Authority.

(5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Administering Authority requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Administering Authority.

(Code 1984, § 31.10)

Sec. 16-112. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, exces-

sive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
(Code 1984, § 31.11)

Sec. 16-113. Compliance monitoring.

(a) *Right of entry; inspecting and sampling.* The Administering Authority shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article.

(1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Administering Authority.

(2) Facility operators shall allow the Administering Authority ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records.

(3) The Administering Authority shall have the right to set up on any facility such devices as are necessary in the opinion of the Administering Authority to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The Administering Authority has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Administering Authority and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the Administering Authority access to a facility is a violation. A person who is the operator of a facility commits an offense if the person denies the Administering Authority reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.

(b) *Special inspection warrant.* If the Administering Authority has been refused access to any part of the premises from which stormwater is discharged, and they are able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Administering Authority may seek issuance of a special inspection warrant per Wis. Stats. § 66.0119.
(Code 1984, § 31.12)

Sec. 16-114. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The owner or operator of any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the state shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal MS4 or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater management plan (SWMP)/stormwater pollution prevention plan (SWPPP) as necessary for compliance.
(Code 1984, § 31.13)

Sec. 16-115. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility, premises, or operation, or responsible for emergency response for a facility, premises or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the MS4, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Administering Authority in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Administering Authority within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least seven years. Failure to provide notification of a release as provided above is a violation of this article.
(Code 1984, § 31.14)

Sec. 16-116. Violations, enforcement, and penalties.

(a) *Violations.*

(1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

(2) In the event the violation constitutes an immediate danger to public health or public safety, the Administering Authority is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation. The Administering Authority is authorized to seek costs of the abatement as outlined in Section 16-119.

(b) *Warning notice.* When the Administering Authority finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, the Administering Authority may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieve the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in the subsection shall limit the authority of the Administering Authority to take action, including emergency action or any other enforcement action without first issuing a warning notice.

(c) *Notice of violation.*

(1) Whenever the Administering Authority finds that a person has violated a prohibition or failed to meet a requirement of this article, the Administering Authority may order compliance by written notice of violation to the responsible person. 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 article and a time schedule for the completion of such remedial action;

e. A statement of the penalties that shall or may be assessed against the person to whom the notice of violation is directed;

f. A statement that the determination of violation may be appealed to the Administering Authority by filing a written notice of appeal within three days of service of notice of violation; and

g. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or contractor and the expense thereof shall be charged to the violator.

(2) Such notice may require, without limitation:

a. The performance of monitoring, analyses, and reporting;

b. The elimination of illicit connections or discharges;

c. That violating discharges, practices, or operations shall cease and desist;

d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

e. Payment of a forfeiture to cover administrative and remediation costs; and

f. The implementation of BMPs.

(d) *Suspension of MS4 access.*

(1) *Emergency cease and desist orders.*

a. When the Administering Authority finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, or that the

person's past violations are likely to recur, and that the person's violation has caused or contributed to an actual or threatened discharge to the MS4, waters of the state or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Administering Authority may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

1. Immediately comply with all ordinance requirements; and

2. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

b. Any person notified of an emergency order directed to them under this subsection shall immediately comply and stop or eliminate their endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Administering Authority may take such steps as deemed necessary to prevent or minimize harm to the MS4, waters of the state or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Administering Authority may allow the person to recommence their discharge when it has demonstrated to the satisfaction of the Administering Authority that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this article. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a preliminary action plan within not more than three days which addresses in some detail what action is intended to be taken, a detailed written statement and action plan, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Administering Authority within ten days of receipt of the prerequisite for taking any other action against the violator.

(2) *Suspension due to illicit discharges in emergency situations.* The Administering Authority may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4, waters of the state, or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Administering Authority may take such steps as deemed necessary to prevent or minimize damage to the MS4, waters of the state, or waters of the United States, or to minimize danger to persons.

(3) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Administering Authority will notify a violator of the proposed termination of their MS4 access. The violator may petition the Administering Authority for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the Administering Authority.

(e) *Prosecution and penalties.* Any person that has violated or continues to violate this article shall be liable to prosecution to the fullest extent of the law. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within the set time period specified by the Administering Authority, after the Administering Authority has taken one or more of the actions described above, the Administering Authority may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
(Code 1984, § 31.15)

Sec. 16-117. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the Administering Authority. The notice of appeal must be filed with the Improvement and Services Committee within three days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or their designee shall take place within 30 days from the date of receipt of the notice of appeal.
(Code 1984, § 31.16)

Sec. 16-118. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, the municipal authority upheld the decision of the Administering Authority, then representatives of the Administering Authority are authorized to enter upon the subject private property and authorized to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.
(Code 1984, § 31.17)

Sec. 16-119. Cost of abatement of the violation.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid by the date determined by the municipal authority, the charges shall become a special charge against the property and shall constitute a lien on the property.
(Code 1984, § 31.18)

Sec. 16-120. Violations deemed a public nuisance.

Any condition in violation of any of the provisions of this article and declared and deemed a nuisance, may be summarily abated or restored at the violator's expense.
(Code 1984, § 31.19)

Sec. 16-121. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Administering Authority

to seek cumulative remedies. The Administering Authority may recover all attorney's fees, court costs, administration, and other expenses and resources associated with enforcement of this article, including sampling and monitoring expenses.
(Code 1984, § 31.20)

Secs. 16-122—16-137. Reserved.

ARTICLE V. COAL TAR SEALANT PRODUCTS

Sec. 16-138. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coal tar means a byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons (PAHs).

Coal tar sealant product means a pavement sealant product that contains coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, refined tar, or any variation assigned the chemical abstracts service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2, or related substances.

Director means the Director of the Department of Public Works.

High-PAH sealant product means any pavement sealant product that contains greater than 0.1 percent polycyclic aromatic hydrocarbons (PAHs) by weight, including, but not limited to, coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances.

Pavement sealant product means any substance that is typically applied on paved surfaces to protect the surfaces. The term "pavement sealant product" may include but is not limited to sealant products that are coal tar- or asphalt-based.

Person means any person, firm, partnership, association, corporation, company, or organization of any kind.

Polycyclic aromatic hydrocarbons (PAHs) means a group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life.
(Ord. No. 24-19, § 1(35.01(1)), 1-14-2020)

Sec. 16-139. Regulation of application and sale of coal tar and or other high-PAH sealant products.

Except as otherwise provided in this article:

(1) No person shall apply any coal tar sealant product or high-PAH sealant product within the City.

(2) No person shall sell, offer to sell, or display for sale any coal tar sealant product or high-PAH sealant product within the City.

(3) No person shall allow a coal tar sealant product or other high-PAH sealant product to be applied upon property within the City that is under that person's ownership or control.

(4) No person shall contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product or high-PAH sealant product to any driveway, parking lot, or other surface within the City.

(5) No commercial applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product or high-PAH sealant product to any driveway, parking lot, or other surface within the City.

(Ord. No. 24-19, § 1(35.01(2)), 1-14-2020)

Sec. 16-140. Exemptions.

The Director of Public Works may exempt a person from a requirement of this article if the Director determines that the person is conducting bona fide research concerning the effects of a coal tar sealant product or high-PAH sealant product on the environment; the use of the coal tar product or high-PAH sealant product is required for said research; and the Director determines that said research will not cause significant contamination of the surrounding environment, including soils and aquatic ecosystems, and will not unduly endanger human health.

(Ord. No. 24-19, § 1(35.01(3)), 1-14-2020)

Sec. 16-141. Enforcement.

The provisions of this article shall be enforced by the Director of the Department of Public Works, or their designee.

(Ord. No. 24-19, § 1(35.01(4)(a)), 1-14-2020)

Sec. 16-142. Penalty.

(a) Any person who violates this article by applying a coal tar sealant product or high-PAH sealant product at their residence shall be subject to a forfeiture of not less than $1.00 nor more than $500.00. Each day of violation shall constitute a separate offense.

(b) (1) Any commercial sealant product applicator, residential or commercial developer, industrial or commercial owner, or any other person, other than a person identified under subsection (a) of this section, who violates this article shall be subject to a forfeiture of not less than $1.00 nor more than $1,000.00.

(2) Any such person who has been adjudged to have committed one other violation of this article within the preceding five-year period, based on the offense date, shall be subject to a forfeiture of not less than $1,000.00 nor more than $2,000.00.

(3) Any such person who has been adjudged to have committed two or more other violations of this article within the preceding seven-year period, based on the offense dates, shall be subject to a forfeiture of not less than $2,000.00 nor more than $5,000.00. Each day of violation shall constitute a separate offense.

(Ord. No. 24-19, § 1(35.01(4)(b), (c)), 1-14-2020)

Chapter 17

RESERVED

Chapter 18

FIRE PREVENTION AND CONTROL

Article I. In General

Secs. 18-1—18-18. Reserved.

Article II. Fire Department

Sec. 18-19. Composition; personnel staff.
Secs. 18-20—18-40. Reserved.

Article III. Fire Regulations

Division 1. Generally

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Sec. 18-62. Authority.
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Sec. 18-93. Fireworks and pyrotechnics display permit.

ARTICLE I. IN GENERAL

Secs. 18-1—18-18. Reserved.

ARTICLE II. FIRE DEPARTMENT

Sec. 18-19. Composition; personnel staff.

(a) *Organization.* The Fire Department of the City shall be composed of such personnel as the Fire Chief deems necessary and as are authorized by the Council from time to time.

(b) *Personnel.*

(1) *Fire Chief.* The Fire Chief shall have general supervision over the Fire Department and shall be responsible for the efficiency thereof.

(2) *Assistant Fire Chief.* The Assistant Fire Chief shall discharge the duties of the Fire Department Chief in case of absence, disability, or suspension of the Chief.

(3) *Fire personnel.* The personnel of the Fire Department shall consist of such number of fire personnel as authorized by the Council consistent with the needs of the City.

(4) *Powers and duties.* All fire personnel are charged with the duty of protecting life and property by the fighting of fires, emergency medical treatment, and other hazardous tasks.

(5) *Auxiliary personnel.* Auxiliary and support staff may be provided as deemed necessary by the Common Council.

(Code 1984, § 5.04; Ord. No. 39-96)

Secs. 18-20—18-40. Reserved.

ARTICLE III. FIRE REGULATIONS

DIVISION 1. GENERALLY

Sec. 18-41. Definitions.

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

(Code 1984, § 24.07; Ord. No. 12-19, § 7, 4-19-2019)

Sec. 18-42. Intent.

It is the intent of this article to safeguard life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

(Code 1984, § 24.01)

Sec. 18-43. Applicability.

(a) This article shall apply to both new and existing conditions, provided existing conditions not in strict compliance with the terms of this article may be permitted to continue where such continuation does not constitute a substantial hazard to life or property.

(b) Nothing contained in this article shall be construed as applying to the transportation of anything shipped under the jurisdiction of and in compliance with the regulations prescribed by the United States Department of Transportation nor as applying to the military forces of the United States.

(c) Violations of City ordinances or state codes that are unrelated to fire prevention but are under the jurisdiction of another City department shall be referred to that department for disposition.

(d) Where existing structures have components or systems that fail to comply with the current requirements of this article, 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, an addition is made to such premises, or remodeling of 50 percent of the value of the structure, not including value of the property, is made over a four-year period.
(Code 1984, § 24.02; Ord. No. 12-19, § 1, 4-19-2019)

Sec. 18-44. Other provisions a part of this article.

This article shall consist of the following:

(1) The express provisions set forth herein.

(2) All ordinances and lawful orders of the City now or hereafter in effect relating to fire prevention or the safeguarding of life and property from the hazards of fire and explosion, the handling, storage, sale, and use of hazardous substances, materials and devices, conditions hazardous to life and property in the use or occupancy of buildings, structures, or premises, and the safety of firefighters in the performance of their duties.

(3) All laws and lawful orders of the State relating to conditions as described in subsection (2) of this section now or hereafter in effect. They shall have the same force and effect as though fully set forth herein.

(4) International Fire Code, 2015 Edition, Adopted. The most current edition and any subsequent editions, as amended from time to time, of the International Fire Code ("IFC"), 2015 Edition, is hereby adopted and by reference made part of this article 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 109.4.* Insert: specify offense: civil ordinance violation amount: $1,000.00 plus costs number of days: the number of days allowed by law.

      3. *Section 111.4.* Insert: amount (1): $250.00 plus costs amount (2): $1,000.00 plus costs.

   b. The geographic limits referred to in certain sections of the 2015 International Fire Code are hereby established as follows:

      1. Section 5704.2.9.6.1: 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.

2. Section 5706.2.4.4: storage of Class I and Class II liquids in above-ground tanks is governed by ATCP 93 and all applicable NFPA standards.
3. Section 5806.2: storage of flammable cryogenic fluids in stationary containers is governed by ATCP 93 and all applicable NFPA standards.
4. Section 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.

(Code 1984, § 24.03; Ord. No. 30-09; Ord. No. 36-12; Ord. No. 12-19, § 2, 4-19-2019)

Secs. 18-45—18-61. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 18-62. Authority.

The City of Green Bay Fire Prevention Code shall be enforced by the Chief of the Green Bay Metro Fire Department.
(Code 1984, § 24.04; Ord. No. 12-19, § 3, 4-19-2019)

Sec. 18-63. The Chief of the Fire Department may delegate authority.

The Chief may delegate authority to subordinates in the Fire Department, and the actions of such authorized subordinates shall be construed as valid actions of the Chief.
(Code 1984, § 24.05)

Sec. 18-64. Orders to eliminate dangerous or hazardous conditions.

(a) *When to be issued.* Whenever the Chief finds in any building or upon any premises 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.

(b) *Service of orders.*

(1) The service of written orders for the correction of violations of this article 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.

(2) If buildings or other premises are owned by one person and occupied by another, the orders issued in connection with the enforcing of this article shall apply to the occupant thereof as well as to the owner, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon real estate or real estate and be the property of the owner of the premises. In such cases, the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

(3) Receipt of such orders by the owner or occupant shall be sufficient notice to effect compliance with the order.

(4) 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, 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.

(c) *Three strikes rule.* Whenever the Chief shall find in any building or upon any premises during any three consecutive inspections or re-inspections a fire prevention, detection, or suppression system which is defective, inoperative, improperly maintained or improperly operated, the Chief may order the following remedies:

(1) If the system includes one or more exit lights which have not been illuminated during inspections, the Chief may order that any or all of the exit lights in such premises be equipped with self-illuminating lights or lights equipped with light emitting diodes (LEDs).

(2) If the system includes one or more self-closing fire doors, any of which have been found to have been held open with non-approved hold open devices during inspections, the Chief may order that any or all of the fire doors in such premises be equipped with an automatic closing device.

(3) If the system includes one or more battery operated smoke detectors which have been inoperative during inspections, the Chief may order that the premises be equipped with smoke detectors hardwired into the electrical service of the premises.

(4) If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks, or locking devices other than the primary door lock, the Chief may order the removal of such bolts, bars, chains, padlocks, or additional locking devices; and the Chief may further order that all emergency exit doors within the premises be equipped with panic door release hardware.

(5) This subsection (c) shall not be construed as a limitation upon the powers of the Chief to issue orders for corrections of violations nor shall this subsection (c) be construed as a limitation upon any of the powers of the Chief under any applicable provision of this Code, the Wisconsin Administrative Code, or the Wisconsin State Statutes.

(Code 1984, § 24.06; Ord. No. 30-09; Ord. No. 12-19, §§ 4—6, 4-19-2019)

Sec. 18-65. Fire prevention inspections and fees.

(a) *Fees for re-inspection.* Any person who shall fail or neglect to comply with any lawful order of the Fire Chief or their designee issued pursuant to the provisions of this article may be assessed a fee as provided in the City Fee Schedule per inspection for compliance inspections. 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 Wis. Stats. § 66.0627, for collection and settlement under Wis. Stats. Ch. 74.

(b) *Reduction in fire inspection frequency.* Pursuant to Wis. Admin. Code § SPS 314.001(13)(b)7.a, the Fire Chief is authorized to reduce the frequency of fire inspections to not less than once per calendar year, provided the interval between those inspections does not exceed 15 months.
(Code 1984, § 24.08; Ord. No. 40-10; Ord. No. 37-12; Ord. No. 12-19, § 8, 4-19-2019)

Sec. 18-66. 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 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 feet wide by three feet long, or a circle larger than three feet in diameter. The flames of the fire shall be no higher than three 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 inches but not more than 12 inches and surrounded on the outside, above ground level, by a non-combustible material extending at least six 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 $1^1/_2$ times larger than the size of the portable fire pit. In the absence of manufacturer's recommendations, portable fire pits shall be at least 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 manufacture's specifications. In the absence of manufacturer's recommendations, fire tables shall be at least 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 ten miles per hour as determined by the National Weather Service or Weather Underground.

(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 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.
(Ord. No. 12-19, § 9, 4-19-2019)

Secs. 18-67—18-92. Reserved.

DIVISION 3. FIREWORKS

Sec. 18-93. Fireworks and pyrotechnics display permit.

(a) *Fireworks purchase and use prohibited.* The Mayor is authorized by statute to delegate to the Fire Chief or their designee the authority to issue permits for the purchase and use within the City of those classes of fireworks or pyrotechnics authorized by said statute. The fee for such permits shall be as provided in the City Fee Schedule per event.

(b) *Application.* A person desiring to secure a permit shall make application to the Fire Chief and shall furnish all information deemed necessary by the Chief under oath.

(c) *Identification.* The applicant shall present to the Fire Chief a valid form of government-issued identification bearing the applicant's photograph.

(d) *Fireworks seller's permit.* The Fire Chief or their designee is authorized to issue permits for the sale of fireworks within the City of those classes of fireworks authorized by statute. The annual permit shall be valid through December 31 of the year of issuance, unless sooner revoked. The fee for such permit shall be as provided in the City Fee Schedule.

(e) *Revocation.* Failure to comply with Wisconsin Statutes, Wisconsin Administrative Code, or this Code may result in revocation of the permit.
(Code 1984, § 6.13; Ord. No. 10-06; Ord. No. 1-07)

Chapter 19

RESERVED

Chapter 20

HEALTH AND PUBLIC WELFARE

Article I. In General

Sec. 20-1. Face coverings.
Secs. 20-2—20-30. Reserved.

Article II. Sexual Offender Residency Restrictions

Sec. 20-31. Sexual offender proximity restrictions.
Sec. 20-32. Sexual offender residency restrictions.

ARTICLE I. IN GENERAL

Sec. 20-1. Face coverings.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Face covering means a manufactured or homemade cloth covering that fully covers an individual's nose and mouth and that is secured with ear straps or otherwise tied so as to prevent slipping, and/or a face shield which covers the mouth and nose, covers the side of the face, and is secured on the head.

Indoor area accessible to the public means any interior area of any structure or premises licensed by the City of Green Bay or used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or other use by the public, to which the public customarily has access.

Qualifying vehicle means a paratransit vehicle, a taxi, a private car service vehicle, a ride-sharing vehicle, or any other for-hire vehicle.

(b) *Requirement.* Every individual age five years and older who is present in the City of Green Bay shall wear a face covering that covers their nose and mouth in indoor areas accessible to the public and while driving or riding public transportation or a qualifying vehicle, unless exempted under this section.

(c) *Exemptions.* This section does not apply to:

(1) Any individual who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove their own face covering without assistance.

(2) Any individual who falls within the Centers for Disease Control's (CDC) guidance for those who should not wear face coverings due to a medical condition, mental health condition, or disability that prevents them from wearing a face covering.

(3) Any individual who is communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.

(4) Individuals for whom wearing a face covering would create a risk to the person related to their work, as determined by government safety guidelines.

(5) Individuals in settings where it is not practical or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods and services including but not limited to the receipt of dental services or medical treatments or consuming food or beverages.

(6) Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six feet or more away from other individuals.

(7) Any individual actually engaged in exercising in a gym or other similar indoor facility, so long as physical separation of not less than six feet is maintained and the individual wears a face covering at all times when not actually engaged in exercising.

(8) Whenever federal, State, or local law otherwise prohibit wearing a face covering or where it is necessary to evaluate or verify an individual's identity.

(9) Places of worship.

(d) *Enforcement.*

(1) Any individual who fails to comply with this section shall be asked to leave by an authorized representative of the business or organization. If the individual refuses to leave or continues to refuse to comply with this section, the individual shall be subject to a municipal forfeiture in the amount of $10.00, or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from this section for the reasons permitted herein.

(2) Any business violating this section may be subject to administrative action for any licenses they possess with the City.

(Ord. No. 29-20, § 1(8.17), 7-21-2020)

Secs. 20-2—20-30. Reserved.

ARTICLE II. SEXUAL OFFENDER RESIDENCY RESTRICTIONS

Sec. 20-31. Sexual offender proximity restrictions.

(a) *Intent.* Persons who have committed sexual crimes against children present a threat to the public safety. It is the intent of this section not to impose a criminal penalty but rather to serve the City's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders may not loiter.

(b) *Proximity restriction.* No person who has been convicted or found not guilty or not responsible by reason of mental disease or defect of Wis. Stats. § 940.225(1)(d), any crime listed in Wis. Stats. Ch. 948, or any crime from another jurisdiction that is similar to any crime listed in Wis. Stats. Ch. 948, and, as a result of such crime, is required to register under Wis. Stats. § 301.45 and on extended supervision or parole, may enter any area within 150 feet of a parcel of land upon which there is a public, parochial, private, or tribal school educating one or more grades between kindergarten and grade 12, a licensed child care center, a playground, a park, or a licensed entertainment facility.

(c) *Affirmative defenses.* Notwithstanding subsection (b) of this section, a person may prove by clear and convincing evidence as an affirmative defense to prosecution for a violation of subsection (b) of this section that the person entered the restricted area:

(1) To vote in a local, state, or national election or referendum;

(2) With the permission of the owner or occupant of the particular school, child care center, park, playground, or licensed entertainment facility;

(3) With the intent to travel to a location outside the restricted area;

(4) To travel to or remain at land lawfully owned or occupied by the offender before August 25, 2012, or the date the school, child care center, park, playground, or licensed entertainment facility was established;

(5) To obtain medical care, or alcohol or drug treatment;

(6) To travel to or remain at a transitional living program operated by an entity that is tax exempt under IRC § 501(e)(3) and under contract with the Wisconsin Department of Corrections; or

(7) To travel to or remain at a care and service residential facility properly licensed, certified, or registered under Wis. Stats. Ch. 50.

(d) *Penalty.* A person who violates this section shall forfeit not more than $500.00 for each violation.

(Code 1984, § 27.621; Ord. No. 22-12; Ord. No. 39-12)

Sec. 20-32. Sexual offender residency restrictions.

(a) *Intent.* Persons who have committed sexual crimes against children present a threat to the public safety. It is the intent of this section not to impose a criminal penalty but rather to serve the City's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders may not reside.

(b) *Residency restriction.* No person who has been convicted or found not guilty or not responsible by reason of mental disease or defect of Wis. Stats. § 940.225(1)(d), any crime listed in Wis. Stats. Ch. 948, or any crime from another jurisdiction that is similar to any crime listed in Wis. Stats. Ch. 948, and, as a result of such crime, is required to register under Wis. Stats. § 301.45, may reside within 1,500 feet of a parcel of land upon which there is a public, parochial, private, or tribal school educating one or more grades between kindergarten and grade 12, a licensed child care center, a playground, a park, or a licensed entertainment facility.

(c) *Affirmative defenses.* Notwithstanding subsection (b) of this section, a person may prove by clear and convincing evidence as an affirmative defense to prosecution for a violation of subsection (b) of this section any of the following:

(1) The offender continuously resided at the particular address since May 17, 2007;

(2) The offender continuously resided at the particular address since the date that the particular school, child care center, playground, park or entertainment facility opened for use;

(3) The residence is a facility which only temporarily houses individuals who have a medical, alcohol, or drug treatment need, and the offender is receiving such treatment;

(4) The residence is a facility operated by an entity designated a nonprofit under IRC § 501(e)(3) which only temporarily houses individuals by contract with the Department of Corrections as a transitional living program;

(5) The Sex Offender Residence Board has granted an exemption for the offender.

(d) *Property owner liability.* No person may allow an offender to reside in violation of subsection (b) of this section on property owned by the person, unless the offender is exempt under subsection (c) of this section.

(e) *Penalties.* A person who violates subsection (b) or (d) of this section shall forfeit not more than $500.00, and each day a person is in violation of either subsection constitutes a separate offense.

(f) *Appeal.*

(1) *Option to appeal.* An offender may seek an exemption from this section by appealing to the Sex Offender Residence Board.

(2) *Membership.* The Board shall consist of five members and one alternate. All members, including the alternate, shall be citizens appointed by the Mayor. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint one member for a term of five years, subject to confirmation by the Council. An alternate member shall be appointed by the Mayor every five years between the last Monday of April and the first Monday of May, except that an appointment in the first year may be completed immediately after the effective date of the ordinance from which this section is derived so long as such appointment will not result in the alternate holding office more than five years and six months. Appointment of the alternate shall be subject to confirmation by the Council.

(3) *Procedure.* The Board shall approve of an official appeal form. An offender shall completely fill in the official form and submit it to the City Clerk, who shall forward it to the Board. The Board shall hold a hearing on each appeal, during which the Board may review any pertinent information and may accept oral and written statements from any person. The Board shall base its decision on whether the offender has shown remorse, has rehabilitated, could re-offend, and any other factor related to the City's interest in promoting, protecting, and improving the health, safety, and welfare of the community. The Board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address or time. A written copy of the decision shall be provided to the offender.

(Code 1984, § 27.622; Ord. No. 22-12; Ord. No. 39-12; Ord. No. 6-16; Ord. No. 2-18, § 1, 2-19-2018)

Chapter 21

RESERVED

Chapter 22

LAW ENFORCEMENT

Sec. 22-1. Police Department; composition; personnel staff.
Sec. 22-2. Bail.

Sec. 22-1. Police Department; composition; personnel staff.

(a) *Organization.* The Police Department shall consist of such divisions and ranks as deemed necessary by the Chief of Police consistent with departmental duties and size. These divisions shall be set forth in the Department rules and regulations subject to statutory authority and shall be approved by the Police and Fire Commission.

(b) *Personnel.*

(1) *Chief of Police.* The Chief of Police shall have general supervision over the Police Department and be responsible for the efficiency thereof. The Deputy Chiefs shall discharge the duties of the Chief of Police in case of absence, disability, or suspension of the Chief.

(2) *Police personnel.* The personnel of the Police Department shall consist of such number of police personnel as authorized by the Council and shall be increased and decreased by the Council consistent with the needs of the City.

(3) *Auxiliary personnel.* The Council shall, as deemed needed, allow auxiliary personnel for stenographic, mechanical, clerical, or allied functions of the Police Department.

(c) *Duties and powers.*

(1) *Preservation of public peace.* The Chief of Police and all police officers shall preserve the public peace and suppress all riots, disturbances, and breaches of the peace; and they shall, according to law, apprehend disorderly persons or disturbers of the peace.

(2) *Enforcement of ordinances.* The Chief of Police and all police officers shall see that all ordinances are enforced; and whenever any violation thereof comes to their knowledge, whether by personal observation or by information from others, they shall make complaint and cause the person so offending to be prosecuted. They shall cause all ordinances of the City relating to offenses against public morals and decency, public peace and quiet, public policy, and public safety to be enforced.

(d) *Recordkeeping.* Under the provisions of Wis. Stats. § 19.21, the Police Department may keep and preserve the records of the Department by the use of microfilm or other similar reproductive device. Records of the Police Department shall be kept and maintained for a period of seven years, after which they may be destroyed. In addition to the microfilming of records, all records of pending investigations which have not been closed by the Police Department shall also be maintained in their original form until such time as the file has been officially closed. The Police Department shall reproduce its documents in accordance with the standards and procedures established in Wis. Stats. § 16.61(7), so that such reproductions shall be deemed original records. Prior to the destruction of any police records, the State Historical Society shall be notified.
(Code 1984, § 5.02; Ord. No. 6-06)

Sec. 22-2. Bail.

(a) *Release of arrested person.* The Chief of Police may receive of any person who has been arrested for violation of any City ordinance a sum of money not exceeding the maximum penalty which may be imposed in such case, and may release such person from arrest until the opening of Municipal Court on the next succeeding day when the Court may be in session or until a time for the hearing of the case.

(b) *Forfeiture of bail.* When any person so arrested and released fails to appear personally or by an attorney at the time fixed for the hearing of the case, and upon the order of the Court forfeiting bail, the money deposited with the Chief of Police shall be retained and paid into the Municipal Court and disbursed in the same manner as are forfeitures imposed for violation of City ordinances. (Code 1984, § 5.03)

Chapter 23

RESERVED

Chapter 24

NUISANCES

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ARTICLE I. IN GENERAL

Sec. 24-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the City.
(Code 1984, § 28.101)

Sec. 24-2. General definition.

A public nuisance is a thing, act, occupation, condition, or use of property which continues for such length of time as to:

(1) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;

(2) In any way render the public insecure in life or in the use of property;

(3) Greatly offend the public morals or decency; or

(4) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way, or the use of public property.

(Code 1984, § 28.201)

Sec. 24-3. Statutory nuisance.

Any thing, act, occupation, condition, or use of property which has been defined by the Wisconsin Statutes as a public nuisance is a public nuisance under this chapter.
(Code 1984, § 28.202)

Sec. 24-4. Continuing Code violation.

Any violation of this Code that is not corrected within a reasonable time after notice from the City to a responsible party is a public nuisance.
(Code 1984, § 28.203)

Sec. 24-5. Public nuisances affecting health.

The following acts, omissions, places, conditions, and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances within the definition of this chapter:

(1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) Carcasses of animals, bird, or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any materials whatsoever in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed.

(4) Standing water at any point on any property within the City, except water impounded on farmland for agricultural purposes.

(5) Privy vaults and garbage cans which are not fly-tight.

(6) All noxious weeds and other rank growth of vegetation.

(7) All animals running at large.

(8) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust, or other atmospheric pollutants within the City limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensitiveness or to threaten or cause substantial injury to property in the City.

(9) The pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage, creamery, or industrial wastes or other substances.

(10) Any use within the City of property, substances, or things emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the City.

(11) Any use of property which causes any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk, or public place within the City.

(12) The construction and operation of tanks for the storage of tallow in the City whereby nauseous, offensive, or unwholesome odors are allowed to be emitted.

(Code 1984, § 28.204)

Sec. 24-6. Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety within the provisions of this chapter:

(1) All signs, billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds, or places frequented by the public so situated or constructed as to endanger the public safety.

(2) All buildings and structures erected, repaired, or altered within the City in violation of the provisions of any ordinance relating to materials and manner of construction.

(3) All unauthorized signs, signals, markings, or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices or railroad signs or signals or which, because of their color, location, brilliance, or manner of operation, interfere with the effectiveness of any such device, sign, or signal.

(4) All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(5) All use or display of fireworks, except as provided by state law and City ordinances.

(6) All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.

(7) All loud, discordant, and unnecessary noises or vibrations of any kind.

(8) All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by City ordinance; or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.

(9) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley, or sidewalk.

(10) Any unauthorized or unlawful use of property abutting on a public street, alley, or sidewalk, or of a public street, alley, or sidewalk, which causes large crowds or people to gather, thereby obstructing traffic and free use of the streets or sidewalks.

(11) All exhibitions within the City of a motion picture, show, or other presentation at an outdoor drive-in theater, which motion picture, show, or other presentation in whole or in part depicts nudity, sexual conduct, or sado-masochistic abuse, as defined in Wis. Stats. § 944.25, in such a manner that the material is visible from any public street, sidewalk, thoroughfare, or other public place where it may be observed by minors or unconsenting adults and which, due to its content, creates traffic and parking problems on City streets or creates violations of Chapter 32, Article II. For the purposes of this section, a motion picture rating "X" by the film industry shall be prima facie evidence that the film in whole or in part depicts nudity, sexual conduct, or sado-masochistic abuse and is, therefore, in violation of this chapter.

(12) All use or maintenance of building exteriors or surrounding premises which limits the use or enjoyment of neighboring property or which causes or tends to cause diminution of the value of the property of others in the neighborhood in which such premises is located by reason of:

a. Exterior storage of scrap lumber, junk, trash, or other debris, including, without limitation of enumeration, discarded motor vehicles, furniture, appliances, farm or manufacturing equipment, or building materials.

b. Exterior patchwork, repair, or reconstruction that results in a multi-textured or multi-colored effect or appearance not consonant with the decor, architectural design, or aesthetics of the rest of such building.

c. Exterior storage of non-weather resistant materials, including, without limitation of enumeration, indoor furniture, electronics, toys, rugs, or building materials.

(13) Any placement or diverting of any unreasonable amount of snow or ice onto the property of another which is so situated as to endanger the public health or safety or creates an unnecessary physical or financial burden.

(14) Any phrase or symbol intentionally marked, drawn or written with paint, ink or another substance on or intentionally etched into the physical property of another which has not been removed in accordance with Section 26-47.

(Code 1984, § 28.205; Ord. No. 2-12)

Sec. 24-7. Abandoned and junk vehicles.

(a) *Public streets and property.* No person shall leave any partially dismantled, non-operating, non-registered, wrecked, or junked vehicle on any street or highway within the City or on any public property within the City.

(b) *Private property.* No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, discarded, or unlicensed vehicle to remain on such property within the City longer than 72 hours. This section shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a lawfully operated business enterprise involving the sale, dismantling, repair, or restoration of such vehicles, a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by or on behalf of the City, nor to a dismantled, non-operating vehicle which is licensed as an antique or collector's auto and which is actively being restored.

(c) *Removal.* The Chief of Police, the Superintendent of Building Inspection, or any member of their departments designated by them may remove or have removed any vehicle left at any place within the City that, in their opinion, is in violation of this section.
(Code 1984, § 29.510; Ord. No. 20-06)

Sec. 24-8. Removal of locks from appliances.

No person shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended, or discarded appliance or any other container of any kind which has an air-tight door, air-tight snap-lock, or other device thereon which cannot be released from the inside of such appliance or container without first removing the snap-lock or door.
(Code 1984, § 27.404)

Secs. 24-9—24-34. Reserved.

ARTICLE II. NUISANCE ABATEMENT

DIVISION 1. GENERALLY

Sec. 24-35. Summary abatement.

If an officer determines that a public nuisance exists and that there is an imminent danger to public health, safety, peace, morals, or decency, notice to abate the nuisance may be issued and served by the officer pursuant to Section 24-38. The notice shall order abatement of the nuisance within a period not less than 24 hours or greater than seven calendar days and shall state that, unless the nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, maintaining, or permitting the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.
(Code 1984, § 28.301)

Sec. 24-36. Nonsummary abatement.

If an officer determines that a public nuisance exists but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals, or decency, notice to abate the nuisance may be issued and served by the officer pursuant to Section 24-38. If the public nuisance activity involves felony drug type conduct, a notice to abate the nuisance shall be mandatory. The notice shall order abatement of the nuisance within a period not less than 15 calendar days and shall state that, unless the nuisance is so abated, the City will cause the same to be abated

and will charge the cost thereof to the owner, occupant, or person causing, maintaining, or permitting the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.
(Code 1984, § 28.302; Ord. No. 19-06)

Sec. 24-37. Abatement plan.

If an officer determines that a public nuisance exists but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals, or decency, the officer may order the owner, occupant, or person causing, maintaining, or permitting the nuisance to appear for a hearing to discuss abatement of the nuisance. If the public nuisance activity involves felony drug type conduct, the officer shall order the owner, occupant, or person causing, maintaining, or permitting the nuisance to appear for a hearing to discuss abatement of the nuisance. The hearing shall include the officer and a representative of the Law Department. Notice of the hearing shall be issued and served by the officer pursuant to Section 24-38. The parties may formulate an abatement plan which indicates the measures to be taken by the owner, occupant, or person causing, maintaining, or permitting the nuisance to abate the nuisance.
(Code 1984, § 28.303; Ord. No. 19-06)

Sec. 24-38. Notice to abate.

The officer may attempt personal service on the owner, agent of the owner, occupant or other person causing, maintaining or permitting the nuisance at such person's last-known address. If this attempt is unsuccessful or impractical, the officer shall post a copy of the notice in a conspicuous place in or about the building where the nuisance exists and send notice by first class mail to the last-known address of the owner or agent of the owner.
(Code 1984, § 28.304)

Sec. 24-39. Remedy from abatement order.

Any person affected by an order under Section 24-35 or 24-36 shall, prior to the abatement date, apply to the Circuit Court for an order restraining the City from entering on the premises and abating or removing the nuisance, or be forever barred.
(Code 1984, § 28.305)

Sec. 24-40. Non-abatement prohibited.

(a) *Failure to comply with order to abate.* No person shall fail to comply with a lawful order to abate a public nuisance issued pursuant to this division. Each day of noncompliance with a lawful order to abate issued pursuant to this division is a separate violation.

(b) *Failure to appear for hearing.* No person shall fail to comply with an order to appear for an abatement hearing pursuant to Section 24-37.

(c) *Failure to observe abatement plan.* No person shall fail to comply with the terms of an abatement plan.
(Code 1984, § 28.306)

Sec. 24-41. Abatement by court action.

If an officer determines that a public nuisance exists, the officer may refer the nuisance to the Law Department for review. If the City Attorney determines that alternative enforcement methods have failed to abate the nuisance or would be ineffective in doing so, the Law Department may cause an action to abate such nuisance to be commenced in the name of the City in the Circuit Court of Brown County in accordance with the provisions of the Wisconsin Statutes.
(Code 1984, § 28.307)

Sec. 24-42. Other methods not excluded.

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with state law.
(Code 1984, § 28.308)

Sec. 24-43. Enforcement.

For the purposes of this chapter, the term "officer" shall mean the Chief of Police, the Fire Chief, the Superintendent of Inspection, and their designees. These officers shall enforce the provisions of this chapter that come within the jurisdiction of their offices; and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under Section 24-35 or 24-36 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does in fact exist.
(Code 1984, § 28.309)

Secs. 24-44—24-74. Reserved.

DIVISION 2. CHRONIC NUISANCE PREMISES

Sec. 24-75. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief means the Chief of Police or their designee.

Enforcement action means arrest, the issuance of a citation, or the issuance of a written or verbal warning.

Nuisance activity means any of the following activities, behaviors, or conduct occurring on a premises:

(1) An act of harassment, as defined in Wis. Stats. § 947.013.

(2) Disorderly conduct, as defined in Wis. Stats. § 947.01.

(3) Battery, substantial battery, or aggravated battery, as defined in Wis. Stats. § 940.19.

(4) Lewd and lascivious behavior, as defined in Wis. Stats. § 944.20.

(5) Prostitution, as defined in Wis. Stats. § 944.30.

(6) Theft, as defined in Wis. Stats. § 943.20.

(7) Receiving stolen property, as defined in Wis. Stats. § 943.34.

(8) Arson, as defined in Wis. Stats. § 943.02.

(9) Possession, manufacture, or delivery of a controlled substance or related offenses, as defined in Wis. Stats. Ch. 961.

(10) Gambling, as defined in Wis. Stats. § 945.02.

(11) Animal violations, as defined in Chapter 6.

(12) Trespassing, as defined in Wis. Stats. §§ 943.13 and 943.14.

(13) Weapons violations, as defined in Chapter 26.

(14) Noise violations, as defined in Article II of this Chapter.

(15) Any conspiracy to commit, as defined in Wis. Stats. § 939.31, or attempt to commit, as defined in Wis. Stats. § 939.32, any of the activities, behaviors, or conduct enumerated in subsections (1) through (14) of this section.

(16) The execution of arrest or search warrants at a particular location.

(17) Alcohol violations, as defined in Chapter 4, and Wis. Stats. § 125.07.

(18) Obstructing or resisting an officer, as defined in Wis. Stats. § 946.41.

(19) City of Green Bay Inspection-related calls where the Police Department responds.

Owner means the owner of the premises and their agents.

Premises means an individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas.
(Code 1984, § 28.401; Ord. No. 22-06; Ord. No. 34-06; Ord. No. 42-06)

Sec. 24-76. Notice.

Whenever the Chief determines that three or more nuisance activities resulting in enforcement action have occurred at a premises during a 12-month period, the Chief may notify the premises owner in writing. In calculating the requisite nuisance activities, the Chief may count separate qualifying nuisance incidents resulting in enforcement action occurring on the same day (as long as they are distinct in time) or different days, but shall never count nuisance activities that were reported by the owner of the premises. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner. The notice shall be delivered pursuant to Section 24-38.
(Code 1984, § 28.402; Ord. No. 22-06)

Sec. 24-77. Abatement plan.

Any owner receiving notice pursuant to Section 24-76 shall meet with the Chief, or their designee, within five days of receipt of such notice. The parties shall review the problems occurring at the property. Within ten days of this meeting, the owner shall submit to the Chief, or their designee, an

abatement plan to end the nuisance activity on the property. The plan shall also specify a name, address, and telephone number of a person living within 60 miles of the property who can be contacted in the event of further police, fire, or inspection contact.
(Code 1984, § 28.403)

Sec. 24-78. Additional nuisance activity.

Whenever the Chief determines that additional nuisance activity has occurred at a premises for which notice has been issued pursuant to Section 24-76, that this nuisance activity has occurred not less than 15 days after notice has been issued, and that reasonable efforts have not been made to abate the nuisance activity, the Chief may calculate the cost of police response and enforcement for this and any subsequent nuisance activities and cause such charges and administrative costs to be assessed and collected as a special charge.
(Code 1984, § 28.404; Ord. No. 26-05)

Sec. 24-79. Appeal.

Appeal of the determination of the Chief of Police pursuant to either Section 24-76 or 24-77 may be submitted to the Protection and Policy Committee. Wis. Stats. Ch. 68 shall not apply to such an appeal.
(Code 1984, § 28.405)

Sec. 24-80. First offense.

Any person who shall violate any provision of this chapter or any regulation, rule, or order made hereunder shall forfeit not less than $1.00 nor more than $1,000.00.
(Code 1984, § 28.501)

Sec. 24-81. Subsequent offenses.

Any person who shall violate any provision of this chapter or any regulation, rule, or order made hereunder within 24 months after committing a previous violation of this chapter shall forfeit not less than $200.00 nor more than $2,000.00.
(Code 1984, § 28.502)

Sec. 24-82. Health nuisances prohibited.

Wis. Stats. Ch. 254 is incorporated and made part of this section as though set out in full.
(Code 1984, § 8.03; Ord. No. 81-93)

Sec. 24-83. Penalty.

Unless otherwise provided herein, any person who shall violate any provision of this chapter shall, upon conviction, forfeit not less than $1.00 nor more than $500.00, together with the cost of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.
(Code 1984, § 8.20; Ord. No. 34-20, § 2, 1-19-2021)

Sec. 24-84. Noxious weeds and maintenance of vegetation.

(a) *Purpose.* It is the purpose of this section to prohibit the uncontrolled growth of vegetation and to control noxious weeds, while permitting the planting and maintenance of planned natural landscaping that add diversity and richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation because vegetation which is not managed can decrease the value of nearby properties and threaten the public health and safety. It is also in the public's interest to encourage diverse landscaping treatments, particularly those that encourage the preservation, restoration, and management of native plant communities which can be economical, low-maintenance and effective in soil and water conservation. The City enacts this section to balance these competing interests.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Destroy means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to bloom or flower stage.

Garden means a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses and ground cover in a well-defined location.

Native plants means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants) that are native to or naturalized to the State of Wisconsin. Native plants do not include weeds.

Noxious weeds means any plant listed under Wis. Stats. § 23.235(1)(a) or 66.0407(1)(b), and shall also include Arctium spp. (burdock), Cirsium and Carduus spp. (thistle), Ambrosia spp. (ragweed), Alliaria petiolata (garlic mustard), Plantage lanceolate (buckhorn), and poison ivy.

Ornamental grasses and groundcovers means grasses and groundcovers not indigenous to Wisconsin. Ornamental grasses do not include turf grasses and weeds.

Planned natural landscaping means a planned, intentional and maintained planting of native plants, ornamental grasses and groundcovers, rain gardens, shrubs and trees. Planned natural landscaping does not include any species of turf grasses and is not intended to allow a property owner to ignore lawn care duties. Planned natural landscaping does not include gardens.

Rain garden means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, rivers and lakes.

Turf grasses means grasses commonly used in regularly cut lawns or play areas, including bluegrass, fescue or rye grass blends or any other similar grasses.

Unmanaged plant growth means any grass, hay, weeds, brush or other offensive vegetation which has grown to a height of over nine inches but does not include:

(1) Gardens;

(2) Plants located on agricultural land;

(3) Plants located on shoreland within 35 feet of the ordinary high water mark;

(4) Plants located within environmentally sensitive areas such as steep slopes, drainage ways, wetlands, and protective buffer areas; or

(5) Planned natural landscaping that is wholly contained within the parcel on which it is planted and maintained.

(c) *Control of noxious weeds.*

(1) A person owning, occupying, or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands.

(2) If a person neglects to destroy all noxious weeds as required under subsection (c)(1) of this section, the Weed Commissioner shall destroy or have destroyed the noxious weeds. The cost of destroying the weeds shall be charged and assessed in the manner provided by Wis. Stats. § 66.0517(3)(b)1.

(d) *Unmanaged plant growth.*

(1) A person owning, occupying, or controlling any land shall cut and remove any unmanaged plant growth on the land.

(2) If a person neglects to cut and/or remove unmanaged plant growth as required under subsection (d)(1) of this section, the Weed Commissioner shall cut down and remove or cause to be cut down and remove the unmanaged plant growth. The cost of cutting and removing the unmanaged plant growth shall be charged and assessed in the manner provided by Wis. Stats. § 66.0627(2).

(e) *Planned natural landscaping.*

(1) Any person wishing to maintain a planned natural landscaping area on their property may register their property with the Department of Public Works.

(2) Planned Natural Landscaping Guidelines.

a. Turf grass is to be eliminated and the native plants, trees and shrubs are to be planted through transplanting or seed by humans or mechanical means.

b. Setbacks.

1. Three feet from front lot line when adjacent to a public sidewalk and zero feet from front lot line if there is no public sidewalk.

2. Three feet from rear and side lot lines.

3. No setback is required on side and rear lot lines if there is a fence along the lot lines, or the native landscaping abuts a neighboring planned natural landscaping area, public park/open space, or is adjacent to a natural area.

4. The setback area should be regularly cut turf grass, garden beds, trees, shrubs, mulch, wood chips or landscape stone.

5. Planned natural landscaping is to be cut to a maximum height of nine inches once annually by July 15.

(3) Complaint notification. Any person who registers a parcel as natural landscaping with the Department of Public Works shall receive a notice that the Weed Commissioner intends to take action on the parcel under this section ten business days before any action is taken. If the registered parcel owner objects within ten business days after the notice was issued, the Improvement and Services Committee shall recommend whether the parcel is a planned natural landscaping exempt from subsection (d) of this section to the Common Council. The Common Council shall affirm or reverse the Improvement and Service Committee's recommendation and issue a final decision.

(f) *Appeal.* Any property owner wishing to contest a charge assessed under this section may appeal to the Improvement and Services Committee. The appeal shall be in writing and submitted to the City Clerk within 30 days of the date on which the unmanaged plant growth and/or noxious weeds were cut and/or destroyed. The Committee may uphold, modify or cancel the charge. This procedure for administrative review shall not be governed by Wis. Stats. Ch. 68.
(Code 1984, § 8.11; Ord. No. 13-12; Ord. No. 16-18, § 1, 8-21-2018)

Secs. 24-85—24-113. Reserved.

DIVISION 3. PUBLIC PLACES, EVENTS, AND PROPERTY

Sec. 24-114. Intoxicants in public.

(a) *Prohibition.* No person shall consume or possess any open or unsealed container containing an alcohol beverage on any public way, in any parking lot held for public use, or on or within the premises of a public place, or on or in any motor vehicle on a public way or in parking lot held out for public use, unless such person is on the premises of an establishment holding a valid license for the on-premises consumption of alcohol beverages.

(b) *Public place defined.* The term "public place" means any location frequented by the public, where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. The term "public place" includes, but is not limited to, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, nightclubs, country clubs, and adult cabarets. Premises used solely as a private residence, whether permanent or temporary in nature, are not deemed to be a public place. The term "public place" does not include enclosed motel and hotel rooms designed and intended for sleeping accommodations.

(c) *Exemptions.* Subsection (a) of this section does not apply:

(1) To Lambeau Field parking lot or adjoining sidewalks during sporting events.

(2) To special events approved by the City.

(3) If the owner obtains a sidewalk cafe permit pursuant to Section 10-91.
(Code 1984, § 27.301; Ord. No. 14-05; Ord. No. 11-17)

Sec. 24-115. Damage to public property.

No person shall injure, deface, or remove any sign, guide board, signal, flare, red light, or marker placed for the warning, instruction, or information of the public.
(Code 1984, § 27.302)

Sec. 24-116. Trespassing on public property.

Except where expressly permitted, no person shall trespass upon public property.
(Code 1984, § 27.303)

Sec. 24-117. Conduct at public events.

(a) *Public event defined.* The term "public event" includes, without limitation by enumeration herein, a live theater performance or cinema film show, circus, church festival, antique show, athletic contest, automobile show, rock concert, or like public gathering to which the general public is admitted, whether free, by admission fee, or by invitation.

(b) *Disorderly conduct.* No person shall engage in disorderly conduct, as defined in Wis. Stats. § 947.01, at a public event.

(c) *Throwing objects.* No person shall throw any object, thing, or article at any person or onto a stage, playing field, or the area where a public event is being conducted.

(d) *Entering playing field.* No person shall run, jump, or go onto a stage, playing field, storage or work area, or the area upon or in which the players or actors are engaged as participants while a public event is underway, and for a period of 90 minutes after the conclusion of a public event when it is held at Lambeau Field.

(e) *Smoking.* No person shall light, ignite, burn, or smoke cigars, cigarettes, or pipes at a public event in an area where signs prohibiting smoking have been posted.

(f) *Obstructing exits.* No person shall obstruct or block an aisle or properly marked exit, or occupy or obstruct the seat of another at a public event.

(g) *Refusal to obey.* No person shall refuse or fail to leave an area where a public event is being conducted when directed to do so by the management of the event or an authorized representative.

(h) *Entry without fee.* No person shall gain entrance to a public event for which a fee is charged without having paid such fee unless permitted to do so by the person in charge of the event or an authorized representative.

(i) *Conduct in parking lots.* The following provisions shall apply within the parking lots that serve workers, participants, spectators, or visitors of public events:

(1) *Harmful conduct.* No person shall engage in conduct which reasonably may be anticipated to create the risk of bodily harm to any other person or damage to property, or engage in conduct prohibited by subsections (b) and (g) of this section.

(2) *Fires.* No person shall build or maintain a fire in any place other than a receptacle designed or manufactured to contain fire and which raises the fire sufficiently off the ground to prevent

damage to the ground surface, flora, or fauna, fail to supervise the fire at all times it is live, or fail to extinguish a fire when it is no longer in use or dispose of the residue in a safe manner.

(3) *Compliance with attendants.* All persons operating motor vehicles shall operate and park such motor vehicles as directed by the parking lot attendants. No person shall interfere with or in any manner hinder any parking attendant.

(4) *Reasonable and prudent speed.* No person shall operate a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazard then existing or in a manner which endangers the safety of any person or property.

(5) *Interference with traffic control.* No person, except authorized parking attendants or City personnel, shall move, remove, or relocate any barriers, posts, standards, signs, or devices installed or erected for the regulation of traffic, including pedestrian walks and service lanes.

(6) *License required.* No person shall operate a motor vehicle unless such person holds a valid operator's license in compliance with Wis. Stats. Ch. 343, and the vehicle in question is registered in compliance with Wis. Stats. Ch. 341.

(7) *Certain vehicles prohibited.* No person shall operate a motor go-cart or minibike on any parking lot or pedestrian walk of any stadium or building used for a public event.

(8) *Exception.* Subsections (i)(1) through (7) of this section shall not apply to emergency or maintenance vehicles or those vehicles used in the operations of public events.

(Code 1984, § 27.304)

Sec. 24-118. Carry-ins at Lambeau Field.

(a) *Prohibited.* No person shall bring any bottle or can containing an alcoholic or carbonated beverage into any part of Lambeau Field open to the public. Ice chests, coolers, or jugs are also prohibited. No penalty shall be imposed if a person voluntarily surrenders a container before attempting to enter.

(b) *Exception.* This section shall not apply to the suppliers of any person holding a concession contract with the City, provided all beverages sold by the concessionaire shall be dispensed to the buyer in paper, cardboard, or plastic containers.

(Code 1984, § 27.306)

Sec. 24-119. Animals prohibited at certain events.

(a) *Prohibition.* No person may bring an animal into an area where an event listed in subsection (b) of this section is being conducted without written permission of the management of the event or an authorized representative thereof.

(b) *Events.* The prohibition in subsection (a) of this section shall apply at the following events:

(1) *Special event.* Any special event unless approved by the Safety Manager pursuant to Chapter 10, Article IX.

(2) *Lambeau Field.* Any event open to the public held at Lambeau Field. For these events, the event area shall include the parking lot only at times when the lot is open for parking for an event in Lambeau Field.

(c) *Exceptions.* This prohibition shall not apply to police animals in the course of their official police duties or a dog for the blind, deaf, or mobility-impaired meeting the requirements of Wis. Stats. § 174.056.
(Code 1984, § 27.307; Ord. No. 21-18, § 1, 10-2-2018)

Sec. 24-120. Advertising on poles and trees.

No person shall post or fasten on any telegraph, telephone, or electric light pole within the City or upon any tree within any street or public ground in the City any bill, sign, notice, or advertising device. Permission to any person to erect and maintain poles shall not be construed to grant the right to use or rent such poles for advertising purposes.
(Code 1984, § 27.308)

Sec. 24-121. Merchandise in streets.

No person shall place any goods, wares, or merchandise or the containers therefor in, on, or above any street or sidewalk in the City without first having received permission from the Council. Such permission shall only be granted upon the filing of a certificate of insurance and indemnification meeting the requirements set by resolution of the Common Council with the City Risk Manager.
(Code 1984, § 27.309; Ord. No. 23-03)

Sec. 24-122. Drone use at special events.

(a) *Special event defined.* For purposes of this section, the term "special event" shall have the same meaning as defined under Section 10-269.

(b) *Prohibited.* It shall be unlawful for any person or entity to fly or operate a drone, as defined in Wis. Stats. 175.55(1)(a), below an altitude of 400 feet within the designated boundaries of a special event during the scheduled time of the event. This subsection shall not apply to authorized public safety agencies or operators having obtained approval from the event organizer or from the Federal Aviation Administration.
(Code 1984, § 27.310; Ord. No. 16-15)

Sec. 24-123. Smoking regulations.

(a) *State law adopted.* Wis. Stats. § 101.123 is adopted by reference and incorporated as though fully set forth herein.

(b) *City buildings.* No person may smoke within 25 feet or less from all City buildings, excluding public rights-of-way.

(c) *Penalties.* Any person who violates subsection (b) of this section shall be subject to a forfeiture of not less than $100.00 nor more than $250.00 for each violation.
(Code 1984, § 8.15; Ord. No. 15-10; Ord. No. 24-12; Ord. No. 24-18, § 1, 10-16-2018)

Secs. 24-124—24-144. Reserved.

ARTICLE III. NOISE

Sec. 24-145. Loudspeakers.

(a) *Use on streets.* No person shall use any loudspeaker on the streets of the City except under permit granted by the Police Chief.

(b) *Permits.* The Police Chief shall not grant a permit to use a loudspeaker before 9:00 a.m. or after 9:00 p.m. or to operate such loudspeaker in the vicinity of hospitals, churches while services are being conducted, or schools which are in session. The Police Chief may order a reduction in the volume of such loudspeaker on complaint being made by a citizen or when such loudspeaker is a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.
(Code 1984, § 27.202)

Sec. 24-146. Regulation of noise.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Committee means the Protection and Policy Committee.

Daytime hours means the hours between 7:00 a.m. and 10:00 p.m.

Nighttime hours means the hours between 10:00 p.m. and 7:00 a.m.

Produce means, when referring to producing noise, to physically activate the source that creates the noise, to order or authorize another person to activate the source that creates the noise, or to have control over a source of noise and permit the noise to exist.

(b) *Unreasonably loud noise.* No person shall produce unreasonably loud noise. A court shall consider any relevant factors to determine whether any noise is unreasonable, including, but not limited to, the following:

(1) *Decibels.* A court may determine any noise is unreasonable solely because it exceeds 80 dB(A) using an A-weighted sound pressure level instrument when measured from any property not under control of the person producing the noise.

(2) *Time of day.* Certain noise that is reasonable during daytime hours may be unreasonably loud during nighttime hours.

(3) *Land use.* Certain noise that is unreasonably loud in residential areas may be reasonable in mixed-use, commercial or industrial areas.

(4) *Duration of noise.* Certain loud noise may be reasonable for a short time, but may be unreasonable if the noise persists over a long time.

(c) *Specific noise violations.*

(1) *Locomotives.* No person in charge of any locomotive shall blow or cause to be blown any steam whistle or other warning device on such locomotive except in case of imminent danger to life and property.

(2) *Boats.* No person in charge of any vessel or craft shall operate or blow the whistle of such vessel or craft while moored.

(d) *Presumptions.* The typical noise produced by the following activities is presumed to be reasonable:

(1) *Required noise.* Any noise-producing activity required by law.

(2) *Construction work.* Work performed at construction sites, at public works projects, and by public utilities during daytime hours Monday through Saturday.

(3) *Waste collection.* The collection of solid waste during nighttime hours Monday through Friday.

(4) *Safety response.* Emergency vehicles responding to an emergency.

(5) *Power equipment.* The use of lawn mowers, snow removal equipment, lawn and garden tools, and riding tractors during daytime hours for yard, pavement or land maintenance.

(6) *Air conditioning.* The use of residential air conditioners.

(7) *Airplanes.* Aircraft operations controlled specifically by federal law.

(8) *Time signals.* The use of bells, chimes, and similar devices that signal the time of day during daytime hours.

(9) *Warning devices.* The use of a device that requests assistance or warns against an unsafe condition.

(e) *Special permit.*

(1) *Application.* Any person wishing to produce or allow noise notwithstanding this section may file a request with the Police Department at least 30 days prior to the event or activity that will produce the noise.

(2) *Police approval.* If the Chief of Police, or their designee, determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Police Department may issue a special permit allowing such noise and place conditions upon its use. Whether a permit is issued or denied, the Police Department shall notify the applicant by mail of its decision.

(3) *Appeal.* The applicant may appeal a Police Department decision to the Committee within 15 days after receiving the decision by filing an appeal notice with the City Clerk. The Committee shall hear the applicant's appeal and affirm, reverse or modify the Police Department's decision. If the Committee determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Committee may recommend issuance of a special permit allowing such noise and place conditions upon its use. The Council shall affirm, reverse or modify the Committee decision.

(4) *Revocation.* The Police Department may immediately revoke a permit issued under this subsection (e) if the permittee violates any conditions placed upon the permit.

(f) *Penalties.* Any person violating subsection (b) or (c) of this section may be required to forfeit not more than $200.00.
(Code 1984, § 27.203; Ord. No. 21-12)

Secs. 24-147—24-175. Reserved.

ARTICLE IV. LAND USE PERFORMANCE STANDARDS NUISANCES

Sec. 24-176. Purpose.

Performance standards are established to minimize conflicts among land uses, to preserve the use and enjoyment of property, and to protect the public health, safety, and welfare. These standards shall apply to all uses of land or structures and are in addition to any requirements applying to specific zoning districts.
(Code 1984, § 13-533)

Sec. 24-177. Dangerous, injurious or noxious conditions; interference with use of property.

No use or structure shall be operated or occupied so as to constitute a dangerous, injurious, or noxious condition because of fire, explosion, or other hazard, noise, vibration, smoke, dust, fumes, odor, or other air pollution, light, glare, heat, cold, dampness, electrical disturbance, liquid, or solid refuse or waste, water or soil pollution, or other substance or condition. No use or structure shall unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities. In addition, no use or structure shall be operated or occupied in a manner not in compliance with any performance standard contained in this article or with any other applicable regulation.
(Code 1984, § 13-534)

Sec. 24-178. Review by other agencies.

In determining compliance with the performance standards of this article, planning and zoning staff may refer any matter to such governmental agencies or other entities as deemed necessary to obtain their review and comments as to such compliance.
(Code 1984, § 13-535)

Sec. 24-179. Glare and heat.

(a) *In general.* No use or structure shall be operated or occupied as to create glare or heat from high temperature processes, such as welding or metallurgical refining, in such an amount or to such a degree or intensity as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) *Specific standard.* Uses producing glare or heat shall be performed within a completely enclosed building in such a manner as to make such glare or heat completely imperceptible from any point along the property line.
(Code 1984, § 13-536)

Sec. 24-180. Vibration.

(a) *In general.* No use or structure shall be operated or occupied as to vibrate in such an amount or to such a degree or intensity as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) *Specific standards.* Uses creating vibration shall comply with the performance standards identified in the below table, Maximum Permitted Vibration, and shall be conducted in such a manner as to make such vibration completely imperceptible from any point along a non-industrial zoning district boundary line. Vibration shall be measured at any point along a property line with a three-point component measuring system recognized as a standard for such purpose and shall be expressed as displacement in inches.

Maximum Permitted Vibration

Frequency in Cycles per Second	*Maximum Vibration Displacement in Inches*
Under 10	0.0008
10—19	0.0005
20—29	0.0002
30—39	0.0002
40 and over	0.0001

(Code 1984, § 13-537)

Sec. 24-181. Noise creation or recurrence.

(a) *In general.* No use or structure shall be operated or occupied as to create noise in such an amount or with such recurrence or at such time of day as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the standards governing noise as regulated by the local, state, or other designated agency.
(Code 1984, § 13-538)

Sec. 24-182. Odor emissions.

(a) *In general.* No use or structure shall be operated or occupied as to create odor in such an amount or to such degree as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the standards governing odor emissions as regulated by the local, state, or other designated agency and with the requirements identified as follows:

(1) Venting of odors, gas, and fumes shall be located a minimum of ten feet above grade and shall be directed away from residential uses.

(2) On property within or adjacent to any non-industrial zoning district, uses producing odorous matter in such quantities as to be readily detectable so as to cause annoyance or discomfort from any point along the property line shall be prohibited.

(Code 1984, § 13-539)

Sec. 24-183. Air emissions.

(a) *In general.* No use or structure shall be operated or occupied as to create the emission of smoke, particulate matter, noxious gas, or other air emission in such an amount or to such degree as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the standards governing air emissions as regulated by the local, state, or other designated agency.
(Code 1984, § 13-540)

Sec. 24-184. Explosive and flammable materials.

(a) *In general.* No use or structure involving the manufacture, storage, or use of explosive or flammable materials shall be operated or occupied as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses involving the manufacture, storage, or use of explosive or flammable materials shall comply with all pertinent regulations, including, but not limited to, the state and local building code.
(Code 1984, § 13-541)

Sec. 24-185. Hazardous materials.

(a) *In general.* No use or structure involving hazardous materials shall be operated or occupied as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the standards governing air emissions as regulated by the local, state, or other designated agency.
(Code 1984, § 13-542)

Sec. 24-186. Direct discharge of waste.

(a) *In general.* No use or structure shall be operated or occupied as to discharge waste material in such an amount as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the standards governing air emissions as regulated by the local, state, or other designated agency.
(Code 1984, § 13-543)

Sec. 24-187. Water pollution.

(a) *In general.* No use or structure shall be operated or occupied as to create water pollution in such an amount as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the standards governing water pollution as regulated by the local, state, or other designated agency.
(Code 1984, § 13-544)

Chapter 25

RESERVED

Chapter 26

OFFENSES

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ARTICLE I. IN GENERAL

Sec. 26-1. Authority to issue citations.

The following City officials are hereby authorized to issue Uniform Municipal Court Citations and to delegate that authority, upon the approval of the Common Council, to persons in their respective departments:

(1) Chief of Police.

(2) Fire Chief.

(3) Superintendent of Inspection.

(4) Director of Public Works.

(Code 1984, § 40.12; Ord. No. 81-93)

Sec. 26-2. Community service as penalty.

The Municipal Court Judge may order community service in lieu of or in conjunction with any other penalty, as provided by Wis. Stats. § 800.09(1b)(b).

(Ord. No. 14-19, § 1, 6-18-2019)

Sec. 26-3. State laws adopted.

The following state statutes are hereby adopted and incorporated as if fully set forth by reference. The penalty for a violation of these provisions shall be as set forth in Sections 26-4 and 26-5. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this Code.

(1) Wis. Stats. § 95.21, Rabies Control Program.

(2) Wis. Stats. § 114.09(1), Reckless Flying.

(3) Wis. Stats. § 114.095, Dropping Objects Prohibited.

(4) Wis. Stats. § 134.06, Bonus to Chauffeurs for Purchases Forbidden.

(5) Wis. Stats. § 134.66, Restrictions on Sale or Gift of Cigarettes or Tobacco Products.

(6) Wis. Stats. § 167.10, Fireworks Regulated.

(7) Wis. Stats. § 167.31, Safe Use and Transportation of Firearms and Bows.

(8) Wis. Stats. § 167.32, Safety at Sporting Events.

(9) Wis. Stats. § 175.25, Illegal Storage of Junked Vehicles.

(10) Wis. Stats. § 218.0146, Motor Vehicles.

(11) Wis. Stats. § 218.0147, Purchase or Lease of Motor Vehicle by Minor.

(12) Wis. Stats. § 252.25, Violation of Law Relating to Health.

(13) Wis. Stats. § 97.627(1), Causing Fires by Tobacco Smoking.

(14) Wis. Stats. § 254.92, Purchase or Possession of Cigarettes or Tobacco Products by Person under 18 Prohibited.

(15) Wis. Stats. § 287.81, Littering.

(16) Wis. Stats. § 939.05, Parties to Crime.

(17) Wis. Stats. § 939.22, Words and Phrases Defined.

(18) Wis. Stats. § 940.19(1), Battery.

(19) Wis. Stats. § 940.34, Duty to Aid Victim or Report Crime.

(20) Wis. Stats. § 940.42, Intimidation of Witnesses.

(21) Wis. Stats. § 940.44, Intimidation of Victims.

(22) Wis. Stats. § 941.10, Negligent Handling of Burning Material.

(23) Wis. Stats. § 941.12, Interfering with Fire Fighting.

(24) Wis. Stats. § 941.13, False Alarms.

(25) Wis. Stats. § 941.20, Endangering Safety by Use of Dangerous Weapon.

(26) Wis. Stats. § 941.23, Carrying Concealed Weapon.

(27) Wis. Stats. § 941.235, Carrying Firearm in Public Building.

(28) Wis. Stats. § 941.24, Possession of Switch Blade Knife.

(29) Wis. Stats. § 941.2965, Restrictions on Use of Facsimile Firearms.

(30) Wis. Stats. § 941.299, Restrictions on the Use of Laser Pointers.

(31) Wis. Stats. § 943.01(1), Criminal Damage to Property.

(32) Wis. Stats. § 943.017, Graffiti.

(33) Wis. Stats. § 943.11, Entry into Locked Vehicle.

(34) Wis. Stats. § 943.13, Trespass to Land.

(35) Wis. Stats. § 943.14, Criminal Trespass to Dwellings.

(36) Wis. Stats. § 943.15, Entry onto a Construction Site or into a Locked Building.

(37) Wis. Stats. § 943.20, Theft (value under $2,500.00).

(38) Wis. Stats. § 943.21, Fraud on Hotel or Restaurant Keeper or Taxicab Operator (value under $2,500.00).

(39) Wis. Stats. § 943.215, Absconding without Paying Rent.

(40) Wis. Stats. § 943.34, Receiving Stolen Property (value under $2,500.00).

(41) Wis. Stats. § 943.37, Alteration of Property Identification Marks.

(42) Wis. Stats. § 943.38(3), Forgery.

(43) Wis. Stats. § 943.41, Financial Transaction Card Crimes (value under $2,500.00).

(44) Wis. Stats. § 943.45, Theft of Telecommunications Service.

(45) Wis. Stats. § 943.45, Theft of Commercial Mobile Service (except subsections (2)(a)—(f)).

(46) Wis. Stats. § 943.46, Theft of Cable Television Service (except subsections (2)(a)—(g)).

(47) Wis. Stats. § 943.47, Theft of Satellite Cable Programming (except subsection (3)(d)).

(48) Wis. Stats. § 943.50, Retail Theft (value under $500.00).

(49) Wis. Stats. § 943.70, Computer Crimes (misdemeanor violations only).

(50) Wis. Stats. § 944.20, Lewd and Lascivious Behavior.

(51) Wis. Stats. § 944.30, Prostitution.

(52) Wis. Stats. § 944.31, Patronizing Prostitutes.

(53) Wis. Stats. § 944.33, Pandering.

(54) Wis. Stats. § 945.01, Definitions Related to Gambling.

(55) Wis. Stats. § 945.02, Gambling.

(56) Wis. Stats. § 945.03(2m), Commercial Gambling.

(57) Wis. Stats. § 945.04, Permitting Premises to be Used for Commercial Gambling.

(58) Wis. Stats. § 946.32(2), False Swearing.

(59) Wis. Stats. § 946.40, Refusing to Aid Officer.

(60) Wis. Stats. § 946.41, Resisting or Obstructing Officer.

(61) Wis. Stats. § 946.66, False Complaints of Police Misconduct.

(62) Wis. Stats. § 946.70, Impersonating Peace Officer, Firefighter or Other Emergency Personnel.

(63) Wis. Stats. § 946.72, Tampering with Public Records and Notices.

(64) Wis. Stats. § 947.01, Disorderly Conduct.

(65) Wis. Stats. § 947.012, Unlawful Use of Telephone.

(66) Wis. Stats. § 947.0125, Unlawful Use of Computerized Communication Systems.

(67) Wis. Stats. § 947.013, Harassment (misdemeanor violations only).

(68) Wis. Stats. § 947.06, Unlawful Assemblies.

(69) Wis. Stats. § 948.40, Contributing to the delinquency of a child (misdemeanor violations only).

(70) Wis. Stats. § 948.61, Dangerous Weapons Other Than Firearms on School Premises (misdemeanor violations only).

(71) Wis. Stats. § 951.01, Definitions Relating to Crimes Against Animals (misdemeanor violations only).

(72) Wis. Stats. § 951.015, Construction and Application.

(73) Wis. Stats. § 951.02, Mistreating Animals (misdemeanor violations only).

(74) Wis. Stats. § 951.03, Dognapping and Catnapping.

(75) Wis. Stats. § 951.04, Leading Animal from Motor Vehicle.

(76) Wis. Stats. § 951.05, Transportation of Animals.

(77) Wis. Stats. § 951.06, Use of Poisonous and Controlled Substances (misdemeanor violations only).

(78) Wis. Stats. § 951.07, Use of Certain Devices Prohibited.

(79) Wis. Stats. § 951.08, Instigating Fights Between Animals (misdemeanor violations only).

(80) Wis. Stats. § 951.09, Shooting at Caged or Staked Animals.

(81) Wis. Stats. § 951.095, Harassment of Police and Fire Animals (misdemeanor violations only).

(82) Wis. Stats. § 951.10, Sale of Baby Rabbits, Chicks, and Other Fowl.

(83) Wis. Stats. § 951.11, Artificially Colored Animals/Sale.

(84) Wis. Stats. § 951.13, Providing Proper Food and Drink to Confined Animals.

(85) Wis. Stats. § 951.14, Providing Proper Shelter.

(86) Wis. Stats. § 951.15, Abandoning Animals.

(87) Wis. Stats. § 961.01, Definitions - Related to Controlled Substances.

(88) Wis. Stats. § 961.41(3g)(e), Prohibited Acts - Possession.

(89) Wis. Stats. § 961.41(3g)(em), Synthetic Cannabinoids.

(90) Wis. Stats. § 961.43, Prohibited Acts C - Penalties.

(91) Wis. Stats. § 961.573, Possession of Drug Paraphernalia.

(Code 1984, § 27.101; Ord. No. 14-09; Ord. No. 41-10; Ord. No. 16-11; Ord. No. 23-13; Ord. No. 10-20, § 1, 4-9-2020)

Sec. 26-4. Prowling.

No person shall loiter or prowl in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify, or manifestly endeavors to conceal or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting said person to identify and explain said person's presence and conduct. No person shall be convicted of an offense under this section if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm. (Code 1984, § 27.601)

Sec. 26-5. Loitering.

(a) *Contrary to sign.* No person shall loaf or loiter in a public or private place conspicuously posted "No Loitering."

(b) *Obstruction of traffic.* No person shall loaf or loiter upon a public street, alley, sidewalk, street crossing, bridge, or in any other public place within the City in such a manner as to prevent, interfere with, or obstruct the ordinary free use of such place by persons passing along and over the same.

(c) *Request to move.* No person shall loaf or loiter individually or in groups or crowds in or upon public or private premises 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 after being requested to move by any police officer or by any person in authority at such place. (Code 1984, § 27.602; Ord. No. 9-06)

Sec. 26-6. Weapons.

(a) *Firearms.*

(1) *Discharge prohibited.* No person shall discharge a firearm in the City.

(2) *Exceptions.* A firearm may be discharged under the following conditions:

a. In the confines of a licensed shooting gallery or sportsmen club.

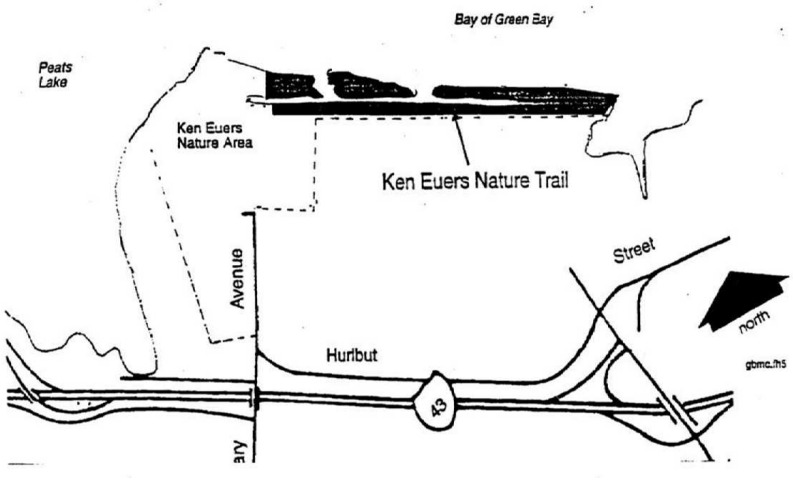
b. By peace officers of the United States, Wisconsin, or any subdivision thereof while in the discharge of the proper exercise of their duties and within their proper jurisdictions.

c. For the purpose of the elimination of animals, as authorized by the Department of Natural Resources and the Green Bay Police Department, and such decision may be appealed to the Protection and Policy Committee.

d. Within an entirely enclosed structure under such circumstances that the instrument can be fired in such a manner as to not endanger any persons or property and as to prevent the projectile from leaving the structure.

e. Pursuant to action validly taken in self-defense.

f. Migratory bird hunting in the West Bay Shore area north of the Ken Euers Trail between half-way slough and the extension of Military Avenue, specifically displayed in the shaded area of the following map. Any discharge of a firearm in this area shall be directed over or into the waters of Green Bay and the weapon and ammunition used shall comply with all regulations pertaining to the hunting of migratory birds.



Bay of Green Bay: Ken Euers Nature Trail

(b) *Bow and crossbow.*

(1) *Use and discharge prohibited.* No person shall use or discharge an arrow from a bow or a bolt from a crossbow in the City.

(2) *Exceptions.* A bow and arrow or crossbow may be used under the following conditions:

a. As part of a supervised activity sponsored by a public or private institution of learning duly licensed by the State of Wisconsin.

b. At a licensed sportsmen's club, gallery, or range.

c. In conformity with the conditions of subsection (a)(2)d and e of this section.

d. While hunting at least 50 yards from a building located on another person's land and only if discharging the arrow or bolt toward the ground.

e. While hunting with the permission of any person who owns a building within 50 yards and only if discharging the arrow or bolt toward the ground.

(c) *Possession of dangerous or deadly weapons.*

(1) *General prohibition.* Except as reasonably necessary to fulfill the exceptions provided elsewhere in this section, no person shall carry or transport any bow or crossbow, or conceal about the person or display in a threatening manner any dangerous or deadly weapon, including, but not limited by enumeration to, martial arts weapons such as throwing stars, swords, or nunchaku; slingshots; knuckles of lead, brass, or other metals; or a bowie knife, bow, or crossbow.

(2) *Exceptions.* The prohibitions of subsection (c)(1) of this section will not be construed to prevent the carrying of any type of weapon when it is unloaded and properly cased, boxed, packaged, or otherwise unavailable for immediate use or transported in conformity with Wis. Stats. § 167.31, or the display and sale of such weapon by a licensed retailer; or when such weapon is possessed in strict conformity with Wis. Stats. § 29.304, nor shall any of these prohibitions forbid any peace officer of the United States, Wisconsin, or any subdivision thereof from carrying, wearing, or using such weapons as shall be necessary in the proper exercise of their duties.

(Code 1984, § 27.603; Ord. No. 7-08; Ord. No. 3-14; Ord. No. 17-17)

Sec. 26-7. Misuse of 911.

No person shall dial the telephone number 911 knowing that no emergency in fact exists. No person shall dial the telephone number 911 and report a fact situation that they know does not exist. For the purposes of this section, the term "emergency" shall mean a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

(Code 1984, § 27.604)

Sec. 26-8. Fraudulent return of merchandise.

No person shall return merchandise to a merchant for the purpose of claiming a cash refund or credit if the person falsely represents that such person purchased the merchandise, falsely represents the place of purchase of the merchandise, falsely represents the purchase price of the merchandise, or provides the merchant a false name or address.

(Code 1984, § 27.605)

Sec. 26-9. Tobacco on school grounds.

No person may use any tobacco product in buildings owned, rented by, or under the control of the Green Bay School Board, except that the School Board may allow the use of tobacco products in buildings owned by the School District and rented to another person for non-educational purposes.
(Code 1984, § 27.606)

Sec. 26-10. Lost and found property.

The Chief of Police, or the Chief's designee, shall take possession of property which is lost or abandoned. If property remains unclaimed by its owner for a period of 30 days and the finder makes a claim to the Chief of Police, or the Chief's designee, within the 30 days, the property shall be returned to the finder. Otherwise, the property shall be disposed of as provided in Wis. Stats. § 66.0139.
(Code 1984, § 27.607)

Sec. 26-11. Destruction of birds and squirrels.

No person shall injure or destroy any kind of bird or rob or destroy any bird's nest within the City. No person shall throw stones at or shoot or use any implement with the intention of killing or injuring any bird or squirrel within the City.
(Code 1984, § 27.608)

Sec. 26-12. Animal trespassing.

No person shall permit any animal owned by or under the control of such person to trespass or be upon the property of another person.
(Code 1984, § 27.609)

Sec. 26-13. Obstruction of aisles and passageways.

All aisles, passageways, and lobbies in any public hall, theater, or church in the City shall be kept free from camp stools, chairs, sofas, and other obstructions; and no person shall be allowed to stand in or occupy any of such aisles, passageways, or lobbies during any performance, service, exhibition, lecture, concert, ball, or any other public assemblage; nor shall there be any chairs, settees, camp stools, or other obstructions in such aisles, passageways, lobbies, or corridors of such buildings as such times.
(Code 1984, § 27.612)

Sec. 26-14. Depositing human waste.

No person shall deposit human waste products upon nor urinate or defecate upon any public or private property other than into a toilet or other device designed and intended to be used to ultimately deposit such human waste products into a septic or sanitary sewer system.
(Code 1984, § 27.613)

Sec. 26-15. Damage to property by tenants.

(a) It shall be unlawful for any person leasing, renting or in possession of the property of another, whether real or personal, to intentionally cause or knowingly permit such property to be materially damaged, defaced, or destroyed without the owner's consent.

(b) The term "materially damaged, defaced or destroyed" means that the property is reduced in value beyond normal wear and tear. For the purposes of this subsection, property is reduced in value by the amount which it would cost either to repair or replace it, whichever is less.

(c) In any prosecution under this section, proof that the property has been materially damaged, defaced or destroyed without the owner's consent shall be prima facie evidence that the tenant, lessee or person in possession of the property of another intentionally caused or knowingly permitted such property to be materially damaged, defaced or destroyed.

(d) Any person who violates this section shall be subject to a forfeiture of not more than $1,000.00, together with the costs of prosecution.
(Code 1984, § 27.614; Ord. No. 10-09)

Sec. 26-16. Graffiti removal.

(a) The term "graffiti" is defined as any phrase or symbol intentionally marked, drawn, or written with paint, ink or another substance on or intentionally etched into the physical property of another without the other person's consent.

(b) A property owner shall remove or repair graffiti on their property no later than five business days after the Green Bay Police Department, or its agent, mails a written notice to remove such graffiti to the property owner's last-known address.

(c) If a property owner fails to remove or repair any graffiti in violation of subsection (b) of this section, the City of Green Bay, or its agents, shall have the graffiti removed or repaired, and the owner of such property shall be liable for all costs, fees and expenses resulting from such removal or repair.

(d) A property owner who is found liable under subsection (c) of this section may appeal such a determination to the Green Bay Parks Committee no later than 30 days after the bill for services is mailed by the City of Green Bay, or its agent. If the Parks Committee determines that the property owner was unable to remove the graffiti in accordance with subsection (b) of this section due to circumstances outside the property owner's control, the Committee shall waive the property owner's liability under subsection (c) of this section. Wis. Stats. Ch. 68 shall not apply to this appeal procedure.
(Code 1984, § 27.615; Ord. No. 39-09; Res. of 4-18-2017)

Sec. 26-17. Notice to law enforcement for motor vehicle repossession.

Wis. Stats. § 425.2065, as amended from time to time, is adopted by reference and incorporated as though fully set forth herein.
(Code 1984, § 27.616; Ord. No. 26-10; Res. of 4-18-2017)

Sec. 26-18. General penalty.

Unless otherwise specifically provided, any person who shall violate any provision of this chapter or any regulation, rule, or order made hereunder shall be subject to a forfeiture of not less than $1.00 nor more than $500.00 for each offense.
(Code 1984, § 27.901)

Sec. 26-19. Specific penalties.

(a) *Certain criminal counterpart ordinances.* Notwithstanding Section 26-4, any person who shall violate a provision of Section 26-3, adopting Wis. Stats. § 167.31, 167.32, 940.19(1), 940.34, 940.42, 940.44, 941.20, 941.23, 941.235, 941.24, 941.28, 941.29, 941.295, 941.325, 943.01, 943.20, 943.201, 943.215, 943.34, 943.37, 943.38, 943.41, 943.45, 943.455, 943.46, 943.47, 943.50, 943.70, 944.20, 944.30, 944.31, 944.32, 944.33, 944.34, 945.02, 945.03, 945.04, 946.31, 946.32, 946.41, 946.65, 946.70, 946.72, 947.01, 947.013, 951.08, or 961.573, shall forfeit not less than $1.00 nor more than $1,000.00 for each offense.

(b) *Possession of marijuana.* Notwithstanding Section 26-4, any person who violates Section 26-3, adopting Wis. Stats. § 961.41(3g)(e), by possessing an amount not greater than 28 grams shall forfeit not less than $1.00 nor more than $500.00. The Municipal Court may order community service in lieu of or in conjunction with a forfeiture.

(c) *Certain ordinance violations.* Notwithstanding Section 26-4, any person who shall violate Section 24-117, 26-47, 26-48, or 26-49 shall forfeit not less than $1.00 nor more than $1,000.00 for each offense.

(d) *Penalty for entering playing field.* Any person who shall violate Section 24-117(d) shall forfeit no less than $300.00.
(Code 1984, § 27.902; Ord. No. 27-18, § 1, 12-4-2018)

Sec. 26-20. Parties to a violation.

Whoever is concerned in the commission of a violation of this chapter is a principal and may be charged with and convicted of the violation although the person did not directly commit it and although the person who directly committed it has not been convicted of the violation. A person is concerned in the commission of the violation if the person directly commits the violation, intentionally aids or abets the commission of it, is a party to a conspiracy with another to commit it, or advises, hires, counsels, or otherwise procures another to commit it.
(Code 1984, § 27.102)

Sec. 26-21. Attempt.

Whoever attempts to commit a violation of this chapter may be charged with and convicted of the violation. An attempt to commit a violation of this chapter requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute such violation and that the actor does acts toward the commission of the violation which demonstrate unequivocally, under all the circumstances, that the actor formed that intent and would commit the violation except for the intervention of another person or some extraneous factor.
(Code 1984, § 27.103)

Secs. 26-22—26-39. Reserved.

ARTICLE II. JUVENILES

Sec. 26-40. Municipal code violations.

The state legislature has conferred concurrent jurisdiction on Municipal Court in matters involving the violation of municipal ordinances by juveniles. The legislature has adopted certain procedures and dispositions that govern the relationship between juveniles, law enforcement agencies, and the courts. These procedures take precedence over any other procedures set forth in this Code or otherwise provided by law.
(Code 1984, § 40.13)

Sec. 26-41. Curfew.

(a) *Prohibition.* No person under the age of 17 years shall loiter, idle, or remain upon the public streets, highways, roads, alleys, parks, vacant lots, or any public lands, either on foot or in any vehicle driven or parked thereon, between the hours of 10:00 p.m. and 6:00 a.m., unless accompanied by their parent, guardian, or other adult person having their custody, as the term "custody" is defined in Wis. Stats. § 895.035.

(b) *Contributing to violation.*

(1) *Parent or guardian.* No parent, guardian, or other person having custody of a child under the age of 17 years may knowingly permit or fail to take action to prevent a violation of subsection (a) of this section. The term "custody" in this subsection has the same meaning as Wis. Stats. § 895.035.

(2) *Other person.* No person 17 years of age or older may knowingly permit or fail to take action to prevent a violation of subsection (a) of this section on premises owned or controlled by such person or in a vehicle owned, controlled, or operated by such person.

(c) *Exemptions.* The provisions of this section shall not apply in the following instances:

(1) *Emergency errand.* When the minor is upon an emergency errand directed by their parent, guardian, or other adult person 21 years of age or older having the lawful care and custody of the minor;

(2) *School activity.* When the minor is returning directly home from a school activity;

(3) *Employment.* When the minor is traveling to, or returning directly home from, lawful employment that makes it necessary to be in above-referenced places during the proscribed period of time;

(4) *Constitutional rights.* When the minor is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or free exercise of religion;

(5) *Travel.* When the minor is engaged in interstate and intrastate vehicular travel through the City with parental consent;

(6) *Residence.* When the minor is on the sidewalk adjoining the property where the minor resides or on the property where the minor resides or on either side of or across the street from the property where the minor resides and the adult or the owner or resident of that property has given permission for the minor to be there; and

(7) *Marriage.* When the minor is married or has been married pursuant to state law.
(Code 1984, § 27.401; Ord. No. 30-05)

Sec. 26-42. Harboring minors.

No owner, tenant, or person in control of a residence or other facility shall allow or permit a child under the age of 18 years to loiter, idle, or remain in said residence or upon said property without the consent of the child's parent, guardian, or spouse.
(Code 1984, § 27.403)

Sec. 26-43. Truancy.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Habitual truant means a pupil who is absent from school without an acceptable excuse under Wis. Stats. § 118.15 or 118.16(4), for part or all of five or more days on which school is held during a school semester.

Truant means a pupil who is absent from school without an acceptable excuse under Wis. Stats. § 118.15 or 118.16(4), for part or all of any day on which school is held during a school semester.

(b) *Habitual truancy.* No child shall be a habitual truant.

(c) *Contributing to truancy.* No person 18 years of age or older may, by any act or omission, knowingly encourage or contribute to the truancy of a child. An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

(d) *Truant.* Any child found by the courts to be truant shall be subject to a forfeiture of not more than $50.00 plus costs for a first violation, or a forfeiture of not more than $100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation. Any child not in attendance at school, at the child's place of residence, or accompanied by a parent or legal guardian on a day on which school is held during a school semester and during the hours when that child is required to be in attendance at school shall be presumed truant. The child shall have the burden to present the court with evidence sufficient to rebut this presumption.

(e) *Juvenile accountability and parental liability.* All or part of any forfeiture or costs assessed by a court under this section may be assessed against the child, the parents or guardian of the child, or both.

(f) *Available dispositions.*

(1) *Habitual truancy violations.* For a violation of subsection (b) of this section, all dispositions listed in Wis. Stats. § 118.163(2)(a)—(l) shall be available to the Municipal Court.

(2) *Truancy violations.* For a violation of subsection (d) of this section, all dispositions listed in Wis. Stats. § 118.163(1m)(a)—(c) shall be available to the Municipal Court.
(Code 1984, § 27.402; Ord. No. 46-07)

Sec. 26-44. Possession of tobacco and vapor products by minors prohibited.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Electronic delivery device shall include any component part of such a product whether or not sold separately. The term "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.

Minor means an individual who is less than 18 years of age.

Person who sells tobacco products at retail means 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.

Person who sells vapor products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.

Possession of a tobacco product or vapor product means 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.

Public place means a public street, sidewalk, or park or any area open to the general public in a publicly owned or operated building or premises, or in a public place of business or school.

Tobacco product means 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. The term "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.

Use a tobacco product or vapor product means to smoke, chew, suck, inhale, or otherwise consume a tobacco product or vapor product.

Vapor product means 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.

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

(1) Purchase or attempt to purchase a tobacco product or vapor product.

(2) Possess or attempt to possess a tobacco product or vapor product.

(3) Use a tobacco product or vapor product in a public place.

(4) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually their own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.

(c) *Exemptions.* Subsection (b) of this section shall not apply to a minor participating in any of the following:

(1) 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.

(2) 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.

(3) 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.

(4) The handling or transportation of a tobacco product or vapor product by a minor under the terms of that minor's employment.

(d) *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.

(1) This subsection (d) shall not apply to the handling or transportation of a vapor product by a minor under the terms of the minor's employment.

(2) Before selling, offering for sale, giving, or furnishing a vapor product to an individual, a person shall verify that the individual is at least 18 years of age by doing one of the following:

a. Examining a government-issued photographic identification that establishes that the individual is at least 18 years of age.

b. 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 ordering process that establishes that the individual is 18 years of age or older.

(Ord. No. 13-19, § 1, 4-19-2019)

Chapter 27

RESERVED

Chapter 28

PARKS AND RECREATION

Article I. In General

Sec. 28-1. Park district and jurisdiction.
Sec. 28-2. Director of Parks, Recreation and Forestry.
Sec. 28-3. Protection of parks and greenways.
Sec. 28-4. Conduct in parks and greenways.
Sec. 28-5. Enforcement.
Sec. 28-6. Lawful orders to be obeyed.
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Article II. Urban Forests

Sec. 28-31. Purpose.
Sec. 28-32. Definitions.
Sec. 28-33. Authority and power.
Sec. 28-34. Public tree and vegetation regulations.
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Sec. 28-36. Permits.
Sec. 28-37. Violations.
Sec. 28-38. Emergencies.

ARTICLE I. IN GENERAL

Sec. 28-1. Park district and jurisdiction.

The City shall constitute a single park district, and all City-owned parks shall be under the jurisdiction of the Park Committee. The jurisdiction of such Committee shall extend to all parks and greenways within the City. Park and greenway policies established by the Committee must be adhered to.
(Code 1984, § 25.01; Ord. No. 18-09)

Sec. 28-2. Director of Parks, Recreation and Forestry.

The members of the Committee shall engage a person skilled in the operation and management of parks, who shall be the Director of Parks, Recreation and Forestry (hereinafter "Director"), to administer and enforce the policies and regulations adopted by such Committee under Wis. Stats. Ch. 27. The Director shall administer the operation of the combined departments of parks, recreation, and forestry.
(Code 1984, § 25.02; Ord. No. 18-09)

Sec. 28-3. Protection of parks and greenways.

(a) *General prohibitions.* No person shall play ball games, golf, archery, or paintball, or use any device which propels a projectile using the force of a compressed gas or a motorized toy in public parks and greenways, except in and upon areas designed for such purposes.

(b) *Damage to or removal of plants.* No person shall pluck or cause damage to any flowers, plants, fungi, shrubs, or trees growing in any public park or greenway. No person shall remove any plant, or parts of a plant, including fruit and seeds, without permission of park staff.

(c) *Care of or removal of any living bird, animal, animal parts, or non-living objects.* No person shall mistreat or collect, remove from or add to (release of animals on site) from any City park or greenway any bird, animal, mammal, fish (outside of urban fishing regulations for the lagoon at the Wildlife Sanctuary), reptile, amphibian or insect, nor remove nests, feathers, pellets, dens, antlers, and bones (including any approved research project) without permission of park staff.

(d) *Damage to or removal of property.* No person shall damage, deface, destroy, steal, take, or carry away any equipment used in or about the City parks and greenways. No person shall place equipment or items in parks and greenways (including, but not limited to, cameras, geo caches, deer stands, blinds, traps, etc.) without permission of park staff.

(e) *Trail use in parks and greenways.* All persons are to remain on staff designated and marked nature trails for walking/hiking, and cross-country skiing. Biking shall only be allowed on trails so designated. After cross-country ski trails have been groomed for the season, no activity that damages the groomed trails shall be permitted (i.e., ski skating, snowshoeing, walking, etc.). Wildlife Sanctuary nature trails are not open for public biking, skate skiing, or snowshoeing. At the Wildlife Sanctuary, walking off of the trails is not permitted unless conducting an approved research project.
(Code 1984, § 25.03; Ord. No. 20-99; Ord. No. 18-09)

Sec. 28-4. Conduct in parks and greenways.

(a) *Traffic.* No automobile or other vehicle shall be driven within any park, except upon drives provided for that purpose, or at greater speeds than those posted; nor shall any person park an automobile or other vehicle in the parks, except in places designated therefor, unless ordered to do so by an officer on duty in the park. Except during City-sponsored or -approved events, no person shall park any vehicle anywhere in any City park between 10:00 p.m. and 6:00 a.m.

(b) *Disorderly conduct.* Wis. Stats. § 947.01, governing disorderly conduct, is adopted by reference and incorporated herein.

(c) *Alcohol beverages.*

(1) *Prohibition.* Notwithstanding subsections (c)(2) and (3) of this section, no person shall possess or consume any alcohol beverages in any park, playground, athletic field or court, swimming or wading pool, or parking lot.

(2) *Exceptions for certain parks.* A person may possess or consume fermented malt beverages or wine in the picnic areas of Bay Beach Amusement Park, Colburn Park, or Perkins Park between 8:00 a.m. and 9:00 p.m., and in Joanne's Baseball Stadium pursuant to any applicable agreement.

(3) *Approval by Parks Committee and Council.* A person may request approval from the Parks Committee to possess or consume fermented malt beverages or wine in any other park. The Committee may adopt, and the Council may approve, a written policy identifying which requests may be approved without a hearing. The Parks Department shall approve any request to which the written policy applies. Any person may demand a hearing before the Committee if their request was not approved under the written policy. If the Committee grants the person's request, and the Council approves, the person shall comply with any restrictions placed upon the rental permit or reservation by the Committee.

(d) *Glass prohibited.* Glassware and glass containers shall be prohibited in all City parks and greenways.

(e) *Controlled substances.* No person shall possess, use, offer for sale, or sell any controlled substance, as defined in Wis. Stats. Ch. 161, within any public park.

(f) *Sales of articles.*

(1) No person shall offer for sale or sell any article in any public park unless permission is first obtained from the Park Committee.

(2) This subsection (f) shall be interpreted to include the advance sale of tickets or chips for material or merchandise to be delivered at a public park.

(g) *Sale of services.* No person other than a City employee, official, or contractor shall sell or offer for sale any goods, merchandise, or services without prior approval by the Park Committee.

(h) *Littering.* No person shall place or leave any paper or refuse in any park except in the containers provided therefor.

(i) *Animals prohibited in City parks and farmers' market locations.*

(1) No domesticated or privately-owned animals shall be permitted in any part of any City park or farmers' market locations during market hours, except as allowed under subsec-

tion (i)(2) of this section or as may be approved from time to time by the Parks Department as part of a Parks Department program, including, but not limited to, programs for reducing fowl or other wildlife in City parks. No domesticated or privately-owned animals shall be permitted in the Bay Beach Amusement Park, Bay Beach Wildlife Sanctuary, and Ken Euers Nature Area.

(2) Exceptions.

a. Dogs on a visible leash no longer than seven feet are only allowed to be walked in parks on designated perimeter or pass through walkways or pathways, parking lots serving the walkways or pathways, and designated trails.

b. A dog owner or handler and its dog shall not loiter, stop, or stand in the parks or trails.

c. If a dog defecates while walking through a park, the dog owner/walker must clean up after the dog and remove such excreta from the park.

d. Dog Exercise Area.

1. Dogs are permitted in the Dog Exercise Area located at Whitney Park subject to the following rules:

(i) All dogs must be licensed and vaccinated pursuant to Wis. Stats. § 95.21(2), as amended from time to time.

(ii) A dog owner or handler must be at least 16 years of age and must be in the fenced area at all times and shall not leave their dog unattended or out of sight. The dog must be under the voice control of the owner or handler at all times.

(iii) A dog owner is legally responsible for their dog and any injuries caused by the dog.

(iv) No more than two dogs are permitted in the Dog Exercise Area per owner or handler.

(v) Dog waste must be collected and disposed of immediately.

(vi) Dogs must be restrained by a leash no longer than seven feet when entering and leaving the off-leash area.

(vii) The owner or handler must have in their possession a leash for each dog at all times.

(viii) Dogs must be free of communicable illness and parasites.

(ix) No aggressive dogs, dogs in heat, or puppies under the age of five months are allowed.

(x) The owner or handler may not use a choke, pinch, or spike collar for their dogs.

(xi) No food (human or dog) is allowed.

(xii) Children under the age of 13 years must be supervised by an adult.

(xiii) Any dog deemed dangerous pursuant to Section 6-13 is not permitted.

(xiv) Professional trainers or any other person are not allowed to use the Dog Exercise Area for profit or gain without approval from the City of Green Bay.

2. Any violation of the Dog Exercise Area rules or policies by the City of Green Bay will result in the removal from the Dog Exercise Area and suspension of park privileges and/or forfeitures subject to Section 1-6.

e. The Director of Parks, Recreation, and Forestry, or designated staff, has the authority to issue citations in the event that verbal warnings regarding dogs in parks are ignored.

(j) *Trespass.*

(1) Personnel authorized by the Chief of Police or the Director of Parks and Recreation may eject a person from all City parks for a period of time if that person violates park rules, City ordinances, or state laws in a City park. Appeals may be made to the Director of Parks and Recreation or the Director's designee.

(2) It shall be unlawful for a person to enter a City park during the period of ejection under subsection (j)(1) of this section.

(3) Parental violation. A parent, guardian, or other person having custody of an unemancipated minor child, who has been advised of the child's ejection from the City parks, may be cited if the child trespasses in a City park in violation of subsection (j)(2) of this section. Citations may be issued under this subsection regardless of whether the child is cited. The term "custody" has the same meaning as in Wis. Stats. § 895.035(1)(a) and (b).

(k) *Parks closed at night.* No person shall loiter, idle, or remain in a City park between the hours of 10:00 p.m. and 6:00 a.m., unless they are attending a Park Department City-sponsored or -approved activity.

(l) *Smoking.* Smoking is prohibited as follows:

(1) In all City park shelters and facilities and within ten feet of such shelters and facilities.

(2) At the following locations at Bay Beach Amusement Park:

a. On any amusement ride or attraction;

b. In the pavilion, train depot, any concession stand, or ticket booth; and

c. The paved areas surrounding said amusement rides and attractions, ticket booths, and concession stands.

(3) At all locations at the Bay Beach Wildlife Sanctuary.

(Code 1984, § 25.04; Ord. No. 40-98; Ord. No. 18-09; Ord. No. 17-10; Ord. No. 36-20, §§ 1, 2, 10-20-2020)

Sec. 28-5. Enforcement.

(a) *Duties of police.* The Police Department shall enforce this chapter under the direction of the Mayor and Council.

(b) *Responsibilities of patrons.* No person shall resist or in any way interfere with any police or special officer or offer to do so while in any park, on the beach, or in the public waters, or while conveying any person from such park to the City. When called upon by any police officer, any person in any park, on the beach, or in the public waters shall promptly assist such officer.

(Code 1984, § 25.05; Ord. No. 18-09)

Sec. 28-6. Lawful orders to be obeyed.

Every person using any City park shall obey immediately any lawful order or direction given by park police and special officers or by park employees.
(Code 1984, § 25.06; Ord. No. 18-09)

Sec. 28-7. Bay boat ramp fee.

(a) There is hereby established a boat ramp user fee for use of all City of Green Bay boat ramps.

(1) The Common Council shall, by resolution, establish the amount of the seasonal and daily fee and provide for the method of payment and receipt display requirements.

(2) All boat ramp fee proceeds shall be segregated in the City of Green Bay Boat Ramp Operation, Maintenance, and Improvement Fund.

(b) The fee shall apply to the use of any City of Green Bay boat ramp by any person or vehicle launching any watercraft from the ramp.

(c) All City of Green Bay watercraft shall be exempt from payment of the boat ramp user fee. Exemption from payment of the boat ramp user fee may be granted to other authorized government watercraft by the express approval of the Green Bay Director of Public Works and the Green Bay Parks, Recreation and Forestry Director.

(d) It shall be unlawful for any person or owner of a vehicle to engage in any shift, scheme, device, or plan which results in payment of less than the actual fee due for any person or vehicle launching a watercraft from the City of Green Bay boat ramp. The owner of a vehicle found in violation of this subsection shall be liable for the violation.

(e) Penalty. The penalty for violation of any provision of this section, and related resolutions, shall be a forfeiture as follows:

(1) $20.00 if payment is made to the Parking Utility within three calendar days after the violation.

(2) All other enforcement provisions of the Traffic Code in Chapter 40 shall apply to issuance and payment of a citation under this section; and the late payment schedule for all other parking regulations set out in Section 40-37 shall also apply.

(f) Enforcement. The Parks, Recreation and Forestry Director, or any person delegated by the Director, upon approval of the Parking Utility Commission, is hereby authorized to issue citations for violation of this section. The authority granted herein shall be pursuant to the Parking Utility provisions in Article II of Chapter 40.
(Code 1984, § 6.32)

Secs. 28-8—28-30. Reserved.

ARTICLE II. URBAN FORESTS

Sec. 28-31. Purpose.

It is the purpose of this article to promote, maintain, and improve the urban forest by addressing the planting, maintenance, and removal of trees within the City of Green Bay. This article provides full power and authority over all public trees, plants, and shrubs and to trees, plants, and shrubs located on private property that constitute a hazard or threat as described herein.
(Code 1984, § 25.21(1); Ord. No. 2-07; Ord. No. 18-09)

Sec. 28-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means a vendor or contractor hired by the City to perform assigned tasks.

City Forester. The Director of Parks, Recreation and Forestry, or the representative thereof, oversees the duties of the City Forester.

Forestry Program Manual means a manual prepared by the City Forester pursuant to this article containing regulations and standards for the planting, maintenance, and removal of trees, shrubs, and other plants within the City.

Hazard means any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb that obstructs streetlights, traffic signs, or the free passage of pedestrians or vehicles; a tree that poses a threat to safety.

Permit means the written permission of the City Forester.

Pest means any organism, insect, rodent, fungus, virus, bacteria, or other agent that causes any damage, abnormal growth or mortality of any tree, shrub, bush, or woody vegetation.

Property owner means the person owning such property as shown by the County Auditor's Plat of the City of Green Bay, Wisconsin.

Public property means property within the City limits of the City of Green Bay and owned, maintained, and controlled by the City or implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public easements.

Public right-of-way means:

(1) A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

(2) The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Top or *topping* means the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Tree Protection Zone means the minimum area beneath a tree that must be undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Tree Protection Zone will typically be represented by a concentric circle centering on the tree's trunk.

Urban forest means a collection of trees in and around the City, including park and street trees on public property and trees on private property.
(Code 1984, § 25.21(2); Ord. No. 2-07; Ord. No. 18-09)

Sec. 28-33. Authority and power.

(a) *Green Bay Park Committee (hereafter "the Committee").* The Committee shall be advisory in nature with the purpose of providing advice to the Mayor and Common Council as to the preservation, protection, and management of the urban forest of Green Bay in accordance with the intents and purposes of this article. The Committee shall advise and consult with the Department of Parks, Recreation and Forestry, the Forestry Division, and the City Forester on any matter pertaining to the City of Green Bay Tree Ordinance and its enforcement.

(b) *City of Green Bay Parks, Recreation and Forestry Department (hereafter "the City").*

(1) The City shall have the authority and jurisdiction to plant, prune, maintain, and remove trees within the rights-of-way of all streets, alleys, avenues, lanes, and public properties and parks and tree-planting easements as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public property.

(2) The City shall have the right to prune or cause the pruning of any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign or sight triangle at intersections, or interferes with the passage of pedestrians or vehicles in the public right-of-way.

(3) The City shall have the right to treat or cause the treatment of any diseased or infested trees on private property when such trees constitute a potential threat to the urban forest.

(4) The City shall have the right to remove or cause the removal of any dead, diseased, infested, or structurally damaged tree, or portion of tree, on private property when such tree constitutes a potential hazard to life and property within the right-of-way or on public property or constitutes a threat to the urban forest.

(c) *City Forester.*

(1) The City Forester shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on public property and, subject to private property tree and vegetation regulations, to ensure safety or preserve the aesthetics of such public sites.

(2) The City Forester shall have the authority to review all requests for permits for any planting, removal, pruning, and/or trimming or cutting of trees on any public property. The City Forester shall also have the authority to grant or deny and to attach reasonable conditions to all permits.

(3) The City Forester has the authority and jurisdiction to review tree planting and landscaping planting plans for building and development projects that have been submitted as required by Chapter 44. The City Forester has authority to modify a landscape plan as a condition of approval.

(4) The City Forester shall have the authority and jurisdiction to supervise or inspect all work done under a permit issued in accordance with the terms of this article.

(5) The City Forester may inspect any trees, shrubs, vines, hedges, plants, logs, or branches existing or growing upon any property within the City. The City Forester may conduct surveys to determine if any destructive or communicable disease or other pest exists which may be detrimental to or endanger the good health and well-being of trees or other plant life in the City.

(6) The City Forester shall have the authority and jurisdiction to restrict tree maintenance activities within the City limits to reduce the spread of infectious diseases and/or insects. Restrictions are to be listed in the Forestry Program Manual and presented annually in the local media.

(7) The City Forester shall enforce such rules, regulations, permit, and penalty procedures as deemed necessary and may do so by the issuance of municipal citations to effectuate the intent of this article. No person shall unreasonably hinder, prevent, delay, or interfere with the City Forester or their agents while engaged in the execution or enforcement of this article.

(Code 1984, § 25.21(3); Ord. No. 2-07; Ord. No. 18-09)

Sec. 28-34. Public tree and vegetation regulations.

(a) It shall be unlawful for any person to plant, prune, or remove any tree (or portion thereof), shrub, or other plant upon any public property without a permit.

(b) It shall be unlawful for any person to "top" any tree on public property.

(c) Trees on public property shall be protected from damage or removal by any means unless otherwise authorized by a permit issued by the City Forester. Tree crowns and trunks shall not suffer any branch or bark loss. Roots shall be protected from compaction, storage of materials, and severing within a circle around the tree with the tree trunk as the focal point. The radius of the Tree Protection Zone (TPZ) shall be determined by the tree diameter listed in the following table:

RADIUS OF TREE PROTECTION ZONE

Tree Diameter at 4 ½ Feet Above Ground	*Radius of TPZ (Tree Trunk in Center)*
0—4.0 inches	2.0 feet
4.1—9.0 inches	5.0 feet
9.1—14.0 inches	10.0 feet
14.1—19.0 inches	12.0 feet
19.1 or more inches	15.0 feet

Roots located within the determined circle shall be protected by such practices as temporary bridges for vehicles or auguring for utility installation. Any factors that would cause any deviations from the above table shall be noted on the permit issued for such work and require notification of the City Forester.

(d) It shall be unlawful for any individual to place salt, brine, petroleum products, herbicides, or any other substances in such amount as to be toxic or injurious to the health, growth, or vitality of any public tree.

(e) No individual shall be allowed to drive nails, staples, screws, or fasten any rope, wire, electric attachment, sign (including any bills, advertisements, cards, or notices of any kind) or other devices to a public tree or to any guard about such tree.

(f) No individual shall deposit, place, store, or maintain upon any public property any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by written permit of the City Forester.
(Code 1984, § 25.21(4); Ord. No. 2-07; Ord. No. 18-09)

Sec. 28-35. Private property tree and vegetation regulations.

(a) The owner of any tree or shrub overhanging any street or right-of-way within the City shall prune the tree or shrub before it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign or sight triangle at intersections or interferes with the passage of pedestrians or vehicles in the public right-of-way.

(1) If the owner of the property fails or refuses to take remedial action, the City Parks, Recreation, and Forestry Department, or the agent of, may perform the remedial action without compensation to such owner or any person who planted or caused to be planted such tree or shrub.

(2) The City Parks, Recreation, and Forestry Department may charge the owners for the expenses incurred.

(b) If the City Forester ascertains that a tree or shrub growing on private property suffers from a communicable disease or insect infestation which threatens the health of the urban forest, the City Forester may notify the owner of the property that the tree or shrub must be treated or removed within 15 days of the notification.

(1) If the owner of the property fails or refuses to take remedial action, the City Parks, Recreation, and Forestry Department, or the agent of, shall have the authority to enter the property and perform the remedial action without compensation to such owner or any person who planted or caused to be planted such tree or shrub.

(2) The City Parks, Recreation, and Forestry Department shall charge the owners for the expense incurred.

(c) The City Parks, Recreation, and Forestry Department shall have the right to cause the removal of any hazardous tree (or portion of tree) on private property within the City when such tree constitutes a hazard to life or property in the public right-of-way or on public property. The City Forester shall notify the owner of the property that the hazard must be alleviated or removed within 15 days of the notification.

(1) If the owner of the property fails or refuses to take remedial action, the City Parks, Recreation, and Forestry Department, or the agent of, shall have the authority to enter the property and perform the remedial action without compensation to such owner or any person who planted or caused to be planted such tree.

(2) The City Parks, Recreation, and Forestry Department shall charge the owners for the expense incurred.

(Code 1984, § 25.21(5); Ord. No. 2-07; Ord. No. 18-09)

Sec. 28-36. Permits.

(a) No person shall plant, spray, fertilize, preserve, prune, remove, cut or otherwise disturb any public tree, or portion thereof, without first submitting a written request and procuring a permit from the City Forester.

(b) Public utility companies shall notify the City Forester in writing prior to pruning any public tree for the purpose of maintaining safe line clearance and shall carry out all such work in accordance with accepted arboricultural standards.

(c) No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of 15 feet from any public tree without first submitting a written request and procuring a permit from the City Forester.

(Code 1984, § 25.21(6); Ord. No. 2-07; Ord. No. 18-09)

Sec. 28-37. Violations.

(a) Any person found to disturb the root zone, prune, remove, or cause the removal or death of any public tree, shrub, or other plant without a permit shall be subject to a forfeiture of not less than $500.00 per incident nor more than the greater of $1,500.00 or the calculated value lost according to the latest edition of the Council of Tree and Landscape Appraisers "Guide for Plant Appraisal."

(b) Any person violating any other provision of this article shall be subject to a forfeiture of not less than $25.00 per incident nor more than the greater of $1,500.00 or the calculated value lost according to the latest edition of the Council of Tree and Landscape Appraisers "Guide for Plant Appraisal."

(Code 1984, § 25.21(7); Ord. No. 2-07; Ord. No. 18-09; Ord. No. 32-12)

Sec. 28-38. Emergencies.

The Mayor, with approval of the City Council, in the case of emergencies, such as windstorms, ice storms, or other disasters, may waive the requirements of this article so that they in no way shall hinder private or public work to restore order in the City.

(Code 1984, § 25.21(8); Ord. No. 2-07; Ord. No. 18-09)

Chapter 29

RESERVED

Chapter 30

SIGNS

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Sec. 30-34. Signs permitted in mixed-use districts.
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ARTICLE I. IN GENERAL

Sec. 30-1. Purpose.

This chapter provides standards for the erection and maintenance of signs. The general purpose of these standards is to allow effective signage that is compatible with its surroundings and appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property, and to preserve the City's distinctive cultural and historic geographic districts or neighborhoods from the potential adverse effects of inappropriate signage.
(Code 1984, § 13.2001)

Sec. 30-2. Scope of regulations.

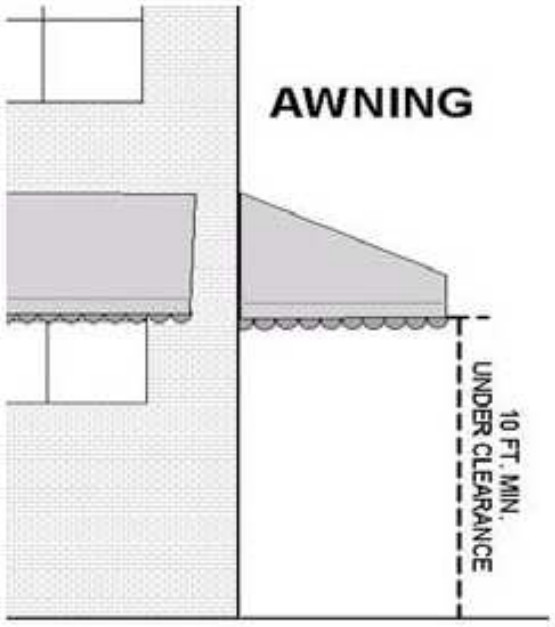
The sign regulations set forth in this chapter regulate sign heights, area, placement, illumination, and timing. All new signs developed within the City shall be required to meet the standards established in this chapter, except where otherwise specifically noted.
(Code 1984, § 13.2002)

Sec. 30-3. Definitions.

This section defines sign types and sign-related words listed in this chapter. General definitions are listed in Section 44-249. Definitions of land uses are listed in Section 44-250.

Animated sign means any sign that utilizes movement, change of lighting, or electronic lettering to depict action, create messages, or special effects.

Awning means a roof-like shelter projecting from and supported wholly by the exterior wall of a building and constructed of non-rigid materials on a supporting framework. See the following graphic.



Awning

Awning sign means a sign incorporated into or attached to an awning or canopy.

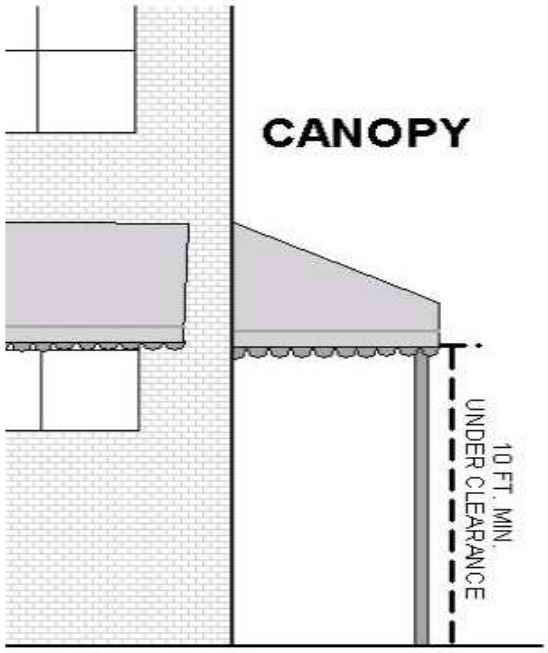
Billboard sign means a sign which directs attention to a business, product, service, or activity not conducted, sold, or offered upon the premises where such sign is located. Also termed "off-premises advertising sign."

Bulletin board sign means a permanently anchored sign with changeable letters used to indicate upcoming events or programs, typically in association with a church, park, school, or other institutional building.

Business flags means a wall-mounted flag made of a durable fabric that contains graphics limited to business name, logo and advertising used to promote products and services for the premises.

Business sign means a sign that identifies the business, product, service, or activity that is sold or offered upon the premises where such sign is located. A business sign may be a wall sign, a freestanding sign, marquee sign, projecting sign, or other sign type.

Canopy means a structure, other than an awning, made of non-rigid material on a supporting framework attached to a building and supported by the ground. See the following graphic.

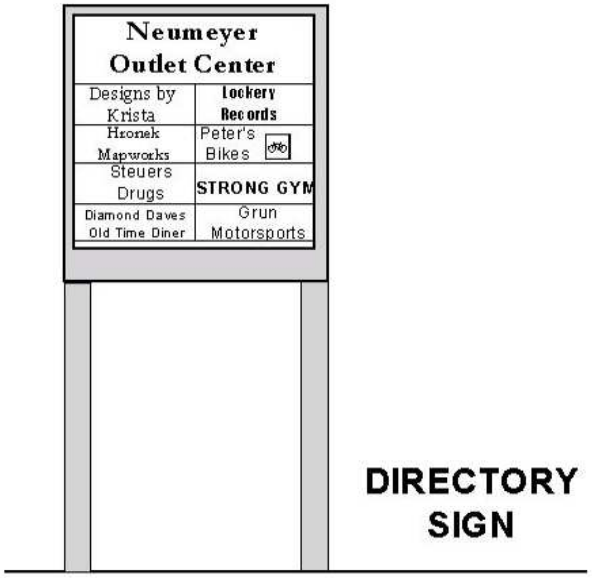


Canopy

Changeable copy sign means any on-premises sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Such sign shall not include any sign considered to be an animated sign. A readerboard sign is to be considered a changeable copy sign.

Directional sign means a sign which serves primarily to direct people to the location of a place, area, or activity.

Directory sign means a sign which serves as a common or collective identification for a group of businesses or occupations operating on the same property or planned development. See the following graphic.



Directory Sign

Flags means flags, symbols, or crests of nations or any organization of nations, states, and cities, fraternal, religious, and civic institutions.

Flashing sign means an illuminated sign, the illumination of which is not kept constant in intensity at all times when in use.

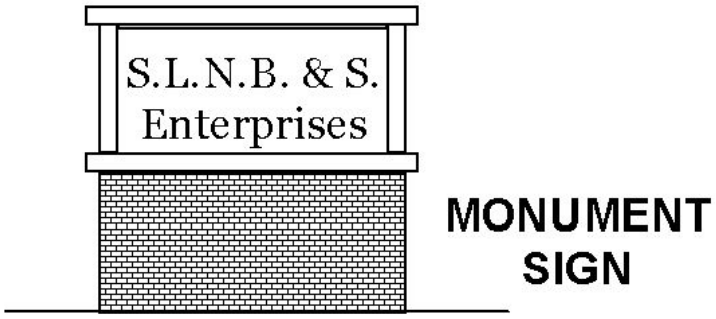
Freestanding sign means any sign supported by uprights, poles, or braces placed upon the ground or a sign placed directly on the ground and not attached to any building. Freestanding signs include, but are not limited to, monument, pylon, and portable signs.

Illuminated sign means a sign having characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes as a part of the sign.

Logo means a name, symbol, or trademark of a company or establishment encompassed in one individual graphic.

Marquee sign means a permanent roof-like structure or canopy of rigid materials supported by and extended from the facade of a building.

Monument sign means a type of freestanding sign where at least three-fourths of the horizontal length of the sign is permanently fixed to a decorative base, the full horizontal length of which is anchored to the ground. See the following graphic.



Monument Sign

Multiple message signs means a billboard sign or off-premises advertising sign which automatically changes message or copy electronically or by the movement or rotation of panels or slats. The term "multiple message signs" includes, but is not necessarily limited to, signs known as tri-vision billboards, electronic variable message signs, and digital billboards.

Nameplate sign means a sign which states the name and/or address of the occupant of the lot where the sign is located.

Nit means a luminance unit equal to one candle per square meter measured perpendicular to the rays from the source.

Political sign means a sign which announces a candidate as seeking public political office and/or which conveys political issues and expressions of noncommercial individual speech.

Portable sign means a type of temporary sign designed to be moved from one location to another and which is not permanently attached to the ground, sales display device, or structure. The term "portable signs" includes, but is not limited to:

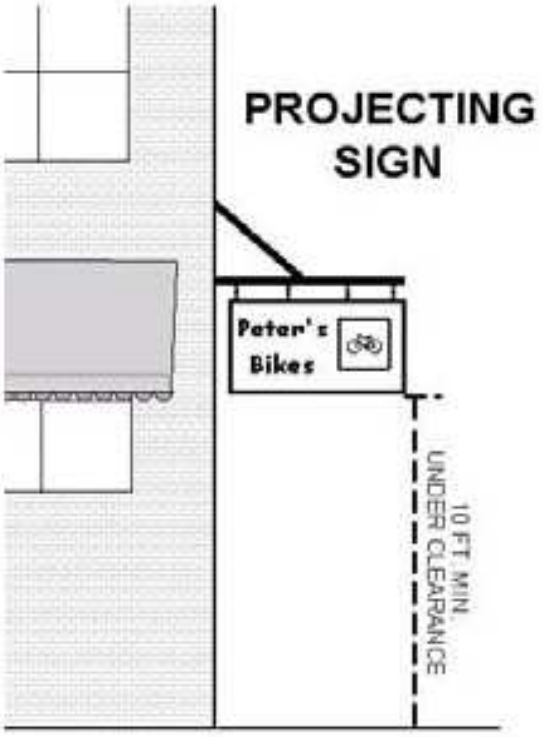
(1) Signs with chassis or support constructed without wheels.

(2) Signs designed to be transported by trailer or wheels.

(3) Menu and sandwich board signs.

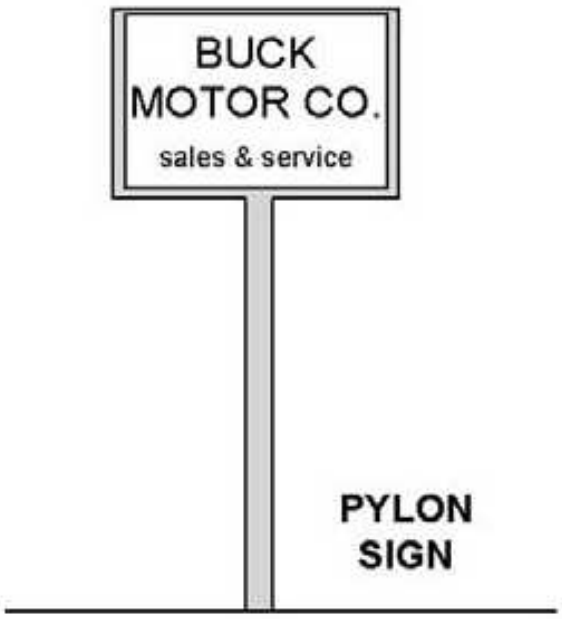
(4) Signs mounted or painted on a vehicle for advertising purposes, parked and visible from the public right-of-way (except for signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business).

Projecting sign means a sign which is attached to a building or structure and extends more than 18 inches beyond the line of the building or structure or that part of the building or structure to which it is attached. See the following graphic.



Projecting Sign

Pylon sign means a type of freestanding sign erected on shafts, posts, walls, or piers that are solidly affixed to the ground and not attached to a building. A pylon sign shall be considered as one sign though it may have two or more faces. See the following graphic.



Pylon Sign

Revolving or rotating sign means any sign or portion of a sign which moves in a revolving 360-degree motion.

Roof sign means a sign which is mounted on the roof of a building or which projects above the top of the wall of a building with a flat, gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

Sandwich board means a movable temporary sign that is self-supporting, A-shaped and freestanding with only two visible sides that are situated adjacent to a business, typically on a sidewalk.

Sign means a name, identification, description, display, illustration, or device which is affixed to or mounted on a building, a structure, or the ground and which directs attention to an object, product, place, activity, person, institution, organization, or business. The term "sign" includes sign supports.

Sign area means the size of the sign face area calculated as specified in Section 30-5(8).

Sign face means the surface of the sign upon, against, or through which the message of the sign is exhibited.

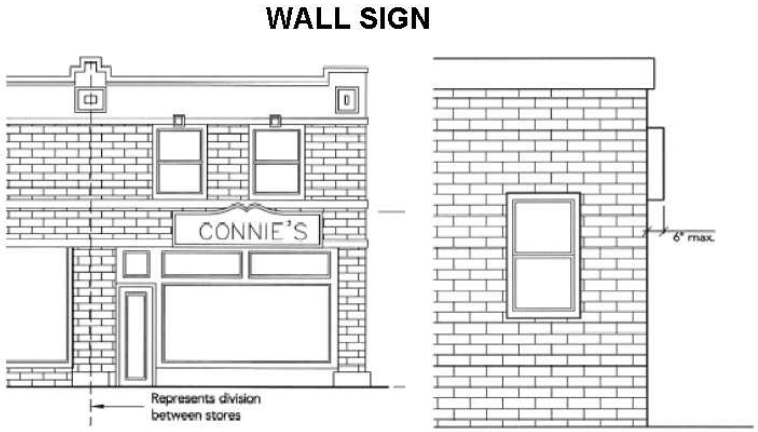
Sign structure means a structure, including the supports, uprights, bracing, and framework, that supports or is capable of supporting a sign.

Temporary sign means any sign, balloon, banner, blimp, flag, freestanding sign, pennant, poster, readerboard, or advertising display which is intended to be displayed for a limited period of time.

Video display sign means an on-premises sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include

text and depicts action or a special effect to imitate movement; the presentation of pictorials or graphics displayed in a progression of frames, which give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or band of light, or expanding or contracting shapes.

Wall sign means a sign which is attached to or painted on the wall of a building, with the sign face in a plane parallel to the plane of the building wall and extending no more than 18 inches from the face of such wall. See the following graphic.



Wall Sign

Window sign means any sign, lettering, pictures, symbols, or combination thereof designed to communicate information about a business, product, service, or activity which is placed upon a window and meant to be visible from the exterior of the building. See the following graphic.

Window Sign

(Code 1984, § 13.304; Ord. No. 2-08; Ord. No. 31-08; Ord. No. 13-09; Ord. No. 23-10)

Sec. 30-4. General provisions.

(a) *Applicability.* The sign regulations set forth in this chapter shall apply to all structures and all land uses, except as otherwise provided in this chapter. All signs allowed by this chapter shall be limited to on-premises signs, except where otherwise specifically noted.

(b) *Compliance required.* No sign on private property shall be installed or changed in any manner without compliance with the regulations stated herein. Routine maintenance shall not be subject to this subsection.

(c) *Prohibited signs.* These regulations are intended to be exclusionary. Any sign not specifically listed shall be prohibited. Additionally, the following sign types are prohibited:

(1) Illuminated signs giving off intermittent, flashing, or rotating beams, with the exception of chaser signs in windows, as specified in Section 30-93.

(2) Signs painted on buildings, except that existing painted signs may be retained as long as they are kept in good condition and shall be repainted, removed, or painted out when they are not so maintained.

(3) Signs painted on or attached to rocks, trees, or other natural objects.

(4) Signs attached to utility poles.

(5) Signs that create a safety hazard by obstructing the clear view of pedestrians or vehicles or which obscure official signs or signals.

(6) Signs or sign structures which resemble or conflict with traffic control signs or devices which may mislead or confuse persons traveling on public streets or which create a traffic hazard.

(Code 1984, § 13.2003)

Sec. 30-5. General sign standards.

The following standards shall apply to all signs, including off-premises signs, where permitted:

(1) *Permit required.* All signs, except exempt signs as listed in Section 30-6, shall be required to submit a site plan, sign details, and other information, as regulated in Chapter 44, Article XIX, to the office of the Zoning Administrator for review of compliance with all applicable codes.

(2) *Construction requirements.* All signs shall be constructed and maintained in accordance with the applicable provisions of the City's Building and Electrical Codes. Permanent freestanding signs shall have self-supporting structures erected on and permanently attached to a concrete foundation. Wall signs shall be placed on walls that are designed and constructed with sufficient strength to support such signage. Wall signs painted directly on a building are permitted if a cash deposit or security bond is deposited with the application for permit to equal the cost of appropriate removal of said sign if it is not maintained or is abandoned.

(3) *Mounting of signs.* All signs shall be securely mounted or displayed in one of the following manners:

a. Flat against a building or wall.

b. Back-to-back in pairs or otherwise arranged in such a manner that the back of the signs will be screened from public view.

c. Otherwise mounted so that the backs of all signs showing to public view, including all parts of the sign structure, shall be painted a dark or neutral color.

(4) *Maintenance and repair.* All signs shall be kept in good repair and free from peeling paint, rusted, damaged, or rotted supports, framework, or other material, broken or missing faces, or missing letters.

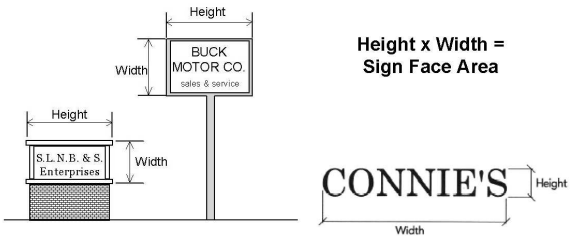
(5) *Illumination.* Signs may be illuminated unless specifically prohibited in this chapter. No sign shall be either directly or indirectly illuminated in such a manner as to affect adversely the use and enjoyment of nearby property or to obscure the vision of motorists. The source of illumination shall not be visible from adjacent properties or any public street or walkway.

(6) *Safety obstructions.* No sign shall be placed or installed that obstructs access to fire escapes or required windows, doors, exits, or standpipes. Additionally, no sign shall be placed within the 25- or 15-foot sight-distance triangle required at all intersections (see Section 44-359).

(7) *Unsafe and unlawful signs.* If the Zoning Administrator shall find that any sign regulated under this chapter is unsafe or insecure or has been constructed or erected in violation of the provisions of this chapter, a written notice shall be given to the property owner. In the event the property owner fails to remove or alter the sign so as to comply with the standards set forth in this chapter within 30 days after such notice, the sign in violation may be removed

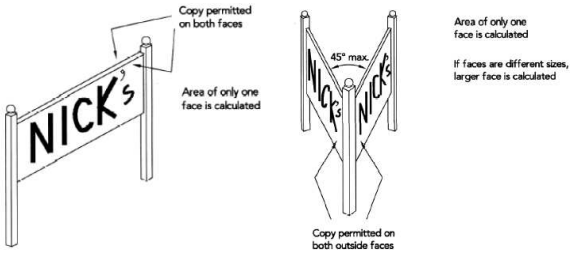
or altered to comply by the Zoning Administrator, with costs assigned to the property owner. The Zoning Administrator shall refuse to issue a permit under this chapter to anyone for any sign that would pose an immediate peril to persons or property.

(8) *Computation of sign face area.* In computing the sign face area, the entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structures, shall be considered. If the sign is composed of individual letters or symbols using the wall, awning, canopy, or window as the background with no added decoration, the total sign area shall be calculated by measuring the area within a single continuous perimeter parallelogram that encloses the extreme limits of the message.



Sign Face Area

(9) *Sign faces.* Signs, including off-premises signs, may display no more than two sign faces on opposite sides of the sign. Maximum sign area shall be computed based on the square footage of one side of any double-faced sign. When two sides of a double-faced sign are located not more than 36 inches apart at the narrowest point and diverge at no greater than 45 degrees, the gross sign area shall include only one of the sides, whichever is greater.



Sign Faces

(10) *Sign height.* The maximum height of a sign shall be measured from the average grade level below the sign to the topmost point of the sign or sign structure.

(11) *Setback.* All freestanding signs shall be set back as regulated within this chapter. The setback of a sign shall be measured from the property line to the supporting frame, mast, pole, or base of the sign. No sign or part thereof shall extend over a property line except as otherwise permitted over a public right-of-way, such as a projecting sign attached to a building. Signs permitted to extend over a public right-of-way shall not extend closer than 18 inches to the back of the street curb and shall have a minimum of ten feet of under-clearance.

(12) *Abandoned signs.* All signs and any framing, trim, or molding, but not including the supporting structure, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted or when rental or compensation is no longer provided if said sign is of the off-premises type. If the owner or lessee fails to remove it, the Building Inspector shall give the owner a 60-day written notice to remove it. Upon failure to comply with this notice, the Building Inspector or their duly authorized representative may remove the sign at the cost to the sign owner.

(Code 1984, § 13.2004)

Sec. 30-6. Exempt signs.

The following signs are permitted in any zoning district without obtaining a permit, as specified in Section 30-5(1). However, all signs must comply with all other general sign regulations established in Section 30-5. These signs shall not be applied toward the maximum sign allowance specified for a property, except as otherwise indicated in this section.

(1) *House numbers and nameplates.* Residential and professional house numbers and nameplates not exceeding one square foot in area per building identifying the owner or occupant of a property or name of a permitted home-based occupation.

(2) *Artwork.* Graphic designs and displays that do not include a commercial message. Such displays shall not obstruct the vision triangle at intersections and shall not be located within or over any public right-of-way.

(3) *Construction signs.* Two construction signs per construction project not exceeding 50 square feet in sign area per sign. Such signs may be erected no more than five days prior to construction, shall be confined to the construction site, and shall be removed no more than 60 days after completion of construction.

(4) *Directional signs.* Directional signs not exceeding six square feet in a commercial, mixed-use, or industrial district or three square feet in a residential district displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, parking area entrances or exits, loading areas, addresses, or similar noncommercial information. Sign height shall not exceed six feet.

(5) *Flags.* Flags, including official government flags, emblems, or temporary displays of a patriotic, religious, charitable, or other civic character, may be displayed provided that such signs are not placed in the public right-of-way.

(6) *Interior signs.* Signs located within the interior of any building or stadium or within an enclosed lobby or court of any building that are not visible from the public right-of-way. Such signs must comply with the structural, electrical, or materials specifications required by this chapter or the Building Code.

(7) *Memorial signs.* Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material, provided no such memorial sign shall exceed four square feet in area.

(8) *Historic plaques.* Plaques or name plates identifying historic buildings, structures, or districts, provided no such historic plaque shall exceed four square feet in area.

(9) *Plaques.* One religious symbol, commemorative plaque, or identification emblem, provided no such symbol, plaque, or emblem shall exceed four square feet in area and provided all such symbols, plaques, and emblems shall be placed flat against a building.

(10) *Public signs.* Public signs, street signs, warning signs, railroad crossing signs, emergency signs, or signs of public service companies for the purpose of promoting safety.

(11) *Political signs.* Political message signs on behalf of candidates for public office or measures on election ballots, provided that no such sign is located within 100 feet of any polling site or placed within the public right-of-way or sight triangle. Such signs may not exceed 16 square feet in area in nonresidential districts or 11 square feet in area in residential districts. Such signs shall be removed within ten days after the election.

(12) *Temporary sales signs.* Temporary sales signs not exceeding eight square feet and limited to two signs per property.

a. *Location and setback.* Signs shall be located on private property where the sale is conducted and shall be set back five feet from all property lines and out of the sight triangle.

b. *Installation and removal.* Such signs may be erected for periods not exceeding three days and shall be removed at the end of the sale.

c. *Sandwich board signs.*

1. *Uses.* A sandwich board sign may be permitted within the City right-of-way for parcels with frontage along the following zoning districts: Downtown One and Two (D1, D2), General Commercial (C1), Neighborhood Center (NC), Office/Residential (OR), Public Institutional (PI), and must meet the following standards.

2. *Dimensional/design standards.*

(i) Area. Sign face area shall not exceed 12 square feet per sign face.

(ii) Width. Sign face width shall not exceed three feet measured at the widest point of the sign face.

(iii) Height. Sign height shall not exceed four feet measured from the ground to the top of the sign.

(iv) Ballast. A ballast shall be installed at the base of a sandwich board sign to ensure stability in windy conditions.

(v) Portability. Signs shall be truly portable and shall not be permanently affixed to any structure or sidewalk.

(vi) Color/Illumination. The sign shall not be painted traffic yellow or construction zone orange, nor shall it be reflective, fluorescent or illuminated.

(vii) Signs shall not resemble or contain any MUTCD-compliant traffic control devices in size, shape, message, or color.

(viii) A maximum of one sandwich board sign per individual business shall be permitted. No supplemental sign, notice, flag, balloon or other decoration shall be attached to the sign.

(ix) The sandwich board shall be manufactured to a professional standard of construction, finish and graphics; be fabricated of sign grade wood or metal; and be freestanding and self-supporting and not be affixed to or mounted on wheels.

(x) The sign shall be fold-over or breakaway in design, as to not be capable of producing serious injury to pedestrians, bicyclists, and motorists.

(xi) The sign shall be maintained in good repair.

3. *Placement.*

(i) *Sidewalk width.* Signs shall be placed only on sidewalks where a minimum five-foot clear sidewalk is maintained. The sign may be placed on the sidewalk fronting the place of business directly adjacent to the property line or building.

(ii) *Removal.* Sandwich board signs may be displayed only during the period a business is open to the public and shall be removed at close of business each sign. Sandwich board signs shall not be placed in such a way as to interfere with snowplowing of the streets. The area around the sandwich board sign shall be free of snow and ice and shall be placed on the ground at all times. Sandwich board signs shall not be placed on snow banks. Businesses that utilize sandwich board signs will hold the City harmless from damage to the signs due to snow removal.

(iii) *Location.* Signs shall be located according to the following standards:

A. No sandwich board sign shall be placed within ten linear feet of another sandwich board sign, measured from the base of each sign. Sandwich board signs shall not be located adjacent to a bus stop nor in any manner interfere with passengers boarding or alighting from a transit vehicle. The sign shall not obstruct drivers' sight lines and shall be placed a minimum of 25 feet from an intersection.

B. Signs shall be located in the following portions of the sidewalk, to be determined by the Department of Public Works staff based on accessibility and safety standards, including location and proximity of doorways, width of tree plot, maximum distance between pedestrian obstacles, location of crosswalks, and other physical features of the location that affect accessibility and safety.

C. Signs shall be placed a minimum of 48 inches from all obstructions within the sidewalk right-of-way, including newspaper boxes, outdoor tables/seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement. Signs shall be placed a minimum of ten feet from a building corner of pedestrian crosswalk. Signs shall not be closer than two feet from the face of the street curb.

D. Signs shall not block or interfere with any permanent or temporary traffic control devices.

(iv) *ADA compliance.* Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.

4. *Enforcement.* More than two violations of the sandwich board sign standards in one calendar year shall result in the removal of the sandwich board. A new sandwich board sign shall not be permitted for the business for a minimum of 12 months from the date of the sign permit revocation.

(13) *Temporary civic signs.* Temporary signs pertaining to public or civic events or advertising displays not exceeding 16 square feet in area to be displayed for a limited period of time not to exceed 45 days.

(14) *Vehicular signs.* Signs on vehicles operated in the normal course of business, which is not primarily the display of signs.

(Code 1984, § 13.2005; Ord. No. 31-08; Ord. No. 19-09; Ord. No. 36-09)

Sec. 30-7. Nonconforming signs.

(a) *Determination of nonconforming status.* Any sign located within the City limits as of the date of adoption of the ordinance from which this chapter is derived or located in an area annexed to the City thereafter which does not conform to these provisions may be considered a nonconforming sign if it meets the following requirements:

(1) The sign was covered by a sign permit when erected if a permit was required at that time.

(2) If no sign permit was required for the sign in question and the sign complied in all respects with applicable ordinances on the date of construction or installation.

(b) *Continuation of nonconforming status.* A nonconforming sign shall maintain its nonconforming status provided that:

(1) The sign is not relocated.

(2) The sign is not replaced.

(3) No structural modification of the sign shall occur, except for changing of copy and normal maintenance or where such modification will bring the sign closer to compliance with the provisions of this section.

(c) *Loss of nonconforming status.* Any changes not in compliance with subsection (b) of this section shall result in loss of nonconforming status.

(Code 1984, § 13.2006)

Secs. 30-8—30-32. Reserved.

ARTICLE II. SIGNS PERMITTED IN DISTRICTS

Sec. 30-33. Signs permitted in Residential Districts.

The following signs shall be permitted in the Residential 1 (R-1), Residential 2 (R-2), Residential 3 (R-3), and Rural Residential (RR) Districts:

(1) *Multifamily building identity signs.* A multifamily building or building complex may display the following signs:

a. One wall identification sign per building not exceeding eight square feet, which may be illuminated.

b. One monument or freestanding sign per building complex not exceeding 20 square feet in area and ten feet in height, which may be illuminated.

(2) *Neighborhood identification signs and gateway markers.* A sign, masonry wall, landscaping, and similar decorative materials or features may be combined to form a display for neighborhood, district, subdivision, or tract identification, provided that the sign area of such display does not exceed 16 square feet. Signs may be illuminated.

(3) *Institutional identity signs.* Institutional and civic uses, schools, dormitories, nursing homes, and other congregate living arrangements, as listed in the table in Section 44-552, may display the following signs:

a. One wall identification sign not exceeding 16 square feet, which may be illuminated. On a corner lot, two such signs are permitted per building if facing both streets.

b. One monument or freestanding sign not exceeding 50 square feet in area and ten feet in height, which may be illuminated.

(4) *Commercial and production signs.* Commercial and production uses permitted in residential districts, as listed in the table in Section 44-552, may display the following signs:

a. One wall identification sign not exceeding 16 square feet, which may be illuminated. On a corner lot, two such signs are permitted per building.

b. One monument or freestanding sign not exceeding 32 square feet in area and ten feet in height, which may be illuminated.

(5) *Real estate signs.* Non-illuminated real estate signs not exceeding six square feet in area for single-family residential properties or 32 square feet in area for multifamily or nonresidential properties advertising only the sale, rental, or lease of the premises, provided that:

a. Only one such sign is displayed per parcel. On a corner lot, two such signs are permitted if facing both streets.

b. Signs shall be set back at least ten feet from the curb or edge of pavement.

c. Signs shall be removed within 30 days after the completion of the advertised sale or lease.

(Code 1984, § 13.2007)

Sec. 30-34. Signs permitted in mixed-use districts.

The following signs shall be permitted in the Office Residential (OR), Neighborhood Center (NC), Downtown 1 (D1), Downtown 2 (D2), and Traditional Neighborhood Development (TND) Districts:

(1) All exempt signs as listed in Section 30-6. Sign authorization is required for all other signs.

(2) Temporary signs as specified in Section 30-89.

(3) Illumination of signs is permitted. Flashing illumination and rotation of signs are not permitted.

(4) No signs are permitted over public rights-of-way except for those with special restrictions.

(5) Signs attached to buildings are permitted on front, side, or rear walls.

Table 30-1. Signs Permitted in Mixed-Use Districts

	OR, NC and TND	*D*
Signage		
Types of Signs Allowed		
Wall signs	Yes	
Projecting signs	Yes	
Awning, canopy, and marquee signs	Yes	
Window signs	Yes	
Roof signs	No	
Pole/pylon sign	Yes	
Monument sign	Yes	
Signs Attached to Buildings		
Maximum attached total sign area (combination of all wall and awning signs; does not include window signs) [b]	100 sq. ft.	400 sq. ft./1,000 sq. ft. department store [a]
Maximum number of attached signs	1 wall sign and 1 awning sign per building wall facing street + 1 department store identity sign. [a] In a multi-tenant building, 1 wall and 1 awning sign per business	
Wall signs: maximum area per sign	50 sq. ft.	200 sq. ft./1,000 sq. ft. department store [a]
Wall signs: maximum height	Sign support structure shall not extend more than 18 inches above roof/cornice	
Window signs: maximum number, area	1 per window not exceeding 50% of window area	
Awning, canopy signs: maximum area	50% of area	
Projecting signs: maximum area	25 sq. ft.	
Lighting of signs	Yes	
Freestanding Signs		
Maximum freestanding sign area [b]	100 sq. ft.	300 sq. ft./1,000 sq. ft. department store [a]
Maximum number	1 per street frontage	
Maximum area per sign	50 sq. ft.	150 sq. ft.
Maximum height of sign	Pole: 20 ft. Monument: 6 ft.	Pole: 30 ft. Monument: 6 ft.
Minimum clearance	10 ft.	
Minimum setback	0 ft.	
Lighting of signs	Yes	

Notes:

[a] A department store is defined as a business having 50,000 square feet or more of floor space which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed, and are exhibited to be sold directly to the customer to whom the goods and services are furnished. A department store may provide an identity sign attached to the primary building, as detailed in Table 30-1.

[b] Sign's total maximum area may be increased when used on parcels of property with public street frontages over 200 feet at the rate of 0.75 square feet per linear foot of street frontage beyond 200 feet. This rate of increased sign area applies to total sign area allotment.

(Code 1984, § 13.2008)

Sec. 30-35. Specific standards for signs in mixed-use districts.

The following standards are intended to ensure that signs are designed to enhance and complement the historic character of buildings within the Central Business District and other neighborhood business districts where signs are placed on existing buildings:

(1) *Compatibility.* Signs should be positioned so they are an integral design feature of the building and so they complement and enhance the building's architectural features. Signs should not obscure or destroy architectural details, such as stone arches, glass transom panels, or decorative brickwork. Signs may be placed:

a. In the horizontal lintel above the storefront windows.

b. Within window glass, provided that no more than 25 percent of the window is obscured.

c. Projecting from the building.

d. As part of an awning.

e. In areas where signs were historically attached, as determined by the Historic Preservation Commission.

(2) *Wall sign design.* Wall signs should generally be rectangular. In most cases, the edges of signs shall include a raised border that sets the sign apart from the building. Individual raised letters set onto the sign area surface are also preferred.

(3) *Colors.* Sign colors shall coordinate with the building to which the sign is attached.

(4) *Materials.* Signs and sign letters should generally be made of wood or metal that is in keeping with the corresponding historic period of the building.

(Code 1984, § 13.2009)

Sec. 30-36. Signs permitted in Commercial Districts.

The following signs shall be permitted in the General Commercial (C1), Highway Commercial (C2), and Community Center Commercial (C3) Districts:

(1) All exempt signs as listed in Section 30-6. Sign authorization is required for all other signs.

(2) Temporary signs as specified in Section 30-89.

(3) Illumination of signs is permitted. Flashing illumination and rotation of signs are not permitted.

(4) Signs are not permitted adjacent to residentially-zoned areas.

(5) No signs are permitted over public rights-of-way except for those with special restrictions.

(6) Signs attached to buildings are permitted on front, side, or rear walls.

Table 30-2. Signs Permitted in Commercial Districts

	C1	*C2*	*C3*
Signage			
Types of Signs Allowed			
Wall signs	Yes		
Projecting signs	Yes		
Awning, canopy, and marquee signs	Yes		
Window signs	Yes		
Roof signs	No		
Monument sign	Yes		
Pole/pylon sign	Yes		
Signs Attached to Buildings			
Maximum attached sign area: (combination of all wall and awning signs; does not include window signs) [c]	400 sq. ft./1,000 sq. ft. department store [a]	400 sq. ft.	400 sq. ft. small shopping center/640 sq. ft. large shopping center [b]
Maximum number of attached signs	1 wall sign and 1 awning sign per building wall facing street In a multi-tenant building, 1 wall and 1 awning sign per business + 1 department store identity sign [a]	1 wall sign and 1 awning sign per building wall facing street In a multi-tenant building, 1 wall and 1 awning sign per business	1 wall sign and 1 awning sign per building wall facing street In a multi-tenant building, 1 wall and 1 awning sign per business
Wall signs: maximum area per sign	200 sq. ft./1,000 sq. ft. department store [a]	200 sq. ft.	4 sq. ft. per 1 ft. building frontage
Wall signs: maximum height	Sign support structure shall not extend more than 18 inches above roof/cornice.		
Window signs: maximum number, area	1 per window not exceeding 50% of window area		
Awning, canopy signs: maximum area	50% of area		
Lighting of signs	Yes		
Freestanding Signs			

	C1	*C2*	*C3*
Maximum freestanding sign area [c]	300 sq. ft.		400 sq. ft. small shopping center/640 sq. ft. large shopping center [b]
Maximum number of signs	1 per street frontage		
Maximum area per sign	150 sq. ft.		200 sq. ft. small shopping center/320 sq. ft. large shopping center [b]
Maximum height of sign	Pole: 30 ft. Monument: 6 ft.		Pole: 40 ft. small shopping center/50 ft. large shopping center [b] Monument: 6 ft.
Minimum clearance	10 ft.		
Minimum setback	0 ft		
Lighting of signs	Yes		

Notes:

[a] A department store is defined as a business having 50,000 square feet or more of floor space which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed, and are exhibited to be sold directly to the customer to whom the goods and services are furnished. A department store may provide an identity sign attached to the primary building, as detailed in Table 30-2.

[b] A small (under ten stores) or large center (ten stores or more) is defined as a group of individual parcels and/or businesses comprising a general area bounded by natural features, roadways, municipal boundaries, common zoning lines, etc., that is a special or exclusive type of planned commercial/business area designed and equipped to accommodate a community of businesses providing necessary facilities and services in attractive surroundings among compatible neighbors, which may be promoted by private developers, community organizations, or government organizations. A shopping center may provide an identity sign on private property at each major entrance to the park from a primary arterial, expressway, or freeway.

[c] Sign's total maximum area may be increased when used on parcels of property with public street frontages over 200 feet at the rate of 0.75 square feet per linear foot of street frontage beyond 200 feet. This rate of increased sign area applies to total sign area allotment.

(Code 1984, § 13.2010; Ord. No. 3-12)

Sec. 30-37. Signs permitted in Industrial Districts.

The following signs shall be permitted in the Light Industrial (LI), General Industrial (GI), and Business Park (BP) Districts:

(1) All exempt signs as listed in Section 30-6. Sign authorization is required for all other signs.

(2) Temporary signs as specified in Section 30-89.

(3) In the I-43 Business Park, the Protective Covenants and Design Criteria for signage shall take precedence over the regulations in this section.

(4) Illumination of signs is permitted. Flashing illumination and rotation of signs are not permitted.

(5) Signs are not permitted adjacent to residentially-zoned areas.

(6) No signs are permitted over public rights-of-way except for those with special restrictions.

(7) Signs attached to buildings are permitted on front, side, or rear walls.

Table 30-3. Signs Permitted in Industrial Districts

	LI and GI	*BP*
Signage		
Types of Signs Allowed		
Wall signs	Yes	
Projecting signs	No	
Awning, canopy, and marquee signs	Yes	
Window signs	Yes	
Roof signs	No	
Monument sign	Yes	
Pole/pylon sign	Yes	
Signs Attached to Buildings		
Maximum attached sign area (combination of all wall and awning signs; does not include window signs) [b]	400 sq. ft.	
Maximum number of attached signs[c]	1 wall and 1 awning sign per street frontage In a multi-tenant building, 1 wall and 1 awning sign per business	
Wall signs: maximum area per sign	200 sq. ft.	
Wall signs: maximum height	Sign support structure shall not extend more than 18 inches above roof/cornice	
Window signs: maximum number, area	1 per window not exceeding 50% of window area	
Awning, canopy signs: maximum area	50% of area	
Lighting of signs	Yes	
Freestanding Signs		
Types of signs allowed		
Monument sign	Yes	
Pole/pylon sign	Yes	
Sign Requirements		

	LI and GI	*BP*
Maximum freestanding sign area [b]	300 sq. ft.	300 sq. ft.+ 320 sq. ft. Business Park Identity [a]
Maximum number of signs	1 per street frontage	1 per street frontage + 1 Business Park identity [a]
Maximum area per sign	150 sq. ft.	150 sq. ft./320 sq. ft. Business Park identity [a]
Maximum height of sign	Pole: 30 ft. Monument: 6 ft.	Pole: 30 ft./50 ft. Business Park identity [a] Monument: 6 ft.
Minimum clearance	10 ft.	
Minimum setback	10 ft.	
Lighting of signs	Yes	

Notes:

[a] A business park is defined as a group of individual parcels comprising a general area bounded by natural features, roadways, municipal boundaries, common zoning lines, etc., that is a special or exclusive type of planned industrial and business area designed and equipped to accommodate a community of businesses providing necessary facilities and services in attractive surroundings among compatible neighbors which may be promoted by private developers, community organizations, or government organizations. A business park may provide a business park identity sign on private property at each major entrance to the park from a primary arterial, expressway, or freeway.

[b] Sign's total maximum area may be increased when used on parcels of property with public street frontages over 200 feet at the rate of 0.75 square feet per linear foot of street frontage beyond 200 feet. This rate of increased sign area applies to total sign area allotment.

[c] For properties that are adjacent to a railroad right-of-way or public utility corridor, a wall sign may be permitted if the sign faces a public right-of-way.

(Code 1984, § 13.2011; Ord. No. 15-15)

Sec. 30-38. Signs permitted in the Public Institutional and Conservancy Districts.

Within the Public Institutional and Conservancy Districts, the following signs shall be permitted:

(1) All exempt signs, as listed in Section 30-6.

(2) All signs permitted in residential districts, as listed in Section 30-33.

(3) Temporary signs, as listed in Section 30-89.

(4) Illumination of signs is permitted. Flashing illumination and rotation of signs are not permitted.

(5) No signs are permitted over public rights-of-way except for those with special restrictions.

(6) Signs attached to buildings are permitted on front, side, or rear walls.

Table 30-4. Signs Permitted in the Public Institutional and Conservancy Districts

	PI [a]	*CON*
Signage		
Types of signs allowed		
Wall signs	Yes	No
Projecting signs	Yes	No
Awning, canopy, and marquee signs	Yes	No
Window signs	Yes	Yes
Roof signs	No	No
Monument sign	Yes	Yes
Pole/pylon sign	Yes	Yes
Signs Attached to Buildings		
Maximum attached sign area: (combination of all wall and awning signs; does not include window signs) [b]	400 sq. ft.	N/A
Maximum number of attached signs	1 wall sign and 1 awning sign per building wall facing street In a multi-tenant building, 1 wall and 1 awning sign per business	N/A
Wall signs: maximum area per sign	200 sq. ft.	N/A
Wall signs: maximum height	Sign support structure shall not extend more than 18 inches above roof/cornice	N/A
Window signs: maximum number, area	1 per window not exceeding 50% of window area	
Awning, canopy signs: maximum area	50% of area	
Lighting of signs	Yes	No
Freestanding Signs		
Maximum freestanding sign area [b]	300 sq. ft.	
Maximum number of signs	1 per street frontage	
Maximum area per sign	150 sq. ft.	
Maximum height of sign	Pole: 30 ft. Monument: 6 ft.	
Minimum clearance	10 ft.	

	PI [a]	*CON*
Minimum setback	0 ft.	
Lighting of signs	Yes	No

Notes:

[a] Due to their proximity to potentially incompatible uses, signage for the following public institutional uses shall be regulated as specified below:

1. Schools, elementary or secondary, shall be allowed signage as regulated in Section 30-90.
2. Religious institutions and places of worship shall be allowed signage as regulated in Section 30-91.
3. Telecommunication towers and wireless communication facilities are allowed only incidental/exempt signage.
4. Hospital signage greater than what's allowed in Table 30-4 shall be established through the development of its master plan.
5. College, university signage greater than what's allowed in Table 30-4 shall be established through the development of their master plan.
6. Signage for sports stadiums with seating capacity over 10,000 other than as provided for in Table 30-4 shall be established through the development of a site plan subject to review by the Plan Commission and approval by the Common Council.

[b] Sign's total maximum area may be increased when used on parcels of property with public street frontages over 200 feet at the rate of 0.75 square feet per linear foot of street frontage beyond 200 feet. This rate of increased sign area applies to total sign area allotment.

(Code 1984, § 13.2012; Ord. No. 05-17)

Secs. 30-39—30-54. Reserved.

ARTICLE III. OFF-PREMISES ADVERTISING

Sec. 30-55. Sign industry background and operations.

In enacting this article, special notice has been taken of the often-competing viewpoints of citizens and the sign industry, particularly that portion of the industry engaged in billboard operations. Frequently, the citizens' right to an unobstructed view has been pitted against the right of the sign industry and its clients to do business, promoting a "winner takes all" situation in resolving conflicts. This article has been designed to protect and accommodate both concerns. In arriving at these compromises, every possible consideration has been afforded the public interest, individual property and business rights, and the need for signs and outdoor advertising. Compromise obviously implies mutual concessions and/or losses. It also suggests mutual gains and benefits. It is further the intent of this article that its burdens and benefits be fairly and rationally distributed among all parties involved.
(Code 1984, § 13.2013(a))

Sec. 30-56. Purpose.

This article is enacted to provide minimum standards to protect the life, health, safety, property, welfare, convenience, and enjoyment of the general public by regulating and controlling the design, quality of materials, construction, erection, location, electrification, lighting, use, and maintenance of all outdoor advertising signs and sign structures. The purposes of this article are to make Green Bay safer by eliminating or reducing safety hazards, to contribute to the development and maintenance of an attractive visual environment while facilitating the communication of messages to the public, and to protect the safety and efficiency of the City's transportation network.
(Code 1984, § 13.2013(b))

Sec. 30-57. Permitted locations.

Off-premises advertising signs shall be permitted only in the following locations, meeting the spacing requirements of this article:

(1) The C1 General Commercial and C2 Highway Commercial Districts.

(2) The LI Limited Industrial District and the GI General Industrial District.
(Code 1984, § 13.2013(c))

Sec. 30-58. Prohibited locations.

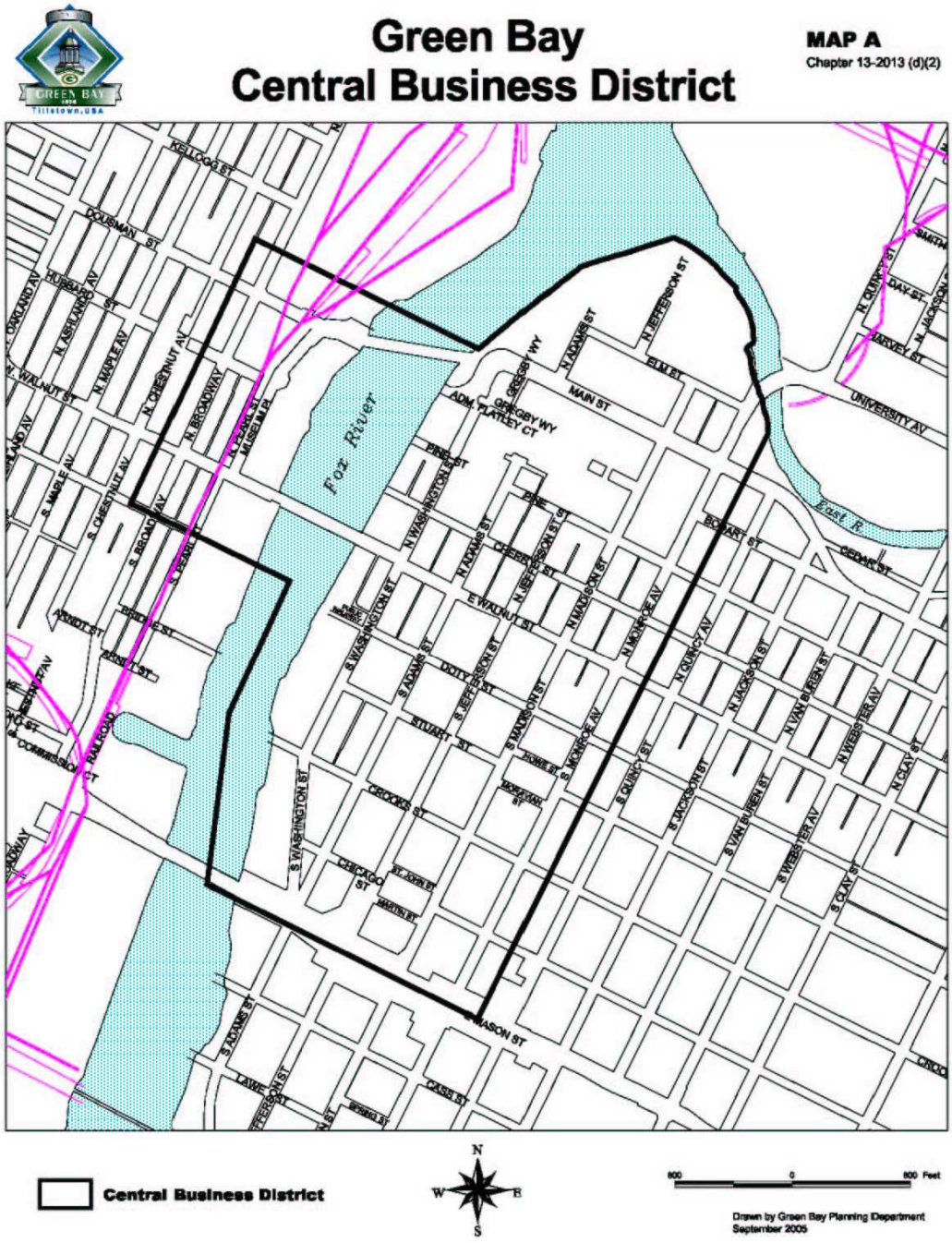
Off-premises advertising signs shall be prohibited in the following locations even when located within the permitted zones, as listed in Section 30-57:

(1) Off-premises signs shall not be located within the front yard setbacks where such setbacks are established.

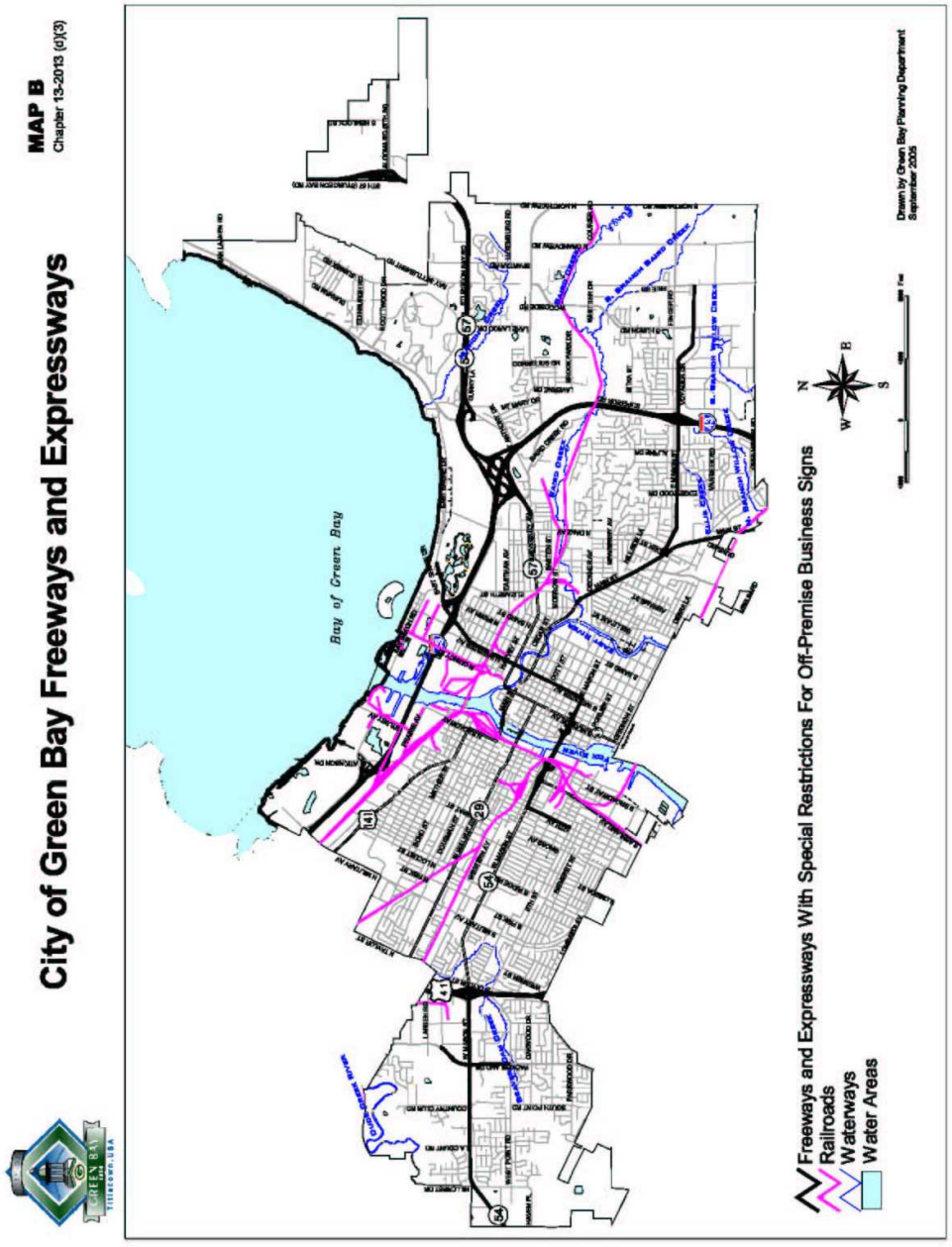
(2) For purposes of preserving the publicly adopted redevelopment of the Central Business District, including significant public pedestrian-scale improvements and amenities, off-premises signs shall not be permitted within the boundaries of the Central Business District identified on Map "A" or the first parallel public street, whichever is greater. See map at the end of this section.

(3) For purposes of public safety of users of waterways and to provide for the beautification of areas contiguous to various water courses within the City, no off-premises signs shall be located closer than 500 feet from the waterway shore bank (bulkhead or floodway line) of a river, bay, or waterfront identified on Map "C" or the first parallel public street, whichever is greater. See map at the end of this section.

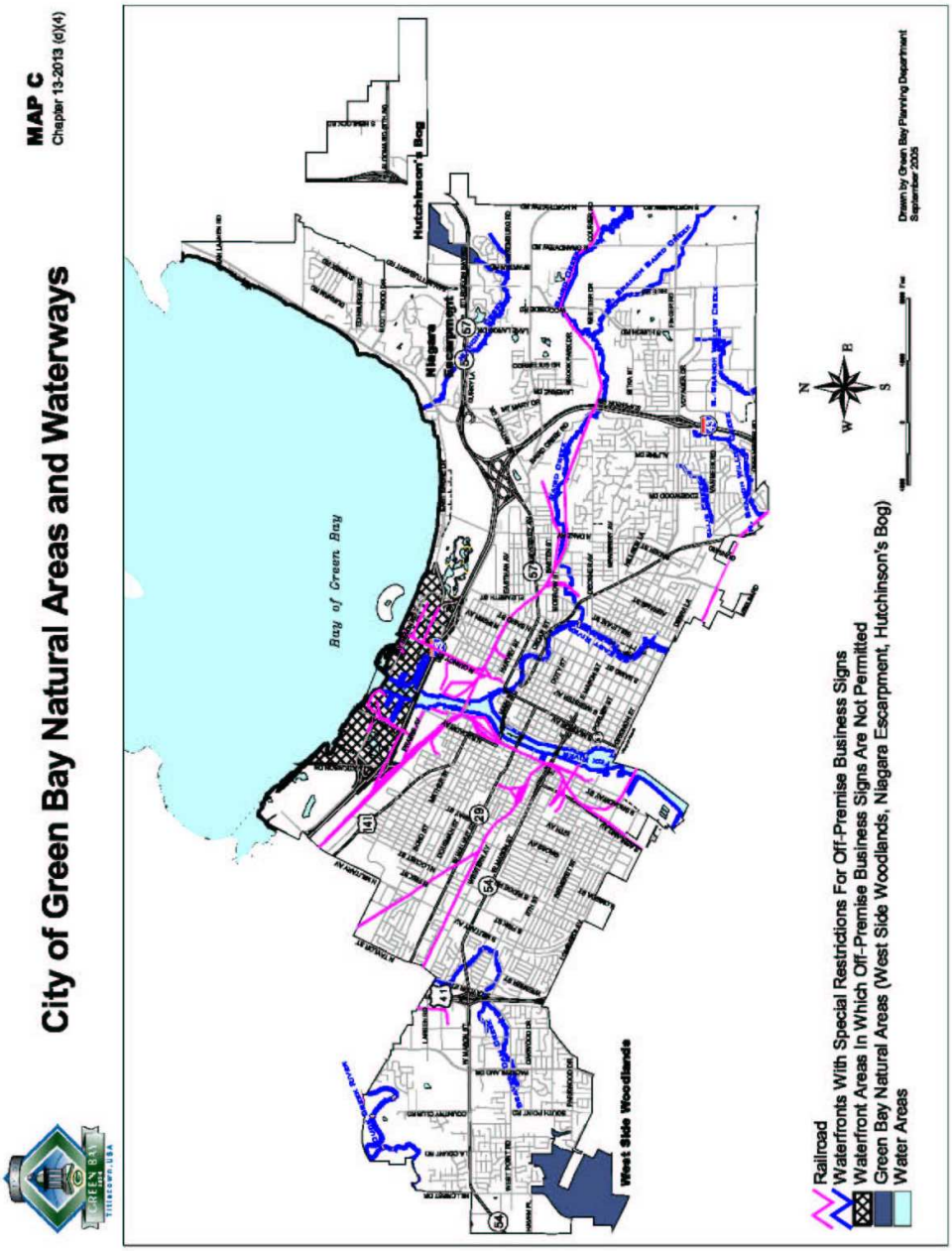
(4) For purposes of preserving the natural value and views of the many unique historic and natural areas within the City, no off-premises signs shall be located closer than 500 feet from the established historic districts and natural areas identified on Map "D" or the first parallel public street, whichever is greater. See map at the end of this section.


Green Bay
Central Business District
MAP A
Chapter 13-2013 (d)(2)
Fox River
East R.
Central Business District
N
W
E
S
Drawn by Green Bay Planning Department
September 2005

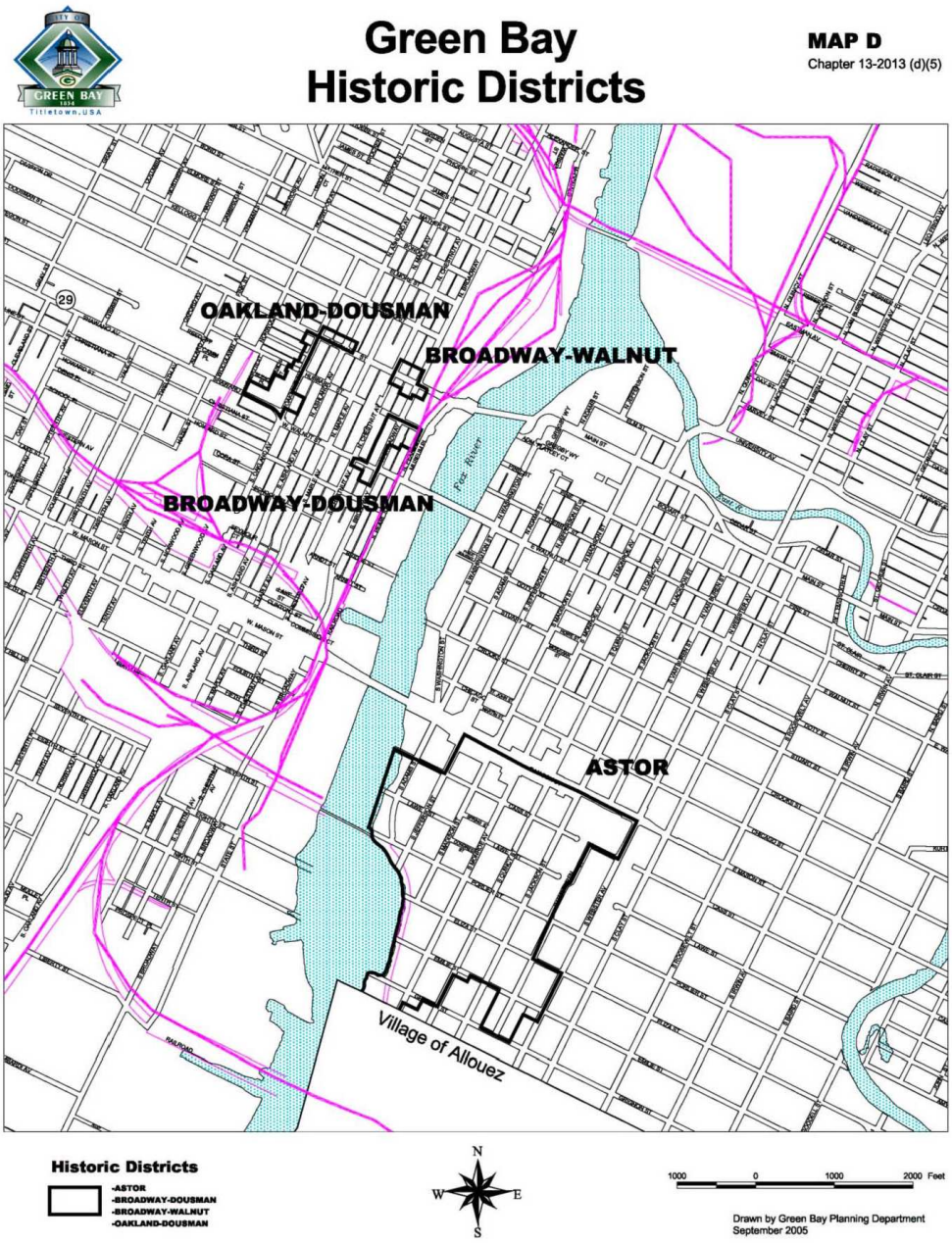
Map A


MAP B
Chapter 13-2013 (d)(3)
City of Green Bay Freeways and Expressways
Bay of Green Bay
Freeways and Expressways With Special Restrictions For Off-Premise Business Signs
Railroads
Waterways
Water Areas
Drawn by Green Bay Planning Department
September 2005

Map B


MAP C
Chapter 13-2013 (d)(4)
City of Green Bay Natural Areas and Waterways
Bay of Green Bay
Hutchinson's Bog
Niagara Escarpment
West Side Woodlands
Railroad
Waterfronts With Special Restrictions For Off-Premise Business Signs
Waterfront Areas In Which Off-Premise Business Signs Are Not Permitted
Green Bay Natural Areas (West Side Woodlands, Niagara Escarpment, Hutchinson's Bog)
Water Areas
Drawn by Green Bay Planning Department
September 2005

Map C



Map D

(Code 1984, § 13.2013(d))

Sec. 30-59. Exceptions to prohibited locations.

The restrictions identified in Section 30-58 shall not apply to the following areas:

(1) Area west of the Fox River to Broadway.

(2) Area immediately adjacent and advertising to West Mason Street (Tilleman Bridge structure).

(3) Area adjacent to and north of the East River, to include both sides of Main Street between the alley west of Webster Avenue easterly to Elizabeth Street.

(4) Off-premises signs may be mounted on or flat against a wall of an intermediate building which prevents said signs from being directed toward said river, bay, historic, or natural area identified in Section 30-58, provided said signs shall be removed if and when said intermediate building is removed.

(Code 1984, § 13.2013(e))

Sec. 30-60. Existing signs.

Existing off-premises advertising signs that do not meet the size and location standards may remain in place and not be considered nonconforming uses. However, a new sign may not be permitted unless it replaces the existing sign that does not meet the size and location standards. All new signs shall meet the requirements of this article.

(Code 1984, § 13.2013(f))

Sec. 30-61. Spacing limitations.

Off-premises advertising signs shall maintain the following separation distances:

(1) Off-premises signs shall not be located within 50 feet of residential district boundaries, school property, or public parks and parkways (including those so designated on the Official Map) if said signs are perpendicular to or facing away from such uses. This distance increases to 200 feet if signs are facing (oriented with message side parallel) said uses. These distances also increase for multiple message signs per Section 30-63.

(2) No sign built within 100 feet of an intersection shall have less than ten feet of underclearance, unless erected on or against an existing building. Off-premises business signs shall not be located within the front yard setbacks where such setbacks are established.

(3) A minimum of 350 feet between off-premises signs, as viewed from any main travel direction of the same street, and in the same direction, except for signs adjacent to freeways and expressways. Spacing shall be measured in a lineal direction on the same side of the street. "Back-to-back" mounting of such signs is acceptable, as are signs mounted on or flat against opposite parallel walls of a building.

(4) Off-premises signs adjacent to freeways and expressways shall be spaced a minimum of 750 feet apart, measured in a lineal direction on the same side of the freeway or expressway.

(Code 1984, § 13.2013(g); Ord. No. 13-09)

Sec. 30-62. General requirements.

(a) Off-premises signs shall be considered a principal use of the property on which they are located and shall not project over the right-of-way.

(b) No more than two off-premises signs are permitted on the same zoning lot. Furthermore, such off-premises signs shall be limited to one sign for each of two approach directions of traffic.

(c) Facade signs shall not exceed 700 square feet in total area per sign face or 300 square feet if applied directly to walls.

(d) Signs shall not exceed 30 feet in height. Sign height shall be measured from average height at road grade elevation to the highest point of the sign.
(Code 1984, § 13.2013(h))

Sec. 30-63. Multiple message sign operation.

Multiple message signs are permitted as a conditional use. To be considered for a conditional use permit, such signs must meet all regulations of this article and the following:

(1) *Standards for multiple message signs.*

a. The transition time, or the time it takes to change the message (electronically, via louver rotation, or other means) shall be one second or less.

b. The time the message remains in a fixed position shall be eight seconds or more, and movement or animation is prohibited.

c. Audio speakers and all forms of pyrotechnics are prohibited.

d. Electronic multiple message signs (digital billboards) shall be equipped with automatic dimming capability, and light produced by such signs shall not exceed 0.3 foot-candles over ambient light levels. The ambient light reading is taken at least 30 minutes past sunset with the sign turned off or displaying all black copy. The fully lit reading is taken with the sign displaying all white copy. Measurement of light levels should be taken perpendicular to the face of the sign, and the following distances should be used as guidelines to determine where to take measurements:

1. 100 square foot or smaller sign to be measured 100 feet from source.
2. Greater than 100 to 350 square foot sign to be measured 150 feet from source.
3. Greater than 350 to 650 square foot sign to be measured 200 feet from source.
4. Greater than 650 to 700 square foot sign to be measured 250 feet from source.

e. Spill-over light exceeding 0.2 foot-candles as measured at a residential property line is prohibited.

(2) *Mitigation of multiple message signs.* Since the maximum number of off-premises signs permitted in the City is fixed at the number in the current sign inventory, and because multiple message signs can display multiple messages, a new multiple message sign (whether new construction or sign replacement) shall be mitigated. In addition to meeting the requirements of Section 30-94, a new multiple message sign must earn at least five mitigation points per sign face. One or more existing billboards will be removed as part of the mitigation process.

a. Mitigation points can be earned in the following ways. Note that points are assessed and required per sign face.

1. Five points per sign face for the removal of a billboard that is nonconforming due to location in the CBD, a natural area, or a historic district.
2. Four points per sign face for the removal of any other nonconforming billboard.
3. Three points per sign face for the removal of a conforming billboard that is capable in its existing structural condition of safely supporting a multiple message sign of the same area as the existing sign face.

4. Two points per sign face for the removal of any other existing billboard that is not capable in its existing structural condition of safely supporting a multiple message sign of the same area as the existing sign face.
5. One additional point per sign face for the removal of a billboard visible from a street or highway with a functional classification of interstate, freeway, or principal arterial.
6. No points are awarded for the replacement of an existing billboard (while a digital billboard may be approved where an existing static sign has been removed from a conforming location, this sign removal does not count toward the required mitigation points. The points must be obtained from other sign sites).

b. A mitigation plan shall be submitted for review by the Planning Department, and more than one new multiple message sign may be included in a single mitigation plan. The cumulative points earned for sign removal may be applied to multiple signs within a single mitigation plan and sign permit application. However, any excess points remaining are not carried over or "banked" for future applications. In other words, mitigation points will not be tracked beyond a single sign project which may involve multiple new signs. The reason for this is to avoid conflicts between mitigation points and the existing cap on the total number of allowable off-premises signs.

c. If the cumulative result of a sign project and mitigation plan is a net reduction in signs, then the maximum allowable number of off-premises signs for the City as a whole will be reduced immediately. This means that signs removed under a mitigation plan can only be replaced with the multiple message signs being mitigated. They cannot be replaced with other signs in the future.

d. Relocating an existing multiple message sign from one location to another within the City shall not require a mitigation plan, provided that such relocation does not result in an increase in the overall number of sign faces or structures (whether static or multiple message) located in the City. In lieu of a mitigation plan, the applicant shall remove three existing billboard sign faces under the current billboard inventory as required in Section 30-64. A conditional use permit is nevertheless required for the relocation or replacement of a billboard sign.

(3) *Permitted locations of multiple message signs.*

a. Sign message must be directed to a state or federal highway, or a designated connecting highway, as mapped by the Wisconsin Department of Transportation in accordance with Wis. Stats. § 84.02(12).

b. Signs with a variable message face visible to drivers approaching an intersection, where drivers must also watch for cross traffic, bikes, and/or pedestrians, must comply with the following setbacks from that intersection as measured from the street right-of-way line:

1. 100 square foot or smaller sign to be set back at least 100 feet.
2. Greater than 100 to 350 square foot sign to be set back at least 150 feet.
3. Greater than 350 to 650 square foot sign to be set back at least 200 feet.
4. Greater than 650 to 700 square foot sign to be set back at least 500 feet.

c. Such signs shall not be located within 100 feet of residential district boundaries, school property, or public parks and parkways (including those so designated on the Official Map) if said signs are perpendicular to or facing away from such uses. This distance increases to 400 feet if signs are facing (oriented with message side parallel) said uses.

(4) *Hazard abatement.*

a. If the Director of Public Works or their designee finds that an electronic multiple message sign (digital billboard) is causing interference with the visibility or effectiveness of a traffic signal or control, the sign shall be turned off without delay.

b. If the Director of Public Works or their designee finds that an electronic multiple message sign (digital billboard) is malfunctioning in a fashion that creates a hazardous glare or other traffic hazard, the sign shall be turned off without delay.

c. In such a situation, the owner of the sign must then meet with City staff to determine how to rectify the situation, and the sign shall not be turned back on without City staff approval.

d. Each sign owner is to maintain up-to-date contact information with the Department of Public Works for such purposes. The contact information is to provide 24/7 (24 hours per day, seven days per week) access to persons that are available at all times to respond to a hazardous sign situation.

(5) *Standard conditions of approval.* The following are the minimum conditions of approval that shall be applied to the conditional use permit. Other appropriate conditions of approval may also be required by the Plan Commission and City Council.

a. A site plan and applicable permit applications (sign permit, electrical permit, building permit) shall be required for erecting a new multiple message sign or for converting an existing static display sign to a multiple message sign.

b. The sign permit application shall not be valid unless approved by the Director of Public Works or their designee (Traffic Engineer).

c. A mitigation plan shall be submitted for review and approval by the Planning Department.

d. If the U.S. Department of Transportation, Federal Highway Administration concludes before June 1, 2010, that digital billboards or their particular operation are detrimental to traffic safety, then the hazard posed by this sign shall be resolved. If the hazard can be effectively resolved by adjusting the brightness, length of display, or other such performance issue, then this shall be allowed as the course of action. If the hazard cannot be effectively resolved by adjusting the performance of the sign, then the sign shall be removed and may be replaced with an approvable sign.

e. The Department of Public Works shall be provided with the means to turn off a digital billboard in the case of hazardous glare, interference with the visibility or effectiveness of a traffic signal or control, or other traffic hazard caused by the sign.

(Code 1984, § 13.2013(i); Ord. No. 13-09; Ord. No. 16-17)

Sec. 30-64. Inventory of off-premises signs.

The inventory of all existing and permitted off-premises signs and sign sites shall be the number of signs and sign sites then legally permitted or in existence as of August 19, 1986, and shall represent the maximum number of off-premises signs and sign sites permitted within the City of Green Bay.

(1) All off-premises signs and sign sites authorized as of August 19, 1986, but not constructed as of August 19, 1987, shall be removed from the inventory of off-premises outdoor advertising signs and shall correspondingly reduce the number of signs permitted within the City of Green Bay.

(2) Any sign removed after August 19, 1986, which is not replaced in compliance with this article or any sign ordered to be removed by order of a court of competent jurisdiction after August 19, 1986, shall be removed from the inventory and correspondingly reduce the number of signs and sign sites permitted within the City of Green Bay. Based on an updated inventory as of March 1, 2009, the maximum number of signs and sign sites permitted was 85.

(3) Any replacement sign, pursuant to this section, shall comply with all applicable ordinances for the location and construction of said sign.

a. Any sign removed pursuant to this section may be replaced by a sign that does not exceed the cumulative square footage of the sign that it is replacing.

b. Any sign replaced shall be reconstructed within one year after the issuance of the wrecking permit for the sign that it is replacing.

c. In no event shall the replacement of a sign result in more sign site than the number of sign sites identified in the inventory of August 19, 1986, or as updated under this section.

(4) Any sign acquired by the City of Green Bay or any other governmental authority may be replaced by the sign owner within one year after the date that the City acquires the sign.

a. For purposes of this subsection (4), the date of acquisition in condemnation cases shall be the date on which the jurisdictional offer is issued for the acquisition of that sign.

b. In all other cases, the date of acquisition shall be the date on which the property owner accepts the government body's offer to purchase such sign.

c. No sign shall be replaced pursuant to this subsection (4) unless the owner has complied with all applicable ordinances for the location and construction of said sign.

(Code 1984, § 13.2013(j); Ord. No. 13-09)

Sec. 30-65. Application for a permit.

The application for off-premises sign permits shall contain all information, drawings, and specifications necessary to fully advise the Inspection Department of the City of Green Bay of the type, size, shape, location, zone, construction, and materials of the proposed sign and the building structure or premises upon which it is to be placed. No building permit shall be issued for a replacement sign until all conditions of the wrecking permit have been fully complied with.
(Code 1984, § 13.2013(k))

Sec. 30-66. Additional information needed.

When applying for a billboard permit, the billboard operator/owner shall, in addition to the above, furnish the following information at the time of permit application:

(1) The location of the proposed sign in relation to the property lines and any building, fence, or other structure on the property on a site plan.

(2) The location of the proposed sign in relation to the property lines and any building, fence, or other structure on the property on a site plan.

(3) The distance to the nearest off-premises outdoor advertising sign.

(4) An affidavit from the property owner authorizing erection of the sign or an executed lease agreement without disclosing the terms of the lease or the lease rent.

(5) A professional engineer's certificate.

(Code 1984, § 13.2013(l))

Secs. 30-67—30-88. Reserved.

ARTICLE IV. SPECIAL SIGNS

Sec. 30-89. Temporary signs.

Temporary signs shall be allowed in excess of the sign limitations for permanent signs, in compliance with the following:

(1) Temporary signs shall be permitted only in mixed-use, commercial, and industrial districts or in residential districts in conjunction with a new subdivision.

(2) Signs shall comply with the setback provisions for monument or ground/pylon signs in each zoning district.

(3) Signs shall be limited to 32 square feet in total area per property.

(4) Signs shall require a permit from the Zoning Administrator for each location and time period.

(5) Signs shall be located on the property the advertising pertains to, unless for a civic or public event which may project over the right-of-way with City approval.

(6) Signs shall be limited to a maximum of three periods per year per property (defined by a single property identification number). Each period not to exceed 30 days.

(7) All pennants, streamers, banners, and other forms of temporary signs must be maintained and not frayed, torn, or tattered.

(8) No more than two banners, balloons, flags, or posters shall be permitted at one time on a property, subject to the time limitations under subsection (6) of this section. Balloons and other aerial devices may not exceed 50 feet in height.

(9) No more than one readerboard or other portable ground sign shall be permitted at one time on a property, subject to the time limitations under subsection (6) of this section.

(10) Video display signs shall be allowed as temporary signs as permitted in this section and Section 30-96(1).

(Code 1984, § 13.2014; Ord. No. 24-10)

Sec. 30-90. Elementary or secondary school signage.

Elementary and secondary school signs are regulated as follows:

(1) One ground-mounted monument sign is permitted per street frontage, and one sign attached to a building is permitted per building facade facing a public street.

(2) Ground-mounted signs shall be no larger than six feet in height and contain no more than 50 square feet of sign area (per side). Signs attached to a building shall not have any support structures extending more than 18 inches above roof/cornice and shall contain no more than 32 square feet of sign area.

(3) The ground/monument sign shall be architecturally compatible with the school and have a one- to four-foot masonry base of similar building materials and/or an earth berm.

(4) The horizontal measurement of the ground sign must be greater than the vertical measurement.

(5) Ground-mounted signs shall be set back not less than 15 feet from any property line.

(6) Architectural details compatible with the school design may not exceed 16 inches above the maximum height.

(7) The ground-mounted sign is to be limited to school name, logo, and address.

(8) Four lines of readerboard are permitted on the ground-mounted signage, not to be greater than 80 percent of the sign area. Letters contained within the readerboard shall not be less than six inches in height. No additional exterior readerboards and/or changeable copy will be permitted on site.

(9) The readerboard shall be limited to advertising for onsite activities. No off-site advertising shall be permitted.

(10) Electric signage is permitted, subject to:

a. No sign shall conflict with the visibility of any traffic signal as determined by the City's Traffic Engineer.

b. Electronic message signs shall occupy no more than 50 percent of the face of the ground sign area.

c. No such sign shall be illuminated that is greater than necessary for adequate visibility. Message center signs that are found to be too bright shall be modified with the instruction of the City.

d. An electronic message sign shall not operate beyond 10:00 p.m.

e. An electronic message sign shall not face a residentially-zoned property.

f. Messages shall not repeat in intervals of less than four seconds nor last longer than ten seconds. Individual messages may last longer than ten seconds. Rotating signs shall be limited to a maximum of eight revolutions per minute and shall not flash or have traveling bulb effects.

g. No chasing lights are permitted.

(11) A detailed landscape plan is required with a landscape area sufficient to cover an area extending not less than three feet past any part of the ground-mounted sign. The landscape plan is subject to Planning staff approval.

(12) Elementary and secondary school signs may be illuminated.

(Code 1984, § 13.2015; Ord. No. 47-07)

Sec. 30-91. Religious institution and place of worship signage.

Religious institution and place of worship signs are regulated as follows:

(1) One ground-mounted sign is permitted per street frontage, and one sign attached to a building is permitted per building facade facing a public street.

(2) Ground-mounted pole/pylon signs shall be no greater than ten feet in height with three feet of under-clearance, and ground-mounted monument signs shall be no greater than six feet in height and contain no more than 50 square feet of sign area (per side). Signs attached to a building shall not have any support structures extending more than 18 inches above roof/cornice and shall contain no more than 32 square feet of sign area.

(3) Ground-mounted signs shall be set back no less than 15 feet from any property line.

(4) Up to 50 percent of the permitted area of a permitted sign may be changeable copy "readerboard."

(5) Religious institution and place of worship signs may be illuminated.

(Code 1984, § 13.2016)

Sec. 30-92. Subdivision development signs.

Two temporary signs are permitted in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:

(1) *Permit required.* Requests for subdivision development signs shall be required to submit a site plan, sign details, and other information, as regulated in Chapter 44, Article XIX, to the office of the Zoning Administrator for review of compliance with all applicable codes. No fee will be required.

(2) *Time limit.* Such permits may be issued until 80 percent of the lots have been sold, or less than five lots remain in the subdivision, after which said signs shall be removed.

(3) *Text, content.* The temporary subdivision sign may contain advertising in connection with the name of the subdivision, development firm, building contractor, real estate firm, and may refer to materials, appliances, supplies, and building trades used in connection with the dwelling units or services provided by the developer. Said signs may be illuminated.

(4) *Location.* Any subdivision development sign shall comply with all applicable setback requirements for the zoning district in which the property is located.

(5) *Height and size.* Signs shall be no greater than ten feet in height with three feet of under-clearance. Maximum sign area shall not exceed a total of 320 square feet. The maximum area of each individual sign shall not exceed 160 square feet.

(Code 1984, § 13.2017)

Sec. 30-93. Chaser signs.

Chaser signs are to be used only as window signs or signs inside a building in the Mixed-Use, Commercial, and Industrial Districts, with the following restrictions:

(1) Signs shall not exceed 40 inches by 48 inches in size.

(2) Signs placed in windows shall not exceed 50 percent of the window area.

(3) Sign illumination shall not exceed ten watts.

(Code 1984, § 13.2018)

Sec. 30-94. Changeable copy signs.

Changeable copy signs may be incorporated within or used as institutional identity signs in any district in compliance with the following restrictions:

(1) Changeable copy signs shall not be utilized as a stand-alone sign and shall be incorporated into or attached to a primary business identification sign so that separation between the two signs is limited to one foot.

(2) The changing sign shall not exceed the following size limitations:

Table 30-5. Size Limitations for Changeable Copy Signs

Total Sign Face, One Side	*Portion Allowed to be Changing*
Less than 24 sq. ft.	Up to 8 sq. ft.
24 sq. ft. to 96 sq. ft.	33% of total sign area
More than 96 sq. ft.	32 sq. ft. or less

(3) The changing sign message shall consist of letters and numbers only. For changing signs, automatic copy shall not change more than six times per minute.

(4) Color may not be red, green, or amber if sign is located in the front setback unless deemed by the Department of Public Works not to cause a traffic hazard.

(Code 1984, § 13.2019; Ord. No. 2-08)

Sec. 30-95. Trailer- or mobile-mounted signs.

Trailer or mobile signs mounted on a vehicle are permitted for a total of four weeks per year, provided no one period exceeds two weeks, and:

(1) Each permit is to be issued to a single parcel or identifiable shopping center and not each business therein.

(2) Such signs may be located in the front yard setback area if it is not within 15 feet of an intersecting street or driveway to preserve sight distance.

(3) A nuisance is not otherwise created under Chapter 24.

(4) A site plan accompanies application illustration location.

(5) Construction and Electrical Codes of the City shall apply to the extent applicable.

(Code 1984, § 13.2020)

Sec. 30-96. Video display signs.

Video display signs may be incorporated within or used as signs in compliance with the following restrictions:

(1) The sign must be located on the site of the use identified or advertised by the sign.

(2) Video display signs shall be only permitted in the C1, C2, C3, D1, D2, BP, LI, GI or the PI Zoning District.

(3) The sign area of video display signs shall be no greater than 50 percent of the attached or freestanding sign area allowances for the district in which they are located.

(4) Video display signs shall not be utilized as a stand-alone sign and shall be incorporated into or attached to a primary business identification sign so that separation between the two signs is limited to one foot.

(5) The sign must not exceed a maximum illumination of 5,000 nits (candles per square meter) during daylight hours and a maximum of 500 nits (candles per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

(6) Video display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the time period of one-half hour before sunset and one-half hour after sunrise.

(7) No sign shall conflict with the visibility of any traffic signal as determined by the City's Traffic Engineer.

(8) Video display sign messages shall not change more than six times per minute.

(9) Messages shall not repeat in intervals of less than four seconds nor have a single animation that lasts longer than ten seconds. Individual static messages may last longer than ten seconds.

(10) Audio speakers or any form of pyrotechnics are prohibited in association with video display signs.

(11) No video display sign shall be located within 100 feet or directly face a residentially-zoned property.

(12) No video display sign shall be located within 100 feet of another video display sign.

(Code 1984, § 13.2021; Ord. No. 2-08; Ord. No. 15-19, § 1, 6-18-2019)

Sec. 30-97. Business flags.

Business flags may be used with the following restrictions:

(1) Business flags may be permitted in the following zoning districts:

a. Downtown One and Two (D1, D2);

b. General Commercial (C1);

c. Neighborhood Center (NC);

d. Office/Residential (OR);

e. Public/Institutional (PI); and

(2) Must meet the following standards:

a. Sign face area shall not exceed 20 square feet per side (a four-foot by five-foot sign).

b. A seven-foot under-clearance for all flags shall be maintained and shall not significantly interrupt or block the pedestrian zone along a public sidewalk.

c. All business flags shall be securely mounted to the wall of the primary structure and shall not exceed the height of the highest point of the primary structure. Mounting may be directly against the face of the building, but at no more than a 90-degree angle measured from the top of the building. Business flags shall not be mounted to the ground.

d. Business flags shall not be colored traffic yellow, construction zone orange, or reflective in nature. Symbols that are similar to traffic control devices (i.e., octagon, similar to "STOP," "YIELD" signs, etc.), are prohibited.

e. A maximum of one business flag is permitted per every 15 feet of building frontage.

f. Business flags shall be manufactured to a professional standard of construction, finish, graphics, and shall be maintained in good repair.

g. Business flags shall not obstruct drivers' sight lines and shall be placed a minimum of 25 feet, measured from the right-of-way, from an intersection.

h. Business flags may extend into the right-of-way with approval by the City, but signs shall not be closer than two feet from the face of the street curb.

i. A sign permit and associated fee is not applicable to business flags.

(Code 1984, § 13.2022; Ord. No. 23-10)

Chapter 31

RESERVED

Chapter 32

SOLID WASTE

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ARTICLE I. IN GENERAL

Sec. 32-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Green Bay.

Collecting and transporting service means a municipal or privately-operated agency, business, or service for collecting or transporting solid waste for disposal purposes.

Condominium means a residential property which is subject to the provisions of Wis. Stats. Ch. 703, and governed by a declaration or bylaw that requires all units to be owner-occupied.

Department means the Department of Public Works.

Manufactured and mobile home park, as defined in Wis. Stats. § 66.0435, means any plot of ground upon which two or more units occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for the accommodation.

Nonresidential properties means commercial, retail, industrial, institutional, manufacturing, and governmental facilities and properties.

Sanitary landfill means a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, but utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and by covering it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

Solid waste consists of garbage, refuse, and other discarded, salvageable, and recyclable material, including waste material resulting from domestic use, public service activities, commercial, manufacturing, and industrial operations. Solid waste consists of the following categories:

(1) *Bulky waste.* Discarded articles of such size that do not fit in the collection cart including, but not limited to, appliances, large furniture items, bicycles, exercise equipment, play equipment, and other household items.

(2) *Commercial waste.* Waste resulting from the operation of business enterprises including, but not limited to, offices, stores, restaurants, and similar businesses.

(3) *Construction and/or demolition waste.* Waste resulting from building construction or demolition, alteration, or repair, including excavated material, remodeling, and other waste such as windows, doors, drywall, framing and roofing material, flooring, cabinets and counter tops, concrete, stone, asphalt, sod, earth, dirt, and brick, except as indicated in subsection (11) of this definition.

(4) *Garbage.* Waste resulting from the handling, cooking, processing, preparation, serving, storage, and consumption of food, including animal, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, and the generation of offensive and noxious gases or odors.

(5) *Hazardous and/or toxic wastes.* Waste material or substances which during normal storage or handling may be a potential cause of harm, sickness, or death, such as explosives, petroleum

products, medical or pharmaceutical materials, corrosive chemicals, poisonous or pathogenic substances, pesticide chemicals, radioactive materials, toxic materials, and all other similar harmful substances whether in solid, liquid, or gaseous form.

(6) *Industrial waste.* Waste resulting from industrial processes and operations.

(7) *Manufacturing waste.* Waste resulting from manufacturing processes and operations.

(8) *Nauseous and/or offensive wastes.* Those wastes that are unwholesome or have an unpleasant smell or are otherwise nauseous and/or offensive, such as manure, filth, slops, carcasses, carrion, meat, fish, entrails, hides and hide scrapings, paint, kerosene, oily or greasy substances, and objects that may cause injury to any person or animal or damage to vehicles such as barbed wire, briar thorns, or similar materials.

(9) *Recyclable waste.* That portion of miscellaneous combustible and noncombustible waste material resulting from residential and commercial activities that can be recovered through processes to regain that material for human use including, but not limited to, the following:

a. *Co-mingled containers.* Glass bottles and jars which contain a food or beverage product, aluminum beverage cans, plastic containers made of polyethylene terephthalate (PET) or high density polyethylene (HDPE), and steel and bi-metal cans which contained a food or beverage product.

b. *Major appliances.* Residential or commercial air conditioners, clothes dryers, clothes washers, dishwashers, freezers, microwave ovens, ovens, refrigerators, stoves, furnaces, boilers, dehumidifiers, or water heaters.

c. *Paper.* That portion of paper which remains in substantially original condition at the time of disposal so that material is suitable for commercial-grade recycling. The term "paper" does include the paper commonly used in the production of newsprint, magazines, books, and other physical media for written materials, cardboards, and other container boards. Paper is not suitable for recycling purposes when in a state which makes separation unreasonable or unduly expensive because the paper has been put to another use, such as wrappings for items that soiled the paper, thus rendering it unfit for commercial recycling.

d. *Waste tire.* A tire that is no longer suitable for its original purpose because of wear, damage or defect.

e. *Yard waste.* Leaves, grass clippings, garden debris, and brush, including clean woody vegetative material no greater than six inches in diameter. The term "yard waste" does not include stumps, roots, or shrubs with intact root balls.

(10) *Refuse.* Miscellaneous combustible and noncombustible, nonrecyclable waste material resulting from residential and commercial activities including, but not limited to, cans, bottles, plastic, paper, ashes, glass, lawn and garden waste, metal, rubber, street waste, wood, cloth, litter, leaves, shrubbery, brush, and cardboard.

(11) *Residential waste.* Garbage, refuse, ashes, and other waste generated from typical residential activity. This type of waste includes, but is not limited to, metal, paper, cardboard, plastic,

cans, bottles, wood, rags, rubber, glass, cloth, litter, leaves, shrubbery, tree trimming, branches, trunks and stumps, grass clippings, brush, and small quantities of construction and/or demolition waste, which are either recycled or disposed of.

(12) *Sewage plant refuse.* Debris collected on the primary screens of the sewage treatment plant consisting of sticks, rags, etc.

Solid waste disposal operation means the site, facility, operating practices, and maintenance thereof for the utilization, processing, or final disposal of solid waste including, but not limited to, sanitary landfill, incineration, composting, reduction, shredding, compression, salvage, and resource recovery. (Code 1984, § 9.01; Ord. No. 47-03; Ord. No. 13-11; Ord. No. 25-13)

Sec. 32-2. Solid waste collection regulations.

(a) Residential and commercial waste shall be collected by the Department from all properties, provided such waste is properly handled, prepared, contained, stored, and located in conformance with this chapter and rules and regulations established and publicized by the Director of Public Works. Residential waste collection shall be provided once per week at no charge for a maximum of one 96-gallon container per property or dwelling unit, whichever is greater. The garbage cart must be one which was purchased from the City. All refuse must fit inside the garbage cart with the lid fully closed. Residential waste placed outside the garbage cart will not be collected.

(b) Recyclable waste to include co-mingled containers and paper shall be collected by the Department for all residential properties, up to and including six dwelling units, provided such waste is properly separated, handled, prepared, contained, stored, and located in conformance with this chapter and rules and regulations established and publicized by the Director of Public Works. Recycling is mandatory, and residents will be required to comply with recycling regulations. Curbside recycling waste collection shall be provided once every two weeks to each household. There is no limit on the number of recycling carts collected at each residence. The recycling cart must be one which was purchased from the City. Recycling waste shall be placed out for collection separate from other residential waste on the regular collection day. All recycling waste must fit inside the recycling cart with the lid fully closed. Recycling waste placed outside the recycling cart will not be collected.

(c) Special assessment for extra solid waste pick-up.

(1) In those instances where the periodic solid waste pick-up is not followed by residents or property owners, the Director of Public Works, or their designee, is hereby authorized, when scheduling time permits, to dispatch City crews to remove the following:

a. Solid waste;

b. Tires;

c. Batteries;

d. Waste oil;

e. Yard waste;

f. Electronic waste;

g. Construction, remodeling, and demolition waste;

h. Bulky waste; or

i. Other items that are placed out for collection that would not normally be collected.

Any items removed are subject to removal charges noted below and any cost of disposal.

(2) The costs of such removal shall be the hourly rate (including fringe benefits) per employee dispatched, plus truck charges and administration fees, for the time spent collecting such solid waste from the time of dispatch to the time the truck returns to the municipal garage. There shall be a three-tenths-hour minimum charge for such dispatch. Should City crews be dispatched at a time to collect such solid waste items which requires the City to incur overtime, the appropriate hourly rate will be charged (whether time and one-half or double-time).

(3) Should the property owner fail to pay such charge as invoiced within 30 days of the date of the invoice, the same shall become a lien upon the property as provided in Wis. Stats. § 66.0627 and subsection (h) of this section, on behalf of the City of Green Bay and carrying such interest as has been determined by the Common Council.

(4) The City will schedule two bulky waste collection periods annually during which residents will not be charged. During these periods, the City will collect up to two cubic yards of bulky waste per residence placed outside of a trash cart. At all other times, the above rules shall apply.

(5) The City will schedule four overflow residential waste collection periods annually during which residents will not be charged. During these periods, the City will collect up to four 32-gallon bags of waste per residence placed outside of a trash cart. At all other times, the above rules shall apply.

(6) Bulky waste may be disposed of by residents using the bulky waste drop-off locations provided by the City at no cost to the residents. The drop-off locations are for bulky waste only. Disposal of overflow volumes of residential waste at the drop-off locations is prohibited.

(d) Separation of recyclable waste.

(1) The following recyclable materials from single-family and two- to six-unit residences, multifamily dwellings and nonresidential facilities and properties shall be separated from other solid waste:

a. Lead acid batteries.

b. Major appliances.

c. Waste oil.

d. Yard waste.

e. Aluminum containers.

f. Bi-metal containers.

g. Corrugated paper or other container board.

h. Foam polystyrene packaging.

i. Glass containers.

j. Magazines.

k. Newspapers.

l. Office paper.

m. Rigid plastic containers made of PETE and HDPE.

n. Rigid plastic containers made of PVC, LDPE, PP, PS and other resins, or multiple resins.

o. Steel containers.

p. Tires.

q. Electronic waste or E-waste.

(2) Separation requirements exempted. The separation requirements of subsection (d)(1) of this section do not apply to the following:

a. Occupants of single-family and two- to six-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their solid waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in subsection (d)(1) of this section from solid waste in as pure a form as is technically feasible.

b. Solid waste which is burned as a supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from solid waste burned as supplemental fuel.

c. A recyclable waste item specified in subsection (d)(1)a through o of this section for which a variance has been granted by the Department of Natural Resources under Wis. Stats. § 287.11(2m) or Wis. Admin. Code § NR 544.14.

(e) Recyclable waste from buildings containing seven or more dwelling units.

(1) Recyclable waste shall not be collected by the City from buildings containing seven or more dwelling units. Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which is banned under Wis. Stats. Ch. 287. Items included in Wis. Stats. Ch. 287 are aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines or other material printed on similar paper, newspapers or other material printed on newsprint, office paper, rigid plastic containers, steel containers, and bi-metal steel/aluminum containers for carbonated and malt beverages. All owners or designated agents of rented and leased residential properties are required to do all the following:

a. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

b. Provide adequate, separate containers to tenants for the separation of recyclable waste included in the ban.

c. Provide for the collection and recycling of recyclable materials separated from solid waste by the tenants and the delivery of the materials to a recycling facility.

d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation and a contact person, including a name, address and telephone number.

All owners of these buildings are required to comply with state statutes which ban the items listed above from landfilling and incineration.

(2) The requirements specified in subsection (e)(1) of this section do not apply to the owners or designated agents of multifamily dwellings if the solid waste generated within the dwellings is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in subsection (d)(1)e through o of this section from solid waste in as pure a form as is technically feasible.

(f) Recyclable waste from nonresidential facilities.

(1) Recyclable waste shall not be collected by the City from nonresidential facilities and properties. Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which is banned under Wis. Stats. Ch. 287.

(2) Recycling laws apply to both residential properties and nonresidential facilities and properties. All nonresidential facilities or properties are required to separate the materials subject to Wis. Stats. Ch. 287.

(3) Owners or designated agents of nonresidential facilities and properties shall do all of the following to the materials specified in subsection (d)(1)e through o of this section:

a. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

b. Provide adequate, separate containers for the collection of recyclable materials.

c. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

d. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

(4) The requirements specified in subsection (f)(2) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the solid waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in subsections (d)(1)e through o of this section from solid waste in as pure a form as is technically feasible.

(g) The Director of Public Works is hereby authorized to control the collection, removal, and hauling of solid waste in the City in conformity with the following administrative regulations:

(1) Solid waste not collected by the City.

a. Industrial waste.

b. Manufacturing waste.

c. Hazardous and/or toxic waste.

d. Nauseous and/or offensive waste.

e. Sewage plant refuse.

f. Batteries.

g. Tires.

h. Waste oil.

i. Medical and infectious waste.

(2) Preparation.

a. Residential and commercial waste including miscellaneous refuse may be mixed and placed in a common container. Yard waste and recyclables are prohibited from being mixed with other waste.

b. Residential or commercial refuse and garbage shall be wrapped, packaged, and/or bundled and drained of any liquid.

c. Recyclable material such as glass, plastic bottles, tin, paper, cardboard and aluminum cans shall be co-mingled and placed in one container.

d. To the greatest extent practicable, the recyclable materials separated from solid waste shall be clean and kept free of contaminants such as food, product residue, oil or grease, or other nonrecyclable materials.

e. Branches, limbs, and cuttings from trees shall be cut in three-foot to eight-foot lengths and must be at least one-half inch in diameter when set out for collection. No brush will be picked up by the City when generated from vacant property or new building construction or from any contracted job. If said brush is not disposed of properly by the owner or contractor, the City will dispose of it and charge the property owner the actual cost.

f. Bulky waste will be picked up by a special collection crew. All amounts collected will be charged a fee except as designated in subsection (e)(4) of this section. Said fee is to be a charge per cubic yard and will be established by resolution annually by the Common Council. Items placed out due to periodic change of tenancy (move-outs) from residences shall be charged for said service and proper disposal.

g. Hot cinders, ashes, or any smoldering embers shall not be placed in any collection container; however, cold ashes shall not be placed in cardboard or paper containers, but shall only be placed in sealed/tied plastic bags of a type and composition suitable for handling and disposal.

(3) Tipper cart—Garbage and refuse.

a. The cost of all garbage tipper carts provided by the City shall be at a charge established by resolution. One tipper cart shall be provided to each property with a maximum capacity of 96 gallons. All tipper carts must be purchased from the City.

b. All tipper carts for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.

c. Any tipper cart deemed defective or otherwise inadequate by the Director of Public Works shall be replaced within one week's time following notification by the City.

d. Any defective tipper cart not replaced subsequent to the notification shall result in the issuance of a citation.

(4) Tipper cart—Recycling.

a. The cost of all recycling tipper carts provided by the City shall be at a charge established by resolution. A minimum of one tipper cart is required at each residential unit as long as there are no more than six such units in a building. All tipper carts must be purchased from the City.

b. All tipper carts for the storage of recyclable waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.

c. Any tipper cart deemed defective or otherwise inadequate by the Director of Public Works shall be replaced within one week's time following notification by the City.

d. Any defective tipper cart not replaced subsequent to the notification shall result in the issuance of a citation.

(5) Storage and collection.

a. The owner and/or occupant of any premises shall be responsible for proper and sanitary storage, separation and preparation of all solid waste accumulated at that premises until collected by the collecting and transporting service.

b. Manufactured and mobile home park and condominium waste. On the scheduled day of collection, manufactured and mobile home park and condominium waste shall be properly prepared and placed at the curbline of the adjacent public street. No collection will be made on private property or in alleys, unless provided for by the Common Council and meeting the following conditions:

1. The property owner and lessee, if applicable, shall provide the City with an indemnification and hold harmless agreement protecting the City from any and all liability for coming upon such private property, in a form to be approved by the City Attorney's Office.

2. The property owner shall also maintain a policy of liability insurance, the terms and limits of which shall be determined by the City Insurance Department, in which the City of Green Bay shall be named as an additional insured, protecting it from any and all liability for coming upon said property.

3. City collection vehicles are able to enter and leave the private property while proceeding in a forward motion, the private driveways or streets are of an adequate width to safely accommodate City collection vehicles and the solid waste is placed out for collection in an open area readily accessible for collection.

4. If waste stored on private property is not disposed of properly, the City will see that proper disposal is made and charge the property owner the actual cost of said disposal.

c. Residential waste. Waste materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Residential waste shall be placed in a garbage cart and placed at the curb a minimum of four feet from regular recycling waste for collection. Pick-ups shall not be made on residential private property or in the alley adjoining residential property, except for manufactured and mobile home parks and condominiums as defined above.

d. Recyclable waste. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Recyclable wastes shall be placed in a recycling cart and placed at the curb a minimum of four feet from regular solid waste for collection. Recyclable waste collection shall be made on the same day as regular solid waste collection. Pick-ups shall not be made on residential private property, or in the alley adjoining residential property except for manufactured and mobile home parks and condominiums as defined above.

e. Manufactured and mobile home park and condominium waste. Waste from manufactured and mobile home parks and condominiums shall be considered residential waste and shall be stored and collected under the provisions of subsection (g)(5)b of this section.

f. Any solid waste, when placed out for collection, shall be out by 6:00 a.m. from June 1 through August 31 and shall be out by 7:00 a.m. from September 1 through May 31 on the scheduled day of collection, but shall not be placed out more than 12 hours before collection day and shall be removed not more than 12 hours after collection day. Solid waste for collection shall be placed along the curbline immediately adjacent to the property which has generated the solid waste. Failure to comply may result in the issuance of a citation.

g. Items too large or otherwise unsuitable for storage containers shall be stored in a nuisance-free manner consistent with regulations established by the Director of Public Works.

h. All solid waste placed out for collection becomes City property upon being collected.

i. Garbage, recycling, or refuse containers shall be stored during the time period between collection days in the following locations:

   1. Tipper carts shall not be stored within 15 feet of the public right-of-way.

   2. Tipper carts shall not be stored on any street side or alongside of a building unless the cart is completely screened from view of an observer located at the public right-of-way.

   3. Tipper carts shall be stored in the backyard, garage, or any other convenient discreet location.

   4. All tipper carts must be stored with the lids completely closed.

   5. Carts shall not be stored near a furnace, grill or any other heat source.

j. There shall be no variance from this section without the prior approval of the Director of Public Works therefor.

k. Any garbage, recycling, yard waste, or refuse container stored in violation of this chapter, irrespective of the provisions of subsection (g)(5)i of this section, shall be subject to the following:

   1. The Director of Public Works shall have the authority to order that any exterior storage of garbage, recyclables, or refuse be enclosed in a structure if, in their determination, the storage of such garbage, recyclables, or refuse is unsanitary or creates or tends to create a nuisance to public health or safety.

2. In determining whether an exterior storage structure shall be required under this section, the Director of Public Works shall take into account the location of the waste storage, its proximity to residential areas, the likelihood of human exposure or contact with the waste storage areas, and the type of waste being stored. These considerations are to be deemed illustrative and not exclusive.

3. All structures ordered under this section shall be at least three-sided and constructed of opaque materials sufficient to ensure the waste is concealed from view from the exterior of the three sides. The walls of the structure shall be of a height equal to one foot taller than the garbage or refuse receptacle, but in no event in excess of six feet in height, and shall be maintained in a neat and orderly manner.

4. Any person aggrieved by such an order by the Director of Public Works to enclose said waste containers shall have the opportunity to bring such order before the Improvement and Service Committee for its review within 30 days of the issuance of the order.

(h) All charges by the City of Green Bay for early set-out as defined in subsection (g)(5)f of this section and bulk pick-ups must be paid within 30 days after the billing date or said charge will become a lien on the property according to Wis. Stats. § 66.0627 and will be added to that year's taxes with interest.
(Code 1984, § 9.02; Ord. No. 47-03; Ord. No. 43-04; Ord. No. 59-04; Ord. No. 13-11; Ord. No. 8-13; Ord. No. 25-13)

Sec. 32-3. Transportation.

(a) Transportation nuisance. No person shall transport any material in any vehicle unless the vehicle is operated and constructed so that the contents shall not blow, scatter, leak, or spill upon streets or alleys or otherwise create a nuisance.

(b) All vehicles or conveyers, whether publicly- or privately-owned, used for the collection or transportation of solid waste shall not be kept in any street, alley, or public place, or upon any private premises within the City longer than is reasonably necessary to collect the solid waste except by permission of the Director of Public Works.

(c) Private collector's license.

(1) No person, except employees of the Department in the regular performance of duty, shall collect or transport waste materials on any street or alley without a license. Each license shall bear a number corresponding to the license plate issued which shall be prominently displayed on the vehicle used by such licensee in their business as herein provided.

(2) Such license shall be available only to the person in whose name it is issued and shall not be used by any person other than the original licensee. Any licensee who shall permit their license to be used by any other person, and any other person who shall use such license granted to another person shall be in violation of this chapter.

(3) Such license shall be issued by the City Clerk upon approval of the Director of Public Works. The license fee for one year or fraction thereof shall be as provided in the City Fee Schedule.

(4) This license does not provide authorization for the licensee to collect solid waste placed out by the property owner on a public right-of-way for collection by the City.

(5) Each license shall automatically expire on January 1 following issuance. Such license may be suspended or removed by the Director of Public Works for failure to comply with any of the rules of the Director of Public Works. Appeal from this decision may be made to the Common Council.

(Code 1984, § 9.03; Ord. No. 47-03)

Sec. 32-4. Solid waste disposal.

(a) Following collection, all solid waste shall be disposed of under the direction of the Director of Public Works in a manner approved by them with the concurrence of the Brown County Solid Waste Authority, in conformance with the State Department of Natural Resources Solid Waste Disposal Standards, under terms approved by the Council.

(b) Prohibitions on disposal of recyclable wastes separated for recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 32-2(d)(1)a through o which have been separated for recycling, except:

(1) Waste tires may be burned with energy recovery in a solid waste treatment facility; and

(2) Microwave ovens may be disposed of in a landfill after the capacitor has been removed.

(c) No person shall burn any solid waste outdoors at any time within the City.

(d) No person in the City shall deposit, throw, place, or leave any solid waste upon any street, court, lane, alley, business, square, public enclosure, vacant lot, house yard, body of water, or any public place except in a container herein required. No person shall upset or turn over the contents of any waste containers in any street, alley, and other public place. No person shall remove any waste from containers on private premises without the consent of occupant, owner, or lessee of the premises, and no person shall remove any waste from a container which has been set out on a public right-of-way for collection. No person shall remove any waste from public trash receptacles placed on public property.

(e) Disposal of construction and/or demolition waste. All construction and/or demolition waste shall be disposed of at the Brown County Landfill Site or other licensed landfill site except as indicated in Section 32-2(d)(1). If collected by the City, rules contained in Section 32-2(e) shall apply. Excavated material consisting of sand, clay, or other earth and broken concrete, brick, or rubble free of debris may be used for filling private property as herein provided. Prior to placing fill material, the owner of the property shall apply to the Director of Public Works for a permit to conduct the filling operation. The property owner shall cover the fill material with at least six inches of dirt and grade and level the site. When such property owner neglects to do so after sufficient notice, the Director of Public Works shall do the required work. The expense thereof shall be charged against the property involved and may be placed on the City tax roll as previously agreed by such property owner.

(f) Disposal of industrial and/or manufacturing waste. Industrial and/or manufacturing waste shall be disposed of by the owner or occupant at the Brown County Landfill Site or other licensed landfill site.

(g) Dead animals.

(1) Small animals. The owners or custodians of dead dogs, cats, and other animals weighing less than 100 pounds shall notify the Humane Officer, who shall arrange to have such animals removed.

(2) Large animals. The owners or custodians of dead animals weighing over 100 pounds shall be required to deliver such dead animals to the Brown County landfill site at their own cost. Dead animals weighing over 100 pounds shall be brought to the Brown County landfill site promptly after death. If any owner or custodian of a dead animal refuses to bring such animal to the Brown County Landfill site within 24 hours after death thereof, the Director of Public Works may arrange for the collection and disposal of such animal, and all costs of collection, including truck service and any other expense, shall be charged against them as a special charge and collected in the same manner as other special charges are collected.

(h) Disposal of animal offal and other offensive wastes. Animal offal, the droppings from pet animals, manure, and night-soil shall not be collected by the City. It shall be the responsibility of the owner of such animals to dispose of such wastes in a sanitary and responsible manner.

(i) Disposal of infectious material. The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision of the Director of Public Works or their representative. Such refuse shall not be placed in containers for regular collection with normal solid waste.

(j) Explosive material. No person shall place or deposit any explosive material such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gun powder, gasoline, or similar material in a container for collection or disposal at any dumping grounds, private or municipal. It shall be the responsibility of the owner of such items to dispose of such wastes in a safe and legal manner.

(k) Concerns regarding proper disposal. When any person is in doubt as to the proper preparation, handling, and disposal of any type of solid waste, they shall contact the Department of Public Works for information concerning safe, legal and proper handling and disposal.
(Code 1984, § 9.04; Ord. No. 47-03; Ord. No. 59-04; Ord. No. 25-13)

Sec. 32-5. Director of Public Works may make rules.

The Director of Public Works shall make reasonable rules for the regulation and administration of this chapter as may be found necessary for the proper storage, collection, removal, and disposal of solid waste in the City. Collection schedules for all areas of the City shall be prepared and advertised so that all persons will know the correct collection day. Such rules shall be available for public inspection at the office of the Director of Public Works.
(Code 1984, § 9.05; Ord. No. 47-03)

Sec. 32-6. Enforcement.

(a) The Director of Public Works shall enforce the provisions of this chapter and see that all violations are promptly abated and a citation issued if necessary. The Chief of Police shall give attention throughout the City of any violation of this chapter and promptly report to the Director of Public Works in writing every violation within the City which comes to their knowledge.

(b) Special penalties. If the owner, occupant, or lessee of any premises neglects or refuses to clean up and remove from such premises all solid waste when so ordered by the Director of Public Works, such owner, occupant, or lessee shall be liable to maximum penalty as provided by Section 32-7. If such accumulation occurs on any street, alley, or public thoroughfare, such solid waste may be collected under the direction of the Director of Public Works, and the entire cost thereof shall be assessed against the abutting property. If said cost is not paid within 30 days, it will be added to the taxes as a lien on the property according to Wis. Stats. § 66.0627.

(c) Failure to comply.

(1) The Director of Public Works may refuse to furnish collection service of solid waste to any person not complying and refusing to comply with this chapter and the rules and regulations made by the Director of Public Works for the collection and disposal of solid waste.

(2) When services for the collection of solid waste have been withdrawn by the Director of Public Works from any person for failure to comply with such rules and regulations, resulting in an accumulation of solid waste on their premises which is offensive or a public nuisance, that person may be prosecuted under any ordinances of the City regulating the same.

(Code 1984, § 9.06; Ord. No. 47-03)

Sec. 32-7. Penalty.

Any person who violates any provisions of this chapter or who shall fail or refuse to obey any order issued hereunder shall be subject to a forfeiture. Such forfeiture shall be not less than $10.00 nor more than $2,000.00, together with the costs of such action. Upon default or refusal to pay such forfeiture, such person shall be imprisoned for not more than 60 days. Each day of violation, disobedience, omission, neglect, or refusal shall be a separate offense. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.
(Code 1984, § 9.07; Ord. No. 8-94)

Sec. 32-8. Sanitary landfill operations.

(a) *Purpose.* A sanitary landfill operation is recognized as a safe, sanitary method of disposal of solid waste materials, provided the operation is properly conducted. Sanitary landfill operations are regulated for the purpose of promoting and protecting the public health, safety, comfort, commerce, and general welfare, and to provide assurance that natural land resources may be restored or retained in usable form following the deposition of solid waste materials without polluting air or water resources.

(b) *Applicability.* This section governs the operation of a sanitary landfill site located within the City by any person or municipality except the City, regardless of zoning districts, and the issuance of permits for such according to state statutes.

(1) Reference and incorporation is made of the Solid Waste Disposal Standards adopted by the Wisconsin Department of Natural Resources.

(2) Requirements of this section and the standards referred to above are intended to be complementary, and where varied, shall be interpreted in favor of the more restrictive requirement or agency.

(3) Provisions for disposal of inert earth materials are regulated by permits issued by the Director of Public Works.

(c) *Definitions.* The definitions found in this Code and in Wisconsin Department of Natural Resources Solid Waste Disposal Standards (Wis. Admin. Code § NR 500.03) are incorporated herein.

(d) *Application for sanitary landfill permit.* No person shall establish, maintain, conduct, expand, or operate a sanitary landfill operation without first obtaining an annual permit to do so from the City and, after receipt of such permit, obtaining an annual license to do so from the Wisconsin Department of Natural Resources. Such annual permit from the City and annual license from the Wisconsin Department of Natural Resources shall terminate annually on September 30.

(1) *Form of application.* Persons desiring a permit shall annually, before September 1 or at least 30 days before the desired effective date, make application to the Director of Public Works on forms supplied by the Department of Public Works. A separate application shall be made for each proposed sanitary landfill operation.

(2) *Surety bond.* Each applicant desiring a permit shall provide a surety bond conditioned upon compliance with this section, the amount of which shall be determined by the Director of Public Works. The Director of Public Works shall recommend to the Council the amount of such bond for confirmation by the Council. A copy of the proposed surety bond shall accompany the permit application.

(3) *Copies of application.* Each applicant desiring a permit shall provide a copy of the license and permit application submitted to the Wisconsin Department of Natural Resources.

(4) *Operational procedures.* Each application shall be accompanied by a set of operational procedures and plan materials, as required herein, indicating how the requirements of this section will be fulfilled.

(5) *Review by department.* Upon receipt of the completed application, the Department of Public Works shall review the same to ensure that all municipal provisions of this section are met. The Department of Public Works shall notify the applicant when the application is satisfactory, and of the amount of the required surety bond.

(6) *Notice and hearing.* The Director of Public Works shall forward a recommendation to the Common Council, which shall publish a Class 1 notice of the application and hold a public hearing thereon prior to approval.

(e) *Revocation of a sanitary landfill permit.* The Director of Public Works shall suspend or revoke any permit if it is found the operation is not in conformance with this section. The Director of Public Works shall make the determination as to whether or not there is in fact such a violation by applying local existing practices of good engineering.

(f) *Location requirements.* Sanitary landfill permits shall be issued where consistent with the Solid Waste Disposal Standards of the Wisconsin Department of Natural Resources (Wis. Admin. Ch. NR 500). In addition, the quality of the following environmental factors is desirable to protect and shall be considered by the Director of Public Works, who shall determine that these factors, where present, will be seriously impaired neither during nor at the completion of a sanitary landfill operation:

(1) Surface drainage.

(2) Soil drainage.

(3) Floodplain or floodway areas.

(4) Erosion susceptibility.

(5) Immediate surrounding land values.

(6) Preservation of historical sites, water quality, and forest, wildlife, and recreational areas.

(g) *Maps, plans, and report.* Persons desiring a permit shall submit the following maps, plans, and report with their initial application for a permit and shall submit any revisions or additions thereto prior to the subsequent annual review and annual issuance of the permit. One set of the following information shall be submitted with the permit application to the City and one set with the application to the Wisconsin Department of Natural Resources pursuant to Wis. Admin. Code Ch. NR 500:

(1) A sanitary landfill shall not be established until the site location and proposed method of operation has been approved in writing by the Department. A minimum of three sets of the following information shall be submitted to the Department for consideration for approval:

a. Map or aerial photograph of the area showing land use and zoning within one-quarter mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, wells, watercourses, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography.

b. Site plan of the site showing dimensions, location of soil borings, proposed trenching plan or original fill face, winter cover stockpiles, and fencing. Cross-sections shall be included on the site plan or on separate sheets showing both the original and proposed fill elevations. The scale of the site plan shall not be greater than 200 feet per inch.

c. A report shall accompany the plans indicating:

1. Population and area to be served by proposed site.

2. Anticipated type, quantity, and source of material to be disposed of at the site.

3. Geological formations and groundwater elevations to a depth of at least ten feet below proposed excavation and lowest elevation of the site. Such data shall be obtained by soil borings or other appropriate means.

4. Source and characteristics of cover material and method of protecting cover material for winter operations.

5. Type and amount of equipment to be provided at the site for excavating, earth moving, spreading, compaction, and other needs.

6. Persons responsible for actual operation and maintenance of the site.

7. Intended operating procedure.

(2) The report shall also include a brief evaluation of each of the environmental factors listed in subsection (f) of this section.

(h) *Operation of sanitary landfill.* Any person who maintains or operates a sanitary landfill site or who permits the use of property for such shall maintain and operate the site in conformance with the following practices as required by the Wisconsin Department of Natural Resources pursuant to Wis. Admin. Code Ch. NR 500:

(1) Open burning of solid waste is prohibited.

(2) No solid waste shall be deposited in such a manner that material or leachings therefrom will have a detrimental effect on any groundwater or surface water.

(3) Dumping of solid waste shall be confined to as small an area as practicable and shall be surrounded with appropriate facilities to confine possible windblown material within that area. At the conclusion of each day of operation, all windblown material shall be collected and returned to the area by the owner or operator.

(4) Each single layer of garbage or refuse shall be compacted to a depth of approximately two feet. No more than three compacted layers may be placed prior to covering.

(5) Solid waste shall be compacted and covered after each day of operation, or as specified by the Department of Natural Resources, with a compacted layer of at least six inches of suitable cover material. Surface water drainage shall be diverted around the landfill area.

(6) Putrescible materials such as spoiled foods and animal carcasses shall be immediately covered and compacted as indicated in this section.

(7) Special provision shall be made to dispose of toxic and hazardous wastes in compliance with Wis. Admin. Code Ch. NR 500.

(8) The boundaries of the disposal site shall be fenced for the protection of persons or animals and a minimum distance of 50 feet maintained between the disposal operation and adjacent property.

(9) Effective means shall be taken to control flies, rodents, and other insects or vermin.

(10) The approach road to the disposal site shall be of all-weather construction maintained in good condition and treated as necessary to minimize dust. The approach road shall connect as closely as possible to an arterial street.

(11) The operation shall be conducted so that traffic at the site may travel over the filled area as much as possible to aid in compaction.

(12) Equipment shall be provided to control accidental fires and arrangements shall be made with the local fire protection agency to immediately acquire their services when needed.

(13) An attendant shall be on duty at the site at all times while it is open for use.

(14) A gate shall be provided at the entrance to the site and shall be kept locked when an attendant is not on duty.

(15) A sign identifying and showing the license number of the site and indicating the hours during which the site is open for use, the penalty for nonconforming dumping, and other pertinent information shall be posted at the site entrance.

(16) The site shall be surrounded by rapidly growing trees, shrubbery, or other appropriate means to screen it from the surrounding area and to provide a natural windbreak.

(17) Within one week after final termination of a site or a major part thereof, the area shall be covered with at least two feet of compacted earth material adequately sloped to allow surface water runoff.

(18) The finished surface of the filled area shall be covered with adequate topsoil and seeded with native grasses or other suitable vegetation immediately upon completion or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.

(19) Prior to completion of a sanitary landfill site, the Department of Public Works shall be notified so that a site investigation may be conducted by the Department before earth moving equipment is removed from the property.

(20) Following the completion and abandonment of the sanitary landfill site, inspection and maintenance shall be continued by the landfill owner or operator until the fill becomes stabilized.

(21) Hours of operation shall be reasonable and shall prohibit use on Sundays.

(22) Outdoor lighting shall be mounted in such a manner that no glare is created to public rights-of-way or adjoining properties.

(23) Telephone or radio communications shall be maintained with either a public system or a company-monitored system when the site is in operation.

(i) *Inspection and enforcement.* Any authorized officer, employee, or representative of the City may enter and inspect any property, premises, or place at any reasonable time for the purpose of determining compliance within this section. No person may refuse access to any authorized officer, employee or representative of the Department of Public Works who requests access for purposes of inspection, and who presents appropriate credentials.

(j) *Exemptions.* The Director of Public Works may recommend and the Council may grant exemptions for any one or a number of requirements contained herein, provided the purpose of this section and the public interest is served, and provided such exemptions are not contrary to state requirements.

(k) *Appeals.* All procedures and requirements contained herein are subject to review by the Council upon receipt of an appeal by an applicant for a permit or by a citizen of the City. The Council may delegate to an appropriate committee or officer the duty to hear any appeal under this section. The Council, committee, or officer shall provide procedures to hear any such appeal.
(Code 1984, § 9.10; Ord. No. 8-94)

Sec. 32-9. Dumping prohibited; penalty.

(a) No person shall place or dump solid waste on any property, unless such person owns, controls, or leases such property, or is otherwise authorized by the property owner, and such person does so in a manner consistent with other provisions of this Code.

(b) Penalty. The forfeiture for violating this section shall not be less than $500.00, nor more than $1,000.00.
(Code 1984, § 9.11; Ord. No. 38-99)

Secs. 32-10—32-36. Reserved.

ARTICLE II. LITTERING

Sec. 32-37. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Garbage is as defined in Section 32-1.

Litter means garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

Receptacles, private and public. Private receptacles are as described in Section 32-2(g)(5). Public receptacles are litter containers which are placed on City streets or fastened to poles and maintained by the City and marked as litter receptacles.

Refuse means all putrescible and nonputrescible solid wastes including ashes, street cleanings, dead animals, and all other abandoned personal property and solid market and industrial wastes.

Rubbish means nonputrescible and solid wastes, both combustible and noncombustible, including, but not limited to, circulars, leaflets, pamphlets, wrappers, handbills, newspapers, and all and any other printed or non-printed paper material, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, and other similar materials.
(Code 1984, § 8.12(1); Ord. No. 65-85; Ord. No. 4-18, § 1, 4-2-2018)

Sec. 32-38. Litter in public places.

No person shall throw, deposit, or cause to be placed litter upon any street, sidewalk, alley, or other public place within the City except in public receptacles provided by the City.
(Code 1984, § 8.12(2); Ord. No. 65-85; Ord. No. 4-18, § 1, 4-2-2018)

Sec. 32-39. Placement of litter in receptacles so as to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner and in such containers as will prevent it from being carried or deposited by the elements upon any street, sidewalk, alley, or other public place or upon private property.
(Code 1984, § 8.12(3); Ord. No. 65-85; Ord. No. 4-18, § 1, 4-2-2018)

Sec. 32-40. Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street, alley, or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks, entrance walks, parking lots, and parking areas in front of or upon the premises free of litter.
(Code 1984, § 8.12(4); Ord. No. 65-85; Ord. No. 4-18, § 1, 4-2-2018)

Sec. 32-41. Litter in public waters.

No person shall throw or deposit litter in any fountain, pond, wading pool, river, bay, or other body of water in a public place or elsewhere within the City.
(Code 1984, § 8.12(5); Ord. No. 65-85; Ord. No. 4-18, § 1, 4-2-2018)

Sec. 32-42. Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, unless in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, alley, or other public place. No person shall throw, deposit, or cause any litter to be scattered or placed upon any driveway, apron, front, rear, or side yard of any occupied private property. Litter must be deposited in a private receptacle if one is available.
(Code 1984, § 8.12(6); Ord. No. 65-85; Ord. No. 4-18, § 1, 4-2-2018)

Sec. 32-43. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, this section shall not prohibit the storage of litter in authorized private receptacles for collection.
(Code 1984, § 8.12(7); Ord. No. 65-85; Ord. No. 4-18, § 1, 4-2-2018)

Sec. 32-44. Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.
(Code 1984, § 8.12(8); Ord. No. 65-85; Ord. No. 4-18, § 1, 4-2-2018)

Sec. 32-45. Firewood.

Wood shall not be considered rubbish where it is stored for residential use under the terms and conditions of this section.

(1) *Front yard storage.* No firewood shall be permitted in a front yard as defined at Section 44-249.

(2) *Rear and side yard storage.* Firewood may be stored in a side or rear yard only in the following manner:

   a. *Stacking.* All firewood shall be ranked and well stowed, with due regard to stability.

   b. *Height.* Firewood stacks shall not be in excess of four feet in height unless such stack is adjacent to and amply supported by a fence or structure. Where the firewood is so supported, the stack shall not be in excess of six feet.

   c. *Setback.* No firewood shall be permitted within four feet of an adjoining property line, unless the firewood is stored in a box or building.

   d. *Nuisance.* Nothing in this section shall prohibit enforcement and abatement proceedings as provided in Chapter 24.

(Code 1984, § 8.12(9); Ord. No. 65-85; Ord. No. 4-18, § 1, 4-2-2018)

Chapter 33

RESERVED

Chapter 34

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

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ARTICLE I. IN GENERAL

Sec. 34-1. Official Map.

(a) Purpose. To conserve and promote the public health, safety, convenience, prosperity, efficiency, economy, and general welfare, there is established an Official Map in accordance with Wis. Stats. § 62.23(6); such map being incorporated herein and made a part hereof as though fully set forth.

(b) Such map shall be known as the "Official Map of the City of Green Bay" or "Official Map."

(c) The Official Map shall set forth the location and width of streets, highways, parks, parkways, playgrounds, historic districts, railroad rights-of-way, waterways, drainageways, and public transit facilities, as allowed by Wis. Stats. § 62.23(6).

(d) The Official Map shall be adopted by planning ordinance with maps or descriptions, which may further be amended as necessary. A composite of all of the current individual planning ordinance exhibit maps shall be available for public inspection in the Planning and Building Inspection Office.

(e) Each planning ordinance amendment shall be filed with the Register of Deeds by the Clerk. No change may become effective until after a notice is published and a public hearing is held before the Council as required by statute.

(f) After adoption of the Official Map, no permit may be issued to construct or enlarge any building, fill, excavation, or use within the limits of any street, highway, parkway, or other proposed public feature depicted on said Official Map, as specified in Wis. Stats. § 62.23(6)(e).

(g) Streets on the Official Map shall not necessarily be deemed to be open to the public until they have been subsequently acquired by the public and their construction is complete.
(Code 1984, § 12.02; Ord. No. 38-92)

Sec. 34-2. Amendments to Official Map.

(a) *Council may amend.* The Council may change or add to the Official Map so as to establish the exterior lines of planned new streets, highways, parkways, parks, or playgrounds, or to widen, narrow, extend, or close existing streets, highways, parkways, parks, or playgrounds.

(b) *Procedure.* The applicable state law shall be followed for each such change.

(c) *Amendments.* Amendments are on file in the office of the City Clerk.
(Code 1984, § 12.03)

Sec. 34-3. Streets on map not deemed open.

The placing of street, highway, parkway, park, or playground lines upon the Official Map shall not constitute the opening or establishment of any street, highway, parkway, park, or playground or the taking or acceptance of any land for such purposes. Further and additional acts of the Common Council are required.
(Code 1984, § 12.04)

Sec. 34-4. Building, fill or excavation permits not to be issued.

To preserve the integrity of the Official Map, no permit shall be issued for any building, fill, or earth excavation in the bed of any street, highway, or parkway shown or laid out on such map

except as provided in this chapter. No permit for the erection of any building shall be issued unless a street, highway, or parkway giving access to such proposed structure has been placed on the Official Map.
(Code 1984, § 12.05)

Sec. 34-5. Right-of-way excavation and occupancy.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Director means the Director of Public Works or their designee.

Excavate means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Facility means any equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include, but is not limited to, poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines, and other structures and appurtenances.

Local representative means a local person or designee of such person authorized by an occupant to accept service and to make decisions for that occupant regarding all matters within the scope of this chapter.

Occupant means any person having facilities above, on, in or below the boundaries of the public right-of-way. For the purposes of this section, the term "occupant" shall exclude a private transmission facility regulated under Section 34-17.

Person means a corporation, company, association, firm, partnership, limited liability company, limited liability partnership, and individuals and their lessors, transferees, and receivers.

Public utility shall have the meaning provided in Wis. Stats. § 196.01(5).

Right-of-way means the surface and the space above and below an improved or unimproved public roadway, highway, street, bicycle lane, and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes.

(b) *Excavation permit.*

(1) *Permit required.* No cut, excavation, or service connection shall be made in any right-of-way unless a permit therefor is obtained from the Director. The provisions of this section shall not apply to the construction or replacement of public sidewalks.

(2) *Obstruction.* If any traveled portion of a street, alley, or sidewalk is obstructed in any manner while doing the work allowed by the above permit, a separate permit must be obtained from the Director in accordance with Section 34-11.

(3) *Permit application.* Application for a permit shall be made to the Director. Permit applications shall contain, and will be considered complete only upon compliance with, the following requirements:

a. *Form and drawings.* The permittee shall submit the completed permit application form as established by the Director, including all required attachments, drawings showing

the location and area of the proposed facilities, and the size of the cut, excavation or service connection. The proposed excavation must accommodate all existing underground facilities within the proposed route.

b. *Insurance.* The permittee shall file a certificate of insurance with the City Risk Manager giving evidence of liability insurance in the amounts required by resolution of the Common Council for bodily injury and property damage aggregate. Such insurance shall not be cancelled or reduced without the insurer giving ten days' prior written notice to the Risk Manager. Cancellation or reduction of insurance shall automatically suspend the permit, and no further work shall be done under such permit until a new certificate of insurance complying herewith is filed with the Risk Manager.

c. *Bond.* A bond in the form of cash or a performance bond shall be deposited or filed with the City Clerk prior to the issuance of the permit. The Director shall determine the dollar amount based upon the estimated cost to restore the area involved to a condition the same or similar to that prior to the cut and/or excavation.

d. *Payment.* The permittee shall submit the payment of the permit fees and costs as set forth in subsection (b)(4) of this section.

e. *Public utilities.* Subsections (b)(3)b and c of this section shall not apply to a public utility.

f. *Approval.* Permits shall be acted upon within 30 days or else they shall be deemed granted.

(4) *Permit fee.*

a. *Fee schedule.* The permit fee shall be established by resolution of the Common Council in an amount sufficient to recover the costs incurred by the City. This fee shall recover the administrative and inspection costs of the permit application. Payment of said fee shall be collected prior to the issuance of the permit. The fee shall be waived for permits for utility work in new subdivisions and within the limits of public works projects, when work is undertaken in conjunction with the installation of pavement.

b. *Substantial projects.* For those applications which provide for a substantial undertaking of excavation within the public right-of-way attended by disruption of the general public and traffic, the Director may assess the actual costs of the City employees' time engaged in review and inspection of the anticipated work, multiplied by a factor determined by the respective department to represent the City's cost for statutory expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.0, plus the cost of mileage attributed to the work, plus all consultant fees associated with the work at the invoiced amount, plus ten percent for administration.

c. *City exemption.* The City and its contractors shall not pay fees for excavations due to general government functions.

d. *Nonrefundable.* Permit fees paid are not refundable.

e. *Exceeding application specifications.* A permittee exceeding the scope of the project reported under subsection (b)(3)a of this section shall reimburse the City for all additional costs incurred in addition to the normal fee for the entire project as established pursuant to subsection (b)(4)a of this section.

(5) *Location of facilities.*

a. *Underground.* The permittee shall endeavor to install facilities underground or within buildings or other structures in conformity with applicable codes, unless in conflict with state or federal law, existing aboveground facilities are used, or otherwise approved by the Director. The Director may direct that the installation be made underground if the public health, safety or welfare so requires.

b. *Limitation of space.* The Director may prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of persons to occupy the right-of-way. In making such decisions, the Director shall strive, to the extent possible, to accommodate all existing and potential users of the right-of-way, but may prohibit or limit the placement of new or additional facilities when required to protect the public health, safety or welfare. In reaching this conclusion, the Director may consider a utility's obligation to serve.

c. *Attachment to bridges.* Whenever a permittee requests permission to attach pipes, conduits, cables or wires to any City bridge structure, the applicant shall pay all costs associated with the granting of such permission, including, but not limited to, administrative expenses in the analysis and inspection of such installation. The owner of such pipes, conduits, cables or wires shall be entitled to no compensation for removal or relocation of the same in case of repair, removal, or replacement of said bridge structure by the City.

(6) *Style of cut.* All excavations in permanently improved streets shall be made by final saw cuts around the perimeter of the excavation. Any jagged edges or irregularities left by the person making the excavation will be re-sawed and a patch made accordingly at the expense of the permittee.

(7) *Repair of paved areas.*

a. *Temporary.* Excavated material shall be hauled away by the contractor. All excavations made in paved areas in the public right-of-way shall meet the construction methods and site restoration in accordance with applicable parts of the City of Green Bay Standard Specifications and Construction Standards for Public Works Construction, current edition. The permittee shall be responsible for all costs associated with maintaining the temporary repair.

b. *Permanent.* Unless otherwise approved by the Director, disturbed pavement shall be replaced by an authorized contractor retained by the City pursuant to the Street Excavation Repair Policy, and the permittee shall be responsible for the cost of these repairs. If the replacement pavement settles or cracks within five years of the date of the permit and if failure of the replacement is due to improper backfill or compaction, the pavement and backfill in the excavation area shall be removed and replaced at the expense of the permittee.

(8) *Repair of unpaved areas.* All excavations in areas of rights-of-way which are not paved shall be backfilled with natural material compacted in 12-inch layers with mechanical compaction equipment. The surface shall be restored to its original condition, subject to the approval of the Director. The permittee shall guarantee this work for one year from the date of repair.

(c) *Occupancy.*

(1) *Obligation.* An occupant shall provide the Director with the following:

a. The occupant's name, Digger's Hotline registration certificate number, address, and telephone and facsimile numbers.

b. The name, address, and telephone and facsimile numbers of a local representative, including current information regarding how to contact the local representative in an emergency.

The occupant shall keep all of the information listed in this subsection current at all times by providing the Director information as to changes within 15 business days following the date on which the occupant has knowledge of any change.

(2) *Relocation of facilities.* An occupant must, promptly and at its own expense, permanently remove and relocate its facilities in the right-of-way whenever the City, acting in its governmental capacity and having determined that the public health, safety or welfare so requires, requests such removal and relocation. Notwithstanding the foregoing, an occupant shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a nongovernmental entity unless and until the reasonable costs thereof are first paid to the occupant therefor.

(3) *Interference with other facilities during municipal construction.* When the City performs work in the right-of-way and finds it necessary to maintain, support, shore, or move an occupant's facilities, the City shall notify the local representative. The occupant shall meet with the City's representative within 24 hours and coordinate the protection, maintenance, supporting, and/or shoring of the occupant's facilities. The occupant shall accomplish the needed work within 72 hours, unless the City agrees to a longer period. In the event that the occupant does not proceed to maintain, support, shore or move its facilities within such time, the City may arrange to do the work and bill the occupant, said bill to be paid within 30 days.

(4) *Abandoned and unused facilities.*

a. *Discontinued operations.* An occupant who has determined to discontinue its operations must either:

1. Provide information satisfactory to the Director that the occupant's obligations under this section for its facilities have been lawfully assumed by another occupant; or

2. Submit to the Director a proposal and instruments for transferring ownership of its facilities to the City. If an occupant proceeds under this clause, the City may, at its option:

(i) Accept the dedication for all or a portion of the facilities;

(ii) Require the occupant, at its own expense, to remove the facilities; or

(iii) Require the occupant to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.

b. *Abandoned facilities.* Facilities which for two years remain unused shall be deemed abandoned. Any occupant having abandoned equipment in any right-of-way shall remove it from that right-of-way within two years, unless the Director waives this

requirement. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City may, at its option, abate the nuisance, take possession of the facilities, or require the removal of the facilities by the occupant or the occupant's successor in interest.

c. *Public utilities.* This subsection shall not apply to a public utility that is required to follow the provisions of Wis. Stats. § 196.81.

(5) *Emergency situations.* Each occupant or their agent shall immediately notify the City, by verbal notice on an emergency phone number provided by the City, of any event regarding its facilities that it considers to be an emergency. The occupant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency, the occupant shall apply for the necessary permits, pay the fees associated therewith, and otherwise fully comply with the requirements of this section.

(d) *Appeal of decisions.* Any applicant, permittee or occupant aggrieved by a decision of the Director under this section may file a request for review before the Improvement and Service Committee. A request for review shall be filed within ten days of receipt of notice of the decision. The Improvement and Service Committee shall commence a hearing within 30 days of the request. The determination of the Improvement and Service Committee shall be subject to approval by the Common Council. Wis. Stats. Ch. 68 shall not apply to the administrative process outlined above.

(e) *Penalty.* Any person who violates this section or fails to comply with the provisions of this chapter shall be subject to a forfeiture of up to $1,000.00. Each day such violation or failure to comply continues shall be considered a separate offense.

(f) *Easements.* The provisions of this section shall also apply to recorded easements held by the City whenever and wherever the term "right-of-way" is used herein.
(Code 1984, § 9.21; Ord. No. 4-01; Ord. No. 23-15; Ord. No. 8-19, § 1, 3-5-2019)

Sec. 34-6. Grades.

(a) *On file in office of Director of Public Works.* The grades of all streets, alleys, and sidewalks as established by the Council shall be kept on file in the office of the Director of Public Works.

(b) *Recorded by Clerk.* The grades of all streets, alleys, and sidewalks shall be established and described by the Council, and the adoption of such grades and all alterations thereof shall be recorded by the City Clerk. No street, alley, or sidewalk shall be worked until the grade thereof is established, and all streets, alleys, and sidewalks shall be constructed in accordance with such grade.

(c) *Altering grades prohibited.* No person shall alter the grade of any street, alley, sidewalk, or public ground, or any part thereof in the City unless authorized or instructed to do so by the Council or the Director of Public Works.

(d) *Datum Plan of Reference.* The elevations given in all plans hereafter proposed for sewers, streets, gradings, pavements, bridges, public buildings, and all other public improvements shall be with reference to the established plan of reference and the benchmarks on file in the office of the Director of Public Works, entitled "Datum Plan of Reference."
(Code 1984, § 9.22)

Sec. 34-7. Construction and repair of streets and sidewalks.

(a) *Statutes adopted.* Wis. Stats. §§ 62.16 and 66.0907, relating to the construction and repair of streets and sidewalks, so far as they are applicable to the City and are not inconsistent with this chapter, are adopted by reference.

(b) *Permit required.* No sidewalk shall be constructed or repaired unless a permit therefor is first obtained from the Director of Public Works.

(c) *Materials.* Contractors building sidewalks and property owners constructing their own sidewalks shall obtain from the office of the Director of Public Works plans and specifications indicating the mixture to use and the method of construction to be employed. Strict adherence to the plans and specifications is required.

(d) *Stakes not to be removed.* After grade and line is furnished by the Director of Public Works to a contractor or property owner, such contractor or property owner shall preserve such grade stakes until the concrete sidewalk has been constructed. Failure to preserve such line and grade stakes, necessitating the return of the Engineering Department to reset stakes, shall subject the contractor or property owner to the expense involved in resetting such grade stakes.

(e) *Minor repairs to sidewalks.* When the cost of repairs of any sidewalk in front of any lot or parcel of land shall not exceed $100.00, the Improvement and Service Committee or the Director of Public Works, if so required by the Council, may immediately repair such sidewalk without notice or let the work by contract and charge the cost thereof to the owner of such lot or parcel of land in the manner provided in Wis. Stats. § 66.0907(3)(f).

(f) *Damage to sidewalks.* No person shall propel, drive, drag, or cause to be dropped or placed on any sidewalk in the City any object which will harm the sidewalk to the extent that it would render it hazardous or defective for pedestrian travel.
(Code 1984, § 9.24; Ord. No. 9-19, § 1, 3-5-2019)

Sec. 34-8. License for sidewalk builders.

(a) *Required.* No person shall build or construct any concrete sidewalk and driveway apron upon any street in the City unless they have obtained a sidewalk builder's license.

(b) *Application to council.* Any person intending to construct concrete sidewalks and driveway aprons upon streets in the City shall first apply to the Council for a license as a sidewalk builder. Upon the applicant's furnishing satisfactory evidence that the applicant is capable of building a proper concrete sidewalk and driveway apron according to the requirements of the Council, the Council shall issue the applicant a sidewalk builder's license, which license shall terminate on December 31 of each year.

(c) *Fee; bond.* Each applicant shall include the required application fee at the time of submittal. Before such license is issued, the applicant shall file with the City Clerk a bond to the City in the amount of $5,000.00, conditioned that the licensee will observe and obey all the requirements of the City relating to sidewalks and to the rules and regulations relating thereto which may be prescribed by the Council, and indemnifying the City or any person in front of whose property the licensee shall construct a sidewalk to observe all the requirements of the Council and the lines and grades furnished by the Director of Public Works. A certificate of insurance shall be filed in accordance with Section 34-5.

(d) *Revocation of license.* If any person holding a license as a sidewalk builder violates any ordinance of the City relating to the construction of concrete sidewalks, the Council may, upon giving the offender two days' notice and an opportunity to be heard before the City Improvement and Service Committee, revoke the license. After the license has been removed, such person shall not again receive a license as a sidewalk builder within 12 months next of the date of the revocation.
(Code 1984, § 9.25; Ord. No. 29-16; Ord. No. 10-19, §§ 1—4, 3-5-2019)

Sec. 34-9. Prohibiting heavy equipment on certain streets.

No person shall propel or move or cause to be propelled or moved any heavy equipment or similar machinery having cogs, spikes, or other projections on the outer circumference of wheels over or along any street or alley which has been paved with brick, macadam, asphalt, or other pavement without first having obtained a permit therefor from the Director of Public Works. The Director may grant a permit in writing to propel or move heavy equipment or similar machinery over paved streets or alleys in case any such equipment or other machinery cannot be moved or propelled to its destination over streets or alleys that are not paved. The Director of Public Works shall designate in such permit the streets, alleys, or portions thereof over or along which any such heavy equipment or similar machinery may be propelled or moved and designate the duration for which the permit shall remain valid. The requirements of this chapter apply to all implements of husbandry (IOH) and agricultural commercial motor vehicles (Ag CMV) as defined by Wis. Stats. § 340.01(10), and (24)(a).
(Code 1984, § 9.26; Ord. No. 25-15)

Sec. 34-10. Transport of loads exceeding statutory size or load limits.

(a) Before a permit to transport any load exceeding statutory size or load limits is granted by the Building Inspection Department, the party applying therefor shall have a completed single trip permit application to transport a non-divisible load exceeding statutory size and/or weight signed by the Director of Public Works and other officers in charge of maintenance for movement on highways and streets in their respective jurisdictions in accordance with Wis. Stats. Ch. 348. The single trip permit application shall be submitted to the Director of Public Works 48 hours prior to transporting said load.

(b) Bond required. The party applying to transport any load exceeding statutory size or load limits shall file with the City Insurance Administrator a surety bond in the sum of $5,000.00, which bond shall indemnify the City for any costs and expenses which may accrue against the City as a result of granting such permit.

(c) Certificate of insurance required. No permit to transport any load exceeding statutory size or load limits shall be granted until the applicant files a certificate of insurance with the City Clerk giving evidence of liability insurance in the form and amounts provided from time to time by the Risk Manager.

(d) The party receiving the permit shall comply with Wis. Stats. Ch. 348 and this Code in transporting said load.

(e) The progress in transporting said load shall be as continuous as possible during all hours of the day, and day by day, and night if the Building Inspector or Director of Public Works so orders, until complete, with the least possible obstruction of traffic movement. If, in the opinion of the Director of Public Works, the move constitutes a hazard and obstruction of traffic movement, the Director may order that the move take place between the hours of 6:30 p.m. and 6:00 a.m.

(f) If the Director of Public Works deems it necessary to post "No Parking" signs and other traffic control signs along the route the load is to be transported on to allow the load to be transported safely, the Director shall order them erected and taken down after the load is transported and bill the full cost to the party receiving the permit to transport the load. The City shall hold the sureties of the bond given by the person receiving the permit until the Director of Public Works receives payment in full for erecting and removing the necessary traffic signs.

(g) Tree trimming.

(1) Permission shall in no case be granted to transport a load in, along, or upon the public streets of the City if the measurements shown on the single trip permit application to transport a non-divisible load exceeding statutory size and/or weight indicates that the street trees along the proposed route will be injured. Trees and shrubs shall not be trimmed or otherwise disturbed without the approval of the Director of Parks, Recreation, and Forestry and the owner.

(2) If it is necessary to trim any City-owned trees or shrubs to transport the load, such trimming shall be performed by the Parks, Recreation, and Forestry Department which will bill the full cost of such trimming to the party receiving such permit. The City shall hold the sureties of the bond given by the person receiving the permit until the Director of Parks, Recreation, and Forestry receives payment in full for trimming the trees.

(h) The Director of Public Works shall thereupon inspect the streets over which such load has been transported and ascertain their condition. If the transporting of the load has caused any damage to the streets, the Director of Public Works shall, at the expense of the load transporter, have them repaired by the City pavement repair contractor in as good a condition as they were before the permit was granted. If the load transporter shall fail to pay promptly all bills for damage to streets consequent to the transporting of the load, the City shall hold the sureties of bond given by the load transporter responsible for payment of the same.
(Code 1984, § 9.265; Ord. No. 24-15)

Sec. 34-11. Obstructing of public streets, alleys, and sidewalks.

(a) No person shall obstruct or cause to be obstructed in any manner any traveled portion of a public street, alley, or sidewalk except for an emergency situation without first obtaining a permit from the Director of Public Works or a designated representative. Any portion of a public street, alley, or sidewalk which is obstructed by such permit shall be signed and barricaded in accordance with the latest Manual of Traffic Controls for Street Construction and Maintenance Operations for the City of Green Bay as well as the Wisconsin Manual of Uniform Traffic Control. Such permit shall be immediately revoked if the conditions of the permit are not fully complied with.

(b) Except for emergency situations or those cases deemed necessary by the Director of Public Works, permits shall not be issued on the arterial street system or within one block of signalized intersections between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m.

(c) After a street, sidewalk, or alley is obstructed for an emergency, a permit shall be obtained from the Director of Public Works as soon as practicable, and the request for the permit shall be accompanied with a full explanation of the emergency warranting the obstruction.

(d) Street closure for block party. Local residential streets may be temporarily closed for purposes of conducting block parties, upon the written approval of 100 percent of the adult residents abutting that portion of the street sought to be closed. Applicants requesting a street closure for this purpose shall obtain a street obstruction permit from the Director of Public Works, or a designated representative, pursuant to this section. As directed by the Director of Public Works, or a designated representative, proper warning signs shall be placed upon any portion of the street permitted to be closed herein.
(Code 1984, § 9.27)

Sec. 34-12. Construction of private driveways.

(a) *Permit required.* Before a driveway or a curb cut for a driveway is made, a permit therefor shall be obtained from the Director of Public Works. Except in the case of a single-family or two-family dwelling, approval of the off-street parking site plan shall be received from the Plan Commission or its assigned officer, the Plumbing Inspector, and the Director of Public Works before application for a curb cut is made.

(b) *Construction standards.* All entrance or curb cuts shall be constructed in accordance with the following specifications and standards:

(1) *Culvert pipe required.* If, in the opinion of the Director of Public Works, it is necessary to place a culvert pipe under any driveway when making any street improvement to grade or establishing ditches for drainage, or when so requested by the abutting property owner, the Director shall place or cause to be placed a culvert of sufficient size to properly handle the flow of water. The culvert shall be of corrugated galvanized metal pipe or reinforced concrete pipe and shall not exceed by more than four feet the authorized width of the driveway.

(2) *Charges.* The cost of such culvert and installation shall be charged to the abutting property owners served by such drainage in accordance with Wisconsin Statutes.

(3) *Surfacing.*

a. Where curbs are installed, the area between the sidewalk and curb shall be surfaced with six inches of concrete or with two inches of asphalt over a six-inch gravel or crushed stone base.

b. If a property owner chooses to surface this area prior to the installation of curb and gutter, the City shall replace such surface with a like material at the time the curb and gutter is installed.

(4) *Change of location.* Whenever a property owner wishes to change the location of a private entrance or curb cut, they shall obtain a new permit for such relocation in accordance with this section; and as a condition thereof, shall be required to close up any existing curb cuts or driveways no longer in use by replacing the curb.
(Code 1984, § 9.28)

Sec. 34-13. Downspouts and eaves of buildings not to drain onto sidewalks.

(a) *Positions of downspouts and flow.* No downspout from any building shall terminate on or upon or in such a position that the contents of such spout are cast upon or flow back upon or over any public sidewalk in the City.

(b) *Eaves of buildings.* When the eaves of any building extend over or are so constructed that water may fall therefrom or run back upon any public sidewalk, such eaves shall be protected by proper spouts or otherwise so that no water shall fall or drain therefrom or run back upon or over any public sidewalk.
(Code 1984, § 9.29)

Sec. 34-14. Snow removal.

(a) *Sidewalks.* The lessee, occupant of the first or ground floor, or person having charge of a building, or if there is no lessee, occupant, or person having charge, the owner of each parcel of real estate in the City abutting or bordering upon any street, avenue, highway, or other public place shall remove or cause to be removed all snow and ice from the sidewalk in front of or adjacent to such premises to the full paved width of such sidewalk within 24 hours after such snow or ice has fallen or accumulated thereon, provided, where footways or sidewalks have not been paved or duly established, snow and ice shall be removed to a width of not less than four feet from that portion of the street or way which is used in common as a footway.

(b) *Railroad tracks not to be blocked.* No person shall throw, place, or pile or assist others in throwing, placing, or piling any snow, ice, or other impediment or obstruction to the running of cars upon the tracks of any railroad company in the space between the rails thereof or in a space between a track and a line three feet outside each rail.

(c) *Deposit on streets prohibited.* No person shall throw or put, or cause to be thrown or put, any snow or ice into any street, avenue, or other public place in the City.

(d) *Removal of snow from roofs.* The lessee, occupant, or person having charge, or if there is no lessee, occupant, or person having charge, the owner of any building abutting upon or so near to any public street or place that snow or ice may fall from the roof thereof into or upon such street or place, or upon the sidewalk thereof, shall cause all snow and ice to be removed from such roof within 24 hours after the same has ceased falling or forming, or shall provide suitable guards so that the ice or snow will not be discharged upon the sidewalk.

(e) *When City has to do work.* Whenever any owner, lessee, occupant, or person having charge of any parcel of real estate fails or neglects to remove snow and ice from any such sidewalk or roof as provided in this section, the Director of Public Works may, without notice, have the ice and snow removed therefrom, keeping an accurate account of the expenses of keeping the sidewalks clear of snow and ice in all cases where owners or occupants of abutting lots fail to do so, and report the same to the Comptroller, who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land and report the same to the City Clerk. The amount therein charged to each lot or parcel of land shall be entered by the City Clerk in the tax roll as a special tax against such lot or parcel of land, and the same shall be collected in all respects like other taxes upon real

estate. The imposition and collection of any forfeiture or penalty prescribed by this section shall not bar the right of the City to collect the cost of the removal of snow and ice from the sidewalks and roofs as herein provided.
(Code 1984, § 9.30)

Sec. 34-15. Street numbers.

(a) *Conformity with map.* All lots and parts of lots in the City shall be numbered in accordance with a map designated "A Street Numbering Map" now on file in the office of the Director of Public Works. All lots and parts of lots hereafter platted shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on such map.

(b) *Requirement.* Street address identification of a building or residence is deemed to be essential to the public safety and welfare. Each owner or occupant of any building or residence fronting upon any street and/or public alley shall cause the street number assigned by the City to be placed thereon within 20 days after completion of such building or residence.

(c) *Method of posting.* So the number can be plainly seen from the street and, if applicable, alley, the number shall at all times be attached securely to the front of the building or residence and, if applicable, the side of the building facing the alley in a conspicuous position, and not higher than the first or ground story of such building or residence. The number on such building or residence shall be not less than four inches high if the building is located within 100 feet of the center of the street or alley. If the building or residence is located more than 100 feet from the center of the street or alley, the owner or occupant may either attach numbers not less than six inches high to the building or residence or conspicuously display numbers not less than four inches high at the right-of-way line within ten feet of the driveway serving the building or residence upon a gate post, fence, or other appropriate place so as to be easily discernible from the street or alley. The numbers, as noted above, must be in Arabic numeral form. Written, script, or Roman numerals do not satisfy the requirements of this Code. Any building or structure in lawful compliance with the provisions of this Code in existence at the time of this amendment, which required, among other things, that numbers be in Arabic numeral form and at least 2 ½ inches high, may continue under the previous requirements until such time as the numbers are changed or altered, at which time they shall fully comply with the requirements herein.

(d) *Violation.* If the owner or occupant of any building required by this section to be numbered neglects for a period of 20 days to duly attach and maintain the proper numbers on such building, such neglect shall be a violation of this section.
(Code 1984, § 9.31; Ord. No. 12-02)

Sec. 34-16. Street franchises.

The City has entered into street-related franchises, copies of which are on file in the office of the City Clerk.
(Code 1984, § 9.32)

Sec. 34-17. Private transmission facilities.

(a) *Permit required.* Any person intending to place a private transmission facility in the public right-of-way shall obtain a revocable permit approved by the Director of Public Works. A private transmission facility is defined as any facility capable of transmitting digital or analog voice and/or video, liquids, solids, or gases.

(b) *Application.* At least 60 days before the desired effective date, application shall be made to the Department of Public Works on forms provided by the Department. The application shall be accompanied by a plan showing the type and location of the proposed facility. The plan shall also include the type, size and location of all existing utilities within 20 feet of the proposed facility and all other information as may be required from time to time by the Department of Public Works.

(c) *Condition of approval.* The permit shall be subject to the following conditions:

(1) A permit shall only be issued to the owner of the private transmission facility.

(2) All underground facilities shall be installed in conduit.

(3) The applicant shall relocate the private transmission facility at the applicant's expense within seven days of receiving written notice by the City that the relocation is required.

(4) The applicant shall execute and deliver to the City a hold harmless agreement, on a form approved by the City, relieving the City from any and all liability arising out of installation, placement or use of the private transmission facility.

(5) The applicant shall provide and maintain a current certificate of insurance naming the City of Green Bay as an additional insured in an amount established by the most current Common Council resolution. The certificate of insurance shall be maintained in effect from start of installation until the transmission facility is abandoned and/or removed in accordance with this chapter.

(6) The applicant shall become a member of Digger's Hotline.

(7) The applicant shall comply with all applicable local, state, and federal regulations affecting private transmission facilities, particularly Sections 34-5 and 34-11.

(8) The Department of Public Works shall provide one copy of the approved permit to the applicant prior to commencing the installation of the approved facility. The approved permit may be recorded with the Brown County Register of Deeds by the Department of Public Works. If any of the required insurance coverages and/or endorsements expire during the term of this permit, the permit holder shall deliver renewal certificates and/or policies to the City of Green Bay Risk Management Division at least ten days prior to the expiration date.

(9) The installation of all nonconductive conduit and/or pipe shall also include a locating wire or other equally effective means for marking the location of the facility.

(10) The Department of Public Works may require the permit holder to provide as-built plans of the facility.

(d) *Approval of application.* Plans submitted with the application shall be reviewed by the Department of Public Works, which shall make recommendations to assist the applicant in meeting the conditions set forth in this section. The Director of Public Works shall have the authority to approve or deny the private transmission facilities permit application.

(e) *Revocation of permit.*

(1) The permit may be revoked by the Director of Public Works by issuing a written notice to the permit holder stating the reason for revocation. Upon receiving the revocation notice, the permit holder shall remove or abandon in place to the satisfaction of the Director of Public Works the facility, at the holder's expense, within 30 days.

(2) The permit shall be revoked at the time the ownership of the private transmission facilities changes, and the permit holder shall remove or abandon in place to the satisfaction of the Director of Public Works the facility, at the permit holder's expense, within 30 days, unless all conditions of approval of the original permit have been met by the new owner of the private transmission facilities.

(3) In the event the certificate of insurance is not renewed or maintained at any time, the permit shall be revoked and the transmission line shall be deemed abandoned.

(f) *Appeal of decision.* The permit holder may appeal the denial or revocation of permit by giving written notice to the Department of Public works within seven days of receiving the revocation notice. The Improvement and Service Committee shall hear the appeal and forward its recommendation to the Common Council for final action.

(g) *Exemptions.*

(1) The following are exempt from the provisions of this section:

a. Public utilities regulated by the Public Service Commission of Wisconsin.

b. Franchises granted by the City.

c. Sanitary, storm, and water lateral installations.

(2) Underground sprinkler (irrigation) system installations are exempt from subsections (b) and (c)(5) and (6) of this section.

(h) *Permit fees.* The Director of Public Works may assess the actual costs of the City employees' time engaged in review and inspection of the anticipated work as established under Section 34-5(b)(4). (Code 1984, § 9.33; Ord. No. 13-08; Ord. No. 21-09)

Secs. 34-18—34-39. Reserved.

ARTICLE II. SPECIAL ASSESSMENTS

Sec. 34-40. Exemptions from special assessments.

(a) *Corner lot exemptions.*

(1) *Sanitary sewers.* Corner lots shall be exempt one-half of the total lot frontage, up to a maximum of 100 feet. The full assessment shall be levied on the first side served up to a maximum of one-half of the total frontage.

(2) *Storm sewers.* Corner lots shall be exempt one-half of the total lot frontage, up to a maximum of 100 feet. The full assessment shall be levied on the first side served up to a maximum of one-half of the total frontage.

(3) *Water main.* Corner lots shall be exempt one-half of the total lot frontage, up to a maximum of 100 feet. The full assessment shall be levied on the first side served up to a maximum of one-half of the total frontage.

(4) *Street improvements.*

a. Corner lots shall be exempt one-half of the total lot frontage, up to a maximum of 100 feet for any type of street improvement for which an assessment is levied, including curb and gutter and surfacing and resurfacing installations.

b. When the street right-of-way for both streets is owned by the City, the exemption shall be prorated for each side, up to a maximum of 100 feet.

c. When the street right-of-way for the second street is not owned by the City, the full assessment shall be levied on the first street paved, and the exemption shall not be granted until the second street is paved. At that time, the property shall be exempt one-half of the total lot frontage, up to a maximum of 100 feet, and the assessment prorated for each side.

(5) *Sidewalks.* No exemptions shall be allowed for sidewalk assessments levied against corner lots, since assessments are levied for the full cost and the full frontage on all lots.

(6) *Unplatted areas.* In unplatted areas, corner lot size shall be assumed to be 80 feet by 120 feet of total lot frontage.

(b) *Double frontage exemptions.*

(1) Any property fronting on two streets shall be assessed only for the first street installed, provided such property is not of sufficient depth to be divided into two lots of reasonable size, or provided a dwelling is located upon the property so as to prevent such division. Sufficient depth shall be considered to be any depth in excess of 200 feet.

(2) Any property meeting the requirements for double frontage, as defined in subsection (b)(1) of this section, shall only be assessed for the first sidewalk installed, unless access is restricted.

(c) *Payment of development fees.* If property has been subdivided in accordance with Chapter 36 and the development fees have been paid, the property shall be exempted from paying special assessments for the initial improvements for which the payment of the development fees was made. For property that has been subdivided and the development fees have been postponed or deferred, the special assessment shall not be exempted.
(Code 1984, § 9.40; Ord. No. 15-94)

Sec. 34-41. General deferments of special assessments.

(a) *Undeveloped lands.* The due date of any special assessments levied against property abutting or benefitted by public improvement may be deferred for sanitary sewers, storm sewers, or water mains when the assessments are levied against undeveloped land.

(1) Undeveloped land is land that has no residential, commercial, or industrial development.

(2) Deferments may only be granted for assessments levied against property which is part of a recorded plat or certified survey, if the Council determines that such deferment is in the best interest of the City.

(3) Deferments may be granted for street improvement assessments if the property subject to the levy is determined by the Council to be unbuildable due to inadequate size or area for development or an elevation preventing reasonable access to the proposed improvement.

(4) When a deferred assessment, granted after May 20, 1997, is paid, the amount due will be calculated based on the assessment rates in effect at the time payment is made.

(b) *Installment payments.* Such special assessment may be paid in installments within the time prescribed by the Common Council, following the termination of the deferment.

(c) *Interest.* Interest may be charged during the deferment period and/or the installment period. The interest rate for all City building projects for unpaid special assessments shall be reviewed annually and shall be established, and from time to time amended, by resolution of the Common Council.
(Code 1984, § 9.41; Ord. No. 27-98)

Sec. 34-42. Deferment of special assessments for indigent persons.

(a) *Deferment of special assessments.* Any special assessments levied against property owned by indigent persons may be deferred by the Council. Such deferment shall be granted only to owner-occupied, singly-family or duplex residential real estate. Such deferment shall be by resolution directing the City Treasurer to pay all or any portion of special assessments levied against such property.

(b) *Copy of resolution to be filed with Register of Deeds for Brown County.* A copy of such resolution, with a statement of the amount and date paid and a description of the property, certified by the City Clerk, shall be recorded with the Register of Deeds for Brown County; the amount shall thereby become a lien upon such real property in favor of the City prior to any other lien than prior outstanding tax certificates or prior liens hereunder, for the amount paid, with legal interest, and shall be enforceable after transfer of title of the property by sale, inheritance or will, in the manner provided by law for the enforcement of mechanics' liens.

(c) *Discharge of lien.* The owner of such property, or their heirs, personal representatives, or assigns may discharge such lien at any time by paying the amount of such lien with accrued interest to the City Treasurer, who shall execute a satisfaction in such form as may be recorded with the Register of Deeds for Brown County.

(d) *Purchase of lien.* The holder of any subsequent lien may purchase such lien by payment of the amount thereof with accrued interest to the City Treasurer, who shall execute a proper assignment thereof to such payee; and on recording such assignment, such assignee shall have the same rights the assignor had.

(e) *Transfer of title by sale, etc.* After transfer of title by sale, inheritance or will, or when the basis for indigency no longer exists, the special assessment shall be due and owing in full unless installment payments have been provided for according to Section 34-41(b).

(f) *Limits for the determination of indigency.* The Council shall establish by resolution limits for the determination of indigency. Such limits shall include:

(1) Maximum combined annual income of husband, wife, and dependents.

(2) Maximum combined assets of husband, wife, and dependents.

(g) *Subject to review.* Such income and asset figures shall be subject to periodic review and modification by the Council.

(h) *Application.* Application for deferment shall be made to the Council upon an affidavit form provided by the City Clerk, verified by each applicant.

(1) The application shall list the relationships, ages, and employment statuses of the applicant and all dependents; a complete schedule setting forth all assets, liabilities, and income from all sources, including their own and both spouses and their dependents; and any other pertinent information which may assist the City to evaluate such application.

(2) The schedule of net worth and income set forth in subsection (h)(1) of this section shall be considered and treated as privileged information and shall not be made public without the applicant's consent.

(i) *Notify clerk of increases.* The applicant shall notify the City Clerk when there is a material change in the assets and/or annual income increases above the limits described in subsection (f) of this section.

(j) *Providing false or incomplete information.* If the applicant willfully provides false or incomplete information, or when the assets and/or annual income exceed the limits of subsection (f) of this section, the basis for indigency shall no longer exist and the special assessment shall become due and owing in full, unless installment payments have been provided for according to Section 34-41(b).

(k) *Application reviewed by Improvement and Service Committee.* The application for deferment shall be reviewed by the Improvement and Service Committee, which shall make a recommendation to the Council.

(l) *Interest; deferment period.* Interest may be charged during the deferment period. The interest rate shall not, however, exceed the legal rate prescribed by Wisconsin Statutes.

(m) *Interest; installment payment period.* Interest may be charged during the installment payment period. The interest rate for all City building projects for unpaid special assessments shall be reviewed annually and shall be established and from time to time amended by resolution of the Common Council.
(Code 1984, § 9.42)

Sec. 34-43. Assessments for pavement construction.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assessment factor (AF) means a basement price per front foot of street improvement, hereinafter referred to as AF, which is computed for construction of bituminous pavement, concrete pavement, and bituminous resurfacing as follows:

(1) *Bituminous pavement.* The AF shall be computed to the next $0.10 by dividing the total cost from the previous year's record of bituminous pavement with a 37-foot width back to back of curb by the total length of the assessable frontage of such pavement and adding any anticipated increase in cost per assessable foot of such pavement.

(2) *Concrete pavement.* The AF shall be computed to the next $0.10 by dividing the total cost from the previous year's record of concrete pavements with a 45-foot width back to back of curb by the total length of the assessable frontage of such pavement and adding any anticipated increase in cost per assessable foot of such pavement.

(3) *Bituminous resurfacing.* The AF shall be computed to the next $0.10 by dividing the total cost from the previous year's record of bituminous resurfacing by the total length of the assessable frontage of the resurfaced streets and adding any anticipated increase in cost per assessable foot of bituminous resurfacing.

Bituminous patching means resurfacing of deteriorated areas on streets with approximately a one-inch bituminous mat.

Bituminous pavement means a pavement with a bituminous surface, adequate base, and concrete curb and gutter, generally for streets of residential use, meeting the standards and specifications of the City's Department of Public Works.

Bituminous resurfacing means the resurfacing of a Type "C" street with a 1 1/2-inch to two-inch bituminous overlay from curb to curb.

Collector means a major street assigned the functional classification of collector by either the adopted Green Bay, Wisconsin, Comprehensive Plan or the adopted Brown County Comprehensive Plan.

Concrete pavement means a Portland Cement concrete pavement with integral curb or curb and gutter meeting the standards and specifications of the City's Department of Public Works which shall be used on principal arterials, minor arterials, collectors, and local streets in commercial and industrial areas.

High-type pavement means any pavement structurally equivalent or greater than a six-inch concrete pavement; or a pavement with a minimum 1 1/2-inch bituminous surface on an eight-inch gravel base, six-inch concrete base, or six-inch cement stabilized base.

Local street means a City street which generally serves residential areas or small commercial and industrial areas which is not defined as principal arterial, minor arterial, or collector herein.

Minor arterial means a major street assigned the functional classification of minor arterial by either the adopted Green Bay, Wisconsin, Comprehensive Plan or the adopted Brown County Comprehensive Plan.

Principal arterial means a major street assigned the functional classification of principal arterial by either the adopted Green Bay, Wisconsin, Comprehensive Plan or the adopted Brown County Comprehensive Plan.

Residential zones means properties located within residential districts or mixed-use districts, defined under Articles VI and VII of Chapter 44, for which the primary use of the property is single-family or two-family dwellings.

Type "A" street means a street not previously opened to traffic.

Type "B" street means a street previously opened to traffic but lacking curb and gutter or integral curb.

Type "C" street means a street with a high-type pavement and curb and gutter or integral curb.

(b) *AF-computed assessments.* Assessments shall be based as follows on an AF computed according to subsection (a) of this section:

Street Construction	*Bituminous Pavements*	*Concrete Pavements*
Type "A" street residential zones and institutional zone	100% AF	Same rate as bituminous pavement
All other zone classifications (single-family and two-family use apply residential zones rate)	100% AF	100% AF
Type "B" street residential zones and institutional zone	60% AF	Same rate as bituminous pavement
All other zone classifications (single-family and two-family use apply residential zones rate)	90% AF	90% AF
Type "C" Street		
a. Local street residential zones and institutional zone	30% AF	Same rate as bituminous pavement
All other zone classifications (single-family and two-family use apply residential zones rate)	65% AF	65% AF
b. If a street is a bus route and/or heavy traffic route at the time of the special assessment, a 10% reduction in the assessment rate shall be given for residential zones and for single-family and two-family use in all other zone classifications		

Bituminous Resurfacing	*All Pavement Types*
All street types	
Residential zones and institutional zone	60% AF
All other zone classifications (single-family and two-family use apply residential zones rate)	90% AF
a. If a street is a bus route and/or heavy traffic route at the time of the special assessment, a 10% reduction in the assessment rate shall be given for residential zones and for single-family and two-family use in all other zone classifications	

Bituminous Patching	*All Pavement Types*
All Street Types	0% AF

(c) *Maximum assessments.* If the total preliminary assessments for a particular project exceed the City's total cost of the project, the final assessment rate for all parcels in the project will be reduced proportionately. The City's total cost of the project shall include the City's share of the construction cost plus all engineering and administration costs, which shall be equal to 20 percent of the construction costs, in accordance with Wis. Stats. § 66.0703(2).

(d) *Assessment protection and credit.*

(1) Any current owner who has previously been assessed under this section for pavement construction or reconstruction or for bituminous resurfacing prior to December 7, 1999, shall not again be assessed for the reconstruction or maintenance of such pavement for the following number of years after the Council's acceptance of the street:

a. Bituminous resurfacing: 20 years.

b. Bituminous pavement: 25 years.

c. Concrete pavement: 35 years.

(2) After December 7, 1999, when reconstructing or resurfacing streets, credit will be given to the property owner at the time the street is reconstructed or resurfaced for the remaining useful life of existing pavement calculated on current special assessment rates adopted by the Common Council. The useful life of pavement shall be established as follows:

a. Bituminous resurfacing: 20 years.

b. Bituminous pavement: 25 years.

c. Concrete pavement: 35 years.

(e) *Alley assessments.* There shall be no special assessments levied against parcels abutting any alley for improvements constructed in the alley unless the only frontage for the parcel is on the alley. If the only frontage for the parcel is on the alley, the special assessments for the improvements constructed in the alley shall be levied as if the alley were a street.
(Code 1984, § 9.43; Ord. No. 14-85; Ord. No. 65-90; Ord. No. 62-92; Ord. No. 31-93; Ord. No. 42-99; Ord. No. 27-20, § 1, 8-18-2020)

Sec. 34-44. Payment of special assessments.

(a) For subdivisions and certified survey maps recorded prior to March 16, 1982, and not fully improved, all special assessments for sanitary sewer, storm sewer, and water mains shall be deposited in full. In lieu of the full deposit herein, an irrevocable letter of credit from a local lending institution guaranteeing payment of the special assessment may be filed with the City prior to the awarding of the contracts for the installation of these improvements. Nothing herein shall prevent the City from exercising its police power under the statutes and ordinances. If, in the exercise of the City's police power, the special assessments are levied and the work performed, payment of the special assessments for sanitary sewers, storm sewers, and water mains will be due in 30 days of the date of billing or they will be placed on the current tax roll as a lien against the property.

(b) The special assessments for all other street improvements, sanitary sewers, storm sewers, water mains, bituminous resurfacing, alley improvements, and sidewalks shall be paid in cash in five annual installments at an interest rate established by resolution of the Common Council. If a property owner, based on financial hardship, requests additional time for payment of a special assessment, the Common Council may consider such request and may authorize up to ten annual installments at an interest rate established by resolution of the Common Council. The interest rate for street improvements, sanitary sewers, storm sewers, water mains, bituminous resurfacing, alley improvements, and sidewalks shall be reviewed annually and shall be established and, from time to time, amended by the Common Council.
(Code 1984, § 9.44; Ord. No. 20-07)

Secs. 34-45—34-62. Reserved.

ARTICLE III. HARBORS AND BRIDGES

Sec. 34-63. Harbor lines on Fox River and East River.

The harbor lines of the Fox River and the East River shall consist of pierhead and bulkhead lines as established by the United States Department of Defense on a map marked "Exhibit A" attached to and made a part of Ordinance No. 7-63, which is incorporated herein. Such map shall be filed with the Wisconsin Public Service Commission, the City Clerk, and the Register of Deeds for Brown County. No dock, wharf, or pier which shall be hereafter built or constructed shall extend into such rivers beyond such lines.
(Code 1984, § 9.50)

Sec. 34-64. Vessel docking alongside City property.

(a) No person shall dock any boat or other vessel at any City-owned property abutting any body of water within the corporate limits of the City except in conformity with regulations regarding docking at facilities created for such purpose, or, where such facilities do not exist, by permit issued by the Director of Public Works or their designee.

(b) Any person desiring to dock a boat or other vessel at any property not specifically constructed for such purpose shall apply to the Director of Public Works for a permit and shall set forth the type and size of the vessel, the exact location where such vessel is requested to be docked, the length of time that such vessel shall remain so docked and any other information which, in the discretion of the Director of Public Works, is necessary to determine whether the property should be used for docking purposes. The request shall also contain a waiver of any liability which may accrue to the City as a result of the docking of such vessel and the owner shall therewith file a certificate of insurance providing liability coverage in amounts normally maintained by the City which names the City as an additional insured. The Director of Public Works may issue a permit to dock a boat or vessel for a period not to exceed seven days if it is determined that such docking will not interfere, obstruct, or hinder the use of the property for public purposes. Any permit for extending docking beyond the period above shall be done only by formal written agreement between the City and the person desiring dockage space.

(c) Nothing herein shall be interpreted to excuse compliance with applicable federal and state regulations concerning all vessels, crafts, or floats; and the owner of any boat or other vessel, or the person applying for a docking permit, shall be liable for any violations thereof.

(d) Fees for docking at facilities created for such purpose may be established and periodically amended by resolution of the Common Council. Such fees shall apply to the usual and ordinary docking of vessels used for public purposes.

(e) Any vessel docked for purposes of allowing public inspection or for any other established purpose shall be charged a fee, established by the Director of Public Works, adequate to cover all necessary City expenses plus reasonable dockage fees.
(Code 1984, § 9.52)

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RESERVED

Chapter 36

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ARTICLE I. IN GENERAL

Sec. 36-1. Authority.

In accordance with the authority granted by Wis. Stats. § 236.45 and for the purposes listed in Wis. Stats. §§ 236.01 and 236.45, the Common Council of the City of Green Bay, Wisconsin, does ordain as follows. The regulations of this chapter shall be administered by the City or its designated agency, the Plan Commission. The Planning Department Director, or their designee shall make approval and/or denial of subdivisions and certified survey maps (CSMs).
(Code 1984, § 14-102)

Sec. 36-2. Purpose.

The purpose of this chapter is:

(1) To promote the public health, safety, comfort, convenience, prosperity and general welfare; to conserve, protect and enhance property and property value; and to secure the most appropriate use of land throughout the City and its extraterritorial platting jurisdiction.

(2) To provide for implementation of the Green Bay Smart Growth 2022 Comprehensive Plan.

(3) To promote orderly growth and development; to further the orderly layout and use of land; to afford adequate, safe, convenient means of traffic circulation for the public; to lessen congestion in the streets, highways and parkways; to provide for proper ingress and egress; to provide for adequate light and air; to facilitate adequate but economical provisions for water, sewerage and other public improvements; and to safeguard the public against flood damage.

(4) To prescribe reasonable rules and regulations governing the subdivision and platting of land, the preparation of plats, the location, width, and course of streets, highways and parkways, and the installation of utilities, street pavements and other essential improvements; to provide necessary public grounds for schools, parks, playgrounds, greenways, and other public open spaces; and to promote proper installation of monuments on subdivided land and conveyance by accurate legal description.

(5) To establish procedures for submission, approval, and recording of plats; to provide the means for enforcement; and to provide penalties for violations.
(Code 1984, § 14-103)

Sec. 36-3. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.
(Code 1984, § 14-104)

Sec. 36-4. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall not be construed to limit or repeal any other power now possessed by the City of Green Bay.
(Code 1984, § 14-105)

Sec. 36-5. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley (serviceway) means a public or private way, typically less than 20 feet wide, permanently reserved as a means of access to abutting property.

Arterial street means a major street or parkway designed for carrying a large volume of through traffic in the area; normally controlled by traffic signs and signals.

Association means all unit owners of a condominium acting as a group, either through a non-stock, nonprofit corporation or an unincorporated association in accordance with its bylaws and declaration.

Attached or semi-attached development means single-family dwellings arranged on individual lots as detached structures with one or more side walls on a side property line.

Block means land surrounded on all sides by streets or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces. The exterior boundary of a block shall be defined as the right-of-way/property line as opposed to the curbline, centerline, or other constructed feature.

Cash sum or *cash equivalent* means a cash payment or alternative financing arrangement (such as a bond or irrevocable letter of credit) deemed acceptable to the City Finance Director.

Certified survey map (CSM) means a map of the division of land prepared in accordance with Wis. Stats. § 236.34.

Certified survey map, combination or retracement, means a map of the combination of land prepared in accordance with Wis. Stats. § 236.34.

Collector street means a minor street or parkway that collects traffic from local streets and channels it to other areas of the City and to arterial streets. A collector street has higher traffic volume than a local street with through access and relatively few stop or yield signs.

Commission or *Plan Commission* means the City of Green Bay Plan Commission.

Comprehensive plan means the adopted long range plan for the City of Green Bay as defined by Wis. Stats. § 66.1001 that sets forth (in words, maps, illustrations, and/or tables) goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction and that includes a unified physical design for the public and private development of land and water.

Condominium means property subject to a condominium declaration established under Wis. Stats. Ch. 703, Condominium Ownership Act.

Condominium plat means a map representing a tract of land, showing the boundaries and location of lots, lot equivalents, and streets, providing for individual ownership of space with an individual interest in the land or interest in common with other owners.

Condominium unit means a part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors in a building.

Conservation area means land set aside in a conservation subdivision for the preservation of significant natural resources, remnant landscapes, open space, and visual aesthetics or buffering.

Conservation-by-design or *conservation subdivision* means developments characterized by common open space and clustered compact lots that protect farmland and/or natural resources while allowing for the maximum number of residences under current zoning and subdivision regulations.

Cul-de-sac means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

Dead end street means a street that is connected to another street at one end without a provision for vehicles turning around, but which is intended to ultimately connect to another street at the closed end.

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 substantial improvements to buildings, structures, or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition, or extraction of materials.

Digital format means a form of electronic computer file, such as PDF, CAD, TIF, GIF, JPEG, etc.

Dwelling unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family, with toilets and facilities for cooking and sleeping separate from any other dwelling unit.

Easement means a grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, and private streets.

Environmentally sensitive area (ESA) means, as defined in the current edition of the Brown County Sewage Plan, portions of the landscape including valuable natural resource features that should be protected from intensive development. ESAs shall include all lakes, rivers, streams, wetlands, floodways, and certain other significant and unique natural resource features. ESAs shall also include a setback or buffer from these features. Furthermore, areas of steep slopes (slopes of 12 percent or greater) when located wholly or partially within these natural resource features shall also be included as an ESA.

Extraterritorial platting jurisdiction means the power of the City of Green Bay to review land divisions in unincorporated areas up to three miles beyond the City limits.

Fee schedule means a list or table showing the current fixed fees for review and approval services.

Final plat means all or part of a subdivision in substantial conformance with the revised preliminary plat, prepared by a land surveyor in accordance with this chapter and the statutes of the State of Wisconsin.

Flag lot means a lot that has access to a public right-of-way where the lot frontage is equal to or less than half of the overall lot width.

Gradient means the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

Grading plan means an engineered document that shows existing and proposed elevations that are required to be obtained during earthmoving operations for land division or development. A grading plan is an important element in preventing property damage, flooding, standing water and areas susceptible to erosion. Conceptual and pre-final grading plans may be prepared by a qualified professional other than a professional engineer, and final grading plans shall be stamped and signed by a professional engineer.

Greenway means linear parks and paths for walking and bicycling that will be improved and extended to link neighborhoods and major parks, protect streams and other environmentally sensitive areas, and provide outdoor recreation and education.

Half-street means a street bordering one or more property lines of a tract of land in which the subdivider has allocated a part of the ultimate right-of-way width.

Land division means any division of a lot, parcel or tract of land by the owner thereof or by their agent for the purpose of sale, ownership transfer, or building development where the act of division creates four or fewer parcels or building sites, any one of which is ten acres or less in area.

Limited access expressway or freeway means a trafficway to or from which owners or occupants of abutting property or lands and other persons have no legal right of access except at such points and in such a manner as may be determined by the public authority having jurisdiction over such trafficway.

Local government unit means any county, municipality, village, town, city, or other general purpose political subdivision.

Local street means a street with a minimum right-of-way width that is designated to carry residential traffic within neighborhoods and designed for short trips at low speeds.

Lot means a continuous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purposes.

Lot equivalent means an area of land in a condominium encompassing an individual condominium unit or encompassing adjoining yard areas that will be associated with that unit or set of units (in an occupancy or appearance sense) in a manner equivalent to a lot for a comparable non-condominium development within the same zoning district.

Lot frontage means the distance for which the front boundary line of the lot and the street line are coincident.

Lot width means the distance between a side lot line and another side lot line or a side street lot line, measured at the front setback.

May is permissive.

Net residential acreage means the total residential acreage within a plat or CSM, excluding street right-of-way and other publicly-dedicated improvements such as parks, open space, and stormwater detention and retention facilities.

Official Map means that map of the City, establishing and showing thereon streets, highways, parkways, greenways, conservancies, parks, and playgrounds and the exterior lines of planned new streets, highways, parkways, greenways, conservancies, parks, or playgrounds as provided by statute.

Open space means that portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.

Outlot means a lot depicted on a final subdivision plat which does not meet the requirements of this chapter for lots of record, intended as open space or other uses, for which no building permit shall be issued unless the outlot is brought into conformance with requirements for lots of record.

Parkway means an arterial or collector road that is highly landscaped and includes sidewalks, on-road lanes or off-road paths for bicycling, and decorative lighting. Adjacent private landscaping should generally be improved and coordinated with the public landscaping.

Pedestrian way means a dedicated public right-of-way through a block that is intended and suitable for pedestrian use.

Plat means a map prepared for the purpose of recording a subdivision.

Preliminary plat means a map showing the required and other salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

Principal structure means a structure housing the land use activity that is primary or predominant on the site; a structure that includes or is a residential house, apartment, or condominium unit used as a principal structure for a residential use.

Public improvement means any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, or other facility which benefits the public.

Public utility means utilities that are subject to City acceptance for operation and maintenance. For purposes of this chapter, public utilities include water lines, sanitary sewer lines, storm sewer lines, storm ponds, or any other service deemed to be in the public interest.

Public utility transmission line means public electrical, gas, communication, water, or other lines, the function of which is to transmit over long distances that service, commodity, or energy source provided by such public utility.

Qualified professional, with respect to erosion control plans, preliminary stormwater management plans, conceptual grading plans, and pre-final grading plans, means individuals who may prepare such plans, including, but not necessarily limited to, registered land surveyors, licensed landscape architects, or other stormwater or construction professionals. Note that final stormwater management plans and final grading plans shall be stamped and signed by professional engineers.

Record or *recordation* means, with respect to a final plat or CSM, the process of filing the document with the Register of Deeds.

Recorded plat means a final plat, including all of the certificates of approval required by the City of Green Bay, the statutes of the State of Wisconsin, and recorded in the Brown County Register of Deeds Office.

Replat means the process of changing, or the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot, or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot, or outlot is not a replat.

Retracement survey means a CSM that identifies the boundaries of an existing parcel and establishes a convenient legal description of record for title conveyances, lot combinations, etc.

Right-of-way means a public or private area that allows for the passage of people or goods. Rights-of-way include, but are not limited to, passageways such as waterways, freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way dedicated or deeded to the public or condemned by the public for public use under the control of a public agency.

Roadway means the portion of the street which is surveyed and available for vehicular traffic.

Service drive means a minor public street which is parallel to and adjacent to a major thoroughfare and which provides access to abutting properties and restricts access to the major thoroughfare.

Sewage disposal system, individual, means the on-site means for disposing and treating human and domestic waste, such as a septic tank and soil absorption system or other system, allowed by state and City regulations; used where authorized by the City when access to the municipal sewer system is not required or feasible. Also known as a private on-site wastewater treatment system (POWTS).

Shall is always mandatory.

Sidewalk means that portion of a public street right-of-way or public easement that is paved or otherwise surfaced and intended for pedestrian use.

Smart growth means development that promotes compact, mixed uses that offer a high quality living and working environment, and encourages a choice of travel modes including walking, cycling, and transit, while protecting environmental features and resources.

Solar access orientation means the ability to receive sunlight across real property for any solar energy device, oriented in an east-west direction with a ten-degree variation to the northwest and a 25-degree variation to the southwest.

Street means a strip of land, including the entire right-of-way, publicly or privately owned, serving as a means of vehicular travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks. A street may be designated a street, parkway, avenue, highway, road, boulevard, lane, or throughway, but not a driveway providing direct access to buildings.

Subdivider means the individual or entity which causes land to be subdivided for themselves, itself, or others.

Subdivision means any division of a lot, parcel, or tract of land by the owner thereof or by their agent for the purpose of sale, ownership transfer, or building development where:

(1) The act of division creates five or more parcels or building sites, any one of which is ten acres or less in area; or

(2) Five or more parcels or building sites ten acres each or less in area are created by successive divisions within five years.

Surveyor means a land surveyor duly registered in the State of Wisconsin.

Thoroughfare means a street with a high degree of continuity including collector streets, major arterial streets, and limited access highways.

Traditional Neighborhood Design (TND) means a development that exhibits several of the following characteristics: alleys, streets laid out in a grid system, buildings within close proximity to each other that are oriented to the street, front porches on houses, pedestrian orientation, compatible mixed land uses, village squares and greens.

Urban Expansion District means those areas of the City, as designated in the residential development policy, which are located on the fringe of developed areas of the City and may have practical service or may be served with additional expenditure.

Urban Reserve District means those areas of the City, as designated in the residential development policy, which will not be opened up for development due to their distance from the urbanized and serviced area of the City.

Urban Service District means those areas of the City, as designated in the residential development policy, which are already fully serviced by urban facilities and are within the developable area of the comprehensive plan.

Wetland buffer means areas that surround and protect a wetland from adverse impacts to its functions and values.
(Code 1984, § 14-211; Ord. No. 39-10)

Secs. 36-6—36-30. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERAL PROVISIONS

Sec. 36-31. Applicability.

The regulations of this chapter shall apply to the following:

(1) *Subdivisions.* Any division of land within the incorporated area of the City or its extraterritorial platting jurisdiction which results in a subdivision as defined by this chapter shall be surveyed and a plat shall be approved and recorded as required by the state statutes and this chapter.

(2) *Land divisions.* Any division of land within the incorporated area of the City or its extraterritorial platting jurisdiction which results in a land division as defined by this chapter shall be surveyed and a certified survey map (CSM) of such division approved and recorded, as required by the state statutes and this chapter.

(3) *Replats.* When a replat of a recorded subdivision or part thereof is proposed, the subdivision shall be approved in accordance with the state statutes and this chapter. If areas dedicated to the public are to be vacated or altered, the provisions of Wis. Stats. §§ 236.36 through 236.445 shall apply.

(4) *Extraterritorial review.* The City will exercise extraterritorial review authority when a land division or subdivision within the extraterritorial area meets one or more of the following characteristics:

a. The division results in the creation of five or more parcels, at least one of which is five acres or less in size.

b. The division is a successive land division which results in creating a fifth or higher lot from an original parcel of land within the last five years.

c. The division would result in the alteration or re-division of a recorded CSM or subdivision plat previously approved by the City of Green Bay.

(Code 1984, § 14-201)

Sec. 36-32. Exceptions.

This chapter shall not apply to the following:

(1) Transfers of interest in land by will or pursuant to court order.

(2) Leases for a term not to exceed ten years, mortgages, or easements.

(3) The sale or exchange of land, if additional lots are not thereby created and lots resulting are not reduced below the minimum size required by this chapter or other applicable laws or ordinances, provided:

a. A nonconforming lot may not be reduced below its present size; and

b. A nonconforming lot may be increased in size without meeting the minimum size requirements of Chapter 44.

(4) The provisions of Wis. Stats. Ch. 157, relating to cemeteries and burial site preservation. Upon discovery or notice of a burial site, the subdivider, their agents, assigns, or developer shall stop the project immediately and shall be solely responsible for any costs associated with or actions required under the provisions of Wis. Stats. § 157.70.

(5) Assessor's plats made under Wis. Stats. § 70.27.

(6) Condominium conversions of existing structures where no additional dwelling units, building sites, or lot equivalents are being created.

(7) A division of land resulting in parcels greater than ten acres in area.

(Code 1984, § 14-202; Ord. No. 43-93)

Sec. 36-33. Compliance.

(a) *Authority.* No person, firm, or corporation shall divide any land within the jurisdictional limits of this chapter that results in a subdivision, land division, or a replat as defined herein; neither shall such subdivision, land division, or replat be entitled to recording, nor street laid or public

improvement made to land, without compliance with all requirements of this chapter and all other pertinent ordinances, regulations, resolutions, or plans which are adopted by the City and with the following:

(1) The provisions of Wis. Stats. Chs. 236 and 703, except that this chapter shall take precedence where it is more restrictive or where higher standards are imposed.

(2) The rules of the Wisconsin Department of Commerce, Safety and Buildings Division.

(3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Admin. Code Ch. TRANS 233 for subdivisions that abut a state trunk highway or connecting street.

(4) The applicable rules of the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers.

(5) Wis. Stats. Ch. 157 regarding disturbance of burial sites.

(6) All applicable local and county regulations including zoning, floodplain, sanitary, building, and official mapping ordinances.

(7) Brown County Sewage Plan, current edition.

(8) The City of Green Bay Smart Growth 2022 Comprehensive Plan.

(9) Chapter 42 (stormwater management).

(b) *Public sewer and water required.* All lots under the jurisdiction and applicability of this chapter shall be connected to public sewer and water systems before any occupancy permits are granted, with the exception of those lots that comply with the requirements of Section 36-458.

(c) *Urban Reserve District.* No new subdivision plats or CSMs shall be approved in those areas outside of the City's developable area as specified by the City's Comprehensive Plan, as amended. This unplattable area shall be known as the Urban Reserve District. Exceptions to this prohibition may be allowed where Chapter 44 permits existing homesteads/farmsteads in a Rural Residential District to be split from the parent parcel under the conditions specified by that chapter.

(d) *Soil conditions.* The soil conditions for lots with private on-site wastewater treatment systems shall meet the requirements of Wis. Admin. Code Ch. SPS 383, as evaluated by soil tests conducted under the requirements of Wis. Admin. Code Ch. SPS 385, and verified by the Brown County Zoning Administrator.

(e) *Successive divisions.* Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this chapter, the Common Council may, in lieu thereof, order an assessor's plat to be made under Wisconsin Statutes and may assess the cost thereof as provided by Wis. Stats. § 236.31. Regardless of the type of plat filed, any such subdivision shall comply with this chapter to the extent that it may be reasonably applied.
(Code 1984, § 14-203; Ord. No. 28-02; Ord. No. 39-10)

Sec. 36-34. Review fees.

(a) The subdivider shall pay review fees to the City at the time a plat, CSM, or modification petition is submitted for review. A fee schedule shall be established, and may be amended by resolution of the Common Council, for all plats, CSMs, and modification petitions. All fees shall apply to

the City's extraterritorial platting jurisdiction. Requests for deferment of development fees shall be submitted to the Improvement and Service Committee and/or Park Committee for review and consideration.

(b) All fees paid to the City for CSM reviews, preliminary plat reviews, final plat reviews, and modifications shall also apply to the City's extraterritorial platting jurisdiction.
(Code 1984, § 14-204; Ord. No. 39-10)

Sec. 36-35. Checklist.

The City of Green Bay Land Division Checklist shall be completed and submitted to the Planning Department as part of the submittal for a land division and/or subdivision plat.
(Code 1984, § 14-205)

Sec. 36-36. Survey monuments and accuracy.

(a) *Monumentation.* Before final approval of any subdivision or land division under the jurisdiction of this chapter, the owner shall cause to be installed survey monuments placed in accordance with the requirements of Wis. Stats. § 236.15. Alternative approaches to monumentation include the following:

(1) The requirement to place monuments may be waived for a reasonable period of time in accordance with Wis. Stats. § 236.15(1)(h). If state plat approval is required, a waiver must be obtained from the City and the Wisconsin Department of Administration (WDOA). If it is a municipal plat or CSM, then a waiver must be obtained from the Director of Public Works or their designee. In all cases, installation of monuments shall be conducted in compliance with the policies and other requirements of the Department of Public Works.

(2) The timetable and financial assurance for installation of monuments may be addressed in the terms of a development agreement, but in the case of a plat that requires state approval, this does not relieve the subdivider from the requirement to obtain a waiver from WDOA in accordance with Wis. Stats. § 236.15(1)(h).

(3) If the required waivers are obtained, the installation of monuments may be phased in compliance with the policies and other requirements of the Department of Public Works. This is intended to reduce the chance that monuments installed will be disturbed during the development construction process.

(4) If the installation of monuments is delayed or phased, the City may require a surety bond or other cash equivalent be provided by the subdivider to cover the cost of monumentation should the subdivider fail to complete the work or fail to meet the required level of accuracy.

(b) *Accuracy.* All plats and CSMs shall meet all the surveying and accuracy requirements of Wis. Stats. § 236.15.
(Code 1984, § 14-206)

Sec. 36-37. Final Wisconsin County Coordinate System for Brown County.

All plats and CSMs shall comply in all respects with the requirements of Wis. Stats. § 236.18. All distances and bearings shall be referenced directly to the Wisconsin County Coordinate System for Brown County.
(Code 1984, § 14-207)

Sec. 36-38. Grading plan.

In order to ensure positive drainage of subdivided lands and to prevent health, aesthetic, or other problems related to ponding (i.e., pooling, flooding) outside of approved stormwater facility areas, a detailed grading plan shall be submitted to the Planning Department as a required part of the preliminary and final plat or CSM submissions. In the preparation of the grading plan, the designer must consider the existing topography of the development and its relationship with adjacent properties. Grading plans may be progressively developed over the course of the plat or CSM review process as specified below, and must conform to the following standards:

(1) Conceptual grading plan. A conceptual grading plan shall be developed and submitted in conjunction with the preliminary plat or CSM (if required) and shall demonstrate:

a. The basic anticipated drainage pattern that would be expected to provide positive drainage throughout the development.

b. How surface drainage would reach storm sewers within the road right-of-way.

c. Whether back yard drains or sewers would be required.

d. Where stormwater facilities could be located and how stormwater will reach those facilities.

(2) Pre-final grading plan. A pre-final grading plan shall be developed and submitted in conjunction with the initial submission of the final plat. It may also be submitted at any time before submission of the final plat at the option of the subdivider. The pre-final grading plan is considered a draft of the final grading plan and shall include the following minimum information:

a. A drainage plan for each block or group of lots within the subdivision as well as the surrounding areas within a reasonable distance beyond the subdivision limits. The drainage plan shall ensure that water will flow from any point within a lot to a street right-of-way, a natural or constructed drainage right-of-way or easement, or a storm sewer system.

b. Existing and proposed contours at vertical intervals of not more than two feet. Elevations shall be marked on such contours based on City datum.

c. Cut and fill areas shall be identified.

d. Final grade elevations to be maintained along all side and rear lot lines.

e. The first floor elevation for the primary structure on each lot shall be established such that the grading of a lot does not conflict with the overall grading or drainage plan for the block or the subdivision. First floor elevations can be modified after the approval of the final grading plan, provided sound engineering documentation is provided to the City Departments of Public Works and Planning and the Inspection Division.

(3) Final grading plan. The final grading plan shall be developed and submitted in conjunction with the final plat. Final grading plans shall include, at a minimum, the same information required of pre-final grading plans, and shall also meet the following additional requirements:

a. All final grading plans shall be designed and prepared by a qualified professional and shall be stamped and signed by a registered engineer in the State of Wisconsin.

b. Minor modifications to approved final grading plans can be made, should field conditions warrant, upon written request to and approval by the Director of Public Works or their designee.

(4) All grading plans (conceptual, pre-final, and final) shall be referenced to City datum.

(5) Minimum and maximum slopes.

a. Yard drainage shall be one percent minimum to public drainage facilities.

b. All public drainage rear yard swales and roadside ditches shall have a minimum of a one percent swale gradient.

c. When practicable, all rear and side yard swales shall be centered on property lines.

d. The maximum side slope of areas that may collect water is 5:1.

e. The first 20 feet back from a residential house shall be graded to a maximum of five percent. The remaining rear yard shall have a maximum of eight percent, except when the lot includes approaches to approved detention/retention facilities. Only in extreme cases, with approval by the City Engineer, the last ten feet may be graded to a 4:1 slope.

f. All side yard slopes shall be between one percent and 25 percent (4:1).

g. The slope between the front edge of sidewalk and back of curb (terrace area) shall be a minimum two percent, maximum four percent (i.e., one-quarter inch to one-half inch per foot).

h. Modifications to the slope requirements can be made upon written request to and approval by the Director of Public Works or their designee.

(6) Drainage swales shall be provided along rear and side yards of proposed buildings or parcels.

a. The minimum distance between a rear yard swale and a residential house is 25 feet (measured from the top of slope/break point).

b. The distance between a rear or side yard swale and an accessory building shall be five feet minimum (measured from the top of slope/break point).

(7) Grading operations must be coordinated with all private and public utility locations and is the responsibility of the developer.

(8) All utility crossings, including culverts, shall have a minimum 30 inches cover from the top of the utility to the finished grade. Modifications to the minimum cover requirement can be made upon written request to and approval by the Director of Public Works or their designee.

(9) The difference between the top of foundation elevation of a structure and the adjacent outside finished grade must be a minimum of six feet for residential areas.

(10) Other design requirements may be applicable, such as retaining walls or terracing of the property, depending on the land plan and site topography. The City Engineer must approve each special design feature before its incorporation into the plans.

(11) If berms are included in the grading plan of a subdivision, they must meet the following standards:

a. Maximum height of four feet (unless otherwise approved by the City Engineer).

b. Maximum slope of 3:1.

c. Construction in a way that does not impede or restrict surface water drainage.

d. Possible requirement of gaps or culverts in the berms to accommodate drainage.

(12) All grading plans shall coordinate with surrounding elevations by meeting the following requirements:

a. Match existing grades at the property lines with a slope not to exceed 5:1, unless an approved grading plan or a proposed established street grade exists for the future development of adjacent properties indicates different elevations.

b. Match all proposed and established street grade plans on file with the City Engineer.

(13) All grading plans shall accommodate the drainage patterns of adjacent properties unless an alternative approach is approved by the City Engineer.

(14) All rights-of-way shall allow for emergency overflow in the case of large storm events or plugged inlet or storm systems.

(Code 1984, § 14-208)

Sec. 36-39. Land unsuitable for building.

No land shall be subdivided for residential, commercial, industrial, or institutional use which is determined to be unsuitable for the proposed use by the Plan Commission or Common Council for reasons of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision, land division, or of the municipality. Neither shall land be subdivided so as to render an entire lot unsuitable for residential, commercial, industrial, or institutional use. In addition:

(1) Floodlands. Subdivided lots shall have at least 50 percent of the minimum required lot area, based upon the respective zoning district, at least two feet above the elevation of the 100-year recurrence interval flood.

(2) Steep slopes.

a. Buildable areas of lots shall have at least 50 percent of the minimum required lot area, based upon the respective zoning district, in slopes of less than 12 percent.

b. Lands having a slope of 12 percent or greater shall be identified as environmentally sensitive areas (ESAs) if they are located within another ESA feature as defined by the current edition of the Brown County Sewage Plan.

c. Lands having a slope of 20 percent or greater and located within another ESA feature shall be identified as ESAs with a 20-foot top-of-ridge/bottom-of-ridge setback as defined by the current edition of the Brown County Sewage Plan.

d. Approval to build in a steep slope (ranging from 20 percent to 30 percent) shall require both the review of Brown County to build within an ESA, and the submittal of an approvable geotechnical study to the Department of Public Works. Note that Chapter 44 includes specific provisions regulating the development of slopes over 12 percent. Identification of ESAs and the other specific requirements of this chapter are all that are required in this regard at the time of land division approval.

e. In no case shall construction be allowed on slopes of 30 percent or greater.

(3) Navigable waters shall have a 100-foot setback identified as an ESA, unless a professional flood study is submitted to the Department of Public Works and approved. In this case, the setback shall be reduced to either 75 feet from the ordinary high water mark, or 50 feet from the floodway line, whichever is greater. ESA requirements for adjacent/connecting steep slopes also apply as defined by the current edition of the Brown County Sewage Plan.

(4) Reserve strips may not be created by any division of land.

(5) The Plan Commission, in applying the provisions of this section, shall recite in writing the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial, industrial, or institutional use and shall afford the subdivider an opportunity to present evidence regarding such unsuitability if they so desire. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

(6) Whenever a filed subdivision or CSM contains land mapped as a floodplain which is immediately adjoining an open stream or watercourse, such plat shall be subject to the provisions of the zoning, building, and housing codes for floodways and floodplains.

(7) Where there is reason to believe that a subdivision or CSM contains an archaeological site, a reasonable effort shall be made to inventory and protect or preserve the artifacts, and an archaeological site inventory may be required by the Community and Economic Development Director or their designee.

a. If an archaeological site is discovered after construction has commenced, construction activities that may disturb the archaeological site shall cease until an inventory is complete.

b. In compliance with Wis. Stats. § 157.70, burial sites shall not be disturbed.

c. If required, an archaeological site inventory shall be consistent in content and form with the Wisconsin Archaeological Site Inventory Form and shall be filed with the City and with the Wisconsin Office of the State Archaeologist.

(Code 1984, § 14-209)

Sec. 36-40. Existing flora.

The subdivider is strongly encouraged to protect and retain healthy trees and other beneficial vegetation already established within a subdivision or land division to the mutual agreement of the City and subdivider. The City Forester may be consulted for assistance. Any flora identified for protection and preservation during construction should be so protected or preserved in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
(Code 1984, § 14-210)

Secs. 36-41—36-96. Reserved.

DIVISION 2. GREEN BAY DEVELOPMENT DISTRICTS

Sec. 36-97. Green Bay development policy.

The residential development policy was adopted to promote neighborhood lot infilling and to more equitably charge developers for the lot-related services provided primarily for those newly created lots. This development policy divides the City into three development districts to promote development in a prioritized fashion according to projected population and land use needs. Those districts and corresponding requirements are as follows:

(1) *Urban Service District.* Those areas of the City in which infilling is encouraged because they are already fully serviced by urban facilities, are within one mile of an existing neighborhood park, and are within the City's developable area as designated in the comprehensive plan. Development requirements for land divisions within this district are:

a. Cash bonds for interior lot drainage and grading. Refer to Section 36-580(c).

b. Cash payments for street trees and streetlights. Refer to Section 36-580(d).

c. Cash sums (or cash equivalents) for street, sewer and water improvements adjacent to the land division at rates paid in accordance to the City's special assessment regulations. Refer to Section 36-580(e).

(2) *Urban Expansion District.* Those areas of the City which are located on the fringe of the Urban Service District and are already partially served and/or may be fully served with minimal additional facilities expansion and are within the City's developable area as designated in the comprehensive plan. Development requirements for land divisions within this district are:

a. Cash bonds for interior lot drainage and grading. Refer to Section 36-580(c).

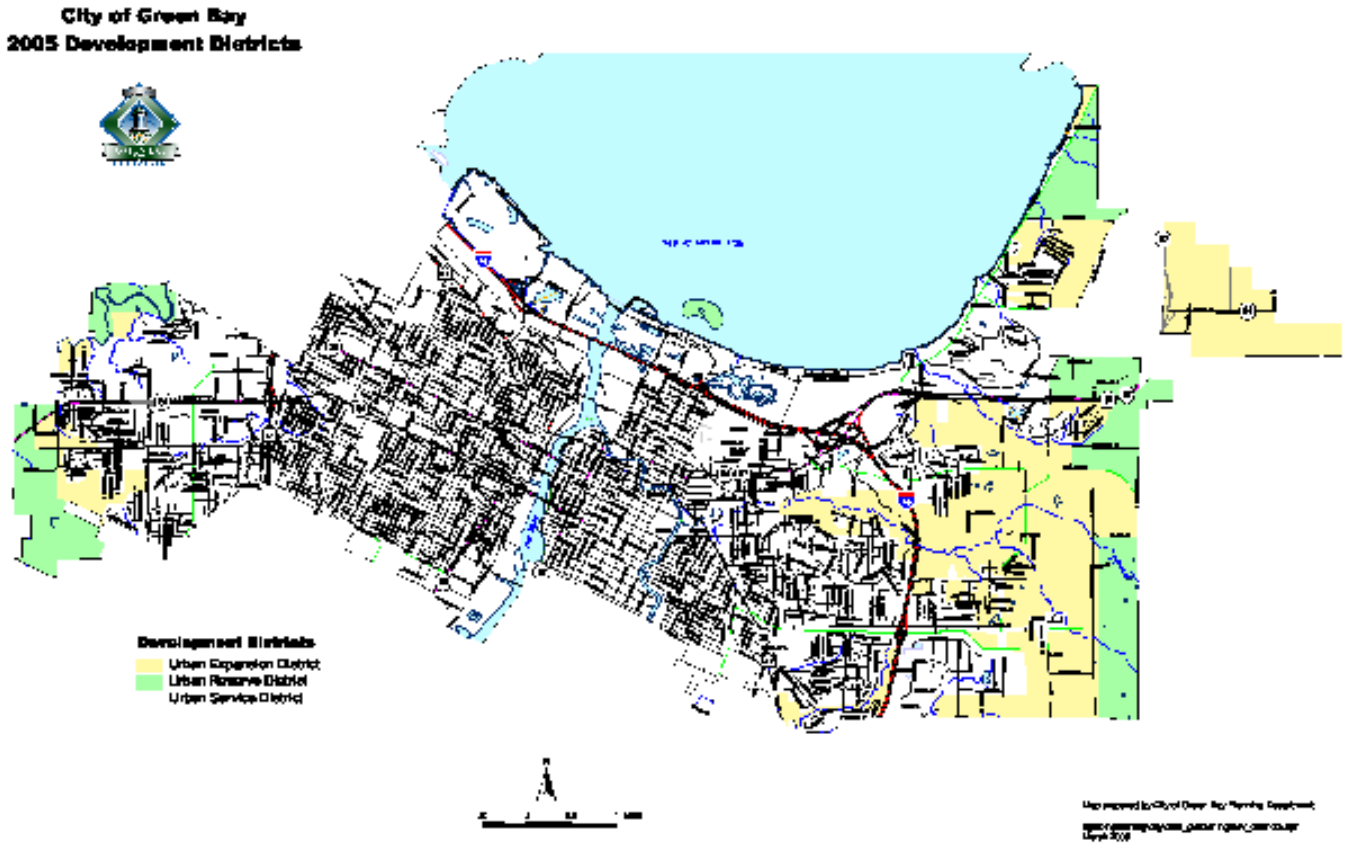
b. Cash payments for street trees and streetlights. Refer to Section 36-580(d).

c. Cash sums (or cash equivalents) for street, sewer and water improvements adjacent to the land division, and all costs incurred by the City to extend those improvements to the development, including supporting systems, in the amount as determined by the Director of Public Works and Water Utility General Manager. Refer to Section 36-580(e).

(3) *Urban Reserve District.* Those areas of the City in which land divisions are not allowed due to their distance from the urbanized and serviced area of the City, with the exception of those lands that meet the requirements of Section 44-555.

(4) *Payment of fees.* The above-mentioned development fees and any other related City fees shall be paid prior to the City giving final approval of any plat or certified survey map (CSM) submitted for approval. The plat may be developed in phases as approved by the City of Green Bay Community and Economic Development Director or their designee. Payment of fees and the amount of security required shall be limited to the phase of the plat currently being constructed. Prior to construction of subsequent phases, the developer shall apply for an updated calculation of development fees. To encourage the development of property adjacent to existing streets within the Urban Service District and Urban Expansion District, development fees for pavement, sanitary sewer, storm sewers, street lighting,

and water main improvements shall not be required for the improvements that occur within the public street right-of-way of an existing street that has been open to traffic prior to March 16, 1982.



Development Districts

(Code 1984, § 14-212; Ord. No. 39-10)

Secs. 36-98—36-122. Reserved.

DIVISION 3. VIOLATIONS, PENALTIES AND MODIFICATIONS OF REGULATIONS

Sec. 36-123. Violations.

No subdivider or agent of any parcel of land located in a proposed subdivision or land division shall transfer or sell such parcel before a plat of such subdivision or a certified survey map (CSM) has been approved by the Community and Economic Development Director, or their designee, in accordance with this chapter, and has been recorded with the Register of Deeds for Brown County, Wisconsin.

(1) It shall be a violation of this chapter to subdivide any lot or parcel of land by the use of metes and bounds description for sale, transfer, or lease when such actions are under the jurisdiction and applicability of this chapter.

(2) Note that offers to purchase or contracts to convey unrecorded lots or parts of land prior to formal submittal of a preliminary plat, final plat, or CSM are done at the risk of all parties involved.

(3) The City shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, CSM, land division, or replat originally submitted to the City until the final plat or final CSM has been recorded and until all improvements required by the City have been installed, unless the applicable development agreement specifies otherwise.

(4) No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of this chapter.

(Code 1984, § 14-213)

Sec. 36-124. Penalties.

Any person, firm, or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than $25.00 nor more than $500.00 and the costs of prosecution for each violation, and, in default of payment of such forfeiture and the costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. This forfeiture shall be imposed for each lot or parcel created by the subdivision. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by injunction order at the suit of the City or the owner of real estate within the district affected by the regulations of this chapter as provided by law. The Community and Economic Development Director or their designee shall enforce the provisions of this chapter.

(Code 1984, § 14-214)

Sec. 36-125. Modifications of regulations.

When the Plan Commission and Common Council find that extraordinary hardship or injustice will result from strict compliance with this chapter, the terms may vary to the extent deemed necessary and proper to grant relief, provided that the modification meets the following standards:

(1) The modification is due to physical features of the site or its location.

(2) The modification is the least deviation from this chapter which will mitigate the hardship.

(3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this chapter.

(4) Modifications may also be granted for a complete community or neighborhood unit that provides adequate public spaces and improvement for the circulation, recreation, light, air, and service needs when fully developed and populated.

(5) The requirement of filing and recording the plat or survey shall not be waived.

(6) Any modification thus granted shall be entered in the minutes of the Council, along with the reasons, which, in the opinion of the Council, justified the modification.

(Code 1984, § 14-215)

Secs. 36-126—36-138. Reserved.

ARTICLE III. SUBDIVISION AND PLATTING PROCEDURES

DIVISION 1. GENERALLY

Secs. 36-139—36-148. Reserved.

DIVISION 2. PRELIMINARY PLAT

Sec. 36-149. Preliminary consultation.

Before filing a preliminary plat for approval, the subdivider may consult the Plan Commission staff for advice and assistance. This step is strongly recommended, and a sketch plan of the proposed subdivision may be provided for preliminary consultation.

(Code 1984, § 14-301)

Sec. 36-150. Preliminary plat submission overview.

(a) Before submitting a final plat for approval, the subdivider shall submit the following to the Planning Department in the required format as noted. Refer to Section 36-151 for additional details.

(1) A preliminary plat prepared by a Wisconsin registered land surveyor (digital format).

(2) If applicable based on Chapter 42, a preliminary stormwater management plan prepared by a qualified professional (digital format).

(3) If applicable based on Chapter 16, a preliminary construction site erosion control plan prepared by a qualified professional (digital format).

(4) A conceptual grading plan in compliance with Section 36-38 prepared by a qualified professional (digital format).

(5) If lands are to be dedicated to the public and the City has reason to believe they are contaminated, a phase one environmental assessment of the lands to be dedicated (hard copy or digital format).

(6) If required, a preliminary area development plan (hard copy or digital format).

(7) A request for City action/Plan Commission form (hard copy or digital format).

(8) A land division checklist (hard copy or digital format).

(9) Necessary fees.

(10) CD, DVD, or USB containing the required digital files (PDF, CAD, TIF, GIF, etc.) listed in this subsection. The petitioner may also submit the appropriate information via e-mail to the City of Green Bay Planning Department. Media drives shall be returned to the petitioner upon request.

(b) The preliminary plat shall be prepared in accordance with this chapter, and shall comply with the procedures for approval of plats as set forth in Wis. Stats. Ch. 236 and this chapter.

(c) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within three months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Wis. Stats. § 236.11(1)(b) and (c), and all conditions imposed as part of the preliminary plat approval have been satisfied, the final plat shall be entitled to approval with respect to such layout.
(Code 1984, § 14-302; Ord. No. 39-10)

Sec. 36-151. Preliminary plat requirements.

A preliminary plat shall be required for all subdivisions and comply in all respects with the requirements of Wis. Stats. Ch. 236 and with the design standards set forth in this chapter. The proposed plat shall be prepared on reproducible paper of good quality at a scale of not more than 100 feet to one inch.

(1) The preliminary plat shall show correctly on its face the following information:

a. Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously recorded plat, unless the plat is an addition by the same owner to a previously recorded plat and is so stated on the plat.

b. Property location of the proposed subdivision by recorded private claim, government lot, quarter-section, township, range, county, and state.

c. Date, scale, and north arrow.

d. Names, addresses, and telephone numbers of the owner, subdivider, and land surveyor preparing the plat.

e. Entire area contiguous to the proposed plat owned or controlled by the subdivider, even though only a portion of said area is proposed for immediate development. This requirement may be waived at the discretion of the Community and Economic Development Director or their designee, and shall be waived if an area development plan has been adopted for such lands.

f. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey or a corner of a recorded private claim and the total acreage encompassed thereby.

g. Locations of all existing property boundary lines, structures (including the use and setback dimensions to existing and proposed property lines), driveways, lakes, streams

and watercourses, marshes, wetlands, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.

h. Delineation of all wetlands, shoreland/wetlands, isolated natural areas (e.g., rock outcrops, wooded areas, etc.) and environmentally sensitive areas consistent with Brown County and WDNR methodology as applicable. Concurrence by the appropriate agency on the locations of wetland and ESA boundaries will be required by the Planning Department as part of the final plat review. Agency concurrence may be documented on the final plat or by separate correspondence.

i. Locations, right-of-way width, and names of all existing and proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto.

j. Locations and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting platted and unplatted lands.

k. Locations and sizes of any existing sanitary or storm sewers, culverts and drainpipes, and the locations of public and private manholes, catchbasins, and hydrants within the exterior boundaries of the plat or immediately adjacent thereto.

l. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the plat. A note shall be placed on the face of the plat noting ownership and maintenance of all common use areas and that deed restrictions are on file at the Brown County Register of Deeds Office.

m. Special restrictions required by the City and any other agency relating to access control along public ways, the provision of planting strips, access restrictions, reservation of wetlands and environmental corridors, more restrictive yard requirements, or special restrictions for environmentally significant areas.

n. Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.

o. Proposed contours (as shown on the grading plan) at vertical intervals of not more than two feet. Elevations shall be marked on such contours based on City datum.

p. Normal and high water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom, all to City datum.

q. Floodplain and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood.

r. Meander lines, if a subdivision borders a lake or stream shore. The distances and bearings of a meander line shall be shown. The meander lines shall not be established less than 20 feet back from the ordinary high water mark of the lake or from the bank of the stream.

s. Tabulation of gross area, street area, other dedicated and reserved area, net subdivided area, number of lots, and number of dwelling units.

t. A statement on the face of the plat that conforms substantially with the following:

"City of Green Bay zoning and building approvals are required prior to commencing construction of buildings, structures, drives, or parking areas, and may also be required prior to commencing grading, excavation, filling, or other land disturbing activity."

(2) The preliminary plat submission shall also include the following, as applicable, and may be shown on the face of the plat or as attachments or supplements, as appropriate:

a. Soil types, slopes 12 percent or greater and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Natural Resource Conservation Service.

b. Where the subdivision will not be served by public sanitary sewer service, proof of compliance with Wis. Admin. Code Ch. SPS 385. Soil tests shall be reviewed and approved by Brown County, and proof of compliance may be submitted after approval of the preliminary plat, but must be submitted at some point prior to submission of the final plat.

c. A preliminary stormwater management plan per Chapter 42 and Wis. Admin. Code Chs. NR 151 and 216.

d. A preliminary construction site erosion control plan per Chapter 16.

e. A conceptual grading plan in accordance with Section 36-38 of this chapter. To ensure compliance with the established grading plan, a covenant shall be included in the plat referring to and requiring compliance with the grading plan. A pre-final grading plan may also be submitted at this stage of plat review, but is not required until the time of final plat submission.

f. Prior to preliminary plat approval, the developer will, at their expense, conduct a phase one environmental assessment of such areas dedicated for public use if the City has reason to believe that such lands are contaminated. Such phase one study by the developer may be waived upon proof by the owner of a previous phase one environmental assessment of such area acceptable to the City, or may be waived upon determination by the Director of Public Works and the Director of Parks, Recreation, and Forestry, or their designees, that contamination is not probable.

g. An area development plan (ADP) for the vicinity of the subdivision if no ADP has been previously adopted by the City. In order to determine how a proposed development will relate to and integrate with surrounding land uses, the Planning Department may require that the subdivider prepare and submit an ADP that includes areas beyond the boundary of the proposed subdivision. The purpose of an ADP is to ensure cohesive development of a larger area with consideration to street and utility connections, land use compatibility, community character, the provision of community services, and an overall pattern of orderly growth. The ADP shall include an area determined by the Planning Department and as guided by the comprehensive plan, Official Map, or other applicable plan. The ADP shall, as applicable:

1. Indicate the coordination and location of infrastructure.

2. Identify primary vehicular and pedestrian circulation patterns.

3. Identify master stormwater management elements for the planning area.

h. Vision corners, if required, which shall be dedicated to the City, but not by easement.

(3) Additional information. Where the Community and Economic Development Director, or their designee, or the Department of Public Works Director needs additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, they shall have the authority to request in writing such information from the subdivider.

(Code 1984, § 14-303; Ord. No. 43-93)

Sec. 36-152. Preliminary review and decision.

The Community and Economic Development Director or their designee shall approve, conditionally approve, or reject such plat within 60 days of the date of the filing of a complete preliminary plat submission with the Planning Department. By agreement with the subdivider, the review time may be extended at the discretion of the Community and Economic Development Director or their designee. The subdivider shall be notified in writing by the Planning Department of any conditions of approval or the reasons for rejection.

(Code 1984, § 14-304)

Sec. 36-153. Preliminary plat amendment.

The subdivider shall be allowed to submit one revision to a preliminary plat prior to a completed review and decision. The review shall follow the same preliminary plat procedure, except for the fee, unless the revised plat would result in a higher fee. In that case, the subdivider must pay the difference. There is not a refund for revised plats that would result in a lower fee. Preliminary plat amendments shall not be allowed after a preliminary review and decision is made, or if the amendment is, in the opinion of the Community and Economic Development Director, of such scope as to constitute a new plat, in which case, it shall be refiled.

(Code 1984, § 14-305)

Secs. 36-154—36-174. Reserved.

DIVISION 3. FINAL PLAT

Sec. 36-175. Final plat submission overview.

(a) The subdivider may submit a final plat once a preliminary plat has been recommended for approval. The subdivider shall submit the following to the Planning Department in the required format as noted. Refer to Section 36-151 for additional details.

(1) A final plat prepared by a Wisconsin registered land surveyor (digital format).

(2) If applicable based on Chapter 42 of this Code, a final stormwater management plan prepared by a professional engineer (digital format).

(3) If applicable based on Chapter 16 of this Code, a final construction site erosion control plan prepared by a qualified professional (digital format).

(4) A pre-final grading plan and a final grading plan in compliance with Section 36-38, with the final grading plan stamped and signed by a professional engineer (digital format).

(5) If applicable, agency concurrence on the location of wetland and ESA boundaries (one copy).

(6) If applicable, proof of Brown County approval of soil tests for POWTS (hard copy or digital format).

(7) If none presently exists, an area development plan (hard copy or digital format).

(8) A request for City action form (hard copy or digital format).

(9) Necessary fees.

(10) CD, DVD, or USB containing the required digital files (PDF, CAD, TIF, GIF, etc.) listed in this subsection. The subdivider may also submit the appropriate information via e-mail to the City of Green Bay Planning Department. Media drives shall be returned to the petitioner upon request.

(b) The final plat shall be prepared in accordance with this chapter and shall comply with the procedures for approval of plats found in Wis. Stats. Ch. 236, and shall meet the conditions of approval of the preliminary plat.
(Code 1984, § 14-306; Ord. No. 39-10)

Sec. 36-176. Final expiration.

If the subdivider fails to submit the final plat within 36 months of the approval of the preliminary plat by the Community and Economic Development Director or their designee, the subdivider is required to recommence the entire procedure for preliminary plat approval.
(Code 1984, § 14-307; Ord. No. 39-10)

Sec. 36-177. Final review and decision.

The Planning Department shall examine the final plat as to its conformance with the approved preliminary plat, and any conditions of approval of the preliminary plat, this chapter, and all applicable ordinances, rules, regulations, comprehensive plans, and comprehensive plan components that may affect it. The City of Green Bay shall determine if a final plat substantially conforms to the preliminary plat. The Community and Economic Development Director, or their designee, shall approve, conditionally approve, or reject the plat within 60 days of the date of the filing of a complete final plat submittal with the Planning Department. By agreement with the subdivider, the review time may be extended at the discretion of the Community and Economic Development Director or their designee. The subdivider shall be notified in writing by the Planning Department of any conditions of approval or the reasons for rejection.
(Code 1984, § 14-308; Ord. No. 39-10)

Sec. 36-178. Final plat amendment.

The subdivider shall be allowed to submit one revision to a final plat prior to a completed review and decision. The review shall follow the same final plat procedure, except for the fee, unless the revised plat would result in a higher fee. In that case, the subdivider must pay the difference. There is not a refund for revised plats that would result in a lower fee. Final plat amendments shall not be

allowed after a final review and decision is made, or if the amendment is, in the opinion of the Community and Economic Development Director, of such scope as to constitute a new plat, in which case, it shall be refiled.
(Code 1984, § 14-309)

Sec. 36-179. Final platting; phasing.

An approved preliminary plat may be platted in phases with each phase encompassing only that portion of the approved preliminary plat; however, it is required that each phase be designated as a phase on the approved preliminary plat.
(Code 1984, § 14-310; Ord. No. 39-10)

Sec. 36-180. Final plat requirements.

A final plat prepared by a land surveyor registered in the State of Wisconsin shall be required for all subdivisions and shall comply in all respects with the requirements of Wis. Stats. Ch. 236. In addition, the final plat shall comply with the design standards set forth in this chapter and shall be prepared on reproducible paper of good quality at a scale of not more than 100 feet to one inch. The final plat shall show correctly on its face the information required by Wis. Stats. §§ 236.20 and 236.21 and the requirements of this chapter, and shall satisfactorily comply with the conditions of approval of the preliminary plat. Where the Community and Economic Development Director or Department of Public Works Director finds that additional information is required relative to a particular problem presented by the proposed subdivision in review of the final plat, they shall have the authority to request, in writing, such information from the subdivider.
(Code 1984, § 14-311)

Sec. 36-181. Final property owners' association.

The legal instruments creating a property owners' association for the ownership and/or maintenance of common lands shall be filed with the final plat.
(Code 1984, § 14-312)

Sec. 36-182. Final certificates.

All final plats shall provide all the certificates required by Wis. Stats. § 236.21, and the surveyor shall certify that they have fully complied with all the provisions of this chapter. The plat shall also include a certificate of approval from the City of Green Bay with a signature line for the Community and Economic Development Director or their designee.
(Code 1984, § 14-313; Ord. No. 39-10)

Sec. 36-183. Recordation.

The final plat shall only be recorded with the Brown County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Common Council, of the surveyor, and those certificates required by Wis. Stats. § 236.25 are placed on the plat. The plat shall be recorded within 12 months of its approval by the Community and Economic Development Director, or their designee, and other approving agencies. Failure to record said final plat within 12 months of its approval by the Community and Economic Development Director, or their designee, and other approving agencies requires the subdivider to recommence the entire procedure for final plat approval. The

subdivider shall file the appropriate number of copies of the recorded final plat with the Planning Department. The number of copies shall be determined by the City and listed with the fee schedule.
(Code 1984, § 14-314; Ord. No. 39-10)

Secs. 36-184—36-204. Reserved.

DIVISION 4. REPLAT

Sec. 36-205. Replat submission.

The replat of all or part of a recorded subdivision shall comply with Wis. Stats. §§ 236.36 through 236.445. The subdivider shall then follow the preliminary plat and final plat review procedure of this chapter.
(Code 1984, § 14-315)

Secs. 36-206—36-220. Reserved.

ARTICLE IV. LAND DIVISION PROCEDURES

DIVISION 1. GENERALLY

Secs. 36-221—36-233. Reserved.

DIVISION 2. CERTIFIED SURVEY MAP

Sec. 36-234. Preliminary consultation.

Before filing a certified survey map (CSM) for approval, the subdivider may consult the Plan Commission staff for advice and assistance. This step is strongly recommended, and a sketch plan of the proposed land division may be provided for preliminary consultation.
(Code 1984, § 14-401)

Sec. 36-235. Certified survey map submission overview.

(a) The subdivider shall submit the following to the Planning Department in the required format as noted. Refer to Section 36-236 for additional details.

(1) A CSM prepared by a Wisconsin registered land surveyor (digital format).

(2) If applicable based on Chapter 42, a stormwater management plan prepared by a professional engineer (digital format).

(3) If applicable based on Chapter 16, a construction site erosion control plan prepared by a qualified professional (digital format).

(4) If applicable, a grading plan in compliance with Section 36-38, stamped and signed by a professional engineer (digital format). Conceptual and pre-final grading plans may also be submitted prior to a final grading plan, and may be prepared by a qualified professional.

(5) If applicable, agency concurrence on the location of wetland and ESA boundaries (hard copy or digital format).

(6) If applicable, proof of Brown County approval of soil tests for POWTS (hard copy or digital format).

(7) A request for City action/Plan Commission form (hard copy or digital format).

(8) A land division checklist (hard copy or digital format).

(9) Necessary fees.

(10) CD, DVD, or USB containing the required digital files (PDF, CAD, TIF, GIF, etc.) listed in this subsection. The subdivider may also submit the appropriate information via e-mail to the City of Green Bay Planning Department. Media drives shall be returned to the petitioner upon request.

(b) The CSM shall be prepared and approved in accordance with this chapter and Wis. Stats. § 236.34.
(Code 1984, § 14-402; Ord. No. 39-10)

Sec. 36-236. Certified survey map requirements.

A CSM shall be required for all land divisions and comply in all respects with the requirements of Wis. Stats. Ch. 236 and with the design standards set forth in this chapter. The CSM shall be prepared on reproducible paper of good quality at a scale not more than 500 feet to one inch.

(1) The CSM shall show correctly on its face, in addition to the information required by Wis. Stats. §§ 236.15(1), 236.21 and 236.34, the following:

a. Date, scale, and north arrow.

b. Names, addresses, and telephone numbers of the owner, subdivider, and surveyor preparing the CSM.

c. Entire area contiguous to the proposed land division owned or controlled by the subdivider, even though only a portion of said area is proposed for immediate development. This requirement may be waived at the discretion of the Community and Economic Development Director or their designee, and shall be waived if an area development plan has been adopted for such lands.

d. A statement that conforms substantially to the following:

"This certified survey map is a (portion or all) of tax parcel number _____.

The property owner(s) of record is/are _____.

This certified survey map is contained wholly within the property described in the following recorded instrument(s) _____.

City of Green Bay zoning and building approvals are required prior to commencing construction of buildings, structures, drives, or parking areas, and may also be required prior to commencing grading, excavation, filling, or other land disturbing activity."

e. Exact length and bearing of the exterior boundaries of the proposed land division referenced to a corner established in the U.S. Public Land Survey or recorded private claim and the total acreage encompassed thereby.

f. Locations of all existing property boundary lines, structures, including the use and setback dimensions to existing and/or proposed property lines, drives, lakes, streams and watercourses, marshes, wetlands, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.

g. Delineation of all wetlands, shoreland/wetlands, isolated natural areas (e.g., rock outcrops, wooded areas, etc.) and environmentally sensitive areas consistent with Brown County and WDNR methodology as applicable. Concurrence by the appropriate agency on the locations of wetland and ESA boundaries will be required by the Planning Department as part of the CSM review. Agency concurrence may be documented on the CSM or by separate correspondence.

h. Location, right-of-way width, exact lengths and bearings, centerlines, and names of all existing and proposed streets, alleys, or other public ways, easements, railroad, and utility rights-of-way, and all section and quarter-section lines within the exterior boundaries of the CSM or immediately adjacent thereto.

i. Location and names of any adjacent subdivisions, parks, and cemeteries and owners of record of abutting platted and unplatted lands.

j. Normal and high water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the CSM or located within 100 feet therefrom, all to City datum.

k. Floodplain and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood.

l. Meander lines if a land division borders a lake or stream shore. The distances and bearings of a meander line shall be shown. The meander lines shall not be established less than 20 feet back from the ordinary high water mark of the lake or from the bank of the stream.

m. A note on the CSM noting ownership and maintenance obligations of all drainage swales, easements, retention and detention ponds or other facilities shall be required.

n. Special restrictions required by the City and any other agency relating to access control along public ways, the provision of planting strips, access restrictions, reservation of wetlands and environmental corridors, more restrictive yard requirements, or special restrictions for environmentally significant areas.

o. All new lots being created shall be drawn to full scale without break lines. Multiple pages may be used to illustrate each lot. If multiple pages are used to illustrate lots, the cover page of the CSM shall still show the entire exterior boundary of the proposed CSM at whatever scale is necessary.

p. Tabulation of gross area, street area, other dedicated and reserved area, net subdivided area, number of lots, number of dwelling units.

q. Vision corners, if required, which shall be dedicated, but not by easement.

(2) Easements. Recorded easements shown on the CSM shall list the document number in the easement area shown on the map. If the easement is proposed with the CSM, an accompanying statement shall be shown on the CSM naming the party benefiting from the easement.

Any proposed easements required that are not benefiting a public utility shall be granted by a separate document recorded with the Brown County Register of Deeds prior to the recording of the CSM, and the document number data shall be shown on the CSM.

(3) The CSM submission shall also include the following, as applicable, and may be shown on the face of the CSM or as attachments or supplements, as appropriate:

a. Where the land division will not be served by public sanitary sewer service, proof of compliance with Wis. Admin. Code Ch. SPS 385. Soil tests shall be reviewed and approved by Brown County, and proof of compliance may be submitted after initial approval of the CSM, but must be submitted at some point prior to submission of the final CSM for City signature.

b. A stormwater management plan per Chapter 42 and Wis. Admin. Code Chs. NR 151 and 216.

c. A construction site erosion control plan per Chapter 16.

d. A grading plan in accordance with Section 36-38. To ensure compliance with the established grading plan, a covenant shall be included in the plat referring to and requiring compliance with the grading plan.

(4) Additional information. Where the City needs additional information relative to a particular problem presented by the proposed certified survey map, it shall have the authority to request, in writing, such information from the subdivider.

(5) Public dedications shall be approved and accepted by the Council.

(Code 1984, § 14-403)

Sec. 36-237. Certified survey map review and approval.

The Community and Economic Development Director, or their designee, shall approve, conditionally approve, or reject such plat within 40 days of the date of the filing of a complete CSM submittal with the Planning Department. By agreement with the subdivider, the review time may be extended at the discretion of the Community and Economic Development Director or their designee. The subdivider shall be notified in writing by the Planning Department of any conditions of approval or the reasons for rejection.

(Code 1984, § 14-404)

Sec. 36-238. Certified survey map certificates.

(a) The surveyor shall certify on the CSM that they have fully complied with all the provisions of this chapter.

(b) The Planning Department, after a recommendation by the reviewing agencies, shall certify its approval on the CSM. The CSM shall include a certificate of approval from the City of Green Bay with a signature line for the Community and Economic Development Director or their designee.

(c) The dedication of streets and other public areas shall require the owner's certificates and mortgagee's certificates in substantially the same form as required by Wis. Stats. § 236.21(2)(a).

(d) The City Clerk shall certify upon the face of the map that all special assessments or other City charges imposed upon the realty described therein are paid before the map is filed.

(Code 1984, § 14-405; Ord. No. 39-10)

Sec. 36-239. Recordation.

The CSM shall only be recorded with the Brown County Register of Deeds after the certificates are completed and signed. The CSM shall be recorded within 90 days of its approval by the Community and Economic Development Director, or their designee, and other approving agencies. Extensions may be granted for up to six months upon written request by the subdivider to, and approval by, the Planning Department. The subdivider shall file the appropriate number of copies of the recorded CSM with the Planning Department. The number of copies shall be determined by the City and listed with the fee schedule.
(Code 1984, § 14-406; Ord. No. 39-10)

Secs. 36-240—36-256. Reserved.

DIVISION 3. COMBINATION/RETRACEMENT CERTIFIED SURVEY MAP

Sec. 36-257. Combination/retracement certified survey map submission.

When a certified survey map (CSM) is used to combine or retrace parcels and no new parcels are created, the surveyor shall follow the CSM review procedure of this chapter. This section is created to provide for the use of a CSM to show the boundaries of an existing parcel and establish a convenient legal description of record for title conveyance, etc. A CSM may be used to identify and locate existing parcels of record.

(1) The retracement/combination CSM must meet the following requirements:

a. A digital copy of the preliminary CSM shall be submitted to the Planning Department for review.

b. The map shall be prepared in accordance with Wis. Stats. § 236.34, and shall comply with the surveying and mapping requirements of this chapter.

c. All existing and proposed parkway designations shall be shown, per the City's Official Map.

d. The retracement CSM shall be headed "Certified Survey Map" and subheaded "Retracement of Land Described in volume/jacket _____ page/image _____, document number _____"; or the combination CSM shall be headed "Certified Survey Map" and subheaded "Combination of Land Described in volume/jacket _____ page/image _____, document number _____."

e. The CSM shall include a certificate of approval from the City of Green Bay with a signature line for the Community and Economic Development Director.

f. The map shall not create additional lots that are not of record.

g. The surveyor's certificate shall include the statement "This certified survey map is not a division of property but solely a combination (or a retracement) and depiction of the land boundaries recorded in volume/page _____ or jacket/image _____, Brown County records."

(2) Development fees are not calculated for combination or retracement CSMs.

(3) The combination or retracement CSM shall be filed and recorded with the Register of Deeds of Brown County within 30 days of the date of the CSM approval, and all certificates shall

be complete and signed prior to recording. The volume and page number of the recording file shall be noted on the final approval and the appropriate number of the recorded CSM shall be forwarded to the Planning Department for final distribution. The number of copies shall be determined by the City and listed with the fee schedule.

(Code 1984, § 14-407; Ord. No. 39-10)

Secs. 36-258—36-277. Reserved.

ARTICLE V. CONDOMINIUMS

Sec. 36-278. Application of ownership; design standard and improvement compliance; condominium conversions exempt.

This chapter applies to the division of land where condominium ownership is involved and where the division will result in two or more building sites, lot equivalents, or separate principal structures on any parcel. A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats or any amendments or expansions thereof, where an amendment is a change to a previously recorded condominium plat, and an expansion is the creation of additional units in a previously recorded condominium plat.

(1) It is the intent of these regulations, consistent with Wis. Stats. Ch. 703, that projects utilizing the condominium form of ownership shall be subject to no more or no less restrictive rules than are projects that are physically equivalent and that utilize other forms of ownership.

(2) Timing of review.

a. Review of condominium instruments shall be conducted within ten working days following complete submission of a condominium plat and related instruments to the Planning Department.

b. Where the Community and Economic Development Director or their designee finds that the review cannot be completed within ten working days due to the complexity of the submission, including, but not limited to, utility coordination, engineering design, ESAs, or other such issues that complicate the proposed development, the Community and Economic Development Director or their designee shall submit to the subdivider a request for an extension of the review period for a reasonable period of time not to exceed 60 days. Such request shall not be unreasonably denied by the subdivider.

c. If more than 60 days are needed to review the condominium plat and related instruments, then the review time may be reasonably extended by agreement with the subdivider.

d. In the event the review is not completed within this period, or as reasonably extended, the condominium instrument is approved for recording.

(3) Prior to approval, such condominium instruments shall comply in all respects with the requirements of Wis. Stats. §§ 703.095, 703.11(2)(a), (c), and (d), (3) and (4), 703.275(5), and

703.28(1m), and, based on the number of lot equivalents, shall be reviewed and approved or denied in the same manner either as a land division as set forth in Article IV of Chapter 44, or as a subdivision plat as set forth in Article III of Chapter 44.

(4) With regard to features that may be dedicated to the public (e.g., streets, rights-of-way, etc.) and provision of public services and utilities, such plat shall comply with the design standards, improvements, and all other requirements of this chapter that would otherwise apply to certified survey maps (CSMs) and subdivision plats, including, but not limited to, those set forth in Articles VII and VIII of Chapter 44.

(5) Condominium conversions of existing structures where no additional dwelling units, building sites, or lot equivalents are being created are exempt from this chapter.

(Code 1984, § 14-500)

Secs. 36-279—36-304. Reserved.

ARTICLE VI. CONSERVATION SUBDIVISION

DIVISION 1. GENERALLY

Sec. 36-305. Purposes.

Conservation-by-design, or conservation subdivisions, may be approved in the City for the following reasons:

(1) To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.

(2) To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.

(3) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat.

(4) To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.

(5) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.

(6) To promote interconnected greenways and corridors throughout the community and contiguous greenspace with adjacent jurisdictions.

(7) To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places, and encouraging use of parks and community facilities as focal points in the neighborhood.

(8) To encourage street designs that reduce traffic speeds and reliance on main arteries.

(9) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connecting to surrounding areas, businesses, and facilities to reduce reliance on automobiles.

(10) To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and view of open space.

(11) To preserve important historic and archaeological sites.

(Code 1984, § 14-601)

Secs. 36-306—36-328. Reserved.

DIVISION 2. GENERAL REGULATIONS

Sec. 36-329. Applicability of regulations.

Conservation subdivisions are available in the following zoning districts: RR, R-1, R-2, and R-3. The applicant shall comply with all other provisions of Chapter 44 and all other applicable laws, except those that are incompatible with the provisions contained herein.

(Code 1984, § 14-602)

Sec. 36-330. Ownership of development site.

The tract of land to be subdivided may be held in single and separate ownership or in multiple ownerships. If held in multiple ownerships, however, the site shall be developed according to a single plan with common authority and common responsibility.

(Code 1984, § 14-603)

Sec. 36-331. Housing density determination.

The maximum number of lots in the conservation subdivision shall be calculated by dividing the net acreage of the parcel of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the net acreage of the parcel:

(1) Slopes over 30 percent of at least 5,000 square feet contiguous area.

(2) The 100-year floodplain.

(3) Bodies of open water over 5,000 square feet contiguous area.

(4) Wetlands that meet the definition of the U.S. Army Corps of Engineers pursuant to the Clean Water Act and the Wisconsin Department of Natural Resources (WDNR).

(5) Anticipated right-of-way needs for roads and utilities.

(Code 1984, § 14-604)

Sec. 36-332. Development standards.

The following minimum standards in Table 36-1 are established for conservation subdivision development:

Table 36-1. Conservation Subdivision Development Standards

Minimum tract size	10 acres
Minimum lot size	6,000 sq. ft.
Minimum rear yard setback	20 ft.

All other setbacks	Per the underlying zoning
Minimum lot width	60 ft.
Minimum access easement to open space	10 ft.
Minimum open space area required	40% of the gross land area

(Code 1984, § 14-605)

Secs. 36-333—36-352. Reserved.

DIVISION 3. APPLICATION REQUIREMENTS

Sec. 36-353. Site analysis map required.

Concurrent with the submission of a conceptual site plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this chapter. The preliminary site plan shall include the following features:

(1) Property boundaries and the planned location of protected open space.

(2) All streams, rivers, lakes, wetlands and other hydrologic features; general vegetation characteristics; general soil types; and topographic contours of no less than two-foot intervals.

(3) All primary and secondary conservation areas labeled by type, as described in division 4 of this article.

(4) Existing roads and structures; and potential connections with existing greenspace and trails.

(Code 1984, § 14-606)

Sec. 36-354. Open space management plan required.

An open space management plan, as described in division 4 of this article, shall be prepared and submitted prior to the issuance of a land disturbance permit.
(Code 1984, § 14-607)

Sec. 36-355. Instrument of permanent protection required.

An instrument of permanent protection such as a conservation easement or permanent restrictive covenant and as described in division 4 of this article shall be placed on the open space concurrent with the issuance of a land disturbance permit.
(Code 1984, § 14-608)

Sec. 36-356. Other requirements.

The application shall adhere to all other applicable requirements of the zoning district and this chapter.
(Code 1984, § 14-609)

Secs. 36-357—36-385. Reserved.

DIVISION 4. OPEN SPACE

Sec. 36-386. Standards to determine open space.

(a) The preserved open space shall include a minimum of 40 percent of the gross parcel area.

(b) The following are considered primary conservation areas and shall be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this chapter:

(1) The regulatory 100-year floodplain.

(2) Surface water buffer zones consistent with the Brown County definition of ESAs.

(3) Slopes above 25 percent of at least 5,000 square feet contiguous area.

(4) Wetlands that meet the definition used by the U.S. Army Corps of Engineers and the Wisconsin Department of Natural Resources.

(5) Populations of endangered or threatened species, or habitat for such species, and archaeological sites, cemeteries, and burial grounds.

(6) Important historic sites.

(c) The following are considered secondary conservation areas and may be included within the open space area:

(1) Existing healthy, native forests of at least one acre contiguous area.

(2) Individual existing healthy trees greater than eight inches DBH (diameter at breast height).

(3) Other significant natural features such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads.

(4) Prime agricultural lands of at least five acres contiguous area.

(5) Existing trails that connect the tract to neighboring areas.

(6) All other types of greenspace that have not necessarily been enumerated, but that do not conflict with areas specifically excluded.

(d) Aboveground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40 percent minimum area requirement (Exception: historic structures and existing trails may be counted.) Large areas of impervious surface shall be excluded from the open space.

(e) At least 50 percent of the open space shall be in a continuous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

(f) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space. (Code 1984, § 14-610)

Sec. 36-387. Permitted uses of open space.

Uses of open space may include the following:

(1) Conservation of natural, archaeological or historical resources.

(2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.

(3) Walking or bicycle trails, provided they are constructed of porous paving materials.

(4) Passive recreation areas.

(5) Active recreation areas (e.g., playgrounds, play fields, hard courts, picnic areas, shelters, etc.), provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.

(6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas; nonstructural stormwater management practices; easements for drainage, access, and underground utility lines; or other conservation-oriented uses compatible with the purposes of this chapter.

(Code 1984, § 14-611)

Sec. 36-388. Prohibited uses of open space.

The following uses of open space are prohibited:

(1) Golf courses, roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;

(2) Agricultural and forestry activities not conducted according to accepted best management practices; and

(3) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

(Code 1984, § 14-612)

Sec. 36-389. Ownership and management of open space.

(a) *Ownership of open space.* The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon. If a homeowners' association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a homeowners' association is the owner, the homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.

(b) *Management plan.* The applicant shall submit a plan for management of open space and common facilities ("plan") that:

(1) Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.

(2) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space, and outlines the means by which such funding will be obtained or provided.

(3) Provides that any changes to the plan be approved by the Green Bay Plan Commission for enforcement of the plan.

(c) *Maintenance.* In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the City of Green Bay may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, to the homeowners' association, or to the individual property owners that make up the homeowners' association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.
(Code 1984, § 14-613)

Sec. 36-390. Legal instrument for permanent protection.

The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space. The instrument shall be one of the following:

(1) A permanent conservation easement in favor of either:

a. A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence, and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.

b. A governmental entity with an interest in pursuing goals compatible with the purposes of this chapter. If the entity accepting the easement is not the City of Green Bay, then a third right of enforcement favoring the City of Green Bay shall be included in the easement.

(2) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

(3) An equivalent legal tool that provides permanent protection, if approved by the City of Green Bay.
(Code 1984, § 14-614)

Secs. 36-391—36-400. Reserved.

ARTICLE VII. DESIGN REQUIREMENTS

DIVISION 1. GENERALLY

Secs. 36-401—36-408. Reserved.

DIVISION 2. STREETS

Sec. 36-409. Streets, highways and parkways.

(a) Streets shall be designed (e.g., as to arrangement, character, extent, width, grade, etc.) and located in relation to the following:

(1) All applicable officially adopted plans including the Official Map.

(2) Existing and planned streets.

(3) Topographic considerations, drainage, and other natural features, in order to produce usable lots and streets of reasonable gradient.

(4) The public convenience and safety.

(5) The future circulation needs of nearby lands.

(6) The proposed uses of the land to be served by such streets.

(7) The right-of-way width as determined by the Official Map and this division. Additional widths and setback controls may apply for specific streets by separate ordinance or by Wis. Stats. § 82.50, within the extraterritorial platting jurisdiction.

(b) The arrangement of streets to promote solar orientation and other sustainable design features is encouraged.
(Code 1984, § 14-701)

Sec. 36-410. Streets to conform to City plans.

Street layouts, widths, grades and locations shall conform to the Official Map and the Smart Growth 2022 Comprehensive Plan.
(Code 1984, § 14-702)

Sec. 36-411. Street arrangement.

(a) Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community retail areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(b) Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the multimodal transportation system, to special traffic generators such as schools, churches, and retail centers and other concentrations of population, and to the major streets to which they connect.

(c) Local streets shall be arranged to conform to the topography, to discourage high volume use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide for safe and convenient access to abutting property.

(d) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Council may require a frontage street, approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.
(Code 1984, § 14-703)

Sec. 36-412. Street right-of-way and width.

The right-of-way of all streets shall be of the width specified on the Official Map or Smart Growth 2022 Comprehensive Plan, or if no width is specified there, they shall be not less than the width specified in Table 36-2, as follows:

Table 36-2. Street and Right-of-Way Width

Type	*Right-of-Way (feet)*	*Street/Alley Clear Width (feet)*
Arterial street	80—100	48—52
Collector street	70—80	40—44
Residential collector	60—70	36—40
Local street	60	30
Cul- de-sac	50	30
Alley		12—30

(Code 1984, § 14-704)

Sec. 36-413. Street grades.

Maximum street grades shall conform to the following specifications, except where otherwise approved by this chapter or other ordinances:

Table 36-3. Maximum Street Grades

Arterial street	5%
Collector street	7%
Minor (local) street	8%
Streets shorter than 500 feet	8%

(Code 1984, § 14-705)

Sec. 36-414. Visibility requirements.

Clear visibility within the street and setback areas measured along the centerline of such street shall be not less than specified below, except where otherwise approved by the Council:

Table 36-4. Visibility Within Street and Setback Areas

Arterial street	400 feet
Collector street	350 feet
Local street	200 feet

(Code 1984, § 14-706)

Sec. 36-415. Curvature of centerline.

The minimum radius of curvature on the centerline shall be as specified below, except where otherwise approved by the Council:

Table 36-5. Minimum Radius of Curvature

Arterial street	300 feet
Collector street	200 feet
Local street	100 feet

(Code 1984, § 14-707)

Sec. 36-416. Reverse curves.

A tangent at least 100 feet long shall be introduced between reverse curves on major and collector streets.
(Code 1984, § 14-708)

Sec. 36-417. Corner lots.

Property lines at street intersections shall be rounded with a radius of 12 feet or greater where the Council considers it necessary, unless such 12-foot radius is deemed not necessary by the Planning and Public Works Departments. Cut-offs or chords may be permitted in place of rounded corners.
(Code 1984, § 14-709)

Sec. 36-418. Curved lot frontages.

Arc distances, when appropriate for lot frontages on curved rights-of-way, shall be provided for municipal assessment purposes.
(Code 1984, § 14-710)

Sec. 36-419. Cul-de-sacs or streets with one end permanently closed.

(a) *Requirements.* Streets designed to have one end permanently closed shall not exceed 500 feet in length from the centerline of the intersecting street to the center of the turnaround, and shall provide a turnaround with a minimum right-of-way radius of 55 feet at its terminus and a minimum of 30 feet radii at the approach to the turnaround. A temporary cul-de-sac may be placed at the end of a street that will be extended, and in such cases, provision shall be made for reversion of the excess turnaround right-of-way to the adjoining properties when the street is extended.

(b) *Possible exceptions.* Cul-de-sacs exceeding 500 feet in length may be allowed in one of the following ways:

(1) Cul-de-sacs of no more than 750 feet may be permitted with approval of the Planning, Public Works, and Fire Departments as part of the land division review process, but only when all of the following are found to apply:

a. ESAs or other natural features of the land dictate a street design that requires cul-de-sacs, especially when conservation subdivision design is being applied.

b. There is no realistic opportunity or substantial benefit to providing connectivity with adjacent existing or planned streets.

c. Efficient service delivery and infrastructure extension are not harmed.

d. Public safety is adequately protected.

(2) Cul-de-sacs exceeding 500 feet that cannot be approved by staff based on the criteria above may only be permitted if granted a modification by the Plan Commission and Council.

(Code 1984, § 14-711)

Sec. 36-420. Median strips.

Median strips or reserve strips controlling access to streets shall be prohibited except where required by the City under conditions approved by the Common Council.

(Code 1984, § 14-712)

Sec. 36-421. Half-streets or streets with less than full right-of-way width.

The following shall apply when an entire right-of-way has not been dedicated:

(1) Where a half-street has been previously dedicated adjacent to a subdivision, the remaining half of the street shall be dedicated by the subdivider.

(2) Where no half-street adjacent to a subdivision exists, dedication of half-streets shall not be approved unless the remaining portion appears as a mapped future street on the Official Map.

(3) Where a lot is to be created on or connected by a right-of-way which is not dedicated to its full required width, a covenant shall appear on the plat stating that public access and utilities to the lot shall be withheld until the full street width is dedicated.

(4) Unless the acquisition is in the City's interest and shown on the Official Map, the City shall not accept the dedication, nor shall the City honor the request for street or utility improvements.

(Code 1984, § 14-713)

Sec. 36-422. Frontage streets or roads.

Where a frontage street has been provided, the Plan Commission may require that such a street be located at a distance from the major street or easement. Such distances shall be determined with

due regard for the requirements of approach grades and future grade separation. The space between the frontage street and major street or easement may be designed and used as suitable and appropriate for the following:

(1) Park purposes.

(2) Motor vehicle parking, business, or industry, in appropriate zones.

(3) Other provisions for the adequate protection of residential properties and the separation of through and local traffic.

(Code 1984, § 14-714)

Sec. 36-423. Intersections.

Streets shall intersect as nearly as possible at right angles. Not more than two streets shall intersect at one point unless approved by the Plan Commission.
(Code 1984, § 14-715)

Sec. 36-424. Street jogs.

Street jogs with centerline offsets of less than 125 feet shall be avoided. Where streets intersect arterials, their alignment shall be continuous.
(Code 1984, § 14-716)

Sec. 36-425. Parkways.

Where parkways or special types of streets are involved, the Plan Commission may apply special standards to be followed in their design, following recommendations from the Smart Growth 2022 Comprehensive Plan.
(Code 1984, § 14-717)

Sec. 36-426. Primary street naming.

The following shall be followed when determining new street names:

(1) Any street, which is the reasonable continuation of an existing street within the City's boundary, shall bear the same name.

(2) If the topography or other permanent features render the continuation of the actual roadway impossible, and if such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.

(3) Any proposed street name that has already been used elsewhere in Brown County shall not be used.

(4) Any proposed street which bears a confusing name similar to another street name in Brown County shall not be used.

(5) Any proposed street name that may cause confusion or may be difficult to spell or pronounce shall not be used.

(6) Any proposed street name that is unsuitable because of connotation shall not be used.

(7) New street names in the City of Green Bay, proposed after August 1, 2002, shall not exceed 13 characters in length. Each space between words in the street name shall count as one character. Prefixes and suffixes to the street name, such as "North," "South," "Street," "Drive," and "Lane" shall not be counted.

(Code 1984, § 14-718)

Sec. 36-427. Street name suffix.

The following suffix endings shall be permitted for the following street types:

(1) Cul-de-sac: place, court.

(2) Curving short street: crescent, way, lane, circle.

(3) Straight short street: terrace, row, lane.

(4) Curving long street: drive, road.

(5) Straight long street: street, avenue.

(6) The term "boulevard" shall be reserved for streets which, because of street breadth, continuous median planting, or monumental character, are to be especially designated.

(Code 1984, § 14-719; Ord. No. 39-10)

Secs. 36-428—36-452. Reserved.

DIVISION 3. BLOCKS, PEDESTRIAN WAYS, AND LOTS

Sec. 36-453. Blocks, pedestrian ways, and lots.

The size, shape and orientation of blocks, pedestrian ways and lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Block lengths in residential areas shall not exceed 1,500 feet.

(Code 1984, § 14-720)

Sec. 36-454. Pedestrian ways between blocks.

(a) Where deemed essential to provide circulation or access to schools, shopping centers, transportation, and other community facilities, the developer shall dedicate pedestrian ways not less than 15 feet wide through the center of blocks more than 900 feet long and/or at the end of cul-de-sacs.

(b) The developer shall construct the pedestrian way at the time streets are constructed in new developments. The pedestrian way shall be made of concrete and be six feet wide and designed according to City sidewalk standards.

(c) Maintenance within the pedestrian way shall be the responsibility of adjacent property owners.

(Code 1984, § 14-721)

Sec. 36-455. Pedestrian ways adjacent to greenways, parks, and playgrounds.

(a) Where deemed essential to provide circulation or access to greenways, parks, and playgrounds, the developer shall dedicate pedestrian ways not less than 30 feet wide between lots adjacent to parks.

(b) The developer shall construct the pedestrian way at the time streets are constructed in new developments. The pedestrian way shall be made of asphalt and be ten feet wide, unless otherwise instructed by the Green Bay Parks, Recreation and Forestry Department.

(c) Maintenance within the pedestrian way shall be the responsibility of the Green Bay Parks, Recreation and Forestry Department.
(Code 1984, § 14-722)

Sec. 36-456. Sidewalks/pedestrian corridors.

(a) Sidewalks or other pedestrian corridors shall be provided on new streets and in new subdivisions in accordance with this section and Table 36-6. To the extent that a new subdivision will impact pedestrian needs on nearby existing streets, the requirements of Table 36-6 for existing streets may be applied if required by the Common Council.

Table 36-6. Sidewalk/Pedestrian Corridor Requirements

Planned Land Use (and Density)	*Type of Street*	*Sidewalk Requirements for New Streets*	*Sidewalk Requirements for Existing Streets*
Commercial and industrial	All streets	Both sides	Both sides
Residential (all densities)	Arterial streets	Both sides	Both sides
Single-family residential (all densities)	Collector streets	Both sides	Both sides preferred, at least one side required
Multifamily residential (all densities)	Collector streets	Both sides	Both sides
Residential (more than four units per acre)	Local streets	Both sides	Both sides preferred, at least one side required
Residential (one to four units per acre)	Local streets	Both sides preferred, at least one side required	One side preferred, at least a four-foot shoulder on both sides required
Residential (less than one unit per acre)	Local streets	One side preferred, at least a four-foot shoulder on both sides required	One side preferred, at least a four-foot shoulder on both sides required
Areas within two blocks of a school	Local streets	Both sides	Both sides preferred, at least one side required

(Adapted from Wisconsin Pedestrian Planning Guidance, Wisconsin Department of Transportation)

(b) Possible exceptions.

(1) Sidewalks may be omitted on one side of new streets where that side clearly cannot be developed and where there are not existing or anticipated uses that would generate pedestrian trips on that side.

(2) Where there are frontage or service roads, the sidewalk adjacent to the main road may be eliminated and replaced by a sidewalk adjacent to the frontage or service road on the side away from the main road.

(3) For rural roads not likely to serve development, a shoulder at least four feet in width, preferably eight feet on primary highways, should be provided. Surface material should provide a stable, mud-free walking surface.

(4) A multi-use path or trail system within a subdivision, such as a conservation-by-design subdivision, may be substituted for required sidewalks if such a path is open to the public and connects at two ends to a public sidewalk or multi-use path when available.

(c) Effort should be made to add sidewalks where they do not exist and to complete missing links. Sidewalk connections and crosswalks at major intersections should be completed in coordination with new development.

(d) Sidewalks should be a minimum of five feet wide in residential areas and wider in commercial areas, where an eight- to ten-foot walking corridor from street curb to building face may be required. Sidewalks internal to parking areas shall comply with the requirements of Chapter 44.

(e) Sidewalk installation. This chapter shall supersede the new land division provisions of the City of Green Bay Sidewalk Installation Policy.

(1) The cost to construct sidewalks shall be paid by the adjacent property owners and/or the subdivider. For sidewalks or pedestrian ways to be installed at the time of street construction, this cost shall be included in the required development fees (cash sum or cash equivalent) or may be addressed through the development agreement as applicable.

(2) Sidewalks abutting residential lots or development sites shall be installed concurrently with the construction of the abutting housing units up to the time of at least 50 percent build-out of the subdivision or land division. A housing unit shall not be occupied until the abutting sidewalk is installed and an occupancy permit is granted. When more than 50 percent of the anticipated housing units have been constructed, the Common Council may order the installation of the rest of the required sidewalks.

(3) The Planning and Public Works Departments may require as a condition of final plat approval that certain sidewalks or other pedestrian ways be installed at the time of street construction, including, but not necessarily limited to:

a. Sidewalk radii at block corners including curb cuts and detectable warning surfaces in compliance with Department of Public Works requirements.

b. Multi-use paths or trails being approved as an alternative to the minimum sidewalk requirements.

c. Sidewalks along collector or arterial streets within the subdivision, portions of sidewalks not abutting residential lots or building sites, or other similar key pedestrian linkages.

d. Mid-block or park access pedestrian ways shall be installed at the time of street construction in accordance with Sections 36-454 and 36-455.

(4) Street frontages where sidewalks are required shall be shown on the face of the CSM or plat, and the following restrictive covenants shall also be placed on the CSM or plat:

a. Where the locations of sidewalks have been graphically designated on the CSM or plat, the following restrictive covenant shall be used:

"Concrete sidewalks shall be installed as shown on this CSM/subdivision plat. Sidewalks shall be installed in front of lots abutting the locations shown at the time the lots are developed and prior to receiving an occupancy permit or as directed by the Common Council of the City of Green Bay."

b. Where the locations of sidewalks have not been graphically designated on the CSM or plat, the following restrictive covenant shall be used:

"Concrete sidewalks shall be installed on (side of street/both) side(s) of (street) from (limit) to (limit). Sidewalks shall be installed in front of lots abutting (street) at the time the lots are developed and prior to receiving an occupancy permit or as directed by the Common Council of the City of Green Bay."

(Code 1984, § 14-723)

Sec. 36-457. Lots.

Lot size, width, depth, shape, and orientation shall be appropriate for the location of the plat or certified survey map (CSM) for the type of development and use proposed. The use of green or sustainable development features are encouraged, such as promoting solar access with lot layout, employing infill or redevelopment, using pervious or semi-pervious paving or other appropriate alternative stormwater management features, enhancing walkability or other alternative modes of transportation, following the principles of LEED-ND (neighborhood design), and the like.

(1) Minimum lot size and setbacks shall conform to the requirements of Chapter 44 in direct relationship to the zoning district for the proposed lot.

(2) Any easement or combination of adjacent easements that are greater than 20 feet wide shall not be considered in determining minimum lot area.

(3) Any portion of a lot having a width of less than 30 feet shall not be considered in determining the minimum lot area.

(4) Side lot lines shall be substantially at right angles or radial to the public street rights-of-way.

(5) The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by Chapter 44.

(6) All existing lots shall be connected to public sewer and water systems before any occupancy permits are granted.

(7) Lots of varying width shall be divided with more than 50 percent of their maximum width measured as public street frontage, excluding those divided on cul-de-sacs.

(8) Division or re-division of existing platted lots. Existing lots located in a clearly defined block of previously platted lots may be divided or re-divided, reducing lot width and area, provided:

a. They are not less than the average lot width and area of those lots located on both sides of the street within a distance of 300 feet from the corners of the proposed lots.

b. Each lot has at least 50 feet in frontage and 5,000 square feet in area.

(Code 1984, § 14-724)

Sec. 36-458. Non-sewered lots.

Residential lots not served by public sewerage disposal facilities are limited to one single-family dwelling and one on-site sewage disposal system and shall comply with Wis. Admin. Code Ch. SPS 383, and all other applicable state, county, and local requirements. All lots created prior to August 1, 2002, not served by public sewerage disposal facilities shall have a minimum lot area of 40,000 square feet and a minimum street frontage of 100 feet measured along the right-of-way of a public street.

(Code 1984, § 14-725; Ord. No. 39-10)

Sec. 36-459. Lot combination.

Pending installation of public sewers, the minimum lot area and the minimum lot width may be provided through the use of two or more lots if suitable lot combinations are designated on the recorded final plat or CSM. The following restrictive covenant shall be placed on the document in such cases:

"Lots _____ and _____ shall remain under the same ownership until such time as these lots are serviced by, and the existing homes are connected to, public sanitary sewer and water."

(Code 1984, § 14-726)

Sec. 36-460. Lot frontage.

(a) All lots shall abut on a public street.

(b) Street frontage for lots on cul-de-sac bulbs or the outer radius of a curved street shall be a minimum of 50 feet.

(c) Street frontage for lots designed for attached or semi-detached structures shall be a minimum of 40 feet.

(d) Street frontage for lots designed for attached or semi-detached structures on cul-de-sac bulbs or the outer radius of a curved street shall be a minimum 25 feet.

(e) Corner lots shall have sufficient width to provide usable rear yards and to permit full building setbacks as set forth in Chapter 44 and other regulations.

(Code 1984, § 14-727)

Sec. 36-461. Double frontage lots.

Double frontage lots shall not be permitted, except where desirable to provide separation of residential development from traffic arterials or inharmonious uses, or to overcome disadvantages

of topography or situation. Double frontage lots shall have no right of access to the abutting traffic arterial, but shall be provided access through the lesser street. A planting screen easement of at least 20 feet shall be established between the residential lots and the abutting traffic arterial or inharmonious use.
(Code 1984, § 14-728)

Sec. 36-462. Statement for lots designed for attached or semi-detached structures.

The following restrictive covenants shall be placed on the face of all CSMs and subdivision plats with lots designed for attached or semi-detached structures:

(1) "When lots designed for attached or semi-detached structures are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and maintenance, shall be guarded against by private covenants and deed restrictions and the approving authorities shall not be held responsible for same."

(2) "Building permits are limited to the development of attached or semi-detached structures on Lots _____ through _____ inclusive, unless two adjoining lots are combined and used as a single lot for the construction of a single-family dwelling unit. In this case, an odd number of lots may not be left as a series of consecutive lots."

(Code 1984, § 14-729)

Sec. 36-463. Attached dwelling unit utilities.

When attached dwelling units are created, the plans, specifications, and construction of such buildings shall require the installation and construction of separate sewer, water, and other utility services to each dwelling unit.
(Code 1984, § 14-730)

Sec. 36-464. Lots on municipal boundaries.

Lots shall always follow municipal boundaries rather than cross municipal boundaries.
(Code 1984, § 14-731)

Sec. 36-465. Further land divisions.

Further division of lots containing 100 feet of frontage or less, presently abutting existing improved streets, shall not be permitted.
(Code 1984, § 14-732)

Secs. 36-466—36-483. Reserved.

DIVISION 4. EASEMENTS

Sec. 36-484. Surface water drainage easements.

The rear of each lot and the sides of each lot specified within the area shall be graded by the subdivider and maintained by the property owner to provide for the adequate drainage of surface

water. The drainage statement shall be contained in the restrictive covenants. The subdivider shall have the opportunity to justify certain easements not to be so used, which shall be approved by the Council.
(Code 1984, § 14-733)

Sec. 36-485. Stormwater easements.

Where a land division is traversed by a watercourse, drainageway, channel, or stream, a stormwater easement or drainage right-of-way shall be provided of sufficient width and conforming substantially to the floodway line of such watercourse. Grading or construction adequate for such purpose may be required. Wherever possible, drainage shall be maintained by an open channel with landscaped banks and of adequate width for maximum potential volume of flow as determined by the City of Green Bay. Such improvements shall be guaranteed prior to approval of the final plat. If a potential flood hazard elevation has been determined by the Council, such information shall be included on the final plat, requiring that buildings adjacent to a floodplain shall be floodproofed to the flood protection elevation.
(Code 1984, § 14-734)

Sec. 36-486. Tree-planting easements.

If deemed necessary by the Planning, Public Works, or Parks, Recreation, and Forestry Department, an eight-foot tree-planting easement shall be provided on the front or side of each lot fronting or siding on a local street. This option is reserved for unusual circumstances where the dedicated right-of-way is not of adequate width or in some other way not suitable to allow for planting of street trees. (Normally, space for tree planting will be provided within the street right-of-way.) A tree-planting easement shall be contained in the restrictive covenants and on the face of the plat. Where such easement is provided, no portion of the street shall be used for tree planting unless authorized by the Park Committee because such easement is deemed unsuitable.
(Code 1984, § 14-735)

Sec. 36-487. Planting screen easements.

A planting screen easement of at least 20 feet shall be required on double frontage lots. The easement shall have no right of access along the lines of double frontage residential lots abutting traffic arteries or other inharmonious uses. This easement may coincide with a utility easement, and in such cases, shall identify specific planting areas that do not conflict with the utilities.
(Code 1984, § 14-736)

Sec. 36-488. Utility easements.

Utility easements across lots or centered on rear or side lot lines shall be provided where required by the City and as requested by the utility agencies. Utility easements shall be a minimum six feet wide on each side of the lot line, or a total of 12 feet wide, unless otherwise specified.
(Code 1984, § 14-737)

Sec. 36-489. Public utility transmission easements.

Where existing prior to the submission for approval of any land division map not being part of such map, public utility transmission easements shall be labeled on the final map with the name of

the holder of the easement and shall be dimensioned as to the full width or established use width as obtained from the utility involved. Those lots affected by the conditions of the easement agreement shall be listed in a special note on the face of the final map; and if the easement agreement is recorded, the volume, page, and document number shall be included in such note. In addition, where transmission easements are occupied by aboveground transmission facilities, the following information shall be indicated on the final map:

(1) The location of all poles or towers in the easement lying within the boundary lines of the map.

(2) The location of the first pole or tower within the easement lying outside the boundary lines of the map.

(Code 1984, § 14-738)

Sec. 36-490. Sewer service covenant.

A covenant shall be required on all plats and certified survey maps (CSMs) to be sewered, stating that building permits shall be withheld until the State has approved the sewer extension to the lots therein.

(Code 1984, § 14-739)

Secs. 36-491—36-518. Reserved.

DIVISION 5. PRIVATE ASSOCIATIONS FOR THE COMMON OWNERSHIP OF PARKS, GREENWAYS, CONSERVANCIES, AND OPEN SPACES

Sec. 36-519. Purpose for privately-owned park and open space.

The preservation and protection of privately-owned park and open space, in conjunction with residential development, supplement the availability of public park and open space benefitting residents, and provide recreational potential and use of lands which may not be suitable for building purposes.

(Code 1984, § 14-740)

Sec. 36-520. Applicability.

This division shall apply to residentially zoned lands intended to be used as permanent parks or open space in conjunction with approved and recorded subdivisions containing 20 or more building lots and at least 20 or more acres of land exclusive of public street dedication.

(Code 1984, § 14-741)

Sec. 36-521. Permitted uses.

Nonresidential uses of a nonprofit cultural or recreational character are permitted to the extent they are intended primarily to serve the residents of the associated subdivision.

(Code 1984, § 14-742)

Sec. 36-522. Standards and criteria.

(a) The private park or open space shall be located with regard to convenience, accessibility, and aesthetics for the residents of the development and with regard to natural features such as topography.

(b) The private park or open space shall be of a size, location, and character suitable for its purpose, shall be acceptable to the Plan Commission and Council as a private park or open space, shall be at least one acre in area, and shall provide for municipal access for emergency or maintenance duties as necessary.
(Code 1984, § 14-743)

Sec. 36-523. Responsibilities of ownership and maintenance of private park and open space areas.

(a) The park or open space shall be legally reserved for use by all of the residents and/or owners of the subdivision.

(b) The park or open space shall be legally improved, maintained, and directed by an established homeowners' association or equivalent acceptable to the City and shall be recorded with the plat to ensure perpetual care, responsibility, and purpose of the common open space. The legal instrument, as required, may include, but is not limited to, the following:

(1) Legally creating an automatic membership, nonprofit homeowners' association.

(2) Placing title to the common property in the homeowners' association or giving definite assurance that it automatically will be so placed within a reasonable and definite time.

(3) Appropriately limiting the uses of the common property.

(4) Giving each lot owner the right to the use and enjoyment of the common property.

(5) Placing responsibility for operation and maintenance of the common property, including responsibility for taxes and assessments incurred by the common property, in the homeowners' association. If, in the opinion of the Council, the common open space is not being maintained in a satisfactory manner, the City shall reserve the right of access to the common open space and shall reserve the right to maintain the common open space. The cost of such maintenance, plus a ten percent collection fee, shall be assessed the members of the homeowners' association, and if not paid within the calendar year due, shall constitute a lien on the individual property.

(6) Placing an association charge on each lot in a manner which will:

a. Ensure sufficient association funds.

b. Provide adequate safeguards for the lot owners against undesirably high charges.

c. Give each lot owner voting rights in the association.
(Code 1984, § 14-744)

Secs. 36-524—36-554. Reserved.

DIVISION 6. PUBLIC SITES, PARKS, GREENWAYS, CONSERVANCIES, AND OPEN SPACES

Sec. 36-555. Reservation of public sites and open spaces.

In order that adequate open space and sites for public uses and thoroughfares may be properly located and preserved as the community develops, the following provisions are established:

(1) *Preliminary plat to accommodate planned public spaces.* Whenever a tract to be subdivided includes a proposed street, highway, drainageway, floodplain, parkway, or other public way, or a proposed site for a park, playground, school, or other public use as indicated on the Official Map or the comprehensive plan, such space shall be suitably incorporated by the developer into the subdivision plat after the proper determination of its necessity by the Council and the appropriate body or other public agency involved in the acquisition and/or use of each site.

(2) *School, park, and playground sites.* Unless appropriate provision for dedication or donation of school, park, or playground sites has been made by the City of Green Bay in a previous action, as in the case of a large-scale development involving multiple land uses, any required school sites, parks, or playgrounds shall be acquired by the school district or the City of Green Bay.

(3) *Intent regarding minor revisions.* The locations of planned public ways and public sites are designated on the Official Map or comprehensive plan to varying degrees of precision and accuracy based on the information and tools available at the time. The City acknowledges that as development takes place, minor adjustments to the precise locations of public ways and public sites may be necessary based on construction plans, site conditions, and change over time. Such minor changes can be approved as part of the land division review process, at the discretion of the applicable City departments, without requiring an amendment to the Official Map or comprehensive plan. Where such changes are substantial, a revision to the Official Map and/or comprehensive plan will be required.

(Code 1984, § 14-745)

Sec. 36-556. Acquisition of land for public use.

Land may be acquired for public school sites, parks, playgrounds, or other public recreation areas or for other public purposes as provided by law and the following procedures:

(1) If potential public areas are included within a plat, the Commission shall refer the plat to the public body concerned with acquisition for its consideration and report. The Commission may propose alternate areas for such acquisition and shall allow the public body concerned 30 days to reply. If affirmative, the reply of the public body shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

(2) Upon receipt of an affirmative report, the Commission shall notify the property owner and shall designate on the preliminary and final plats that area proposed to be acquired by the public body. Such area shall also be recommended for placement on the Official Map.

(3) The acquisition of land reserved on the preliminary or final plat for acquisition by a public agency shall be instituted by such public agency within 18 months of written notification from the owner of the property that the owner intends to develop it. Such a letter of intent

shall be accompanied by a sketch plan of the proposed development and a tentative schedule of development. Failure of the public agency to institute acquisition within the prescribed 18 months shall result in the removal of the "reserved" designation from the property involved and in the freeing of the property for development. A "reserved" designation on the Official Map shall also be recommended to be removed if the public agency fails to institute acquisition.

(Code 1984, § 14-746)

Sec. 36-557. Dedication of land for public use.

(a) When the final plat of a subdivision has been approved by the appropriate public bodies, and all other required approvals are obtained and the plat is recorded, such approval shall constitute acceptance for the purpose designated on the plat of all lands shown as dedicated to the public, including street dedications, unless a development agreement specifies otherwise. Whenever a preliminary plat includes a proposed dedication of land to public use and the Commission and Council find that such land is not required or not suitable for public use, the Council may either refuse to approve such dedication or require the rearrangement of the proposed subdivision to provide for a more suitable dedication of land for public use.

(b) In the case of major thoroughfares lying within the plat, the subdivider may dedicate the right-of-way width in excess of that required to directly serve the subdivision and claim credit for the area of such land in the related parkland dedication required under this chapter.

(Code 1984, § 14-747)

Sec. 36-558. Mandatory dedication of parklands or fee in lieu of dedication.

Under the authority granted by Wis. Stats. § 236.45(6), and in order that adequate open space and sites for public uses may be properly located and preserved as the community develops, and in order that the cost of providing the neighborhood park, recreational sites, and open space necessary to serve the additional persons in the subdivision development may be most equitably apportioned on the basis of the additional need created by the development, the following provisions are established for divisions of land within the Urban Expansion District (or Urban Reserve District when a land division is permitted by a modification granted by the Common Council):

(1) *Applicability.* The provisions of this section shall apply to all residential subdivisions and certified survey maps (CSMs) of both single-family and multiple-family dwellings, including subsequent replatting of subdivisions and CSMs of both single-family and multifamily dwellings within the Urban Expansion District. The provisions shall not apply to:

a. Combination or retracement CSMs.

b. Subdivisions or CSMs within industrial or commercial zoning districts.

(2) *Requirement.* Before a final plat or other land division under the applicability of this chapter will be approved, the subdivider shall dedicate parklands or pay fees in lieu of dedication as specified below. The amount of parkland dedication or payment required shall bear a rational relationship to the need for parkland resulting from the subdivision and will be proportional to the need.

a. Dedication of parklands.

1. In exercising the parkland dedication option, the subdivider shall provide and dedicate to the public adequate land within the City limits to provide for a recreational area to meet the needs of the subdivision in a location feasible and compatible with the comprehensive plan and the Official Map.

2. The proposed dedication shall be reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location. On this basis, the City has the sole discretion to approve or deny the proposed dedication.
3. The Department of Parks, Recreation, and Forestry will determine the proportionate need being met by the dedication based on an accepted service standard for parklands and park facilities.

b. Payment of fees in lieu of dedication (parkland development fees) shall be required where parkland dedication is not feasible or compatible with the comprehensive plan or Official Map, or where the payment of fees in lieu of dedication is preferred at the discretion of the City.
1. In exercising the payment of fees in lieu of dedication option, the subdivider shall provide cash payment of parkland development fees for the acquisition or initial improvement of land for public parks.
2. Improvement of land for public parks includes grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities in accordance with Wis. Stats. § 236.45(6).
3. Amount. The standard parkland development fee shall be set per residential dwelling unit in accordance with the current Green Bay Park, Recreation, and Forestry Fee and Charges Schedule as provided in the City Fee Schedule.
4. Review. The parkland development fee shall be reviewed by the Park Committee and the Common Council at least every two years.
5. Proceeds of such payments shall be deposited in a separate non-lapsing City account and shall be used only for acquisition or initial improvement of land for public parks, with priority given to lands within one mile of the boundary of the subdivision.

c. Combination of dedication and payment of fees in lieu of dedication. Where approved by the Department of Parks, Recreation, and Forestry, a combination of parkland dedication and payment of fees in lieu of dedication may be used to meet the need generated by the land division for parkland acquisition and initial improvement of parklands.

(3) *Reservation of potential sites.* In addition to the requirements for the dedication of parklands or the payment of fees in lieu of dedication, reservation of public sites may also be required under the provisions found in Sections 36-555 through 36-557 and may be cause for the reduction of parkland dedication requirements or parkland development fees.

(4) *Credit for private open space.* When private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately-owned and maintained by the future residents of the subdivision, partial credit not to exceed 50 percent may be given against the requirement of land dedication or payment of fees in lieu thereof if the Common Council finds that it is in the public interest to do so, and that all the following standards are met:

a. That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space.

b. That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions.

c. That the use of the private open space is restricted for park and recreational purposes by recorded covenant which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City or its successors.

d. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location.

(Code 1984, § 14-748)

Secs. 36-559—36-579. Reserved.

ARTICLE VIII. REQUIRED PUBLIC IMPROVEMENTS

Sec. 36-580. Development fees for public improvements.

(a) *Requirements for facilities installation; public improvements.* Before a final plat or other land division created in accordance with this ordinance shall be approved, the subdivider shall meet the following requirements with respect to the installation of the listed facilities in the designated districts. Said districts are portrayed on a map entitled, "Residential Development Districts," which is made a part of this chapter as though fully set out herein. Said map shall be on file with the Planning Department. No request by the owner for public improvements in a subdivision or for real estate described in a plat or certified survey map (CSM) shall be acted on unless the owner of such real estate has recorded such plat or CSM with the Register of Deeds for Brown County, as specified by the Director of Public Works in the year prior to installation of such public improvements. Public improvements shall include, but not be necessarily limited to, the following:

(1) Sanitary sewers.

(2) Storm sewers.

(3) Water mains.

(4) Streets.

(5) Grading and stormwater management.

(6) Street trees and streetlights.

(b) *Development agreement.* A subdivider or developer may request authorization to enter into a development agreement for the design and construction of infrastructure improvements.

(c) *Cash bond.* For all subdivisions and land divisions created within the City of Green Bay, the subdivider shall provide a cash bond amount sufficient to ensure the City will be reimbursed for the expenses it may incur for completing the following items if they are not completed by the developer:

(1) *Interior lot and block drainage.* A cash bond, in an amount determined by the Director of Public Works, shall be filed for adequate storm facilities to provide surface water drainage for interior lot and block improvements in accordance with the final grading plan.

(2) *Grading.* A cash bond, in an amount determined by the Director of Public Works, shall be filed for grading the street right-of-way to grades established by the Director of Public Works. The cash bond may be waived if the subdivider concludes such grading prior to recording the land division.

(d) *Cash payments.* For all subdivisions and land divisions created within the City of Green Bay, the subdivider shall pay, in cash, an amount sufficient to cover those expenses that would be incurred by the City in providing the following improvements:

(1) *Street trees.* A cash payment, in an amount determined by the Director of Parks, Recreation, and Forestry, shall be paid for trees of such varieties, sizes, number, and locations as designated by the Director of Parks, Recreation, and Forestry.

(2) *Streetlights.* A cash payment, in an amount determined by the Director of Public Works, shall be paid for streetlights at locations specified by the Director of Public Works.

(e) *Cash sum or cash equivalent.* For all subdivisions and land divisions created within the City of Green Bay, the subdivider shall pay a cash sum or arrange a cash equivalent (a cash payment or alternative financing arrangement acceptable to the City Finance Director) based on the year of actual construction of the improvements in an amount sufficient to cover those expenses that would be incurred by the City in providing the following required improvements with respect to the City's development districts. These development districts are designated as identified on the most current map entitled, "Green Bay Development Districts," which is made a part of this chapter as though fully set out herein. Said map shall be on file with the Planning Department.

(1) *Street and sewer improvements.*

a. *Urban Service District.* A cash sum or cash equivalent, in an amount determined by the Director of Public Works in accordance with the special assessment regulations, shall be paid for the street and sewer improvements adjacent to the land division. The costs shall be based on the year of actual construction of the improvements.

b. *Urban Expansion District.* A cash sum or cash equivalent, in an amount determined by the Director of Public Works, shall be paid for the total cost of all street and sewer improvements required to serve the land divisions, including improvements adjacent to the land division.

(2) *Water main improvements.* The costs shall be based on the year of actual construction of the improvements.

a. *Urban Service District.* A cash sum or cash equivalent, in an amount determined by the General Manager, Water Department, in accordance with the special assessment regulations, shall be paid for the water main improvements adjacent to the land division.

b. *Urban Expansion District.* A cash sum or cash equivalent, in an amount determined by the General Manager, Water Department, shall be paid for the total cost of all water main improvements required to serve the land division, including improvements adjacent to the land division.

(Code 1984, § 14-801)

Sec. 36-581. Development fee postponement.

(a) Development fees for required improvements, as specified in Section 36-580, may be postponed if it is determined by the Common Council that such postponement is in the best interest of the City. A notation of any such postponement shall be placed on the face of the affected plat or CSM.

(b) The owner, heirs, or assigns of any property for which development fees for required improvements have been postponed shall be required to pay those fees at such time as these improvements are deemed necessary by the City. These postponed development fees shall be paid in accordance with the assessment rate prevalent at the time the improvements are scheduled for construction or installation.

(c) Requests to postpone development fees for required street trees shall be reviewed by the Park Committee for a recommendation to the Common Council. Requests to postpone development fees for required streetlights, street and sewer improvements, and water main improvements shall be reviewed by the Improvement and Service Committee for a recommendation to the Common Council.

(d) Development fees for pavement, sanitary sewer, storm sewers, street lighting, and water main improvements shall not be required for the improvements that occur within the public street right-of-way of an existing street that has been open to traffic prior to March 16, 1982.
(Code 1984, § 14-802)

Sec. 36-582. Development fee refunds.

(a) Development fees as specified in Section 36-580 are not refundable for recorded CSMs.

(b) Development fees as specified in Section 36-580 are not refundable for recorded plats, unless the plat, including all public street rights-of-way, are vacated in accordance with Wis. Stats. §§ 236.40, 236.41, 236.42, 236.43, and 236.44.
(Code 1984, § 14-803)

Chapter 37

RESERVED

Chapter 38

TAXATION

Article I. In General

Secs. 38-1—38-18. Reserved.

Article II. Hotels and Motels

Sec. 38-19. Definitions.
Sec. 38-20. Room tax imposed.
Sec. 38-21. Permit.
Sec. 38-22. Tax number.
Sec. 38-23. Records to be kept.
Sec. 38-24. Filing of returns.
Sec. 38-25. Treasurer's right of inspection and audit.
Sec. 38-26. Confidentiality.
Sec. 38-27. Administration and payment of taxes.
Sec. 38-28. Failure to pay tax when due.

ARTICLE I. IN GENERAL

Secs. 38-1—38-18. Reserved.

ARTICLE II. HOTELS AND MOTELS

Sec. 38-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

Person responsible means the sole owner of the business subject to this article, the partners, if a partnership owns the business subject to this article, or the corporate president, designated general manager or agent, if a corporation owns the business subject to this article.
(Code 1984, § 6.16(1))

Sec. 38-20. Room tax imposed.

Pursuant to Wis. Stats. § 66.0615, a tax is imposed on the privilege of furnishing at retail rooms or lodging to customers by hotel keepers, motel operators, and other persons furnishing accommodations that are available to the public irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of ten percent of the gross receipts from such retail furnishing of rooms or lodging. Such tax shall be collected from the customer when the customer's bill is paid and shall be paid by the person responsible to the City Treasurer on a monthly basis. Such tax shall not be subject to the selective sales tax imposed by Wis. Stats. § 77.52(2). The proceeds of such tax shall be remitted to and received by the Treasurer monthly on or before the 20th day of the following month.
(Code 1984, § 6.16(2))

Sec. 38-21. Permit.

Every person furnishing rooms or lodging under Section 38-20 shall file with the Treasurer an application for a room tax identification number for each place of business. Every application shall be made upon a form prescribed by the Treasurer and shall set forth the name under which the

applicant intends to transact business, and such other information as the Treasurer requires. The application shall be signed by the owner if a sole proprietor; and if not a sole proprietor, by the person responsible who is authorized to act on behalf of the business.
(Code 1984, § 6.16(3))

Sec. 38-22. Tax number.

The Treasurer shall issue to each applicant a separate number for each place of business within the City. Such number is not assignable and is valid only for the person in whose name it is issued and for the collection of the room tax at the place designated therein.
(Code 1984, § 6.16(4))

Sec. 38-23. Records to be kept.

Every person liable for the tax imposed by this article shall keep, or cause to be kept, such records, receipts, invoices, and other pertinent papers in such form as the Treasurer requires.
(Code 1984, § 6.16(5))

Sec. 38-24. Filing of returns.

(a) *Returns to be filed.* A return shall be filed with the Treasurer by each person responsible, subject to Section 38-20, on or before the day on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar month from such retail furnishing of rooms or lodging, and the amount of tax imposed for such period, and such other information as the Treasurer deems necessary to administer this section. An annual return shall be filed within 90 days of the close of each calendar or fiscal year and shall contain certain such information as the Treasurer requires to administer this section. Each return shall be signed by the person required to file a return, or an authorized agent, but need not be verified by oath. The Treasurer may, for good cause, extend the time of filing any return, but not longer than 30 days from the filing date.

(b) *Failure to file.* If any person required to make a return fails, neglects, or refuses to do so for the amount and in the manner, form, and time prescribed herein, the Treasurer, according to their best judgment, shall determine the amount of the tax due the City and make a doomage assessment upon the person who fails to file and pay on a timely basis. Each person whose tax is determined by the Treasurer shall pay the amount determined, plus interest at the rate of one percent per month on the unpaid balance. No refund or modification of the payment as determined by the Treasurer may be granted until the person files a correct room tax return and permits the Treasurer, or an authorized agent, to inspect and audit the records of the business required to be kept in Section 38-23.

(c) *Late filing fee.* In addition to any other forfeiture provided herein, whether imposed or not, a forfeiture of $100.00 shall be imposed upon and collected from any person each time such person fails to file the return required in subsection (a) of this section on a timely basis.
(Code 1984, § 6.16(6))

Sec. 38-25. Treasurer's right of inspection and audit.

(a) Whenever the Treasurer has probable cause to believe that the correct amount of room tax has not been assessed upon and collected from customers, or that the tax return is not correct, the Treasurer may cause an inspection and audit of the financial records of any person subject to Section 38-20 to determine whether or not the correct amount of room tax is assessed, collected, and paid according to Sections 38-20 and 38-24.

(b) In the event any person subject to Section 38-20 fails to comply with a request by the Treasurer or an authorized agent to inspect and audit the person's financial records as in subsection (a) of this section, such person shall be subject to a forfeiture in the amount of five percent of the tax due the City at the time of the audit.
(Code 1984, § 6.16(7))

Sec. 38-26. Confidentiality.

Information obtained under this article shall be confidential, except the Treasurer may provide information to persons using the information in the discharge of duties imposed by law, the duties of their office, such as the duties of the office of Room Tax Commissioner, or by order of a court. The Treasurer may publish statistics classified so as not to disclose the identity of particular returns. Any person who violates any provision of this section shall forfeit not less than $100.00 nor more than $300.00.
(Code 1984, § 6.16(8))

Sec. 38-27. Administration and payment of taxes.

This article shall be administered by the Treasurer and the Finance Committee. The tax imposed for the month is due and payable on the 20th day of the month following the collection of the tax from the customer under Section 38-20.
(Code 1984, § 6.16(9))

Sec. 38-28. Failure to pay tax when due.

(a) *Forfeiture.* In addition to the forfeitures provided in this article, and the tax due under this article, a forfeiture of 25 percent of the room tax due for the previous year under Section 38-20 or $5,000.00, whichever is less, shall be imposed upon any person or business that allows the monthly tax imposed to be delinquent under this article.

(b) *Delinquent taxes.* The tax imposed by this section shall become delinquent if not paid within 30 days after the due date of the return, or within 30 days after the expiration of an extension period, if one has been granted. If a return is filed late, or there is no return filed, the due date for the taxes imposed is the due date of the return.

(c) *Security may be required.* In order to protect the revenue of the City, the City Treasurer shall require any person liable for the tax imposed by this section, who fails to pay the tax as herein required, to file with the Treasurer, before or after the permit is issued, such security, not in excess of $5,000.00 cash or a surety bond equal to the prior month's tax, as the City Treasurer determines. If any taxpayer fails or refuses to place such security, the City Treasurer may refuse or revoke its permit.

(d) *Recovery of delinquent taxes.* If any taxpayer is delinquent in the payment of the taxes imposed by this section, the City Treasurer may, upon ten days' notice and after giving the taxpayer an opportunity to confer, recover the taxes, interest, and penalties from the security or surety placed with the City Treasurer by such taxpayer. No interest shall be paid or allowed by the City to any person for the deposit of such security.
(Code 1984, § 6.16(10))

Chapter 39

RESERVED

Chapter 40

TRAFFIC AND VEHICLES

Article I. In General

Sec. 40-1. State traffic laws adopted.
Sec. 40-2. Traffic powers and duties.
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ARTICLE I. IN GENERAL

Sec. 40-1. State traffic laws adopted.

Except as otherwise provided in this chapter, all provisions of Wis. Stats. Chs. 340 to 350 and all provisions of Wis. Admin. Code Ch. TRANS 305 describing and defining regulations relative to the equipment of vehicles that the City may adopt as ordinances are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of traffic on the highways, streets, and alleys of the State of Wisconsin.
(Code 1984, § 29.101)

Sec. 40-2. Traffic powers and duties.

(a) *Installation of traffic signs and signals.* The Department of Public Works may procure, install, and maintain appropriate state traffic signs, signals, and markings conforming to the Wisconsin Department of Transportation edition of the Federal Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD). Signs shall also be installed in such locations and manner as are authorized by the Council to give adequate warning to users of the street, alley, or highway in question.

(b) *Designation of crosswalks, safety zones, safety islands, loading zones, and lanes for traffic.*

(1) *Crosswalks.* The Traffic Engineer may establish and designate, and shall thereafter maintain or cause to be maintained by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in the Engineer's opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as the Engineer deems necessary.

(2) *Safety zones and loading zones.* The Traffic, Bicycle and Pedestrian Commission may establish safety zones and loading zones of such kind and character and at such places as it deems necessary for the protection of persons using the public streets.

(3) *Traffic lanes.* The Traffic Engineer may mark traffic lanes on the street pavement at such places as deemed advisable, consistent with the provisions of this chapter.

(4) *Safety islands.* The Council may install and maintain, or cause to be installed and maintained, safety islands in such places as it deems advisable.

(c) *Emergency regulations.*

(1) *General.* The Chief of Police may make and enforce temporary regulations to cover emergency or special conditions, and all traffic shall be subject thereto.

(2) *Snow removal.* Parking and traffic may be prohibited on streets in certain areas to facilitate snow removal. In such cases, the Director of Public Works may designate the days during which traffic or parking shall be prohibited on streets within a certain area, and shall give notice either by publication in a newspaper, by announcement over the radio, by placing signs in the area designated, or by other appropriate or convenient means to the effect that traffic and parking of automobiles in a designated area is prohibited during such removal.
(Code 1984, § 29.102; Ord. No. 9-16)

Sec. 40-3. Traffic, Bicycle and Pedestrian Commission.

(a) *Composition and terms.* There is created and established a Commission of seven members to be known as the Traffic, Bicycle and Pedestrian Commission. Five of the Commissioners shall be civilian members appointed by the Mayor, subject to confirmation by the Council, for three-year terms. One member shall be an Alderperson appointed by the Mayor, subject to confirmation by the Common Council, for the balance of their present term in office; and the other member shall be the Police Department Operations Commander, or their assigns, and shall serve as an ex officio voting member.

(b) *Powers and duties.*

(1) *General.* The Traffic, Bicycle and Pedestrian Commission gives due consideration to both motorized and non-motorized traffic within the City. The Commission shall coordinate traffic, bicycle and pedestrian activities; carry out educational activities in traffic, bicycle and pedestrian matters; supervise the preparation and publication of traffic, bicycle and pedestrian reports; reference existing transportation, pedestrian and bicycle plans; receive complaints having to do with traffic, bicycle and pedestrian matters; and recommend to the Council and other City officials ways and means for improving traffic, bicycle and pedestrian conditions, including the acquisition of off-street parking and the administration and enforcement of traffic regulations.

(2) *Temporary regulations.* To test proposed regulations under actual conditions, the Traffic, Bicycle and Pedestrian Commission may make temporary regulations governing traffic for trial periods not to exceed 90 days. If such trial periods are deemed successful by the Commission, it shall make its recommendations accordingly to the Council so the Council may consider legislation to make such temporary regulations permanent.

(3) *Self-government.* The Traffic, Bicycle and Pedestrian Commission shall make its own rules regarding meetings and procedures and may enact such rules for attendance as to declare any of the civilian offices on the Commission vacant because of violation thereof.

(4) *Residential parking districts.* Subject to Council approval, the Traffic, Bicycle and Pedestrian Commission may promulgate regulations to implement and amend provisions relating to Residential Parking Districts as defined in Section 40-27. Such regulations shall become effective upon Common Council approval.

(Code 1984, § 29.103; Ord. No. 9-16)

Secs. 40-4—40-26. Reserved.

ARTICLE II. PARKING REGULATIONS

DIVISION 1. GENERALLY

Sec. 40-27. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bus stop means a portion of a street or public property marked by a "Bus Stop" or "Bus Loading Zone" sign placed to indicate that such a portion is reserved for the loading or unloading of persons from school or transit buses.

Driveway means the area on a right angle to the street which is used to convey a motor vehicle in the most direct manner to a parking area or garage, as further defined in Chapter 44, Article XVIII.

Loading zone means that portion of any street or parking facility clearly marked with a sign informing the public that the use of such area is limited to the loading or unloading of persons or property from a motor vehicle.

Metered zone means a portion of a City street or parking facility which has parking meters immediately adjacent to and designated for specific parking spaces.

Residential parking district means a district created by ordinance and located in a residential zone, as defined by Chapter 44, in which on-street parking during designated hours is allowed only to the residents of the district who display permits on the parked vehicles.

Snow emergency zone means any area duly designated by the Director of Public Works for the purposes of snow removal under the emergency powers provided in Section 40-2(c).

Street maintenance or snow removal zone means any area designated by the Department of Public Works for street maintenance work upon which is posted a sign stating "No Parking - Road Work Ahead" or other similar language indicating that such area is to be left vacant for performance of such work. Such sign shall be posted at least two hours before such maintenance work is to be done.

Terrace means that portion of City property between the curbline of the street and the curbside edge of the sidewalk.
(Code 1984, § 29.201)

Sec. 40-28. Class "A" parking violations.

(a) *Time limit violation.* No vehicle shall be parked beyond the time limit established for parking in such area.

(b) *Expired meters.* No vehicle shall remain in a parking space adjacent to a meter while such meter is displaying a signal indicating that the appropriate fee for parking in such space has not been paid.

(c) *Loading zones.* No vehicle shall be parked in a loading zone unless the vehicle is being actively used for the loading or unloading of persons or property.

(d) *Failure to pay required fees for public parking.* No person parking a vehicle in a public ramp or lot shall fail to pay the required fees for parking, whether after hours or otherwise.
(Code 1984, § 29.202; Ord. No. 35-06)

Sec. 40-29. Class "B" parking violations.

(a) *No parking at any time.* No vehicle shall be parked on a street that the Common Council has designated as "no parking at any time."

(b) *Bus stops.* No vehicle shall be parked in a duly designated bus stop.

(c) *Narrow thoroughfares.* No vehicle shall be parked in a street or alley that is less than 18 feet wide from curb to curb.

(d) *Railroad crossings.* No vehicle shall be parked within 25 feet of the nearest railroad crossing.

(e) *Improper parallel parking.* Upon any street where traffic is permitted to move in both directions simultaneously and where angle parking is not clearly designated by official traffic signs or markings, no vehicle may park unless parked parallel to the edge of the street, and faced in the direction of traffic on that side of the street. Upon a one-way street or divided street where parking on the left side of the roadway is clearly authorized by official traffic signs or markings, vehicles shall be parked as indicated by such markings and faced in the direction of traffic on that side of the street. No vehicle shall be parallel parked in excess of 12 inches from the curbline. No vehicle shall be parallel parked in such a manner as to situate the front or rear of the vehicle less than two feet from the front or rear of any other vehicle.

(f) *Crosswalks.* No vehicle shall be parked within 15 feet of the near limit of a crosswalk, whether marked or unmarked.

(g) *Intersections.* No vehicle shall be parked within an intersection.

(h) *Safety zones.* No vehicle shall be parked between a safety zone and the adjacent curb or within 15 feet of a point on the curb immediately opposite the end of a safety zone unless a different distance is clearly indicated by an official sign or marker or parking meter.

(i) *School zones.* No vehicle shall be parked upon the near side of a through street adjacent to a school during hours when school is in session.

(j) *Driveway entrances.* No vehicle shall be parked within four feet of the entrance of any public or private drive or driveway.

(k) *Terraces and sidewalks.* No vehicle shall be parked on any terrace area or across a sidewalk.

(l) *Night parking.*

(1) *Prohibition.* Except as otherwise provided in this section, no vehicle shall be parked on any City street between the hours of 3:00 a.m. and 5:00 a.m.

(2) *Exception.* A person may park a motor vehicle on a City street between the hours of 3:00 a.m. and 5:00 a.m. only under the following circumstances:

a. Parking Division approval is received prior to 2:00 a.m. or as soon as possible after the circumstance justifying the parking arises.

b. Approval will only be granted in certain exceptional instances, namely disabled vehicles, lot/driveway construction, houseguests, or other emergency situations for periods of up to two calendar weeks.

c. Prior Parking Division approval is required for each day the vehicle will be parked on the street between 3:00 a.m. and 5:00 a.m., unless blanket authorization is granted by the Parking Division Manager.

(m) *Residential parking districts.* No vehicle shall be parked in a residential parking district unless the vehicle displays a valid resident's or visitor's permit or the vehicle is a service vehicle and its occupants are actively rendering service to residents in the area.

(n) *Street maintenance or snow removal areas.* No vehicle shall be parked in any area which is marked with a sign indicating said area is to be left vacant for the purpose of street maintenance or snow removal.

(o) *Blocking egress.* No vehicle shall be parked in any parking facility in such a manner as to inhibit proper ingress and egress to such lot or on any service lane, access lane, aisle, or pedestrian walk within such lot.

(p) *Setback areas.* No vehicle shall be parked in a setback area, as defined in Chapter 44 , unless such parking occurs on a driveway in a manner consistent with other provisions of this chapter and Chapter 44.

(q) *Parking contrary to posted sign.* No vehicle shall be parked contrary to any officially posted sign or marking.

(r) *Designated spaces.* Where individual parking spaces are marked on the curbing or pavement, every vehicle shall be parked entirely within the limits of the space so designated.

(s) *Hooded meters.* No vehicle shall be parked in any space adjacent to a parking meter while such meter is hooded or otherwise officially marked indicating that the space is not available for use by the general public.
(Code 1984, § 29.203; Ord. No. 56-04; Ord. No. 33-20, § 1, 10-20-2020)

Sec. 40-30. Class "C" parking violations.

(a) *Fire hydrants.* No vehicle shall be parked within ten feet of a fire hydrant.

(b) *Tow away zones.* No vehicle shall be parked in an area designated as a "tow away" or "no stopping/standing" zone.

(c) *Handicapped curb ramps.* No vehicle shall be parked so as to obstruct access to or from any handicapped curb ramp.

(d) *Snow emergency zones.* No vehicle shall be parked in a snow removal zone or in any other area which the Chief of Police has designated as an emergency "no parking" zone.

(e) *Parking without consent.* No vehicle shall be parked on public or private property without the express or implied consent of the property owner.

(f) *Parked in prohibited ramp spaces.* No person holding an active and valid access pass for a City-owned parking facility shall park in any stall or parking bay marked "No Monthly Parkers This Bay."
(Code 1984, § 29.204)

Sec. 40-31. Class "D" parking violations.

Night parking for heavy vehicles. No vehicle requiring a license which exceeds 10,000 pounds, having a curb weight of 10,000 pounds or greater, or commonly referred to as a "semi-tractor," "semi-trailer," or "tractor/semi-trailer" combination, shall be parked on any City street between the hours of 3:00 a.m. and 5:00 a.m.
(Code 1984, § 29.205)

Sec. 40-32. Class "E" parking violations.

Disabled parking spaces. No vehicle shall be parked upon any portion of a street, highway, or parking facility reserved for handicapped persons by official traffic signs, distinct markings, or parking meters indicating the restriction, unless such parking is permitted under Wis. Stats. § 346.05. (Code 1984, § 29.206)

Sec. 40-33. Towing of motor vehicles.

(a) *Authority to tow.* Notwithstanding the provisions of Wis. Stats. § 342.40 and Section 24-7, whenever a traffic officer finds a motor vehicle upon any street, alley, or parking facility which is so situated as to constitute an emergency under subsection (b) of this section or situated in a parking facility or on private property in violation of subsection (c) of this section, said officer is authorized to order the towing and removal of said vehicle under the provisions listed in subsection (d) of this section.

(b) *Emergency situation.* A traffic officer may exercise the authority under subsection (a) of this section whenever a motor vehicle is parked:

(1) In such a manner as to impede the free flow of traffic on any street or so as to constitute a traffic hazard.

(2) In a posted "tow away" or "no stopping/standing" zone.

(3) In a snow emergency or snow removal zone.

(4) In such a manner as to block ingress and egress to any parking facility or private drive.

(5) In any manner as to obstruct the movement of any emergency vehicle.

(6) In such a manner as to impede access to any emergency fire or safety equipment.

(c) *Towing on private property or parking facility; non-emergency situation.* Whenever a motor vehicle is parked on private property or in a parking facility contrary to a sign, in a space reserved for another use or individual, or against the consent of the person in ownership or control over said property, an officer may act under subsection (a) of this section upon verifying the complaint with the owner or person in control.

(d) *Traffic officer procedures.* Whenever an officer chooses to exercise the authority under subsection (a) of this section, the officer:

(1) Must issue a parking citation pursuant to Sections 40-28 through 40-32 .

(2) Shall, immediately after the towing of said vehicle, or as soon thereafter as is reasonably possible, make a reasonable attempt to inform the registered owner:

a. Of the location of the vehicle.

b. Of the right to regain possession of the motor vehicle upon payment of the reasonable storage and towing fees.

(e) *Release of impounded vehicles.* Any motor vehicle impounded under this subsection shall be released to the registered owner of such vehicle upon payment of reasonable towing and storage fees.
(Code 1984, § 29.207)

Sec. 40-34. Index of Regulated Parking Areas.

The location of all parking regulations and restrictions adopted by ordinance by the Common Council shall be as listed in the Index of Regulated Parking Areas of the City of Green Bay, which is adopted by reference as though fully set forth in this chapter. The official copy of the Index of Regulated Parking Areas shall be on file in the office of the City Traffic Engineer, who shall keep the same current at all times by such revision as is required by additions, deletions, and amendments adopted by the Common Council by ordinance from time to time. The City Traffic Engineer shall provide and maintain copies of the Index of Regulated Parking Areas for the offices of the Parking Division, City Attorney, Police Department, Municipal Court, and City Clerk.
(Code 1984, § 29.208; Ord. No. 30-03; Ord. No. 03-20, §§ 1—6, 3-3-2020; Ord. No. 15-20, §§ 1—6, 6-29-2020; Ord. No. 21-20, §§ 1—4, 7-21-2020; Ord. No. 30-20, §§ 1—7, 9-15-2020; Ord. No. 37-20, § 1, 10-20-2020; Ord. No. 39-20, §§ 1, 2, 12-1-2020; Ord. No. 01-21, §§ 1—3, 2-17-2021)

Sec. 40-35. Contesting parking citations.

Any person wishing to contest a parking citation shall appear in person during business hours at the Parking Division office, within 30 days of the citation or within the time specified in the citation or notice, and provide any information deemed reasonably necessary by the Division. The Division shall promptly forward all contested citations to the Municipal Court.
(Code 1984, § 29.209)

Sec. 40-36. Authority to issue parking citations.

In addition to those persons authorized to issue citations by Section 26-1, the Brown County Sheriff is authorized to issue citations for parking violations occurring in a county parking lot. The Brown County Sheriff may delegate that authority, upon the approval of the Chief of Police, to persons in the Brown County Sheriff's Department.
(Code 1984, § 29.210)

Sec. 40-37. Penalties for parking violations.

A violation of the parking provisions in this chapter shall result in the following forfeitures and be subject to the following procedures:

(1) *Payment or contest within five days.* If payment or notice to contest is provided to the Parking Division within five calendar days after the violation, the penalty shall be:

   a. $22.00 for a violation of Section 40-28 (Class "A" parking violations).

   b. $32.00 for a violation of Section 40-29 (Class "B" parking violations), or any other parking violation not specifically enumerated in Sections 40-28 through 40-31.

   c. $42.00 for a violation of Section 40-30 (Class "C" parking violations).

   d. $102.00 for a violation of Section 40-31 (Class "D" parking violations).

   e. $302.00 for violation of Section 40-32 (Class "E" parking violations).

(2) *Payment after first notice.* If the citation is not contested or paid within five days of the date of the citation, $12.00 shall be added to the amount due pursuant to subsection (1) of this section.

(3) *Payment after final notice.* If the citation is not contested or paid within 21 days of the date of the citation, the Division shall, by first class mail, send a final notice to the registered owner of the vehicle including all relevant information. If the citation is not contested or paid before $ shall be added to the amount due pursuant to subsections (1) and (2) of this section.

(4) *Suspension of registration.* If the person does not pay the forfeiture or contest the citation within 30 days after the citation is issued, or another date specified in the citation or subsequent notice, the Division may notify the Department of Motor Vehicles to suspend the registration of the vehicle or refuse registration of any vehicle owned by the person alleged to be in violation.

(5) *Court costs.* The Municipal Court may add the court costs established pursuant to Common Council action to any parking violation contested pursuant to Section 40-35.

(6) *Other action.* In addition to or in lieu of the procedures set above, the Division may proceed in any manner provided by law to effectuate the prosecution of outstanding parking citations.

(Code 1984, § 29.211; Ord. No. 50-03; Ord. No. 39-08; Ord. No. 1-15; Ord. No. 2-16; Ord. No. 26-16; Ord. No. 14-20, § 1, 6-29-2020)

Sec. 40-38. Failure to pay parking fee.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Monthly pass means evidence of a monthly contract with the Parking Division or City of Green Bay that permits a vehicle to park in a specified space or area.

Public parking facility means an area operated by the City of Green Bay or the Parking Division and offered to the public for the purpose of parking vehicles.

Spitter ticket means a ticket issued by a self-service machine located at the entrance of a parking facility where a parking fee is charged.

(b) *Parking facilities with posted hourly or daily rates.* It shall be unlawful for a person to fail to pay or pay less than the actual fee due for any vehicle using a public parking facility. Prohibited acts under this section include, but are not limited to:

(1) Obtaining or possessing more than one spitter ticket for each vehicle.

(2) Selling, trading, buying, exchanging, duplicating, or counterfeiting spitter tickets.

(3) Obtaining one or more spitter tickets while not operating or being a passenger in a vehicle entering a parking facility.

(4) Operating an exiting vehicle and tendering to the cashier a spitter ticket issued at a time other than when the exiting vehicle actually entered the facility.

(c) *Parking facilities rented on a monthly basis.* The Parking Division rents space for motor vehicle parking on a monthly basis and issues a pass to allow one vehicle at a time to park in a public parking facility. It shall be unlawful to engage in any scheme, shift, device, or plan which results in

the payment of less rent than is due to the Parking Division under this section. Prohibited acts under this section include, but are not limited to, using one monthly pass to park more than one vehicle at a time in a public facility.
(Code 1984, § 29.507)

Secs. 40-39—40-46. Reserved.

DIVISION 2. MUNICIPAL PARKING SYSTEM DIVISION

Sec. 40-47. Established.

There is hereby established a Municipal Parking System Division, which shall be managed by the Director of Public Works, subject to the approval of the Common Council.
(Code 1984, § 21.15(1); Ord. No. 49-98)

Sec. 40-48. Administration of Division.

The Director of Public Works shall manage the Municipal Parking System Division as a division in the City of Green Bay table of organization, subject to the following conditions:

(1) The Municipal Parking System Division shall be maintained as a Special Revenue Fund, and books of account shall be kept in and by the office of the City Finance Director.

(2) All Municipal Parking System Division expenditures shall be audited by and subject to the City's general audit.

(Code 1984, § 21.15(2); Ord. No. 49-98)

Sec. 40-49. Administration of parking meters.

The Municipal Parking System Division shall create and maintain parking meter zones as designated by this chapter, and under the maintenance and collection provisions of this section.
(Code 1984, § 21.15(3); Ord. No. 49-98)

Sec. 40-50. Maintenance and collection regulations.

The Director of Public Works shall direct the maintenance and operations attendants of the Municipal Parking System Division to service and maintain the parking meters and collect the revenues therefrom. All maintenance and operation attendants shall be bonded in amounts set by the Common Council. A sealed or locked container shall be used as a receptacle for collection of the cash, which shall be deposited at a place and in a manner directed by the Common Council. Such personnel employed in the service and maintenance of parking meters and the collection of revenues therefrom shall be under the direct supervision of the Director of Public Works and shall issue violation notices as provided in this Code.
(Code 1984, § 21.15(4); Ord. No. 49-98)

Sec. 40-51. Disposition of parking meter revenues.

Parking meter revenues shall be maintained by the City in a Special Revenue Fund. From time to time, the City Finance Director shall provide an accounting of this fund, which shall be subject to periodic City audit.
(Code 1984, § 21.15(5); Ord. No. 49-98)

Sec. 40-52. Parking meters and rates.

The City shall install parking meters at various locations and at various rates which shall be designated from time to time by resolution of the Common Council.
(Code 1984, § 21.15(6); Ord. No. 49-98)

Sec. 40-53. Operation of parking meters.

Parking meters shall be operated on days and during hours designated by the Common Council.
(Code 1984, § 21.15(7); Ord. No. 49-98)

Sec. 40-54. Municipal Parking System Division personnel.

The Common Council shall designate necessary Municipal Parking System Division personnel for the operation, maintenance, and enforcement of the Municipal Parking System Division. Parking enforcement attendants shall have the power to issue citations for violations of any existing parking ordinance, resolution, or subsequent amendments thereto, and all state statutes incorporated by reference. Such citations shall be on forms prescribed by the City. The above-named personnel shall perform such other duties as prescribed by the City and be bound by such rules and regulations established by the Municipal Parking System Division. The above-described personnel shall not be police officers and shall have no police powers to arrest. The above-described personnel shall wear uniforms prescribed by the City.
(Code 1984, § 21.15(8); Ord. No. 49-98)

Sec. 40-55. Municipal Parking System Advisory Committee.

There shall be established a Municipal Parking System Advisory Committee consisting of three citizen members appointed for two-year terms by the Mayor, subject to confirmation by the Common Council. The Advisory Committee shall meet from time to time and advise the Director of Public Works and the Common Council regarding the general operation of the Municipal Parking System Division, including, but not limited to, location of parking meters, rates, designated hours of operation, on-street and off-street parking regulations, and other matters of importance to the operation of the Municipal Parking System Division.
(Code 1984, § 21.15(9); Ord. No. 49-98)

Secs. 40-56—40-64. Reserved.

ARTICLE III. TRAFFIC REGULATIONS

Sec. 40-65. Park and recreation speed zones.

Pursuant to Wis. Stats. § 346.57(4)(i), the speed limit on City streets within, contiguous to, or adjacent to all public parks or recreation areas shall be 15 miles per hour when children are going to and from or playing within such areas and when such areas are properly marked with official traffic control devices installed at such points as the Traffic Engineer deems necessary.
(Code 1984, § 29.301)

Sec. 40-66. Stop signs at arterial highways.

Stop signs shall be placed on all non-arterial roads at intersections with arterials unless otherwise specified.
(Code 1984, § 29.302)

Sec. 40-67. Heavy traffic routes.

(a) *Regulation on weight.*

(1) When using streets to travel through the City, all heavy traffic having a combined weight of vehicle and load in excess of 10,000 pounds shall operate only on federal, state, and county marked highways.

(2) All heavy traffic other than through traffic having a combined weight of vehicle and load in excess of 10,000 pounds, but not greater than the state maximum load for such vehicle, shall use the City heavy traffic routes. For the purposes of obtaining, moving, or delivering supplies, commodities, or equipment, any such vehicle may deviate from the heavy traffic route only if such vehicle travels between the City heavy traffic route and its destination by the shortest, most practicable route available.

(3) The Director of Public Works may reduce the load limit on any of the streets of the City heavy traffic routes when it is determined the condition or construction of the street warrants such reduction.

(b) *Heavy traffic routes to be marked.* Those City heavy traffic routes set forth under subsection (a) of this section not a part of the federal, state, and county marked system shall be marked with signs indicating such streets are a part of the City heavy traffic routes. Whenever the maximum load has been reduced by the Director of Public Works, signs shall be installed indicating the maximum load possible.

(c) *Vehicles exempt.* This section shall not apply to vehicles owned by federal or state governments, school districts or political subdivisions thereof, when engaged in official functions.

(d) *Compression braking.* Compression braking is prohibited on all streets within the corporate limits of the City of Green Bay, except in emergency situations.
(Code 1984, § 29.303; Ord. No. 11-04; Ord. No. 25-08)

Sec. 40-68. Railroad crossings.

No railroad train or locomotive shall run over any public traveled grade crossing within the City, except where gates are operated or a flagger is stationed. If the railroad train or locomotive is operated by remote control, then the flagger must be someone other than the remote control operator.
(Code 1984, § 29.304)

Sec. 40-69. School bus warning lights.

Notwithstanding Wis. Stats. § 346.48(2)(b), the operator of a school bus in a residential or business district shall activate the flashing red warning lights at least 100 feet before stopping to load or unload pupils or other authorized passengers at a location at which there are no traffic signals, and such persons must cross the street or highway before being loaded or after being unloaded. Said lights shall not be extinguished until loading or unloading is completed and the persons who must cross the highway are safely across.
(Code 1984, § 29.305)

Sec. 40-70. Disorderly conduct with a motor vehicle.

(a) *Prohibited.* No person shall cause or provoke disorderly conduct with a motor vehicle or cause a disturbance or annoy persons within the City by use of any motor vehicle, including, but not limited to, an automobile, truck, motorcycle, minibike, or snowmobile.

(b) *Definition.* The term "disorderly conduct with a motor vehicle" means engaging in violent, abusive, unreasonably loud, or otherwise disorderly conduct, including, but not limited to, unnecessary, deliberate, or intentional spinning of wheels, squealing of tires, revving of the engine, blowing the horn, causing the engine to backfire, or causing the vehicle, while commencing to move or while in motion, to raise one or more wheels off the ground.
(Code 1984, § 29.306)

Sec. 40-71. Index of Traffic Regulations.

The location of all traffic regulations and restrictions adopted by ordinance by the Common Council shall be listed in the Index of Traffic Regulations of the City of Green Bay, which is adopted by reference as though fully set forth in this chapter. The official copy of the Index of Traffic Regulations shall be on file in the office of the City Traffic Engineer, who shall keep the same current at all times by such revision as is required by additions, deletions, and amendments adopted by the Common Council by ordinance from time to time. The City Traffic Engineer shall provide and maintain copies of the Index of Traffic Regulations for the offices of the Municipal Court, City Attorney, Police Department, and City Clerk.
(Code 1984, § 29.307; Ord. No. 31-03; Ord. No. 38-20, §§ 1—4, 10-20-2020; Ord. No. 02-21, § 1, 2-17-2021)

Sec. 40-72. Mufflers; prevention of noise.

(a) Declaration of findings and policy. Excessive noise from motor vehicles is a serious hazard to the public health and welfare, safety, and quality of life. The people have a right to and should be ensured of an environment free from excessive noise that may jeopardize their health, welfare or

safety or degrade the quality of life. Therefore, it is the policy of the City of Green Bay to prevent excessive noise which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(b) Any person or owner is prohibited from creating or allowing any unreasonably loud, disturbing, and unnecessary noise. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited. The use of any automobile, motorcycle, streetcar or vehicle so out of repair or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise is prohibited.

(c) Every motor vehicle shall, at all times, be equipped with a muffler in good working order and in constant operation to prevent excessive or unreasonably loud noise, smoke or flame; and no person or owner shall operate or allow to be operated a motor vehicle upon the streets and highways of this City which is not so equipped or which is equipped with a muffler cutout, bypass, or any similar device. A muffler is defined as a device consisting of a series of chambers or other mechanical devices for the purpose of receiving exhaust gases from an internal combustion engine which is designed for the purpose of breaking up the sound tones and the diffusion of smoke and flame emitting therefrom.

(d) No person shall, nor shall the owner allow any person to, operate a motorcycle manufactured after December 31, 1982, that is not equipped with an exhaust muffler bearing the Federal EPA-required labeling applicable to the motorcycle's model year, as set out in the Code of Federal Regulations Title 40.

(e) No person shall sell, give away for use upon, install or cause the installation to be made, or use upon any licensed motor vehicle operated on a highway in the City of Green Bay, any type of muffler or other device that will modify the exhaust system of a motor vehicle in any manner so as to amplify or increase the noise emitted by the motor of such motor vehicle to the point where it becomes excessive or unreasonably loud.

(f) Enforcement and penalties.

(1) An enforcement officer may issue a citation for any violation of this section if the enforcement officer witnesses the violation or receives a sworn, written complaint from at least one witness of the excessive or unreasonably loud noise, subject to the owner refusing or neglecting to allow the vehicle to be inspected by the Police Department.

(2) Any person who violates any provision of this section shall forfeit not more than $500.00. (Code 1984, § 29.308; Ord. No. 26-08; Ord. No. 38-09)

Sec. 40-73. Impoundment and seizure of loud devices and vehicles.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Noise violation means a violation of:

(1) Section 40-1, adopting Wis. Stats. § 346.94(16); or

(2) Section 40-1, adopting Wis. Stats. § 346.945.

Sound-producing device means a radio, electric sound amplification device, or any other sound-producing device.

(b) *Device impoundment.* At the time of issuing a citation for a noise violation, the issuing officer may impound the sound-producing device used in the commission of the noise violation if the person charged with such violation is the owner of the sound-producing device and has two or more prior convictions of a noise violation within a three-year period. Upon disposition of the citation for a noise violation, payment of any forfeiture imposed and request by the rightful owner of the sound-producing device impounded under this subsection, the device shall be returned to the requester.

(c) *Device seizure.* At the time of issuing a citation for a noise violation, the issuing officer may seize the sound-producing device used in the commission of the noise violation if the person charged with such violation is the owner of the sound-producing device and has three or more prior convictions of a noise violation within a three-year period. Upon disposition of the citation for a noise violation, payment of any forfeiture imposed and request by the rightful owner of the sound-producing device impounded under this subsection, the device shall be returned to the requester unless disposed of in the following manner:

(1) Within 30 days after the seizure of the property or the date of conviction, whichever is earlier, the City Attorney may commence an action to forfeit the device to the City by filing a summons, complaint and affidavit of the person who seized the device with the Clerk of Brown County Circuit Court, and, within 90 days after filing, serve authenticated copies of those papers upon the person from whom the property was seized.

(2) Upon service of an answer, the action shall be set for hearing within 60 days of the service of the answer but may be continued for cause or upon stipulation of the parties. If no answer is served, the court may render a default judgment.

(3) The City shall have the burden of satisfying or convincing to a reasonable certainty by the greater weight of the credible evidence that the sound-producing device was used in the commission of a noise violation.

(4) No liability is imposed by this division upon any authorized law enforcement officer or employee engaged in the lawful performance of duties.

(d) *Vehicle impoundment.* If the sound-producing device may not be easily removed from the vehicle and the vehicle is owned by the person charged with the noise violation, the issuing officer may impound the vehicle for not more than five working days to permit the City, or its authorized agent, to remove the sound-producing device. After removal of the sound-producing device from an impounded vehicle, and after the owner of the vehicle has paid the cost of impounding the vehicle and removing the sound-producing device, the vehicle shall be returned to its rightful owner.

(e) *Abandoned device or vehicle.* Any impounded vehicle which has remained unclaimed for a period of 90 days after disposition of the citation shall be disposed of following the procedure for an abandoned vehicle under Wis. Stats. § 342.40. Any impounded sound-producing device shall be disposed of by public auction if it has:

(1) Remained unclaimed for a period of 90 days after disposition of the citation; or

(2) Been forfeited to the City under subsection (c) of this section.

(f) *Inapplicable to motorcycles.* This division does not apply to a sound-producing device on a motorcycle.
(Code 1984, § 29.309; Ord. No. 34-10)

Sec. 40-74. Registration as evidence.

When any vehicle is found upon a street or highway within the City in violation of any provision of this Code regulating the stopping, standing, or parking of vehicles and the identity of the operator cannot be determined, it shall be prima facie evidence that such violation was committed by the person registered by the Motor Vehicle Division of the Department of Transportation as the owner of such vehicle.
(Code 1984, § 29.104)

Secs. 40-75—40-104. Reserved.

ARTICLE IV. BICYCLES

Sec. 40-105. Registration.

(a) *Required.* No person shall keep a bicycle in the City of Green Bay unless the bicycle is registered in their name and has displayed thereon its registration tag issued by the Green Bay Police Department. This section shall not apply to bicycles that are:

(1) Customarily kept in and properly licensed by another municipality;

(2) Kept in a store for sale;

(3) Kept temporarily in a store or shop for repair.

(b) *Application.* Applications for registration shall be made by the owner on forms provided by the Green Bay Police Department or representatives thereof designated by the City of Green Bay Chief of Police. Applications shall contain the name, age, and address of the owner; a description of the bicycle; the bicycle's serial number; and other information as the Chief of Police deems reasonably necessary to effectuate the purposes of this section. If a bicycle has no serial number, the Green Bay Police Department shall assign one to it.

(c) *Tag issuance.* The Green Bay Police Department shall issue a bicycle registration tag upon receipt of a completed application. The registration tag shall be non-expiring for the owner listed on the application. The Green Bay Police Department shall keep a record of each registration tag issued, specifying the date of issuance, name of the owner, and tag number. The Green Bay Police Department shall keep on file a copy of the bicycle registration tag application.

(d) *Tag required.* No bicycle shall be considered registered unless a valid registration tag is visibly affixed to the frame of the bicycle.

(e) *Tag removal.* No person shall remove a registration tag from a bicycle except upon issuance of a new tag for the bicycle or at the direction of the Green Bay Police Department.

(f) *Change of address.* The owner of a bicycle registered with the Green Bay Police Department shall notify the Green Bay Police Department of any change of address within 30 days of the change.

(g) *Abandoned bicycles.* No person shall retain possession of a bicycle found abandoned within the City unless the Green Bay Police Department is notified by the custodian within 24 hours of the time of discovery.
(Code 1984, § 29.401)

Sec. 40-106. Equipment regulations.

(a) *Lamps and reflectors.* Every bicycle operated between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp firmly attached to the front of such bicycle exhibiting a white light to the front, and with a reflector on the rear visible at a distance of 500 feet. The reflector shall not be less than two inches in diameter. A lamp on the rear exhibiting a red light may also be used.

(b) *Seats for additional passengers.* The operator of a bicycle shall not carry another person on the bicycle unless the bicycle has been specifically designed to carry more than one person and has a separate seat, separate pedals, and separate handlebars for each additional occupant. The only exception to this subsection shall be to permit more than one person on a bicycle if the operator of the bicycle is 16 years of age and older and the passenger is not more than seven years of age and is riding in a carrier which is equipped as follows:

(1) Foot stirrup with spoke shields.

(2) Arm rests.

(3) Strap going around the waist of the child.

(4) Firm seat and back.

(5) Attachment to frame at three points with bolts or nuts.

(c) *Safe condition.* Bicycles that are not mechanically safe shall not be operated on the streets of the City.
(Code 1984, § 29.402)

Sec. 40-107. Regulation of bicycle operation.

In addition to those provisions of the Wisconsin Statutes applicable to the operation of bicycles, the following regulations shall apply:

(1) *Clinging to other vehicles.* No person riding upon a bicycle shall cling to or attach themselves or a bicycle to any moving vehicle.

(2) *Contests with other vehicles.* No person operating a bicycle shall participate in any race, speed, or endurance contest with any other moving vehicle on a City street.

(3) *Stunt riding.* No rider of a bicycle shall practice any fancy or acrobatic riding or stunts while operating such bicycle.

(4) *Obstructing traffic.* The rider of a bicycle shall ride as near as practicable to within five feet of the right-hand curb or edge of the roadway, except when passing another vehicle or making a left-hand turn; and when riding in groups, bicyclists shall ride in single file, except on residential streets which are not divided by painted or other marked extra lines where they may ride two abreast. On one-way roads, the rider may ride as near as practicable to within five feet of the left-hand curb or edge of the roadway.

(5) *Parking.* No bicycle shall be parked upon any sidewalk area or upon any roadway in such a manner as to interfere with free passage of the public.

(6) *Traffic signals and signs.* All bicyclists shall obey arterial highway signs and automatic traffic signs.

(7) *Where prohibited.* No bicycle shall be operated on a street where prohibited by official signs. In addition to such marked areas, no bicycle shall be operated on the following streets under any circumstances:

a. Mason Street (Tilleman Bridge) from the intersection of Tenth Avenue to Jackson Street.

b. Ashland Avenue from the intersection of Ninth Street to Third Street.

(8) *Bicycle route.* East Shore Drive from its intersection with Circle Street to Nicolet Road is designated as a bicycle route.

(9) *Riding on sidewalks.* Bicyclists shall be permitted to ride bicycles on sidewalks in residential areas, providing they yield to pedestrians.

(10) *Age limits.* No person less than eight years of age shall operate a bicycle on City streets, except that persons six and seven years of age may operate a bicycle on City streets during daylight hours if accompanied by an adult also on a bicycle, and the child's bicycle is registered in the parent's name. This subsection is intended to permit family cycling.

(11) *Towing of persons and vehicles prohibited.* The operator of a bicycle shall not tow, drag, or cause to be drawn behind the bicycle any coaster, sled, toy vehicle, person on roller skates, or any other type of conveyance, except for bicycle trailers specifically designed and intended for such use.

(12) *Bicycle trailers.* The use of bicycle trailers specifically designed and intended for such use is permitted. No such trailer may be used in the transport of passengers unless all of the following apply:

a. The trailer is specifically designed and manufactured by a company engaged in producing such trailers for resale and intended for transporting passengers.

b. The trailer is attached to the bicycle by means of a secure hitch sufficient to support and pull the trailer. Such hitch shall be supported by a backup safety chain or device, which shall function in the event of failure of the hitch.

c. The trailer is equipped with two red rear reflectors and one yellow side reflector on each side, all of which shall be visible for 600 feet to the rear or sides when directly in front of lawful lower beams of head lamps of motor vehicles.

d. The trailer is equipped with safety belts sufficient to restrain all passengers carried therein. No passenger may be towed who is not secured by such belt.

e. The trailer is used in accordance with the manufacturer's specifications with particular regard to maximum weight load.

f. The trailer is designed in such a manner as to allow for the safe operation of the bicycle.

g. The trailer is equipped with at least two wheels, one on either side of the passenger. The wheels shall be supported by an axle of sufficient strength to support the weight load.

h. The operator of the bicycle shall be responsible for compliance with all the regulations stated above.

(13) *Passengers.* No passenger shall be permitted to ride in a child bicycle seat or a bicycle trailer unless the passenger is wearing a bicycle helmet or other head protection sufficient to protect the passenger's head from impact in the event of a collision, rollover, or other mishap. It shall be the duty of the bicycle operator to comply with this section.

(14) *Operator age requirements.* No person under the age of 16 years shall operate a bicycle to transport passengers in a trailer as permitted in subsection (13) of this section. No passenger may be carried by an operator of any age on a bicycle not designed or intended for the use of carrying passengers.

(15) *Headphones prohibited.* No bicycle operator shall wear headphones or earphones covering both ears while operating a bicycle.

(Code 1984, § 29.403; Ord. No. 8-08)

Sec. 40-108. Motor bicycles.

No bicycle to which a motor has been added to form a motor-driven cycle shall be operated on the streets with more than one person thereon.

(Code 1984, § 29.404)

Secs. 40-109—40-129. Reserved.

ARTICLE V. MISCELLANEOUS REGULATIONS

Sec. 40-130. Jaywalking.

(a) *Prohibition.* Violation of any of the following regulations shall constitute jaywalking:

(1) Pedestrians shall yield right-of-way to vehicles proceeding directly ahead on a green indication or at the direction of a traffic officer.

(2) Pedestrians shall yield the right-of-way to all vehicles upon the roadway when crossing a roadway at any point other than within a marked or unmarked crosswalk.

(3) When walking along or upon a highway other than a sidewalk, pedestrians shall walk on and along the left side of the highway, and upon meeting a vehicle, shall step to the extreme outer limit of the traveled portion of the highway, if practicable.

(4) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is difficult for the operator of the vehicle to yield.

(5) Pedestrians shall not cross a street within one-half block of a controlled intersection or marked crosswalk at any point other than at a crosswalk.

(6) Pedestrians shall not initiate a crossing at a controlled intersection at any time other than when facing a green or "walk" indication or when so instructed by a traffic officer.

(b) *Controlled intersection defined.* A controlled intersection is any intersection at which electric "stop" and "go" vehicular or pedestrian control signals have been installed.

(Code 1984, § 29.501)

Sec. 40-131. Snowmobile regulations.

(a) *State law adopted.* The provisions of Wis. Stats. § 350.01 et seq. regarding snowmobiles, to the extent applicable within the City, are adopted by reference as though fully set forth in this section.

(b) *Public property restrictions.* No person shall operate a snowmobile on the following publicly owned property:

(1) Packerland Industrial Park.

(2) Lambeau Field and the Lambeau Field parking area.

(3) Public parks, unless otherwise designated by the Park Committee.

(4) Schools and school playgrounds.

(5) Sidewalks.

(c) *Private property restrictions.* No person shall operate a snowmobile on any private property not owned or controlled by them within the City without the written consent or permission of the owner.
(Code 1984, § 29.502)

Sec. 40-132. Skateboard regulations.

(a) *Operation on public property generally.* No person shall operate, ride, or propel a skateboard on any portion of public property stated in this subsection, including:

(1) Any City street.

(2) Any City street, sidewalk, or other public property located within the following areas:

a. The area encompassed by the south shore of the East River as a northern boundary, the east curbline of Monroe Avenue extended as an eastern boundary, the south curbline of Doty Street extended as a southern boundary, and the east shore of the Fox River as a western boundary.

b. The area encompassed by the southern edge of the sidewalk portion of the West Walnut Street right-of-way as a southern boundary, the east curbline of North Maple Avenue as a western boundary, the northern edge of the sidewalk portion of the Dousman Street right-of-way as a northern boundary, and the western shore of the Fox River as an eastern boundary.

(3) Any and all City-owned parking ramps and parking lots, wherever located.

(b) *Skateboarders to yield.* Except as provided in subsection (a) of this section, skateboarding is permitted on publicly-owned sidewalks, provided that pedestrians shall have right-of-way over skateboarders. Skateboarders shall dismount when meeting or overtaking pedestrians and shall either discontinue skateboarding or walk the skateboard past the pedestrian in such a manner as to ensure the safety of both the skateboarder and pedestrian.

(c) *Private property.* It shall be unlawful for any person to skateboard on the private driveway or paved parking lot of another unless said skateboarder has first obtained permission from the homeowner or person in control of said property. A citation may be issued only upon complaint by the property owner or person in control of the property.
(Code 1984, § 29.504)

Sec. 40-133. In-line skate regulations.

(a) *State laws applicable.* Every person using in-line skates upon a public roadway shall be subject to the provisions of all ordinances and state laws applicable to the operator of any vehicle, except those provisions with reference to equipment of vehicles and those provisions that, by their nature, would have no application.

(b) *Public sidewalks or walkways.* Every person using in-line skates upon a sidewalk or walkway shall yield the right-of-way to any pedestrian and shall exercise due care when passing any other person.

(c) *Riding on roadway.*

(1) Every person using in-line skates on a two-way public street or alley shall keep as close to the right-hand curb as possible and shall proceed with traffic. Every person using in-line skates upon a one-way public street or alley shall proceed in the direction of the one-way traffic.

(2) Every person using in-line skates upon a roadway shall ride single file on all public roadways which have centerlines or have lines indicated by painting or other markings. On public roadways and alleys not divided by painted or other marked centerlines or lane lines, in-line skaters may ride two abreast.

(3) Persons using in-line skates upon a public roadway shall not impede the normal and reasonable movement of motor vehicle traffic.

(d) *Clinging to moving vehicles prohibited.* It shall be unlawful for any person using in-line skates to cling to or attach to any bicycle or other moving vehicle upon a public roadway.

(e) *Observance of traffic regulations.* Every person using in-line skates upon a public roadway shall stop for all stop signs and traffic signals.

(f) *Yielding to traffic.* The operator of a vehicle shall yield the right-of-way to a user of in-line skates in the same manner as for bicyclists and pedestrians. When using in-line skates, every person shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except that a person using in-line skates shall be subject to the same regulations as bicyclists and pedestrians.

(g) *Private property.* It shall be unlawful for any person to in-line skate on the private driveway or paved parking lot of another unless said in-line skater has first obtained permission from the homeowner or person in control of said property. A citation may be issued only upon complaint by the property owner or person in control of the property.

(h) *Equipment regulations; lamps and reflectors.* Every person using in-line skates between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp firmly attached to the front of such person exhibiting a white light to the front, and with a reflector or a lamp mounted on the rear of the vehicle visible at a distance of 500 feet. The reflector shall not be less than three inches in diameter.
(Code 1984, § 29.505)

Sec. 40-134. Boating regulations.

(a) *State statutes adopted.* Wis. Stats. §§ 30.50 through 30.81 are adopted by reference and incorporated as though fully set forth herein.

(b) *Special restrictions on water skiing.* No person shall operate a motorboat towing a person on water skis, or an aquaplane, or similar device; nor shall any person engage in water skiing, aquaplaning, or a similar activity on the waters of the Fox River. Persons or groups wishing to conduct any water exhibits or races, as defined by state statutes or the Wisconsin Administrative Code, shall apply for a special permit issued by the City of Green Bay Police Department. Exceptions from these regulations granted through the permitting process apply on the specific event days and times. The exceptions from these regulations do not apply for practice times or dates.

(c) *Slow-no-wake speed on East River.* All nautical traffic on the East River, as it passes through the City of Green Bay from the fence marking the southern line extended to the University of Wisconsin Extension Center (southernmost point at which the East River flows through the City of Green Bay) to the point at which the river empties into the Fox River (1.28 miles south of the Bay of Green Bay) (northernmost point of the East River) shall travel at slow-no-wake speed.

(d) *15 mile per hour speed limit on the Fox River.*

(1) All nautical traffic on the Fox River, as it passes through the City of Green Bay, shall travel no faster than 15 miles per hour. This area shall be specifically described as from the mouth of the Green Bay upriver to 3,810 feet south of the railroad bridge at Porlier Street within the riparian boundaries of the City of Green Bay.

(2) Exception. Nautical traffic shall travel at slow-no-wake speed on the entire length of the Fox River within Green Bay from sunset to sunrise (nighttime hours). Nautical traffic shall also travel at slow-no-wake speed throughout the following areas at all times:

a. From the mouth of the Bay to 800 feet north of the I-43 (Leo Frigo) Bridge as marked by control buoys or signs.

b. 1,900 feet south of the I-43 (Leo Frigo) Bridge to 2,900 feet south of the I-43 (Leo Frigo) Bridge as marked by control buoys or signs.

c. From where the Fox River and East River meet to 470 feet south of the Main Street (Nitschke) Bridge as marked by control buoys or signs.

d. Walnut Street Bridge to 500 feet north of the Mason Street (Tilleman) Bridge as marked by control buoys or signs.

e. 1,150 feet south of the railroad bridge at Porlier Street to 3,810 feet south of the railroad bridge at Porlier Street within the riparian boundaries of the City of Green Bay as marked by control buoys or signs.

(3) The term "slow-no-wake speed" means the slowest possible speed at which steerage can be maintained.

(4) Control buoys or signs shall be placed so that nautical traffic is alerted to the slow-no-wake speed areas designated above.

(e) *Enforcement.* This section shall be enforced by the City Police Department.
(Code 1984, § 29.506; Ord. No. 21-07; Ord. No. 6-11)

Sec. 40-135. Off-road motorized vehicle regulations.

(a) *Definition.* An off-road motorized vehicle is defined as a vehicle not licensed for operation on highways, streets, or roadways by the State. For purposes of this section, an off-road motorized vehicle does not include riding lawnmowers; garden tractors; agricultural equipment; golf carts and golf course maintenance equipment when operated on golf courses; equipment being directly used in construction, removal, renovation, or demolition of any property, or such equipment when in transit; any motor-driven or power-driven vehicles operated by employees of or incidental to the function of any federal, state, or municipal governmental body or any subdivision thereof; snowmobiles; and vehicles operated inside of buildings, power-driven equipment actually being used in the manufacturing, processing, or warehousing, or such equipment when in transit.

(b) *Licensed vehicles.* All off-road motorized vehicles which are licensable under the Vehicle Code of this State may only be driven on public highways, streets, or roadways dedicated for public vehicular travel, and to and from any place of parking on private property by the shortest distance to such public highways, streets, or roadways.

(c) *Private property.* No person shall operate an off-road motor vehicle in any residentially-zoned area within the City of Green Bay in the following manner:

(1) In such a way and for such length of time as to substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public.

(2) At a rate of speed that is unreasonable or improper under the circumstances.

(3) In any reckless manner so as to endanger the person or property of another.

(4) While under the influence of an intoxicating liquor, fermented malt beverage, controlled substance, or drug.

(5) In such a way that the exhaust of the motor makes an excessive or unusual noise.

(6) Without a properly functioning muffler.

(7) On the private property of another unless the landowner of record is present.

(8) Between the hours of 9:00 p.m. and 9:00 a.m.

(d) *Publicly owned property.* The operation of off-road motor vehicles is prohibited on all publicly owned property in the City of Green Bay.
(Code 1984, § 29.508)

Sec. 40-136. Vehicular trespassing.

(a) *Prohibition.* No person may operate, park, stop, or leave standing a motor vehicle on private or public property contrary to a sign posted on such property.

(b) *Owner liability.* The owner of a vehicle involved in a violation of subsection (a) of this section shall be presumed liable for the violation as provided in this section. For the purposes of this section, the term "owner" shall have the meaning provided in Wis. Stats. § 346.01(2).

(c) *Report of violation.* A person in control of property, or their designee, who observes a violation of this section on such property may prepare a written report indicating that a violation has occurred. Such report shall include the time and location of the violation and the license number, color, and type of vehicle in violation. The report shall be delivered to the Police Department within 48 hours after observing the violation.

(d) *Defenses.* Defenses to the imposition of liability under this section include:

(1) That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

(2) If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the Police Department with the information required under Wis. Stats. § 343.46(3), then the lessee, and not the lessor, shall be liable under this section.

(3) If the vehicle is owned by a dealer, and at the time of the violation, the vehicle was being operated by or was under the control of any person on a trial run, and the dealer provides the Police Department with the name, address, and operator's license number of the person having the vehicle under their control on a trial run, then that person, and not the dealer, shall be liable under this section.

(Code 1984, § 29.509)

Sec. 40-137. Low-speed vehicles.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Low-speed vehicle means a motor vehicle 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. The term "low-speed vehicle" does not include a golf cart.

(b) *Limitations; where low-speed vehicles may operate.* Low-speed vehicles authorized pursuant to Wis. Stats. § 349.26 shall be allowed to operate on the public roads within the City of Green Bay, subject to the following restrictions:

(1) Low-speed vehicles shall not operate on any interstate highway or any other public road within the City of Green Bay where the speed limit exceeds 35 miles per hour.

(2) Absent Department of Transportation approval, low-speed vehicles shall not operate on or cross intersections of State trunk highways within the City of Green Bay.

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

(1) Any person who operates a low-speed vehicle on any City street must hold a valid State of Wisconsin driver's license.

(2) Any person who operates a low-speed vehicle on any City street must register the low-speed vehicle with the State of Wisconsin as required by state law.

(Code 1984, § 29.511; Ord. No. 15-06; Ord. No. 47-06; Ord. No. 12-08; Ord. No. 37-10)

Sec. 40-138. All-terrain vehicle regulations.

Wis. Stats. § 23.33 is adopted by reference and incorporated as though fully set forth herein.
(Code 1984, § 29.512)

Secs. 40-139—40-161. Reserved.

ARTICLE VI. PENALTIES

Sec. 40-162. General penalty.

Unless a specific penalty is provided for in this chapter, a person violating a provision of this chapter shall forfeit not less than $1.00 nor more than $500.00.
(Code 1984, § 29.901)

Sec. 40-163. Uniform offenses.

Penalties for violation of any provision of the Wisconsin Statutes adopted by reference in this chapter shall conform to the penalties for violation of the comparable state offenses, including any variations or increases for second offenses, suspension of operating privileges, or other penalties.
(Code 1984, § 29.902)

Chapter 41

RESERVED

Chapter 42

UTILITIES

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ARTICLE I. IN GENERAL

Sec. 42-1. Public construction.

The procedure to be followed by all departments, commissions, and utilities in performing public construction shall be as follows:

(1) The appropriate public agency shall approve the advertisement for bids for the project and request that the Improvement and Service Committee approve the request for advertisement of bids. The Committee shall forward its recommendation to the Council. After receipt of bids, the bids shall be referred to the agency and a recommendation made to the Committee for awarding or rejection of the contract. The Committee shall act on the recommendation of the agency and submit its recommendation to the Council. The work shall be accomplished under the direction of the Director of Public Works. The agency shall approve and accept the project and recommend payment. The Council shall authorize final payment by resolution. Pursuant to Wis. Stats. § 62.15(1), the City may elect to perform any public construction, in part or in whole, using its own forces, whenever or wherever it is determined that the best interests of the City would be served by doing so. This determination shall be made by the Director of Public Works.

(2) The Green Bay Water Commission and its supporting staff shall be the corresponding authority for the supervision of the actual construction work on all water utility public works construction. The Green Bay Water Commission and its supporting staff shall be responsible for the preparation of all plans, specifications, and progress payments to be made on such projects. In the event that the City of Green Bay and the Green Bay Water Commission participate in a joint public works construction project, the City of Green Bay, through the Department of Public Works, shall be the chief supervisor of such project, but the Green Bay Water Commission and its supporting staff shall submit to the Department of Public Works for review and/or redraft and approval of the plans and specifications for that portion of the project associated with water utility public works construction. The Green Bay Water Commission shall approve all progress payments associated therewith.

(Code 1984, § 9.15; Ord. No. 19-16)

Sec. 42-2. Qualification.

Any person violating Wis. Stats. § 133.03, or any subsequent amendment thereof, shall upon conviction thereof be disqualified as a bidder on any City project for three years from the date of such conviction; however, such person may complete any contract such person already has with the City at the time of such conviction. This prohibition applies to officers of convicted corporations, firms, or individuals who thereafter have business interests in new corporations or business enterprises.

(Code 1984, § 9.16)

Sec. 42-3. Responsible bidder.

(a) *Purpose.* Pursuant to Wis. Stats. §§ 66.0901 and 62.15, all public works contracts, including any contract for the construction, execution, repair, remodeling, or improvement of any public work or building, or for the furnishing of supplies or material of any kind, where the estimated cost of such work will exceed $25,000.00, shall be let by contract to the lowest responsible bidder. What

constitutes a responsible bidder is a determination that requires the exercise of discretion by the City and its departments, officials, and/or employees under reasonably consistent responsible bidder criteria, as provided in this section.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Class A Registered Apprenticeship Program means an apprenticeship program that is currently registered with either a State or federal governmental entity and that has a graduated apprentice to journeyperson job classification system process as well as a bona fide training program.

Contractor means a person, corporation, partnership, or any other business entity that performs work on a public works contract as a general contractor, prime contractor, or subcontractor at any tier.

Public works contract means any contract for the construction, execution, repair, remodeling, or improvement of any public work or building, or for the furnishing of supplies or material of any kind, where the estimated cost of such work will exceed $25,000.00.

(c) *Responsible bidder criteria.*

(1) The contractor must maintain a permanent place of business.

(2) The contractor must be authorized to do business in the State of Wisconsin.

(3) The contractor and any agent, partner, employee, and/or officer of the contractor must not be debarred, suspended, proposed for debarment, or declared ineligible from contracting with any unit of federal, State, or local government.

(4) The contractor must be in compliance with the provisions of 42 USC 2000e, and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).

(5) The contractor must have adequate and appropriate:

a. General liability insurance;

b. Automobile insurance, except when a licensed motor vehicle is not used in the performance of the contract; and

c. Workers' compensation and unemployment insurance, except when the contractor does not have employees.

(6) For all projects undertaken within the past five years in any jurisdiction in which State or federal prevailing wage laws apply, the contractor must have complied with all provisions of such laws. This provision is intended to include projects that are federally funded or otherwise subject to federal Davis-Bacon-related laws.

(7) If determined to be appropriate in the discretion of the Director of the Department of Public Works at the time a Request for Bids or Request for Quotes is issued where the public works contract exceeds $2,000,000.00, the contractor must participate in a Class A Registered Apprenticeship Program.

(8) The contractor must have a written substance abuse prevention program that meets the requirements of Wis. Stats. § 103.503.

(9) The contractor must have, and diligently maintain, a written safety program.

(10) The employees who will perform work on the project for the contractor must be properly classified as employees or independent contractors under all applicable laws.

(11) If the contractor has been the subject of any order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order, or judgment for the City to consider as a factor in determining whether the contractor is a responsible bidder. The contractor may be disqualified for failing to provide the required documentation.

(12) The contractor's employees who will perform work on the project must be covered under a current worker's compensation policy and must be properly classified under such policy.

(13) The contractor must be in compliance with all laws regarding health insurance coverage for employees.

(14) The contractor must possess all applicable professional and trade licenses required for performing the public works contract.

(15) The contractor must have adequate financial resources to complete the public works contract, and to complete all other work the bidder is presently under contract to complete.

(16) The contractor must be bondable for the terms of the proposed public works contract.

(d) *No restriction on discretion.* If information is discovered or comes into the possession of the City or a City department, official, and/or employee responsible for awarding the public works contract, and if such information calls into question the contractor's abilities or competence to faithfully and responsibly comply with the terms of a public works contract, and such information is considered to be both credible and verifiable, then that information shall be considered in determining whether the contractor is a responsible bidder.
(Ord. No. 19-20, § 1(9.17), 7-21-2020)

Sec. 42-4. Utilities to bear costs of improvements.

All permits, licenses, or franchises granted to any public utility desiring to use the public streets shall, in addition to the other provisions of such licenses, permits, or franchises, have incorporated therein the following clause:

> "Whenever it shall become necessary for the City to install sewer, water, or other public services under such street, the public utility, corporation, or individual shall, upon notification, permit such construction. The public utility, corporation, or individual shall pay the usual costs of such installation, together with any costs above the ordinary and usual construction costs incurred because of any variation in the design or construction required by such public utility, corporation, or individual."

(Code 1984, § 21.20)

Secs. 42-5—42-25. Reserved.

ARTICLE II. SANITARY DISTRICT

Sec. 42-26. Purposes and scope.

(a) The City, in cooperation with the Green Bay Metropolitan Sewerage District, has provided facilities for collection, transmission, and treatment of sewage to promote the health, safety, and convenience of its people and to safeguard the water resources common to all.

(b) The Common Council has determined that it is the obligation of the producers of domestic and industrial wastes to defray the cost of services rendered by the City and the Metropolitan Sewerage District in the collection, transmission, and treatment of such wastes in an equitable manner, and insofar as it is practicable, in proportion to the cost of providing such services to respective users.

(c) Proper protection and operation of collection and treatment facilities may require either the exclusion, pretreatment, or controlled discharge, at point of origin, of certain types or quantities of domestic and industrial wastes.
(Code 1984, § 21.01(1); Ord. No. 33-93)

Sec. 42-27. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abnormal sewage means any sewage having a five-day BOD, suspended solids, phosphorous, or TKN content which is, in the judgment of the Director of Public Works, significantly in excess of or below that found in normal sewage but is otherwise acceptable in the GBMSD and District sewerage system.

Approving authority means the Director of Public Works or a duly authorized deputy, agent, or representative.

Biochemical oxygen demand (BOD) means the quantity of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

Debt service costs means all costs associated with repayment of debt incurred for the construction and/or rehabilitation of the sewerage system.

District means the Green Bay Sanitary District.

Domestic waste means the waste normally emanating from residential living units and resulting from day-to-day activities carried on in a domicile. Wastes emanating from other users which are to be considered domestic waste shall be of the same nature and strength and have the same flow rate characteristics.

GBMSD means the Green Bay Metropolitan Sewerage District.

Industrial waste means any solid or liquid substance discharged, permitted to flow, or escaping from any industrial manufacturing, commercial, or business establishment or process or from the development, recovery, or processing of any natural resources.

Monitored users means those users having sewage discharge volumes in excess of 488,000 cubic feet per year or users determined by the Director of Public Works to be producers of sewage that is, in the Director's judgment, abnormal sewage and requiring monitoring.

Non-monitored users means those users determined by the Director of Public Works to be dischargers of normal strength sewage.

Normal sewage means domestic and industrial wastes in which the daily average concentrations for BOD, suspended solids, phosphorous, and TKN are not more than the daily average concentrations established by resolution by the Common Council.

Operation and maintenance costs means all costs associated with the operation and maintenance of the sewerage system, including administration and replacement costs.

Parts per million means a weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

Person means any person, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

Phosphorous means total phosphorous as determined by Standard Methods.

Public sewer means a sewer provided by or subject to the jurisdiction of the City or GBMSD.

Replacement costs means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the sewerage system to maintain the capacity and performance for which such systems were designed and constructed. Operation and maintenance costs include replacement costs.

Residential user means a user discharging domestic wastes from a single-family or multifamily dwelling, a boarding house or a lodging house.

Sanitary sewer means a sewer that conveys sewage and into which stormwater, surface water, and groundwater or unpolluted industrial wastes are not admitted intentionally.

Sewage means domestic and industrial wastes.

Sewerage system and *sewer system* are interchangeable and mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer service charge means a charge levied on users of the sewerage system for the user's proportional share of the cost of operation, maintenance, debt service, and replacement of said system.

Standard Methods means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

Suspended solids means solids that either float on the surface of or are in suspension in water, sewage, or industrial wastes and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in Standard Methods.

Total Kjeldahl Nitrogen (TKN) means the sum of free ammonia and organic nitrogen compounds as determined by Standard Methods.
(Code 1984, § 21.01(2); Ord. No. 33-93)

Sec. 42-28. General sewer plan.

The general sewer plan of the City, as amended by the general sewer plan for sewerage separation, shall be in effect. Such plans are on file with the City Clerk.
(Code 1984, § 21.06)

Sec. 42-29. General Sanitary Sewer District and fund.

(a) There shall be one sewer district, known as the General Sanitary Sewer District, the boundaries of which shall be co-extensive with the City limits as extended by the Council from time to time.

(b) Amendments are on file in the office of the City Clerk.

(c) There is created the General Sanitary Sewer District Fund. There shall be paid into such fund all monies collected from sewer service charges.

(d) All sanitary sewers, including street and alley intersections and manholes, shall be paid for on the basis of benefits and damages except the following, which shall be paid for out of the General Sanitary District Fund:

(1) The cleaning, repairing, and replacement of any manholes and catchbasins in connection therewith.

(2) The cleaning, repairing, and replacement, including relocation and substitution, of any sanitary sewer located within street and alley boundaries.
(Code 1984, § 21.07; Ord. No. 33-93)

Sec. 42-30. Sewer service charge system.

(a) *Policy.* It shall be the policy of the City to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage system, including debt service and replacement costs, through a system of sewer service charges as defined in this section. The system shall ensure that each user of the sewerage system pays their fair and proportionate share of the cost of such facilities.

(b) *Determination of sewer service charges; operation and maintenance of sewer system.* The City shall annually, or from time to time as the Common Council deems necessary, determine the cost of operating and maintaining the City's public sewer system. A service charge shall be the sum of the City's cost of operation and maintenance of the collection system and the treatment charge from GBMSD. The sewer service charge shall consist of a volume charge, or quantity charge, which represents treatment and transportation of wastewater and a customer charge which includes the cost of infiltration/inflow and billing preparation. These costs shall be charged proportionally to all users of the sewer system.

(c) *Sewer service charge levied.* A sewer service charge is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection to the public sewer system the following charges for sewer service. As hereinafter enumerated, the Common Council shall have the authority to establish such charges by resolution from time to time as may be necessary.

(1) *Non-monitored users.* The following schedule of rates or fraction thereof shall be the basis for determining charges to all users, except monitored users, for rendering sanitary sewage service where the sewage produced by such users is normal sewage.

a. *Normal sewage strength parameters.* The City shall determine annually what the strength of normal domestic waste from its non-monitored users is by subtracting the monitored users loading by parameters over the last five years from the total loading treated by GBMSD over the last five years. The net pounds of BOD, suspended solids, phosphorous, and TKN from the non-monitored users shall be divided by 8.345 and the net billable volume in one million gallons from non-monitored users over the last five years to determine the strength of the waste in parts per million. These parameters shall be used to calculate the rate for non-monitored users.

b. *Service charge.* The sum of customer charge and volume charge.

c. *Customer charge.* The sum of minimum volume charge, billing preparation charge, and infiltration/inflow charge. Minimum volume charge shall be made based on the size of the water meter serving the customer and the following amounts of water or less measured through each meter:

Minimum Allowance - 100 Cubic Feet

Meter Sizes in Inches	*Monthly Billed Customers*	*Quarterly Billed Customers*
5/8 or 3/4	1	3
1	3	9
1 1/2	5	15
2	10	30
3	20	60
4	30	90
6	65	195
8	170	510
10	250	750

d. *Volume charge.* A volume charge consisting of the GBMSD rate and a City rate established by resolution of the Common Council shall be charged to all users based on water used or sewage produced in excess of the minimum allowance as more specifically set forth hereinafter.

1. Green Bay Metropolitan Sewerage District rates. The GBMSD rates shall be those unit rates determined and charged to the City by the GBMSD for volume, BOD, suspended solids, phosphorous, and TKN. The GBMSD rates shall be expressed as a rate per 100 cubic feet.

2. City rate. The City rate shall be expressed as a rate per 100 cubic feet.

3. Volume rate. The volume rate shall be the combination of the GBMSD rate and the City rate per 100 cubic feet of water metered or sewage discharged.

4. The volume charge for residential users shall be based on the individual user's quarterly water use during the preceding winter quarter ending in the months of February, March, or April as measured by the water meter. Where any of the succeeding quarterly water usages are less than the winter quarter usage, the volume charge shall be based on the actual water usage for the quarter. Where no preceding winter quarter metered quantity is available from records, the Director of Public Works shall estimate a volume to be used for the volume charge based upon objective criteria including, but not limited to, the use of the property, the size of the structure served, and the size of the meter installed.

5. The volume charge to all other non-monitored users shall be based on total water use each billing period as measured by the Water Utility with appropriate meters with the provision that if the water does not reach a public sewer, the user will be charged for only that volume reaching a public sewer as determined by a method approved by the Director of Public Works.

(2) *Monitored users.* The following schedule of rates per month or fraction thereof shall be the basis for determining charges to all monitored users:

a. *Service charge.* The sum of monthly customer charge, quantity charge, and sampling charge.

b. *Monthly customer charge.* A monthly customer charge shall be charged each user for administration and infiltration/inflow costs.

c. *Quantity charge.* A quantity charge consisting of the GBMSD rate and the City rate shall be charged to all users based on the total volume of sewage and quantity of BOD, suspended solids, phosphorous, and TKN produced.

d. *Metering and/or sampling.* All monitored users shall have metering and/or sampling as required by the Director of Public Works. Metering and/or sampling shall consist of water meters, automatic sewage flow meters, and/or automatic samplers where, in the opinion of the Director of Public Works Director, such installations are required to determine accurate volume and strength measurements of sewage discharge. Periodic sampling and/or metering may be utilized to determine volume and strength of sewage discharged where such methods give reasonably accurate results in the opinion of the Director of Public Works. Monitored users shall be charged based on the volume of sewage discharged and the quantities of BOD, suspended solids, phosphorous, and TKN in the sewage discharged to a public sewer.

e. *Sampling charge.* A sampling charge consisting of all costs for personnel, material, and equipment used to collect and analyze samples from a customer's sewage to determine sewage strength shall be billed at cost directly to the user.

(d) *Rate determinations.* The Common Council shall establish by resolution each year the rates referred to in subsection (c) of this section; and the Common Council shall have the right to amend, modify, adjust, or change the rates at any time as deemed necessary.

(e) *Outside water sources.* If any person discharging sewage into the sewer system obtains water from sources other than the City Water Utility, all or part of which is discharged into the public sewers, that person shall install and maintain any pay for water meters of the type approved by the Water Utility or sewage meters approved by the Director of Public Works for the purpose of determining the volume of sewage discharged to the sewer system. The Director of Public Works shall have the authority to waive the above requirement and bill on the basis of average City-wide residential water consumption.

(f) *Provision for waste metering.*

(1) If a person discharging sewage into a public sewer produced evidence satisfactory to the Director of Public Works that water used does not reach a public sewer, such person may request the Director of Public Works for authority to install an appropriate metering device under current policy of the Water Utility and the Department of Public Works, and the volume charges shall be determined by the volume determined to be discharged into a public sewer. No volume charge adjustments will be made in bills rendered prior to installation of appropriate metering devices.

(2) Any additional water meter installed shall record only that which does not reach a public sewer. In all cases where additional water meters are installed for the purpose of determining sewage charges, such meters shall be installed and maintained at the expense of the owners. A minimum charge to provide for maintenance, additional reading, and administration shall be charged for each additional meter installed at rates to be established by the Water Utility.

(g) *Special charges.* Whenever sewage is discharged causing physical damage to the City's sewerage system and/or which cause the City to incur additional costs, the City may assess a special charge against the appropriate discharger for the work required to repair the facilities and for additional costs. Special charges shall be in addition to the service charges specified herein. The discharger shall make remittance in accordance with the provisions of this article or be subject to late payment charges and penalties herein.

(h) *Reassignment of sewer users.* The Director of Public Works will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs and other related information indicate a change in categories is necessary.
(Code 1984, § 21.01(3); Ord. No. 33-93)

Sec. 42-31. Regulations of sewage discharges.

(a) *GBMSD regulations.* Sewer use Ordinance No. 78-1, as established or amended by the GBMSD relating to the regulation of sewage discharges, is hereby adopted and made a part hereof as though fully set forth herein. Sewage discharge regulations received from the GBMSD shall be kept on file in the office of the City Clerk and the office of the Director of Public Works.

(b) *Pre-treatment.* Where required or when, in the opinion of the Director of Public Works, constituents that are harmful to the sewer system, processes, or operation of the pollution control works are present in the wastes discharged to the sewer system, the person shall provide, at their expense, such preliminary treatment or processing facilities as may be necessary to render the wastes

acceptable for admission to the public sewers. When a determination is made by the Director of Public Works, the Director shall forthwith notify the person required to provide such preliminary treatment stating the specific reasons that such determination has been made.

(c) *Submission of plans.* Plans, specifications, and other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted for approval to the Plumbing Inspector and the Director of Public Works prior to the start of their construction.
(Code 1984, § 21.01(4); Ord. No. 33-93)

Sec. 42-32. Discharges into sanitary sewers.

(a) *Unpolluted wastes.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, air conditioning, effluent or unpolluted industrial process waters to any sanitary sewer directly or indirectly connected to the City sewer system.

(b) *Waste materials.* Except as herein provided, no person shall discharge or cause to be discharged any of the following waste materials into any sewer directly or indirectly connected to the City sewers:

(1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit. Temperature shall be measured in the first municipal manhole below the connection.

(2) Any waste which contains more than 100 milligrams per liter of fat, oil, or grease, exclusive of soap.

(3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(4) Garbage not from homes, hotels, restaurants, institutions, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for consumption on the premises or for consumption off the premises when served by caterers.

(5) Any garbage that has not been properly shredded or comminuted to such a degree that all particles will be carried freely in suspension in municipal sewers (100 percent passing one-half-inch screen, 90 percent passing one-quarter-inch screen).

(6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, hair, tar, plastics, wax, wood, fleshings, hides, animal guts, spent lime, spent grain, spent hops, paunch manure, or any other solid or viscous substance which, in the opinion of the Plumbing Supervisor, is likely to cause obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(7) Any wastes having a pH lower than 5.5 or higher than 9.0, measured at the first municipal manhole below the connection, or having any other property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(8) Milk, whey, or any other dairy products or byproducts.

(9) Wastes from the preparation of food products or byproducts which have not passed through screens approved by the Plumbing Supervisor.

(10) Any wastes that have such high biochemical oxygen demand or contain suspended solids of such character and quantity as will, in the opinion of the Plumbing Supervisor, require unusual attention or expense in their handling at the sewage treatment plant.

(11) Any wastes having an objectionable color which is not removable in the existing sewage treatment plant processes.

(12) Any wastes containing toxic or poisonous substances or any other materials in sufficient quantity to create a hazard to personnel working on the sewers, to injure or interfere with any sewage treatment process, or to constitute a hazard to humans, animals, or fish, or to create any hazard in the receiving waters below the sewage treatment plant.

(13) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(14) Septic tank sludge. No person in the business of gathering and disposing of septic tank sludge shall transfer such material into any sewage manhole of the City sewer system. A permit for disposal of septic tank sludge shall be obtained from the Engineer-Manager of the Green Bay Metropolitan Sewer District.

(c) *Grease, oil, and sand traps.*

(1) Grease, oil, and sand traps shall be provided when they are necessary, in the opinion of the Plumbing Supervisor, for the proper handling of liquid wastes containing excessive amounts of grease or any flammable wastes, sand, and other harmful ingredients, provided such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the Plumbing Supervisor and shall be located so as to be readily accessible for cleaning and inspection.

(2) Grease and oil traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and shall be water-tight and equipped with easily removable covers.

(3) Where installed, all grease, oil, and sand traps shall be maintained in continuously efficient operation at all times by the owner and at the owner's expense.

(d) *Compliance with codes.* All construction, connection, and use of sewers shall be in accordance with the provisions of the State Plumbing Code and this article.

(e) *Right of access.* Any authorized representative of the City shall have right of access at any reasonable hour to all premises from which the City receives sanitary or industrial waste, for the purpose of inspection, observation, measurement, sampling, and testing in accordance with this section.
(Code 1984, § 16.12)

Sec. 42-33. Control and measurement of admissible industrial wastes.

(a) *Submission of basic data.*

(1) Persons discharging abnormal sewage to a public sewer shall prepare and file with the Director of Public Works a report that shall include pertinent data relating to the quantity and characteristics of their wastes in accordance with Wisconsin DNR Permit No. WI-0020-001, Part II, Section D, Paragraph 7, within 90 days after being so notified by the Director of Public Works.

(2) Similarly, each person desiring to make a new connection to the public sewers for the purpose of discharging industrial wastes shall prepare and file with the Director of Public Works a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged in accordance with Permit No. WI-0020-001. A building permit shall not be issued until such report has been submitted and approved by the Director of Public Works.

(b) *Control manholes.*

(1) All monitored users, when directed by the Director of Public Works, shall construct and maintain needed control manholes to facilitate observations, measurement, and sampling of the wastes. Control manholes shall be located and built in a manner approved by the Director of Public Works. If measuring devices are to be permanently installed, they shall be of a type approved by the Director.

(2) Control manholes and related equipment shall be installed at the expense of the person discharging the waste, and shall be maintained by said person in safe condition, accessible, and in proper operating condition at all times.

(c) *Metering of waste.*

(1) Devices for metering the volume of waste discharged may be required by the Director of Public Works if those volumes cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Director of Public Works.

(2) If installed metering devices malfunction or if metering devices are an impracticality, the person shall provide the Public Works Department with documented and certified material as required by the Director of Public Works so that the City can accurately determine the volume of waste discharged for billing purposes. Devices shall be calibrated yearly or as required. The calibration shall be made by a testing laboratory approved by the Director of Public Works. The City reserves the right to have the devices calibrated and the cost of such calibration billed to the person.

(d) *Compliance.* Within 90 days after receiving notice from the Director of Public Works, each person who discharges industrial wastes into a public sewer shall have complied with this section.

(e) *Extension of time.* When it can be demonstrated that circumstances exist which could create an unreasonable burden on the person to comply with the time schedule imposed, a request for an extension may be presented to the Director of Public Works who may grant an extension.

(f) *Waste sampling.* Industrial wastes discharged into the public sewers shall be subject to periodic sampling and testing to determine character and concentration. All sampling and testing cost is to be at the expense of the person. The determination shall be made as often as deemed necessary by the Director of Public Works. If any testing by the City shall show a changed degree of pollutional load in the sewage or waste discharged, such new test results shall be used in computing the subsequent billings, but no reduction shall be made unless at least a full day of operation of the person's plant has undergone the test. Any person may request the City to make new tests, such tests to be of a minimum of 24 hours' duration. Such test shall be made when the plant is operating under normal conditions, and the burden shall be on the person requesting the testing to establish

that such normal conditions prevail. Upon a determination by the Director of Public Works that such test was made when the plant was operating under normal conditions, the results of these tests shall be used in computing the subsequent billing in the manner previously prescribed.

(g) *Analysis.* Laboratory test procedures used in the examination of industrial wastes shall be those set forth in Wis. Admin. Code Ch. NR 219, and shall be made by the City at the cost of the person.
(Code 1984, § 21.01(5); Ord. No. 33-93)

Sec. 42-34. Billing practice.

(a) *Billing periods.* Sewer service charges in this section for users without metering and/or sampling shall be included as a separate item on the regular bill for water service and shall be payable in accordance with the current rules and regulations of the City Water Utility. Monitored users that have metering and/or sampling shall be billed by the Public Works Department on a monthly basis.

(b) *Payment.* Users billed by the Water Utility shall make payment in accordance with the current rules and regulations of the Water Utility for payment of water bills. Such payments shall be made at the office of the Water Utility or any other officially designed location at the same time that the water bills become due. Monitored users being billed directly by the Public Works Department shall make payment to the office of the Public Works Department. Checks shall be made payable to the City Treasurer.
(Code 1984, § 21.01(6); Ord. No. 33-93)

Sec. 42-35. Penalties for late payment of sewer service charges and water charges.

(a) *Delinquency.* Bills for sewer service charges and water charges levied and assessed in accordance with this article and resolutions adopted pursuant hereto and the rules and regulations of the Green Bay Water Utility shall become due and payable within 20 days after the date of billing. All overdue accounts shall be charged a penalty of 1½ percent per month on the unpaid balance due, including penalties.

(b) *Legal basis.* Each sewer service charge levied by or pursuant to this section shall constitute a lien upon the corresponding premises serviced by the sewer system as provided for in Wis. Stats. § 66.0821, and the City Clerk shall record such lien in accordance with applicable statutes.

(c) *Violations.* Any person violating any of the provisions of this section or tampering with metering or sampling shall be liable to the City for any expense, loss, or damage occasioned by such violation and upon conviction of any violation of this section shall be subject to a forfeiture of not less than $100.00 nor more than $2,500.00 per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this section shall constitute a new violation.

(d) *Ownership and occupancy.* Change of ownership or occupancy of premises under provisions of this section shall not be cause for reducing or eliminating charges due and penalties.
(Code 1984, § 21.01(7); Ord. No. 33-93)

Sec. 42-36. Appeal procedures.

Any user affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this article may file with the Director of

Public Works a written request for reconsideration within ten days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Director of Public Works shall render a decision on the request for reconsideration to the user in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the Director of Public Works is unsatisfactory, the person requesting reconsideration may, within ten days after notification on the action, file a written appeal with the Improvement and Service Committee of the Common Council.
(Code 1984, § 21.01(8); Ord. No. 33-93)

Sec. 42-37. Audit and notification.

(a) *Biennial audit.* The City shall review, at least every two years, the sewage contribution of its sewer users, the operation and maintenance expenses of the City's sewerage system, 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 sewage volume and pollutant loadings discharged by the users; and

(2) Generate sufficient revenues to pay the operation and maintenance expenses of the sewerage system and debt service.

(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 City and GBMSD sewerage systems. The notification shall occur in conjunction with a regular bill.
(Code 1984, § 21.01(9); Ord. No. 33-93)

Secs. 42-38—42-64. Reserved.

ARTICLE III. WATER

DIVISION 1. GENERALLY

Sec. 42-65. Water Department rules and regulations adopted.

The Green Bay Water Utility Operating Rules, as reported in the utility tariff kept on file with the Public Service Commission of Wisconsin, are incorporated by reference and made a part hereof as though fully set forth herein. A copy of such operating rules shall be kept on file at the Green Bay Water Utility.
(Code 1984, § 21.02; Ord. No. 3-86)

Sec. 42-66. City Water Commission.

(a) *Created.* To provide nonpartisan management of the City-owned Water Utility, there is created, pursuant to Wis. Stats. § 66.0805, the Green Bay Water Commission (hereafter "the Commission").

(b) *How constituted.* The Commission shall consist of seven Commissioners, who shall be approved by the Council for seven-year terms, one such Commissioner to be appointed each year. In addition to such members, the Mayor shall appoint a member of the Council to the Commission, such member to have no vote.
(Code 1984, § 21.03)

Sec. 42-67. Utility receipts and disbursements.

Utility receipts shall be paid to a bonded cashier approved by the Commission and shall be turned over to the City Treasurer at least once a month. Departmental expenditures shall be audited by the Commission and, if approved by the President and Secretary of the Commission, shall be paid out of the utility receipts deposited in the City Treasury in the manner provided by law.
(Code 1984, § 21.04)

Sec. 42-68. Service limited to City.

The Water Department of the City shall only provide service to customers or plants within the City unless otherwise permitted by the Council upon written application.
(Code 1984, § 21.05)

Sec. 42-69. Water use restrictions.

(a) Whenever the Green Bay Water Utility is using water from the City wells for a period of 12 hours per day for a period of four consecutive days, the Mayor is hereby empowered to declare the following water restrictions in force and effect, subject to subsection (b) of this section:

(1) There shall be a ban on noncommercial lawn and garden sprinkling and car washing, and on all flushing of driveways, streets, and parking lots.

(2) Citizens occupying residences with even street numbers shall be exempt from the provisions on even-numbered days of the month, and citizens occupying residences with odd street numbers shall be exempt on odd-numbered days of the month.

(b) When the Mayor orders the above restrictions in effect, the Mayor shall give notice to the public.
(Code 1984, § 27.611)

Secs. 42-70—42-96. Reserved.

DIVISION 2. CROSS CONNECTION CONTROL PROGRAM

Sec. 42-97. Authority.

The Green Bay Water Utility shall cause a cross-connection inspection to be conducted, and shall enforce this division.
(Code 1984, § 21.09(intro. ¶); Ord. No. 2-13; Ord. No. 23-20, § 1, 9-15-2020)

Sec. 42-98. Adopted state law.

(a) *Definitions.* Wis. Admin. Code § SPS 381.01, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(b) *Cross-connections.* Wis. Admin. Code §§ NR 810.15 and SPS 382.41, as they may be amended from time to time, are hereby adopted by reference and incorporated as though fully set forth herein.

(c) *Local well regulation.* Wis. Admin. Code § NR 810.16, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.
(Code 1984, § 21.09(1); Ord. No. 2-13)

Sec. 42-99. Inspections.

Cross connection inspectors must meet the qualifications contained in the City's cross connection control program as approved by the Wisconsin Department of Natural Resources. The water utility shall cause a survey for every residential service on a schedule matching meter replacement. The water utility shall cause a cross connection inspection of every industrial, commercial and public authority service on the following schedule:

(1) Every residential service shall be inspected on a schedule matching the Water Utility meter replacement schedule.

(2) All services on commercial properties that are no more complex than residential services shall be inspected every six years.

(3) All services on multi-family and public authority (parks) properties shall be inspected every ten years.

(4) All services on industrial properties and commercial properties with plumbing more complex than typical residential properties, and public authority services other than parks, shall be inspected a minimum of once every two years.

(5) The Water Utility may obtain a special inspection warrant if consent to entry for inspection purposes has been refused.

(Code 1984, § 21.09(2); Ord. No. 2-13; Ord. No. 23-20, § 1, 9-15-2020)

Sec. 42-100. Discontinuance of water service.

Wis. Admin. Code § PSC 185.37, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.
(Code 1984, § 21.09(3); Ord. No. 2-13)

Sec. 42-101. Regulations.

The owner of a property shall install a backflow preventer, air-gap separation, or other mechanism at the service connection to protect the public water system upon demand of the Water Utility for any of the following reasons:

(1) An internal cross connection cannot be permanently corrected or controlled.

(2) Plumbing system is designed in a manner that it is impracticable or impossible to ascertain whether cross connections exist.

(3) A dangerous material is handled in such a manner on the site that it creates an actual or potential health hazard to the public water system.

(4) The plumbing system services a sewage treatment plant, hospital, mortuary, plating plant or carwash.

(5) An undue health threat is posed because of the presence of toxic substances at the plumbing system's site.

(Code 1984, § 21.09(4); Ord. No. 2-13)

Secs. 42-102—42-130. Reserved.

DIVISION 3. WELL HEAD PROTECTION

Sec. 42-131. Purpose.

Certain land use practices and activities can threaten or degrade groundwater quality. The purpose of this article is to institute land use regulations and restrictions to protect the Green Bay municipal well water supply and to promote the public health, safety and general welfare of the residents of the City of Green Bay.

(Code 1984, § 21.10(1); Ord. No. 4-14)

Sec. 42-132. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aquifer means a saturated permeable, geologic formation that contains and will yield significant quantities of water.

Cone of depression means the cone-shaped area around a well, in which the water level is lowered by pumping of the well. The cone of depression for Green Bay Municipal Well has been estimated.

Groundwater means any of the waters of the state, as defined in Wis. Stats. § 281.01(18), occurring in a saturated subsurface geological formation of rock or soil.

Groundwater divide means a ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. The line of highest hydraulic head in the water table or potentiometric surface.

Hazardous substance means any waste or material which because of its quantity, concentration or physical chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Nonconforming use means an existing lawful use of land, structure, building or accessory use which is not in conformity with the provisions of this article.

Petroleum product means any fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils, hydraulic fluids, and other similar products.

Potable water means any water that is satisfactory for drinking, culinary, and domestic purposes meeting current state and federal drinking water standards.

Primary management zone means the area within a 1,200-foot radius of a well. The setbacks to contamination sources as set forth in Wis. Admin. Code Ch. NR 811 shall be part of this division and enforceable under this division.

Primary protection area means an area calculated as the zone of influence characteristic to each individual well supply of potable water to any community water system. It begins at the well head and extends radially outward a distance of 500 feet from the well.

Recharge area means the total land area contributing water to a well.

Well means any drill hole or other excavation or opening deeper than it is wide that extends more than ten feet below the ground surface and is constructed for the purpose of obtaining groundwater.

Well field means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

Well head means the upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

Well head protection area means the surface or subsurface area surrounding a water well or well field, supplying a public water system, an area through which contaminants are reasonably likely to move toward and reach such water well or well field.
(Code 1984, § 21.10(2); Ord. No. 4-14)

Sec. 42-133. Well head protection area.

(a) *Separation from contamination sources.* Wis. Admin. Code § NR 811.12(5)(d), as it may be amended from time to time, is hereby adopted in its entirety as though fully set forth herein.

(b) *Prohibited uses.* The following uses are prohibited uses within the primary management zones:

(1) Pesticide and/or fertilizer storage and use.

(2) Septage and/or sludge spreading.

(3) Animal waste land spreading.

(4) Animal waste facilities.

(5) Animal confinement facilities.

(6) Gas stations.

(7) Vehicle repair establishments, including auto body repair.

(8) Printing and duplicating.

(9) Truck terminals.

(10) Repair shops.

(11) Wastewater treatment facilities.

(12) Spray wastewater facilities.

(13) Junkyards or auto salvage yards.

(14) Bulk fertilizer and pesticide facilities.

(15) Asphalt products manufacturing.

(16) Dry cleaning facilities.

(17) Salt storage.

(18) Electroplating.

(19) Exterminating shops.

(20) Paint and coating manufacturing.

(21) Hazardous and toxic materials storage and use.

(22) Hazardous and toxic waste facilities.

(23) Radioactive waste facilities.

(24) Tire and battery services.

(25) Garage and vehicular towing.

(26) Public and municipal maintenance garages.

(Code 1984, § 21.10(3); Ord. No. 4-14)

Sec. 42-134. Exemptions.

Individuals and/or facilities may request the City to issue a permit for a special exception use in the well head protection area. All requests shall be in writing to the City of Green Bay Water Utility and include an environmental assessment report prepared by a licensed professional engineer. Said report will be forwarded to the Water Utility for recommendation and final decision by the Green Bay Water Utility Commission. The individual/facility shall reimburse the City for all consultant fees associated with this review at the invoiced amount plus administrative costs. Any permitted uses shall be conditional and may include required environmental and safety monitoring consistent with local, state, and federal requirements, and/or bonds and/or sureties satisfactory to the City.
(Code 1984, § 21.10(4); Ord. No. 4-14)

Sec. 42-135. Nonconforming uses.

The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this article may be continued subject to the following conditions:

(1) No modifications or additions to nonconforming use shall be permitted unless they are made in conformity with the provisions of this section. For the purposes of this section, the words "modification" and "addition" shall include, but not be limited to, any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.

(2) If a nonconforming use is discontinued for 12 consecutive months, any future use of the land, structure or building shall conform to the appropriate provisions of this article.

(Code 1984, § 21.10(5); Ord. No. 4-14)

Sec. 42-136. Requirements for existing facilities.

(a) Facilities shall provide copies of all federal, state and local facility operation approvals or certificate and ongoing environmental monitoring results to the City of Green Bay Water Utility.

(b) Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the City of Green Bay Water Utility, which may include, but are not limited to, storm-water runoff management and monitoring.

(c) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(d) Facilities shall have the responsibility of devising and filing with the City of Green Bay Water Utility a contingency plan satisfactory to the Water Utility for the immediate notification of the Water Utility officials in the event of an emergency.
(Code 1984, § 21.10(6); Ord. No. 4-14)

Sec. 42-137. Special charge.

In the event the individual and/or facility causes the release of any contaminants which endanger the City of Green Bay, the activity causing said release shall immediately cease and a cleanup satisfactory to the City shall occur. The individual/facility participating in such activity shall be responsible for all costs of cleanup, City of Green Bay consultant fees at the invoice amount plus administrative costs for oversight review, and documentation. These costs may include, but are not limited to:

(1) The cost of City of Green Bay employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

(2) The cost of City equipment employed.

(3) The cost of mileage reimbursed to City employees attributed to the cleanup.
(Code 1984, § 21.10(7); Ord. No. 4-14)

Sec. 42-138. Penalties.

Any person, firm or corporation who fails to comply with the provisions of this article shall, upon conviction thereof, forfeit not less than $100.00, nor more than $500.00, plus the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
(Code 1984, § 21.10(8); Ord. No. 4-14)

Sec. 42-139. Authority to issue citations.

The following City employees are authorized to sign and issue citations for violations of this section and may designate other City employees who may sign and issue citations on their behalf:

(1) The Water Utility General Manager.

(2) An attorney representing the City.
(Code 1984, § 21.10(9); Ord. No. 4-14)

Sec. 42-140. Conflict with other ordinances.

In case of a conflict between this article, or any part thereof, and the whole or part of any existing or future ordinances, the most restrictive provisions shall apply.
(Code 1984, § 21.10(10); Ord. No. 4-14)

Secs. 42-141—42-163. Reserved.

DIVISION 4. LEAD WATER SERVICE LINE REPLACEMENT

Sec. 42-164. Intent and purpose.

Lead service lines pose a threat to the public health based on the potential for leeching of lead into drinking water. The Common Council of the City of Green Bay therefore finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe water service lines in use within the Green Bay Water Utility system, and to that end, declares the purposes of this article to be as follows:

(1) To ensure that the water quality at every tap of Green Bay Water Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act;

(2) To reduce the lead in City drinking water to meet EPA standards in City drinking water for the health of City residents;

(3) To meet the WDNR requirements for local compliance with the EPA's Lead and Copper Rule; and

(4) To effect the replacement of all high risk lead service lines within one year of their discovery and the replacement of all remaining lead pipe water service lines in use in the City within ten years.

(Code 1984, § 21.11(1); Ord. No. 16-16)

Sec. 42-165. Authorization.

This article is enacted pursuant to Wis. Stats. §§ 62.11(5) and 281.12(5), and as mandated by 42 USC 300g of the Federal Safe Drinking Water Act, enforced by the EPA and the WDNR.
(Code 1984, § 21.11(2); Ord. No. 16-16)

Sec. 42-166. Rules of construction and definitions.

This division and all rules and orders promulgated under this division shall be liberally construed so that the purposes enumerated in Section 42-164 may be accomplished. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Within this section:

Child care facility means any state-licensed or county-certified child care facility including, but not limited to, licensed family child care, licensed group centers, licensed day camps, certified school-age programs and Head Start programs.

Confirmed water sample test means a tap water analysis, completed after a prior analysis that indicated lead levels at the EPA action level, and conducted in accordance with the Lead and Copper Rule, with Wis. Admin. Code § NR 809.547, and with instructions provided by the Water Utility.

Customer-side water service line means the water conduit pipe running from the customer's meter to the curb stop which is the Water Utility shut-off valve usually located behind the curb on public property.

EPA means the U.S. Environmental Protection Agency.

EPA action level means a concentration of 15 or more parts per billion (PPB) of lead as measured at a customer's tap.

Federal Safe Drinking Water Act means 42 USC 300f—300j-26.

General manager means the Water Utility General Manager.

High risk lead service means a lead customer-side water service line identified in Section 42-168 and any lead customer-side water service line where a confirmed water sample test of a customer's tap water reveals a lead concentration at or above the EPA action level.

Lead and Copper Rule means the rule created by the EPA and adopted by the WDNR in response to the passage of the Safe Drinking Water Act, which provides maximum contaminant level goals and national primary drinking water regulations (NPDWR) for controlling lead and copper in drinking water. NPDWR regarding approved treatment techniques include corrosion control treatment, source water treatment, lead service line replacement and public education. The rule may be found in 56 FR 26460, 40 CFR 141.80—141.90, and Wis. Admin. Code §§ NR 809.541 through 809.55.

Licensed plumber means a person, firm, corporation or other entity licensed to perform plumbing work in the City by the State of Wisconsin.

PPB means parts per billion.

Property means any possessory interest, legal or equitable, in real property, including an estate, trust, or lien, and any buildings, structures and improvements thereon.

Service replacement schedule means the schedule adopted by the Water Utility Commission for the replacement of lead customer-side water service lines based on community resources, on availability of licensed plumbers and Water Utility resources to complete service line replacements, and on physical location of properties with lead customer-side water service lines. Based on the above factors, customers will be assigned a time period within the schedule for replacing their lead customer-side water service line. In no case shall a customer on this schedule have less than 30 days from the date of notification pursuant to Section 42-169 for the replacement of any lead customer-side water service line.

WDNR means the Wisconsin Department of Natural Resources.

Water utility means the City of Green Bay public water utility system, also known as Green Bay Water Utility.
(Code 1984, § 21.11(3); Ord. No. 16-16)

Sec. 42-167. Survey and self-inspections.

Upon notice from the Water Utility, any person who owns, manages or otherwise exercises control over a property within the Green Bay Water Utility system shall allow the Water Utility to inspect

the customer-side water service line or have the customer-side water service line inspected by a licensed plumber to determine whether the service line is lead, copper, cast iron, galvanized steel, plastic or other material.
(Code 1984, § 21.11(4); Ord. No. 16-16)

Sec. 42-168. Partial or full service line material replacement; water utility or customer side.

(a) All of the following service line material combinations are subject to partial or full replacement with galvanized, copper, and/or plastic service lines under this division as identified:

SERVICE LINE MATERIAL REPLACEMENT

Water Utility-Side	*Customer-Side*	*Side Requiring Replacement*
Lead	Lead	Both
Lead	Galvanized	Water utility only
Lead	Copper	Water utility only
Lead	Plastic	Water utility only
Copper	Lead	Customer only
Plastic	Lead	Customer only

No other service line material combinations have been identified which require replacement under this division.

(b) All lead water service lines must be replaced regardless of whether on the Water Utility-side or the customer-side. If a customer-side lead water service line is connected to a Water Utility-side lead water service line, both lines must be replaced at the time the Water Utility is replacing its side of the lead water service line. As of the effective date of the ordinance from which this division is derived, no lead service line will be allowed to connect to a Water Utility line once replaced.
(Code 1984, § 21.11(5); Ord. No. 16-16)

Sec. 42-169. Replacement priority.

(a) Owners, managers or persons otherwise exercising control over properties within the Green Bay Water Utility system with customer-side lead water service lines shall be required to replace the customer-side water service lines according to the following order of priority and based on the replacement schedule established by the Water Utility Commission:

(1) Schools or child care facilities.

(2) Properties at which a confirmed water sample test at the tap shows lead concentration at 15 PPB or more.

(3) Properties where more than 20 people regularly have access to drinking water during any eight-hour period.

(4) Properties where the Water Utility is replacing its side of the lead water service line to the property.

(5) All other properties not covered in subsections (a)(1) through (4) of this section.

(b) Notwithstanding the schedules set forth herein and any limitations on funding sources which may be made available to either the Water Utility or the customer, all customer-side water service lines identified herein shall be replaced no later than December 31, 2025.
(Code 1984, § 21.11(6); Ord. No. 16-16)

Sec. 42-170. Scheduling.

Replacement of customer-side lead pipes that are connected to a Water Utility-side lead service line must be completed at the time the Water Utility-side service line is replaced. Scheduling of all such replacements for customer-side lead pipes must be coordinated between the homeowner's contractor and the Water Utility within 30 days of receipt of notice that the Water Utility-side water service lines are scheduled to be replaced. Additional time to schedule the customer-side lead pipe replacement may be granted by the General Manager of the Water Utility for good cause.
(Code 1984, § 21.11(7); Ord. No. 16-16)

Sec. 42-171. Financing of replacement.

In the event funding is made available for this purpose through any means, an eligible property owner may apply to the City and/or Water Utility for financing of any portion of the cost of replacing a lead customer-side water service line under the terms of such financing program. Disputes regarding eligibility for financing may be appealed to the Water Utility Commission, unless otherwise noted in the funding program. As a condition of receiving any available financing from the City and/or Water Utility, the property owner must provide adequate documentation demonstrating that the contractor and/or plumber completing the work anticipated hereunder is properly certified and/or licensed by the State of Wisconsin and/or the City, as appropriate.
(Code 1984, § 21.11(8); Ord. No. 16-16; Ord. No. 05-20, § 1, 4-1-2020)

Sec. 42-172. Exceptions.

(a) The Water Utility may modify the inspection requirement set forth under Section 42-167 if the customer so requests and demonstrates a compelling need.

(b) Upon the demonstration of a compelling need, the owner of a single-family dwelling or a business to which the public has no access to tap water and with no more than five employees, may request a change of schedule or an extension of time for compliance with Sections 42-168 through 42-170.

(c) Guidelines for the consideration of requests under subsections (a) and (b) of this section will be established by the Water Utility Commission.

(d) Compliance deadlines will be calculated on a calendar year basis but may be deferred during the months of December through March on the basis of weather constraints.
(Code 1984, § 21.11(9); Ord. No. 16-16)

Sec. 42-173. Prohibitions.

It shall be unlawful for any person to fail to comply with the applicable lead customer-side water service line replacement requirements as set forth herein or to violate any other provision of this division.
(Code 1984, § 21.11(10); Ord. No. 16-16)

Sec. 42-174. Penalties.

Any person who violates any provision of this division may be subject to a forfeiture of no less than $50.00 and no more than $1,000.00. Each day a violation continues may be considered a separate offense.
(Code 1984, § 21.11(11); Ord. No. 16-16)

Secs. 42-175—42-201. Reserved.

ARTICLE IV. STORMWATER MANAGEMENT

Sec. 42-202. Storm Sewer Utility and fund.

(a) There shall be one Storm Sewer Utility, which shall be co-extensive with the limits of the City, except as extended by ordinance. The cost of installing, maintaining, operating, and repairing storm sewers shall be paid out of a fund to be known as the Storm Sewer Utility Fund. There shall annually be paid into such fund such amount as the Council believes sufficient to meet the needs of the City, together with any funds that may be raised by bond issue or by other appropriation.

(b) Amendments are on file in the office of the City Clerk.
(Code 1984, § 21.08)

Sec. 42-203. Stormwater utility.

(a) *Findings.*

(1) The City of Green Bay finds that the management of stormwater and other surface water discharges within and beyond its borders is a matter that affects the public health, safety and welfare of the City, its citizens and businesses and others in the surrounding area. The development of land increases impervious surfaces and results in increased stormwater runoff. Failure to effectively manage this increased stormwater runoff affects the sanitary sewer utility operations of the Green Bay Sanitary District by, among other things, increasing the likelihood of infiltration and inflow in the sanitary sewer. In addition, surface water runoff may create erosion of lands, threaten businesses and residences with water damage and create sedimentation and other environmental damage in the City.

(2) The cost of operating and maintaining the City stormwater system, ensuring regulatory compliance and financing necessary plans, studies, repairs, replacements, improvements and extension thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.

(3) The City further finds that pervious surfaces are preferable to impervious surfaces for managing stormwater. Accordingly, the calculation of equivalent runoff units (ERU), which are used to calculate stormwater utility charges, as detailed in this chapter, shall be limited to impervious surface area. Pervious surfaces, such as forested areas, yard and terrace trees, lawns, gardens, planned natural landscaping, and undeveloped property shall be exempt from the calculation of ERU and stormwater utility charges.

(b) *Establishment of Stormwater Utility.*

(1) In order to protect the health, safety and welfare of the public, the Common Council is exercising its authority to establish the City of Green Bay Stormwater Utility and set the rates for stormwater services.

(2) The operation of the Stormwater Utility shall be under the supervision of the City of Green Bay Improvement and Services Committee, with final authority by the Green Bay Common Council. The Administrator will be in charge of the Stormwater Utility.

(3) The City is acting under the authority of Wis. Stats. Chs. 62 and 66, and particularly, without limitation, the following: Wis. Stats. §§ 62.04, 62.11, 62.16(2), 62.18, 66.0621, 66.0627, 66.0701, 66.0703, 66.0809, 66.0811, 66.0813 and 66.0821.

(c) *Powers and duties of Utility.*

(1) *Facilities.* The City, acting through the Stormwater Utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities as are deemed by the City to be proper and reasonably necessary for a system of stormwater and surface water management. These facilities may include, without limitation by enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls and ponds and such other facilities as will support a stormwater system.

(2) *Rates and charges.* The City, acting through the Stormwater Utility, may establish such rates and charges as are necessary to finance planning, design construction, maintenance and operation of the facilities in accordance with the procedures set forth in this article.

(3) *Budgeting process.* The City, through the Stormwater Utility, shall prepare an annual budget, which is to include all operation and maintenance costs, debt service and other costs related to the operation of the Stormwater Utility. The costs shall be spread over the rate classifications as determined by the Committee.

(4) *Excess revenues.* The City will retain any excess of revenues over expenditures in a year in a segregated Stormwater Enterprise Fund, which shall be used exclusively for purposes consistent with this article.

(d) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Administrator means the Director of Public Works or their designee.

Committee means the City of Green Bay Improvement and Services Committee.

Duplex unit means a residential space containing two dwelling units.

Dwelling unit means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

Equivalent runoff unit or *ERU* means the unit by which a storm sewer charge is calculated in this article and is based on an average horizontal impervious area of a fully developed single-family parcel within the City. An ERU is established as 3,000 square feet.

Impervious area or *impervious surface* means a horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, semi-impervious surfaces such as compacted clay and/or gravel, as well as streets, roofs, sidewalks, parking lots, driveways and other similar surfaces.

Lot means a parcel of land having a width and depth sufficient for one principal building and its accessory building together with open spaces required by Chapter 44 and abutting a public street or access easement.

Multifamily unit means a residential space consisting of three or more dwelling units.

Nonresidential property means any developed lot or parcel other than residential property as defined herein, including, but not limited to, transient rentals (such as hotels and motels), manufactured and mobile home parks, commercial, industrial, institutional, governmental property and parking lots.

Pervious area or *pervious surface* means a horizontal surface that is covered by vegetation or other naturally-occurring material that promote the infiltration or transpiration of precipitation, thereby reducing the amount of stormwater runoff. Pervious areas include, but are not limited to, forested areas, yard and terrace trees, lawns, native vegetation, planned natural landscaping, and undeveloped properties.

Residential property means any lot or parcel developed exclusively for residential purposes, including single-family homes, duplex units and multifamily units, but not including transient rentals (such as hotels and motels) and manufactured and mobile home parks.

Single-family home means any residential property consisting of a single dwelling unit.

Stormwater system means any natural or manmade stormwater conveyance facility operated or maintained by the City, including, but not limited to, retention/detention ponds, ditches, storm sewer, roads and navigable and non-navigable waterways.

Undeveloped property means property that has not been altered by the addition of any improvements, such as a building, structure, change of grade or substantial landscaping. Undeveloped property includes agricultural property. A property shall be considered developed pursuant to this article, upon issuance of a certificate of occupancy or upon substantial completion of construction or final inspection if no such certificate is issued or where construction is at least 50 percent complete and construction is halted for a period of three months.

Utility means the Stormwater Utility of the City of Green Bay.

(e) *Rates and charges.*

(1) By this article, the Board is establishing the basis for the rates that will be used to calculate and impose a charge upon each developed lot and parcel within the City for services and facilities provided by the Stormwater Utility consistent with this article.

(2) The amount of the charge to be imposed for each customer classification shall be made by resolution. All rates established pursuant to this chapter will be fair and reasonable. The current rates will be on file with the City Clerk.

(3) An ERU charge shall be imposed to recover all or a portion of the costs of the Stormwater Utility.

(f) *Credits.*

(1) The Utility may provide credits against the ERU determination for nonresidential property in the following cases:

a. Discharging stormwater runoff directly to the waters of Green Bay, Fox River or East River, the ERU credit shall be two-thirds of all ERUs located on the portion of property discharging directly to the above-named waters.

b. A ten percent credit in the number of ERUs will be provided to those properties within the nonresidential customer classification that provide privately constructed and maintained detention or retention facilities that restrict surface water discharge to the rate and volume as established in the City storm drainage standards for public and private development. This credit does not apply to those ERUs receiving credit in subsection (f)(1)a of this section.

(2) A ten percent credit in the number of ERUs will be provided to those properties within the residential - multifamily, including condominiums, customer classification that provide privately constructed and maintained detention or retention facilities that restrict surface water discharge to the rate and volume as established in the City storm drainage standards for public and private development.

(3) To be entitled to consideration for an ERU credit, the property owner shall file an application together with a review fee with the Administrator that is supported by documentation from a professional engineer and demonstrates the conditions of this section have been met. The application is subject to review and approval of the Administrator. If the Administrator needs additional engineering expertise to complete their review, the Administrator can deny the application unless the property owner agrees to pay for the necessary engineering services.

(4) The Administrator may revoke the credit if the basis for the credit has materially changed. The Administrator shall provide a 30-day advance written notice of any proposed revocation.

(5) A denial or revocation of any credit may be appealed under subsection (i) of this section.

(g) *Customer classifications.*

(1) For purposes of imposing the ERU charge, all lots and parcels within the City shall be classified into the following five customer classes:

a. Residential - single-family;

b. Residential - duplex;

c. Residential - multifamily, including condominiums;

d. Nonresidential; and

e. Undeveloped.

(2) The Administrator shall prepare a list of lots within the City and assign a customer classification to each lot or parcel.

(3) ERUs shall be calculated per classification as follows:

a. Residential - single-family: The impervious area for each single-family parcel unit shall be determined by the Administrator based on the best available information, including, but not limited to, data supplied by the City Assessor divided by 0.75, aerial photographs, the property owner, tenant or developer, or actual on-site measurement. The ERU for each single-family parcel shall be equal to the calculated impervious area divided by 3,000 square feet (rounded to the next higher 0.01). The ERU determination shall be updated by the Administrator based on any additions to the impervious area as approved through the building permit process.

b. Residential - duplex: The impervious area for each duplex parcel unit shall be determined by the Administrator based on the best available information, including, but not limited to, data supplied by the City Assessor divided by 0.75, aerial photographs, the property owner, tenant or developer, or actual on-site measurement. The ERU for each duplex unit shall be equal to one-half of the calculated impervious area divided by 3,000 square feet (rounded to the next higher 0.01). The ERU determination shall be updated by the Administrator based on any additions to the impervious area as approved through the building permit process.

c. Residential - multifamily: The ERU for each multifamily unit shall be determined by the Administrator based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photographs, the property owner, tenant or developer, or actual on-site measurement. The Administrator may require additional information as necessary to make the determination. The ERU value for residential multifamily property shall consist of its determined impervious area divided by 3,000 square feet and the number of units on the property (rounded to the next higher 0.01 ERU) to determine the per-unit ERU value. The ERU determination shall be updated by the Administrator based on any additions to the impervious area as approved through the building permit process.

d. For nonresidential properties, the Administrator shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photographs, the property owner, tenant or developer, or actual on-site measurement. The Administrator may require additional information as necessary to make the determination. The ERU value for a nonresidential property shall consist of its determined impervious area divided by the residential ERU value of 3,000 square feet (rounded to the next higher 0.01 ERU). The billing amount shall be updated by the Administrator based on any additions to the impervious area as approved through the building permit process.

e. Undeveloped properties: No ERU.

(4) The City may make such other classifications in accordance with this subsection as will be likely to provide reasonable and fair distribution of the costs of the Stormwater Utility.

(h) *Billing and penalties.*

(1) Stormwater Utility charges will be billed periodically with said charges to appear on the bill issued for municipal water and sanitary sewer service.

(2) The bills for Stormwater Utility charges shall be mailed to the designated utility bill recipient, but this mailing shall not relieve the owner of the property from liability for rental property in the event payment is not made as required in this article. The owner of any property served which is occupied by tenants shall have the right to examine collection records of the City for the purpose of determining whether such charges have been paid for such tenants, provided that such examination shall be made at the office at which the records are kept and during the hours that such office is open for business.

(3) If Stormwater Utility charges remain unpaid after a period of 30 days from the date the utility bill was mailed, such bill shall be determined delinquent. The City may collect delinquent charges under Wis. Stats. §§ 66.0821(4) and 66.0809(3).

(4) All delinquent charges shall be subject to a one percent penalty, per month, in addition to all other charges, including prior penalties or interest that exist when the delinquent charge is extended upon the tax roll.

(i) *Method of appeal.*

(1) The Stormwater Utility charge, a determination of ERUs or ERU credits may be appealed by filing a written appeal with the City Clerk prior to the utility charge due date if not paid or within 30 days of payment. The appeal shall specify all bases for the challenge and the amount of the stormwater charge the customer asserts is appropriate. Failure to file a timely challenge and specify all bases for the challenge waives all right to later challenge that charge. An appeal of the determination of an ERU shall be supported by documentation from a professional engineer/registered land surveyor.

(2) The Administrator will determine whether the stormwater charge is fair and reasonable or whether a refund is due the customer. The Administrator may act with or without a hearing and will inform the customer in writing of their decision.

(3) The customer has 30 days from the decision of the Administrator to file a written appeal to the City of Green Bay Improvement and Services Committee. In considering an appeal, the City of Green Bay Improvement and Services Committee shall determine whether the stormwater utility charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The committee shall conduct a formal or informal hearing and obtain sufficient facts upon which to make a determination. The committee's decision shall be based upon the evidence presented to it. After making such determination, the Improvement and Services Committee shall forward its recommendation to the Common Council for final approval.

(4) If it is determined that a refund is due the customer, the refund will be applied as a credit on the customer's next stormwater billing if the refund will not exceed the customer's next stormwater billing or will be refunded at the discretion of the Administrator.

(j) *Special assessment and charges.*

(1) In addition to any other method for collection of the charges established pursuant to this article for Stormwater Utility costs, the City finds that these charges may be levied on property as a special charge pursuant to Wis. Stats. § 66.0627. The charges established hereunder reasonably reflect the benefits conferred on property and may be assessed as special charges.

The mailing of the bill for such charges to the owner will serve as notice to the owner that failure to pay the charges when due may result in them being charged pursuant to the authority of Wis. Stats. § 66.0627(4) and placed upon the tax roll.

(2) In addition to any other method of charging for Stormwater Utility costs, the City may, by resolution, collect special assessments on property in a limited and determinable area for special benefits conferred upon property pursuant to Wis. Stats. § 66.0703. The failure to pay such special assessments may result in a lien on the property enforced pursuant to Wis. Stats. § 66.0703(13).

(Code 1984, § 30.20; Ord. No. 6-04; Ord. No. 57-04; Ord. No. 26-20, §§ 1, 2, 8-18-2020)

Chapter 43

RESERVED

Chapter 44

ZONING

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ARTICLE I. INTRODUCTION

DIVISION 1. GENERAL PROVISIONS

Sec. 44-1. Zoning Code.

This chapter shall be known, cited, and referred to as the "Zoning Ordinance, City of Green Bay, Wisconsin," or "this chapter."
(Code 1984, § 13.101)

Sec. 44-2. Purpose.

This chapter is adopted for the following purposes:

(1) To implement the comprehensive plan of the City of Green Bay.

(2) To promote and protect the health, safety, morals, comfort, convenience, and general welfare of the community.

(3) To regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate light, air, sanitation, and drainage.

(4) To regulate population density and distribution so as to facilitate the provision of adequate public services and utilities.

(5) To regulate parking, loading, and access in order to promote the safety and efficiency of streets and highways.

(6) To secure safety from fire, flooding, pollution, contamination, and other dangers.

(7) To stabilize and protect property values.

(8) To preserve the natural scenic beauty of the City and to enhance the aesthetic desirability of the environment.

(9) To divide the City into districts within which the location, sizes, and uses of buildings and open space shall be regulated.

(10) To prohibit the use of buildings, structures, and lands that are incompatible with the intended use or development of lands within the specified districts.

(11) To provide regulations pertaining to pre-existing lots, structures, and uses that do not conform to provisions of this chapter.

(12) To provide for the administration and enforcement of this chapter and to provide penalties for the violation of this chapter.

(Code 1984, § 13.102)

Sec. 44-3. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall not be construed to limit or repeal any other power now possessed by the City of Green Bay.
(Code 1984, § 13.103)

Sec. 44-4. Application.

From and after the effective date of the adoption of the ordinance from which this chapter is derived, the use of all land and every building or portion of a building erected, altered, added to, or relocated and every use within a building or structure shall be in conformity with the provisions of this chapter.

(1) Any existing building or structure and any existing use or properties not in conformity with the regulations of this chapter shall be regarded as nonconforming but may be continued, extended, or changed in compliance with the provisions of Article IV of this chapter.

(2) A nonconforming use in violation of the provisions of this chapter shall not be validated by the adoption of the ordinance from which this chapter is derived unless it is in compliance in all respects.

(Code 1984, § 13.104)

Sec. 44-5. Abrogation and greater restrictions.

This chapter does not repeal, rescind, or otherwise negate any easement, covenant, ordinance, rule, or other regulation that is legally enforceable, provided that where the regulations of this chapter are either more or less restrictive than such easements, covenants, rules, or other agreements, the more restrictive standards or requirements shall prevail.

(Code 1984, § 13.105)

Secs. 44-6—44-28. Reserved.

DIVISION 2. DISTRICTS AND MAP

Sec. 44-29. Establishment of zoning districts.

(a) *Base districts.* For the purposes of this chapter, the City of Green Bay is divided into the following base zoning districts:

(1) R-1 Low Density Residential District.

(2) R-2 Medium Density Residential District.

(3) R-3 Varied Density Residential District.

(4) RR Rural Residential District.

(5) OR Office-Residential District.

(6) NC Neighborhood Center District.

(7) D Downtown District (D1 and D2).

(8) C1 General Commercial District.

(9) C2 Highway Commercial District.

(10) C3 Community Center Commercial District.

(11) LI Light Industrial District.

(12) GI General Industrial District.

(13) BP Business Park District.

(14) PI Public Institutional District.

(15) CON Conservancy District.

(16) TND Traditional Neighborhood Development District.

(b) *Overlay districts.* The following overlay districts are hereby established:

(1) Shoreland-Wetland Overlay District.

(2) Floodplain Overlay Districts (Floodway, Floodfringe, and General Floodplain).

(3) Historic Districts designated under Article XV of this chapter.

(4) Planned Unit Developments designated under Article XX of this chapter.
(Code 1984, § 13.108; Ord. No. 17-08)

Sec. 44-30. District boundaries.

(a) The location and boundaries of the districts established by this division are set forth on the Green Bay Zoning Map, which is hereby adopted by reference and declared to be a part of this chapter. Supplemental maps, such as the Designated Floodplain Maps and the Historic District Maps, are also incorporated by reference.

(b) Amendments to the zoning map may be made from time to time as provided for in Article II of this chapter. Such changes shall be made by the Zoning Administrator after the official adoption of the zoning amendment.
(Code 1984, § 13.109)

Sec. 44-31. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, rivers, streams, or other bodies of water shall be construed to follow such centerlines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following established municipal limits and City borders shall be construed as following such lines.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Where physical features, such as floodplains, are at variance with those shown on the official zoning map or, in other circumstances, not covered by subsections (1) through (4) of this section, the Zoning Administrator shall interpret the district boundary.
(Code 1984, § 13.110)

Sec. 44-32. Zoning of annexed land.

Annexations to or consolidations with the City subsequent to the effective date of the ordinance from which this chapter is derived shall be placed in the Rural Residential (RR) District unless the annexation ordinance temporarily places the land in another district. The Zoning Administrator shall evaluate and recommend a permanent classification to the Common Council. Annexations containing shorelands, wetlands, or floodplains shall comply with the provisions of the Shoreland-Wetland Overlay District (Article XII of this chapter) or the Floodplain Overlay Districts (Article XIII of this chapter), as applicable.
(Code 1984, § 13.111)

Secs. 44-33—44-52. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERAL PROVISIONS

Sec. 44-53. Organization.

The administration of this chapter is hereby defined as follows:

(1) The Plan Commission and City Planning Department:
   a. Request for City action.
   b. Amendments.
   c. Conditional uses.

(2) The Office of the Zoning Administrator:
   a. Issuance of zoning certificates.
   b. Licensing.

(3) The Zoning Board of Appeals:
   a. Appeals.
   b. Variances.

(4) Historic Preservation Commission: Fees/penalties.

(Code 1984, § 13.201)

Secs. 44-54—44-79. Reserved.

DIVISION 2. GREEN BAY PLAN COMMISSION

Sec. 44-80. Establishment of the City Plan Commission.

The City Plan Commission is established to promote and administer all planning functions required by Wis. Stats. § 62.23.

(1) *Composition.* The Plan Commission shall consist of seven members: one Alderperson and six citizens. The members shall be persons whose experience and qualifications are of such kind and nature as to prepare them to discharge the duties required of them.

(2) *Alderperson member.* The Alderperson member shall be appointed by the Mayor at the first meeting of the Common Council held after the spring election and shall serve for the balance of their term in office.

(3) *Citizen members.* The Mayor shall appoint six citizen members. The first terms shall be staggered, one for one year, two for two years, and one for three years, respectively, from the succeeding May 1. Thereafter, annually during April, members shall be appointed for a term of three years.

(4) *Authority.* The City Plan Commission shall, subject to the usual contractual and employment practices of the City, have the power and authority to employ experts and staff, pay for their services, and pay such other expenses as may be necessary and proper from the appropriation made for such Commission by the Common Council or from other monies placed at its disposal by gift, grant, or otherwise. The Council may, however, adopt rules for the expenditures of such funds.

(5) *Removal.* The Commission may call for the removal of its members per Section 2-81. The Common Council shall take the appropriate action as deemed necessary.

(6) *Vacancy.* Should any vacancy occur among the members by reason of death, resignation, disability, removal, or otherwise, immediate notice thereof shall be given to the Mayor and Common Council, and the Council shall appoint a replacement. Should any vacancy occur among the officers, the vacant office shall be filled in accordance with the Plan Commission rules, such officer to serve the unexpired term of the office in which such vacancy shall occur.

(7) *Officers.* The Plan Commission shall elect a Chairperson, Vice-Chairperson, and secretary from among its members. The Zoning Administrator shall serve as the secretary of the City Plan Commission, and the City Planning staff shall act as the agent of the Plan Commission in carrying out its duties.

(8) *Functions of the plan commission.* The City Planning Department is responsible for administering all planning functions required by state statute. The Plan Commission is authorized to perform the following functions:

a. *Rules and public record.* The Plan Commission shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and recommendations.

b. *Comprehensive plan and official controls.* The Plan Commission shall cooperate with the Zoning Administrator and other Planning Department staff in preparing and recommending to the Common Council for adoption or amendment comprehensive plans and recommendations for plan implementation in the form of official controls and other measures.

c. *Administration of ordinance.* The Plan Commission shall provide assistance to the Common Council and Planning Department staff in the administration of this chapter.

d. *Rezoning, conditional use permits.* The Plan Commission shall review, hold public hearings, and make recommendations to the Common Council on all applications for zoning amendments and conditional use permits using the criteria established in this chapter.

e. *Official Map and other regulations.* The Plan Commission shall prepare and recommend the following documents to the Common Council:

1. An Official Map in accordance with Wis. Stats. § 62.23.

2. A zoning district plan and regulations in accordance with Wis. Stats. § 62.23.

3. Land division and subdivision regulations in accordance with Wis. Stats. § 236.45.

(Code 1984, § 13.202)

Sec. 44-81. Request for City action.

Those wishing to obtain approval through the Green Bay Plan Commission shall first complete a "Request for City Action" and a detailed letter of intent. Such actions include, but are not limited to, rezoning of property, conditional uses and amendments, Planned Unit Developments, City and extraterritorial subdivision of land, City and extraterritorial subdivision variance, development district map amendments, Official Map amendments, plats of right-of-way, discontinuance of public easement, street name changes, declaring City property surplus, vacation of a street/alley/pedestrian walkway, and/or others as applicable. The application for City action is available in the office of the Planning Department. Such application and letter of intent shall be completed in full and submitted with the appropriate fee to the City Clerk for placement on an available Common Council meeting.

(Code 1984, § 13.203; Ord. No. 17-08)

Sec. 44-82. Zoning amendments.

The Common Council may, by ordinance, change or supplement the regulations established by this article or amendments to this article.

(1) *Initiation.*

a. Proposed text amendments may be initiated by the Common Council, City Plan Commission, property owner, or resident of the City.

b. Proposed map amendments may be initiated by the Common Council, City Plan Commission, or the owner or owner's designated agent of the particular property to be rezoned.

(2) *Amendments.*

a. *Application by property owner or resident.* A property owner or resident wishing to amend the text of this chapter shall meet with Planning Department staff to discuss the proposed amendment and may then file an application form with the City Clerk accompanied by a nonrefundable application fee as may be established by the Council from time to time by resolution to cover costs of public notice and administrative review.

b. *Neighborhood meeting.* A neighborhood meeting may be required by staff as part of a zoning amendment. The coordination and costs of such meeting shall be the responsibility of the petitioner.

c. *Action by Plan Commission.* After review and consideration of the amendment, the Plan Commission shall forward its recommendations to the Common Council.

d. *Public hearing.* The Common Council or the Plan Commission, upon designation by the Common Council, shall hold a public hearing with a Class 2 public notice. The notice shall be published at least two times prior to the hearing. In case of a protest against such change, duly signed and acknowledged either by:

1. The owners of 20 percent or more of the land included in such proposed change;
2. The owners of 20 percent or more of the land immediately adjacent and extending 100 feet therefrom; or
3. The owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective unless approved by a three-fourths vote of the members of the Council.

e. *Action by Common Council.* Council action to approve the amendment shall be done by ordinance.

f. *Re-application time-period.* The Plan Commission will not consider any application of a property owner or owner's designated agent for a zoning map amendment within a one-year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is significantly altered or at the discretion of the Zoning Administrator for a different zoning district or for amended property boundaries.

(3) *Additional requirements in floodplain districts.* Map or text amendments that affect property in floodplain districts shall comply with the requirements of Sections 44-1169 and 44-1170 of this chapter.

(Code 1984, § 13.204)

Sec. 44-83. Conditional uses.

(a) *Definition.* There are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two categories:

(1) Uses publicly-operated or traditionally affected with a public interest.

(2) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(b) *Initiation.* Proposed conditional use permits may be initiated by the Common Council, City Plan Commission, or the owner or owner's designated agent of the particular property requesting the conditional use permit.

(c) *Conditional use permit.*

(1) *Application by property owner or resident.* A property owner or resident wishing to receive a conditional use permit shall meet with Planning Department staff to discuss the proposed CUP and may then file an application form with the Planning Department accompanied by a nonrefundable application fee as may be established by the Council from time to time by resolution to cover costs of public notice and administrative review.

(2) *Neighborhood meeting.* A neighborhood meeting may be required by staff as part of a conditional use. The coordination and costs of such meeting shall be the responsibility of the petitioner.

(3) *Action by Plan Commission.* After review and consideration of the CUP request, the Plan Commission shall forward its recommendations to the Common Council.

(4) *Public hearing.* The Common Council or Plan Commission, by designation of the Common Council, shall hold a public hearing with public notice.

(5) *Action by Common Council.* Council action to approve the CUP shall be done by resolution.

(6) *Re-application time-period.* The Plan Commission will not consider any application of a property owner or owner's designated agent for a conditional use permit within a one-year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is significantly altered or at the discretion of the Zoning Administrator for a different use or for amended property boundaries.

(d) *Findings and recommendations.* For each requested conditional use, the Plan Commission shall report to the Council its findings and recommendations, including the stipulations of additional conditions and guarantees that each condition will be complied with when they are deemed necessary for the protection of public interest.

(e) *Standards.* Conditional use approval may be recommended by the Plan Commission with reasonable consideration of the following:

(1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

(2) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(3) The conditional use, its exterior architectural design, and functional plan of any proposed structure will not be injurious to the use of other property in the immediate vicinity nor substantially diminish or impair property values within the surrounding neighborhood.

(4) Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

(5) Adequate measures have been or will be taken to provide ingress and egress and so designed as to minimize traffic congestion.

(6) Adequate parking facilities as specified in Article XVIII of this chapter.

(7) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located and all other applicable City ordinances.

(f) *Conditions and guarantees.* Prior to the granting of any conditional use, the Plan Commission may recommend such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the use as deemed necessary to protect the public interest and comply with the standards in subsection (e) of this section. In all cases in which conditional uses are granted, the Council may require such evidence and guarantees as it determines are necessary as proof that the stipulated conditions are being complied with.

(g) *Renewal of conditional use approval.* If construction has not begun or if the conditional use has not been established within 12 months of the approval date, the conditional use shall be required to be renewed as outlined above. Furthermore, if the use ceases to exist or ceases to be conducted for a period of 12 consecutive months, conditional use approval shall be required to be renewed as outlined above.
(Code 1984, § 13.205; Ord. No. 17-08; Ord. No. 10-18, §§ 1, 2, 6-19-2018)

Secs. 44-84—44-109. Reserved.

DIVISION 3. ZONING ADMINISTRATION

Sec. 44-110. Zoning Administrator.

The Zoning Administrator is responsible for interpreting and administering this chapter. The Zoning Administrator or designee shall:

(1) Issue all zoning certificates and maintain records thereof.

(2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of all federal, state, and local codes.

(3) Maintain permanent and current records, including, but not limited to, all maps, including floodplain maps and all water surface profiles, amendments, conditional uses, variances, appeals, and applications.

(4) Provide and maintain public records relative to all matters arising out of this chapter.

(5) Receive, file, and forward to the Zoning Board of Appeals all completed applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to act under this chapter.

(6) Initiate, direct, and review, from time to time, a study of the provisions of this chapter and make recommendations to the Plan Commission.

(7) Submit copies of applications for amendments, variances, and appeals to the floodplain regulations and floodplain maps to the appropriate District Office of the Wisconsin Department of Natural Resources, the Federal Insurance Administration, and the Federal Insurance and Hazard Mitigation Office.

(8) Submit copies of any adopted amendments and any decisions by the Zoning Board of Appeals on appeals and variances to the floodplain regulations and floodplain maps, any case-by-case analyses of proposals in floodplain areas, and an annual summary report of the number and types of zoning actions taken to the appropriate District Office of the Wisconsin Department of Natural Resources.

(9) Enforce this chapter pursuant to Wis. Stats. § 62.23(7)(e) where necessary to protect the health, safety, and welfare of the community.

(10) Determine the validity of uses, conditional uses, and dimensional considerations when it is unclear of the status of a subject property.

(Code 1984, § 13.206)

Sec. 44-111. Certificate of zoning.

It shall be unlawful to occupy or use any building, structure, or premises unless a certificate of zoning has been issued by the Zoning Administrator. A certificate of zoning shall not be issued unless the use of the building or premises is in compliance with all applicable provisions of this chapter. A certificate of zoning should be invalid if the use is not completed within one year of its issuance, change in zoning, or change in use.
(Code 1984, § 13.207)

Sec. 44-112. Certification of home-based occupations.

Those home-based occupations authorized by conditional use permit shall be required to obtain a home-based occupation certificate from the City, subject to payment of a filing fee as established by Common Council resolution. Home-based occupation certificates are not transferable. The certificate shall be renewed annually if required by the conditional use permit approval, at which time the home-based occupation shall be subject to inspection to ensure Code compliance. All nonconforming home-based occupations existing prior to the date of adoption of the ordinance from which this chapter is derived may continue, but the use shall not expand, be rebuilt, relocated, replaced, or altered without being brought into compliance with this chapter.
(Code 1984, § 13.208; Ord. No. 36-09)

Secs. 44-113—44-137. Reserved.

DIVISION 4. ZONING BOARD OF APPEALS

Sec. 44-138. Establishment.

The Zoning Board of Appeals is established for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

(1) *Composition.* The Zoning Board of Appeals shall consist of five members appointed by the Mayor and subject to confirmation by the Common Council for terms of three years, except that of those first appointed, one shall serve for one year, two for two years, and two for three years.

(2) *Removal.* The members of the Zoning Board of Appeals shall be removable by the Mayor for cause upon written charges and after public hearing. The remaining members shall elect one member as Chairperson. Vacancies shall be filled for the remainder of the unexpired terms of members whose seats become vacant.

(3) *Alternate members.* The Mayor shall appoint two alternative members in addition to the five regular members for staggered three-year terms. The Mayor shall annually designate one of the alternates as the first alternate member and the other as the second alternate member. The first alternate member shall act only when a regular member is absent or abstains. The second alternate member may act only when the first alternate is unable to act or is already sitting or acting.

(4) *Organization.* The Zoning Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this chapter.

a. Meetings shall be held at the call of the Chairperson and shall be open to the public.

b. Minutes of the proceedings and a record of all actions shall be kept by the Board showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

c. If a quorum is present, the concurring vote of a majority of the members present of the Board shall be necessary to correct an error, grant a variance, make an interpretation, and permit a temporary, unclassified, or substituted use.

(Code 1984, § 13.209; Ord. No. 30-12; Ord. No. 15-13)

Sec. 44-139. Jurisdiction of Zoning Board of Appeals.

The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

(1) *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter.

(2) *Variances.* To hear and act upon applications for specific variances from the terms provided in this chapter.

(3) *Other matters.* To hear and act upon all other matters referred to it upon which it is required to act under this chapter.

(4) *Assistance.* The Board may request assistance from other City officers, departments, commissions, and boards.

(5) *Oaths.* The Chairperson may administer oaths and compel the attendance of witnesses.

(Code 1984, § 13.210)

Sec. 44-140. Appeals.

(a) Appeals to the Zoning Board of Appeals may, upon formal application, be taken by any person aggrieved by or affected by a decision of the Zoning Administrator or any other administrative official charged with administering and enforcing this chapter. Such appeals shall be governed by the following provisions.

(b) Procedure.

(1) A petition shall be filed with the Zoning Administrator and transmitted to the Zoning Board of Appeals. An appeal shall stay all legal proceedings of the action appealed unless a stay would cause imminent peril to life or property.

(2) The officer whose action is appealed shall submit a written report to the Board that describes the reasons for the action and send a representative to the appeal hearing to comment.

(3) The Board shall establish a reasonable time for the hearing of the appeal and give public notice thereof. The Board shall render a decision on the appeal within a reasonable time.

(4) The Board may reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or determination as appropriate.

(Code 1984, § 13.211)

Sec. 44-141. Variances.

The Zoning Board of Appeals may, upon denial of a site plan as required in Article XIX of this chapter and submission of a formal application, grant a variance from the dimensional standards of this chapter where an applicant convincingly demonstrates that literal enforcement of the provisions of the chapter will result in practical difficulty or unnecessary hardship on the applicant.

(1) *Procedure.* An application for a variance shall be filed with the Zoning Administrator and transmitted to the Zoning Board of Appeals. Prior to making a determination with respect to a variance request, the Board shall hold a public hearing and provide, by mail, written notice to the petitioner and to owners of property immediately surrounding and within at least 100 feet of the property in question, exclusive of streets and alleys, as listed in the office of the City Assessor.

(2) *Findings.* No variance shall be granted by the Board unless it finds that the following facts and conditions exist and so indicates in the minutes of its proceedings.

a. *Preservation of intent.* A variance would not be inconsistent with the spirit, purpose, and intent of the regulations for the district in which it is requested.

b. *Exceptional circumstances.* Exceptional, extraordinary, or unusual circumstances or conditions apply to the lot or intended use that do not apply generally to other properties or uses in the same district, and the variance is not of so general or recurrent a nature to suggest that this chapter should be changed.

c. *Preservation of property rights.* The variance is necessary for the preservation and enjoyment of the same substantial property rights which are possessed by other properties in the same district and vicinity.

d. *Absence of detriment.* The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the spirit, purpose, and intent of this chapter or the public interest.

e. *Hardship.* The alleged difficulty in complying with the Municipal Code is not self-imposed nor is it based solely on economic grounds.

(3) *Conditions.* Conditions may be placed upon any variance.

(Code 1984, § 13.212)

Sec. 44-142. Finality of decisions of Board.

All decisions and findings of the Zoning Board of Appeals, on appeal or upon application for a variance after a hearing, shall in all instances be final administrative determinations and shall be subject to review by a court as may be provided by law.

(1) Expiration of variance. If construction has not begun or if the variance has not been acted upon within 12 months of the approval date, the variance shall expire.

(2) If the use ceases to exist or ceases to be conducted for a period of 12 consecutive months, the variance shall expire.

(Code 1984, § 13.213)

Secs. 44-143—44-167. Reserved.

DIVISION 5. HISTORIC PRESERVATION

Sec. 44-168. Purpose and intent.

(a) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section and Article XV of this chapter is to:

(1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.

(2) Safeguard the City's historic and cultural heritage as embodied and reflected in such historic structures, sites, and districts.

(3) Foster civic pride in the notable accomplishments of the past.

(4) Stabilize and improve property values.

(5) Protect and enhance the City's historic districts, structures, and sites for the benefits of residents, tourists, and visitors and serve as a support and stimulus to business and industry.

(6) Improve and enhance the visual and aesthetic character of the City.

(7) Educate the public regarding the need and desirability of a City historic preservation program and its enhancement of the quality of life.

(b) Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means any act or process which changes one or more of the exterior features of an improvement, including but not limited to the erection, construction, reconstruction, or moving of any improvement.

Certificate of appropriateness means a statement issued by the Landmarks Commission (LC), or their designee, verifying that the LC has reviewed an application for a proposed alteration, rehabilitation, construction, reconstruction, or demolition of a historic structure, historic site, or any improvement in a historic district; that the LC has found the requested action to be appropriate to the general character of the improvement, historic structure, historic site, or historic district; and that the requested action may be taken subject to applicable building and zoning codes.

Character means all those visual aspects and physical features that comprise the appearance of a historic structure, historic site, or historic district. Character-defining elements include the overall shape, its materials, craftsmanship, decorative details, spaces, and features, as well as the various aspects of its site and environment.

Contributing building means a building, object, or site located within the boundaries of a local historic district and identified as contributing to the historical, cultural, archaeological, or architectural significance of the local historic district.

Demolition means any act or process which destroys in part or in whole an improvement.

Features means elements that give a historic structure, historic site, or historic district its visual character and that should be taken into account in order to preserve them to the maximum extent possible. For historic structures, the term "features" also includes the kind and texture of the building material, and the type and style of all windows, doors, and all other architectural elements.

Historic District means a place or area designated as a historic district pursuant to the provisions of this chapter. In order to be designated, the following requirements shall be met: the historic district may contain, within definable geographic boundaries, one or more historic structures along with such other buildings, places or areas which, while not of such historic significance to be designated as historic structures, nevertheless contribute to the overall visual characters of the historic structure or structures located within the District.

Historic site means a place or area designated as a historic site pursuant to the provisions of this chapter. In order to be designated, the following requirements shall be met: the historic site must represent, within definable geographic boundaries, any building, landscape, site, improvement, event, or structure that is or was of local, regional, or national significance.

Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage, or cultural characteristics of the City and which has been designated as 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.
(Code 1984, § 13.214; Ord. No. 18-18, § 1(13-214), 8-21-2018)

Sec. 44-169. Landmarks Commission composition.

The Landmarks Commission (LC) is established to promote and administer all historic preservation functions required by Article XV of this chapter and this Division 5. Pursuant to the provisions of Wis. Stats. § 62.23(7)(em), a Landmarks Commission is hereby created, consisting of seven members. Of the membership, one shall be a registered architect, one shall be a historian, or licensed contractor, one shall be a licensed real estate broker or licensed appraiser, one shall be an Alderperson, and three shall be citizen members. Two of these citizen members shall reside in or own a certified historic structure or site. All members must be current residents of the City of Green Bay. Each member shall have, to the highest extent practicable, a known interest in historic preservation. If an architect, historian/contractor, or real estate broker/appraiser is not available at time of vacancy, an appropriate alternative professional may be appointed by the Mayor only if two of the three listed professions are already represented on the Commission. The Chairperson of the LC shall be chosen by the members of the LC, but may not be a person affiliated with the City government in any capacity beyond the LC, including employment, appointment, or election. The Mayor shall appoint the Commissioners, subject to confirmation by the Common Council. Of the initial members

so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years, except the Alderperson who shall only serve through their term of office.
(Code 1984, § 13.215; Ord. No. 18-18, § 1(13-215), 8-21-2018; Ord. No. 11-19, § 1, 3-5-2019)

Sec. 44-170. Historic structure, historic site, and Historic District designation criteria.

For purposes of this division, 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, archaeological, or cultural significance to the City. See Section 44-1547 for designation provisions.
(Code 1984, § 13.216; Ord. No. 18-18, § 1(13-216), 8-21-2018)

Sec. 44-171. Powers and duties of Landmarks Commission.

See Section 44-1552 for powers and duties.
(Code 1984, § 13.217; Ord. No. 18-18, § 1(13-217), 8-21-2018)

Secs. 44-172—44-195. Reserved.

DIVISION 6. FEES AND ENFORCEMENT

Sec. 44-196. Fees.

A schedule of fees shall be established and may be amended from time to time by the Common Council for all permits, appeals, or other applications filed under the terms of this chapter. Such fees shall be as provided in the City Fee Schedule.
(Code 1984, § 13.218)

Sec. 44-197. Violations.

It shall be unlawful to use or improve any structure, land, or water in violation of any of the provisions of this chapter. In case of any violation, the Common Council, the Zoning Administrator, the Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this chapter or cause a structure to be vacated or removed.

(1) *Remedial action.* Whenever an order of the Zoning Administrator has not been complied with or where written agreements for compliance have not been made by the property owner within 15 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Common Council, the Zoning Administrator, or the City Attorney shall initiate appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

(2) *Enforcement by injunction.* Compliance with the provisions of this chapter may also be enforced by injunction order at the suit of the City or one or more owners of real estate situated within an area affected by the regulations of this chapter.

(3) *Declared nuisances.* Any building erected, structurally altered, or placed on a lot or any use carried on in violation of the provisions of this chapter is hereby declared to be a nuisance per se, and the City may apply to any court of competent jurisdiction to restrain or abate such nuisance.

(Code 1984, § 13.219)

Sec. 44-198. Penalties.

Any person who violates any provision of this chapter shall be subject to a penalty as provided in Section 1-6. Each day a violation exists or continues shall constitute a separate violation.
(Code 1984, § 13.220)

Secs. 44-199—44-219. Reserved.

ARTICLE III. DEFINITIONS

DIVISION 1. GENERAL PROVISIONS

Sec. 44-220. Rules of construction.

In the construction of this chapter, the following rules shall be observed and applied, except where the context clearly indicates otherwise:

(1) The present tense shall include the future.

(2) The singular number shall include the plural and the plural the singular.

(3) The word "shall" is mandatory and not discretionary.

(4) The word "may" is permissive.

(5) The word "building" includes the word "structure."

(6) The words "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(7) The word "lot" shall mean "zoning lot" unless otherwise specified in this chapter.

(8) The words "lot," "parcel," or "premises" may be used interchangeably.

(9) All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half foot or less, the integral foot next below shall be taken.

(Code 1984, § 13.301)

Secs. 44-221—44-248. Reserved.

DIVISION 2. DEFINITIONS

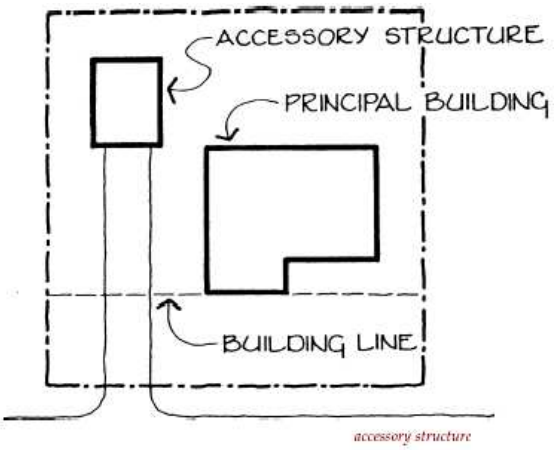
Sec. 44-249. General definitions.

Unless otherwise expressly stated or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this chapter, have

the meanings indicated. All words and phrases not defined shall have their common meaning. Definitions of land uses listed in this chapter are listed in Section 44-250. Definitions of signs are listed in Section 30-3.

ADT means average daily traffic volumes of vehicles on a street.

Accessory building means a subordinate building or a portion of the main building, the use of which is clearly incidental to that of the main building and which is located on the same lot as the main building. See the following graphic.



Graphic Courtesy of the American Planning Association

Accessory Building

Accessory use means a use on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

Adaptive re-use means a change in use from that for which a structure was originally intended. Such a change provides for the continued utility of the structure without significantly altering the form and character of the original structure.

Affordable housing means housing in which mortgage, amortization, taxes, insurance, and condominium and association fees, if any, constitute no more than 30 percent of gross annual household income for a family earning 80 percent of the region's median income. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30 percent of gross annual household income for a family earning 80 percent of the region's median income.

Alley means a public or private way typically less than 20 feet wide and permanently reserved as a means of access to abutting property.

Annexation means the act or process of adding land to a governmental unit, usually an incorporated place, by an ordinance, court order, or other legal action.

Antenna means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Apartment. See *Multiple-family dwelling.*

Area, building. See *Building coverage.*

Area, lot, means the total horizontal area within the lot lines of a lot.

Basement means that portion of a dwelling below the first floor or ground floor with its entire floor below grade.

Boathouse means a permanent structure used for the storage of watercraft and associated materials, including all structures which are totally enclosed and have roofs or walls or any combination of structural parts.

Building means a structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or chattels. When separated by division walls from the ground up and without openings, each portion of such structure shall be deemed a separate building.

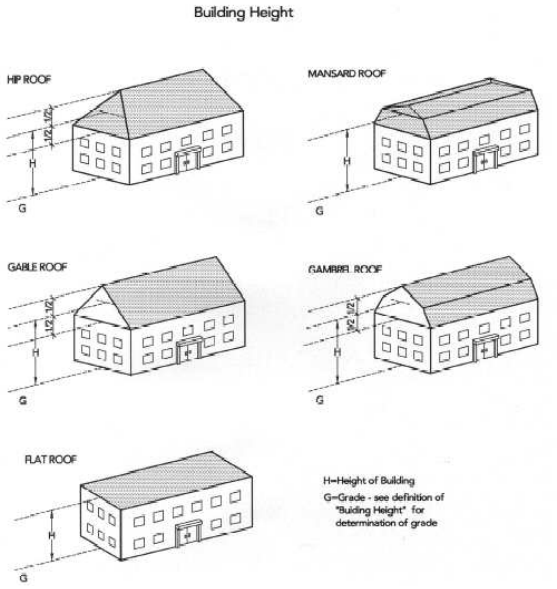
Building alteration means changes to structural parts, mechanical equipment, or location of openings, but does not increase the overall area of the building.

Building coverage means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot, generally expressed as a percentage of lot area.

Building entry means the doorway into a building along with the architectural treatments that accompany it.

Building facade means the entire area of a building facing or side extending from the roof or parapet to the ground and from one corner of the building to another.

Building height means the vertical distance measured from the curb level to the mid-height of the roof surface on a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. For buildings set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided its distance from the street line is not less than the height of such grade above the established curb level. See the following graphic example.



Building Height

Building scale means the relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.

Certificate of zoning means a document that acknowledges that a use, structure, building, or lot either complies with or is nonconforming to the provisions of this chapter or is an authorized variance or modification therefrom.

Channel means natural or artificial watercourse of perceptible extent with definite bed and banks to confine and conduct continuously or periodically flowing water.

Channel flow means that water which is flowing within the limits of the defined channel.

Class II public notice means publication of a public hearing notice pursuant to Wis. Stats. Ch. 985.

Co-location means location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or structure.

Columbarium means a building for the entombment of the cremated remains of human bodies as a part of a cemetery.

Commercial motor vehicle means a truck, van, or commercial vehicle with less than 10,000 pounds gross vehicle weight rating.

Community Development Review Team (CDRT) means a group of professionals who conduct the administrative review of all site plan approval requests.

Community gardens means sectioned plots of land for individual or group use for the planting, growing and cultivation of fruits, vegetables, plants, flowers, and herbs. Personal gardens on private property used as an accessory use do not apply.

Conditional use means uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

Corporate retreat means a single-family dwelling unit which is provided with or without monetary compensation by a business, company or corporation, including a nonprofit corporation, to transient occupants, including, but not limited to, agents, customers, clients, consultants, employees, directors, executives or shareholders of the business, company or corporation.

Crematorium means a facility within either a funeral home or a cemetery for the cremation of bodies.

Curb cut means a curb break or a place or way provided for the purpose of gaining vehicular access between a street and abutting property.

Curb level means the mean level of the established curb in front of the building. Where no such curb has been established, the City Engineer shall establish such curb level for the purpose of these regulations.

Density means the number of dwelling units permitted on a site, customarily expressed as dwelling units per acre of buildable area.

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 substantial improvements to buildings, structures, or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition, or extraction of materials.

Development standard means supplemental regulations that address the unique characteristics of certain land uses.

Drainage system means one or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Driveway means an access for vehicles between a roadway and a parking space, garage, dwelling, or other structure.

Dwelling unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family, with separate toilets and facilities for cooking and sleeping from any other dwelling unit.

Eagle III Rescue means critical care trained personnel prepared for all types of medical emergencies comprised of ground, fixed wing, and helicopter unit transportation.

Environmental control facility means any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control, or monitoring of noise, air, or water pollutants, solid waste, and thermal pollution, radiation, or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptance pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Equalized assessed value means the value of the real property therein as determined by the Department of Revenue under Wis. Stats. § 70.57.

Erosion means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

Erosion control measure means a practice or combination of practices to control erosion and attendant pollution.

Erosion control plan means a written description of the number, locations, sizes, and other pertinent information of erosion control measures designed to meet the requirements of this chapter, submitted by the applicant for review and approval by the Director of Public Works or Building Inspection Superintendent.

Family means a group of two or more persons related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit or a group of not more than three adults not so related maintaining a common household.

Federal Aviation Administration (FAA) means an agency of the United States Department of Transportation with authority to regulate and oversee all aspects of civil aviation in the U.S.

Fence means an enclosure or barrier, such as wooden posts, wire, iron, masonry or other manufactured material or combination of materials, erected to enclose, screen, or separate areas.

Fixed houseboat means a structure not actually used for navigation which extends beyond the ordinary high water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spud poles attached to the bed of the waterway.

Flood means a temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Flood, regional, means a flood determined by the State Department of Natural Resources and the Federal Insurance Administration in the flood insurance study for the City dated May 2, 1977, which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency on the order of the 100-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

Flood, standard project, means a hypothetical flood projected by the U.S. Army Corps of Engineers, Division of Environmental Protection, or the City Engineering Office representing the critical flood runoff volume and peak discharge that may be expected from the most severe combination of meteorological and hydrologic conditions that are considered reasonably characteristic of the geographical region involved, excluding extremely rare combinations.

Flood delineation means based on the channel of the river or stream and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood without any measurable increases in flood heights.

Flood frequency means a means of expressing the probability of flood occurrences as determined from statistical analysis of representative stream flow records. The frequency of a particular stage of discharge is usually expressed as occurring once in a specified number of years.

Flood profile means a graph of a longitudinal profile showing the relationship of the water surface elevation of a flood event to a location that generally is expressed as a distance upstream from a designated point on a stream or river.

Flood protection elevations means that elevation which corresponds to a point not less than two feet above the water surface profile associated with the regional flood plus any increases attributable to encroachments in the floodway.

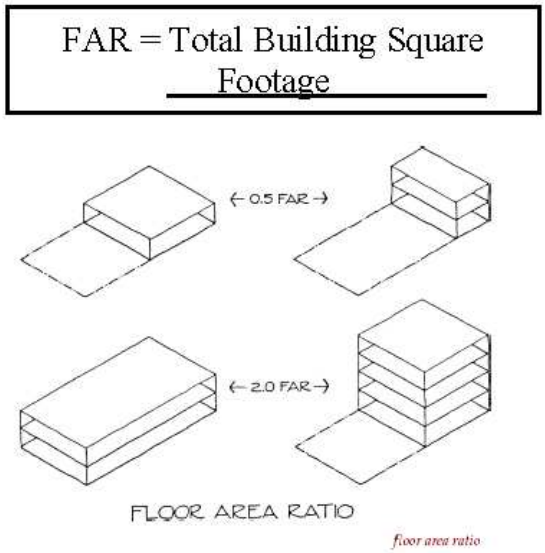
Floodplain means land adjacent to a body of water which has been or may hereafter be covered by floodwater, including, but not limited to, the regional flood.

Floodplain storage capacity means the volume of space above an area of floodplain land that can be occupied by floodwater of a given stage at a given time regardless of whether the water is moving.

Floodproofing means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water, and sanitary facilities and structures and contents of buildings in a flood hazard area.

Floodway means the channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.

Floor area ratio (FAR) means the gross floor area of all buildings or structures on a lot divided by the total lot area. See the following graphic example.



Graphic Courtesy of the American Planning Association

Floor Area Ratio

Garage, private. See *Accessory uses.*

Grid-intertie solar system means a photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

Gross acre means an acre of land (43,560 square feet) that includes street rights-of-way and other publicly-dedicated improvements, such as parks, open space, and stormwater detention and retention facilities.

Gross floor area means the sum of the gross horizontal area of a floor or several floors of a building or structure measured from the exterior face of exterior walls or the centerline of a wall separating two buildings or structures, not including uninhabitable attics or basements, underground parking, uncovered steps or decks, and exterior balconies.

Ground floor means that level of a dwelling below the first floor located on a site with a sloping or multi-level grade and which has a portion of its floor line at grade.

Height of building. See *Building height.*

Historic Preservation Commission means a City commission empowered to enforce the regulations of Article XV of this chapter.

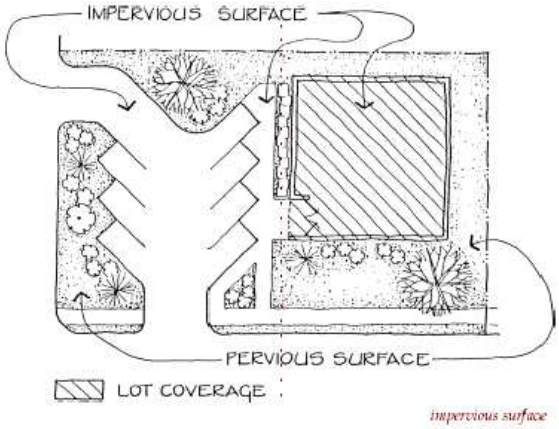
Home-based occupation means the use of a home in a residential zoning district that is clearly incidental to and secondary to the use of a dwelling unit by only persons residing in said home.

Home occupation certificate. See *License for home occupation.*

Homeless family means a group of two or more related individuals who are homeless individuals.

Homeless individual means an individual who lacks a fixed, regular, and adequate nighttime residence (without regard to whether the individual is a member of a family) or an individual whose primary nighttime residence is a supervised public or privately operated shelter designed to provide temporary living accommodations. Temporary living accommodations include welfare hotels, congregate shelters, dormitories, and transitional housing.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious surfaces, such as compacted clay or gravel, as well as conventional street or alley surfaces, roofs, sidewalks, drives, parking lots, and similar improvements. See the following graphic example.



Graphic Courtesy of the American Planning Association

Impervious Surface

In-fill lot means any vacant lot or parcel within developed areas of the City where at least 80 percent of the land within a 1,000-foot radius of the site has been developed, and where water, sewer, streets, schools and fire protection have already been provided. Lots that have private restrictions or housing covenants that outline a general style of housing are not considered infill lots.

Land development activity means the construction of buildings, roads, parking lots, paved storage areas, and similar facilities.

Land-disturbing construction activity means any manmade change of the land surface, including removing vegetative cover, excavating, filling, and grading but not including agricultural land uses, such as planting, growing, cultivating, and harvesting of crops, growing and tending of gardens, harvesting of trees, and landscaping modifications.

Landowner means any person holding title to or having interest in land.

License of home occupation means a certificate (renewed annually) certifying that a use within a residential structure is in compliance with the regulations of the Municipal Code.

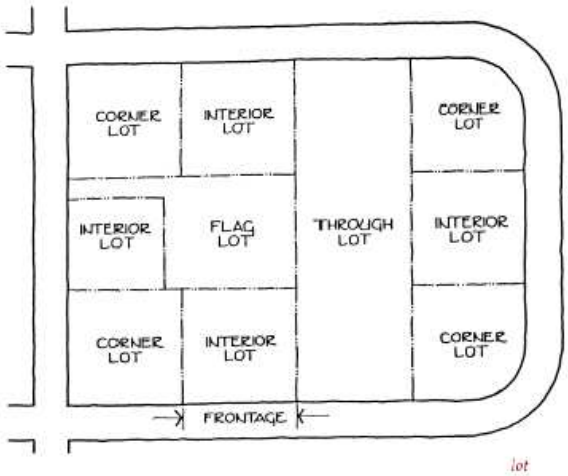
Local representative means a property owner or their designee who permanently resides within the City of Green Bay or a licensed property management company with a physically staffed office within the City of Green Bay who manages a short-term rental.

Lot means land occupied or to be occupied by a building and its accessory building, including such open spaces as are required under this chapter, having its principal frontage upon a public street or officially approved place. See the following graphic.

Lot, corner, means a lot abutting two or more streets at their intersection or two parts of the same street forming an interior angle of less than 135 degrees. See the following graphic.

Lot, interior, means a lot other than a corner lot. See the following graphic.

Lot, through, means an interior lot having frontage on two streets. See the following graphic.



Graphic Courtesy of the American Planning Association

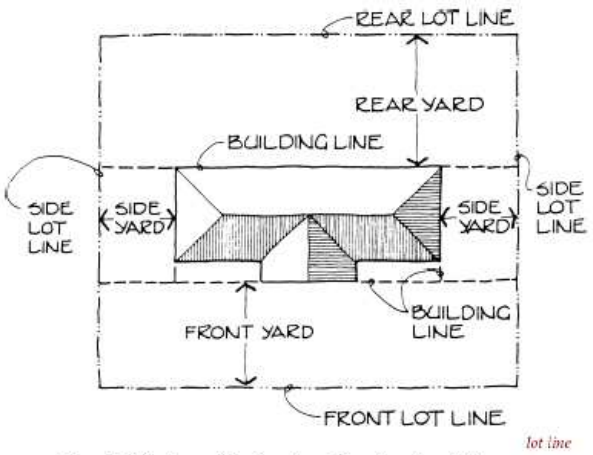
Lot Types

Lot line means a line dividing one lot from an adjoining lot, public place, or public right-of-way, including any of the following:

(1) *Front lot line.* The street frontage shall be the front lot line. On a corner lot, the front lot line shall be along the same street as the front lot line of the immediately adjacent interior lot or, if adjacent to two or more interior lots, the street frontage with the smallest dimension. See the following graphic.

(2) *Rear lot line.* The lot line most closely opposite the front lot line. A triangular lot has two side lot lines but no rear lot line. For any other irregularly shaped lot, the rear lot line is any lot line that is nearly opposite the front lot line. See the following graphic.

(3) *Side lot line.* Any lot line that is neither a front nor a rear lot line. See the following graphic.



Graphic Courtesy of the American Planning Association

Lot Lines

Lot width means the distance between a side lot line and another side lot line or a side street lot line, measured at the front setback.

Meteorological tower (met tower) is defined to include the tower, base plate, anchors, and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Monument means a structure erected to commemorate and/or a memorial perpetuating the memory of a person or event.

Motor vehicle, commercial, means a vehicle, which is intended to be self-propelled, including, but not limited to, automobiles, trucks, recreational vehicles, watercraft, and all-terrain vehicles greater than 10,000 pounds.

Motor vehicle, residential, means a vehicle, which is intended to be self-propelled, including, but not limited to, automobiles, vans, trucks, and motorcycles as listed below:

(1) *Passenger vehicle, compact.* Any passenger vehicle that does not exceed six feet in width and/or 15 feet in length.

(2) *Passenger vehicle.* Private passenger vehicle properly licensed and operable of less than 10,000 pounds gross vehicle weight rating.

(3) *Trucks and commercial vehicles.* A truck, van, or commercial vehicle with less than 10,000 pounds gross vehicle weight rating.

(4) *Recreational vehicle.* An operable vehicle primarily used for leisure activities, including, but not limited to, motor home, camper trailers, boats with or without trailers, utility trailers, all-terrain vehicles, snowmobiles and like motorized and non-motorized vehicles.

Navigable waters means a Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under state law. Under Wis. Stats. § 14.26(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. § 61.351 or 62.221 and Wis. Admin. Code Ch. NR 117 do not apply to lands adjacent to farm drainage ditches if:

(1) Such lands are not adjacent to a natural navigable stream or river;

(2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(3) Such lands are maintained in nonstructural agricultural use.

Net acre means an acre of land excluding street rights-of-way and other publicly-dedicated improvements, such as parks, open space, and stormwater detention and retention facilities.

Net floor area means the horizontal area of a floor or several floors of a building or structure, excluding those areas not directly devoted to the principal or accessory use of the building or structure, such as restroom, permanent storage areas, stairwells and ramps, loading facilities, mechanical rooms, and vents or shafts devoted to elevators, wiring, or mechanical equipment.

Nonconforming lot means a lot which does not comply with lot width or lot area requirements of the Municipal Code.

Nonconforming structure means buildings and structures that do not meet the setback, height, or other dimensional or density requirements of this chapter for permitted uses in the zoning district in which they are located.

Nonconforming use means a use lawfully in existence on the effective date of the adoption of the ordinance from which this chapter is derived and not conforming to the regulations of the zoning district in which it is situated.

Nonstructural alteration means ordinary repairs that include, but are not limited to, external painting; decorating; paneling; the repair or replacement of doors, windows, nonbearing walls, fixtures, heating and cooling components, wiring, plumbing, roofing, and other nonstructural components.

Off-grid solar system means a photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Open space, common, means squares, greens, neighborhood parks, community parks, greenways, and other open space owned and maintained by the City, by a homeowners' association, or by other organizations for recreation or natural resource protection and generally accessible to the public.

Ordinary high water mark means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Overlay district means a zoning district that restricts or modifies uses permitted in the underlying zoning district.

Parking lot alteration means modifications to parking areas that do not increase the limits of the existing parking lot and include the following:

(1) *Patch* means re-striping, crack filling, seal coating as general maintenance of existing parking areas, including filling in, removal and replacement of up to 500 square feet of pavement.

(2) *Resurfacing* means existing surfaces that are removed above the base course and repaved with no expansion of the parking area.

(3) *Rehabilitation* means existing parking areas are pulverized and compacted in place with pavement being added on top of the new base material with no expansion of the parking area.

(4) *Reconstruction* means existing pavement and base course are removed with the sub-base being re-compacted to allow for pavement or base course and pavement being placed with no expansion of the parking area.

(5) *New construction* means virgin soil or exposed soil is modified to allow for the construction of a parking area.

Permitted use means any use which is or may be lawfully established in a particular district, provided it conforms to all the regulations and requirements applicable to that district or any use determined by the Zoning Administrator to be substantially similar to a permitted use.

Photovoltaic system means an active solar energy system that converts solar energy directly into electricity or another energy form.

Plan Commission means a City commission established to promote and administer all planning functions required by Wis. Stats. § 62.23.

Pond means any naturally occurring or manmade body of water that retains or detains the natural flow of water. This definition does not include ponds used for or are a part of a stormwater management plan, as regulated in Chapter 42.

Pool means any constructed or prefabricated structure either temporary (installed for a duration of less than seven days) or permanent (installed for a duration of seven days or more), either aboveground or in-ground and containing or normally capable of containing water that is primarily for the purpose of wading, swimming, or other recreation use. This definition excludes hot tubs, spas, and ponds.

Prohibited use means any use in a particular district that does not conform to the regulations and requirements applicable to that district or any use determined by the Zoning Administrator to not be substantially similar to a permitted use.

Queuing means the use of one travel lane on local streets with parking (usually an intermittent parking pattern) on both sides.

Right-of-way means a public or private area that allows for the passage of people or goods. Rights-of-way include, but are not limited to, passageways, such as waterways, freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way dedicated or deeded to the public or condemned by the public for public use under the control of a public agency.

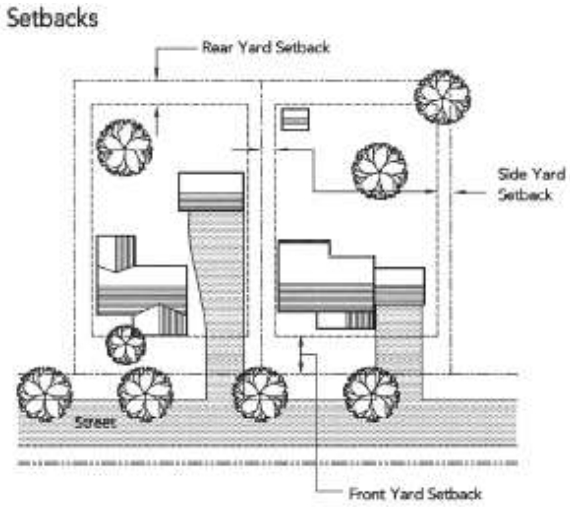
Rotor diameter means the cross-sectional dimension of the circle swept by the rotating blades.

Runoff means the rainfall, snowmelt, or irrigation water flowing over the ground surface.

Setback, front yard and corner side yard, means the space between the setback line of the building or use and the street right-of-way line. See the following graphic.

Setback, rear yard, means the space between the rear yard setback line of the building or use and the rear lot line. Where an alley exists, minimum horizontal distance may be measured from the centerline of the alley. A rear yard adjoining a public street is considered a corner side yard. See the following graphic.

Setback, side yard, means the space between the side line of the building or use and the side lot lines unless the side line of the building or use is on a corner lot, in which case it shall be a corner side yard setback. See the following graphic.



Setbacks

Shadow flicker means the visible flicker of light when rotating blades of the small wind energy system cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

Shorelands means lands with the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Short-term rental (STR) means a dwelling unit in which paying guests are entitled to occupancy for a period less than 28 calendar days.

Short-term rental permit (STRP) means a permit issued by the City of Green Bay Department of Community and Economic Development to the local representative for compliance with a short-term rental.

Short-term vacation unit means a dwelling unit which is provided for compensation to an occupant for less than 28 consecutive calendar days, other than a bed and breakfast. For the purposes of this definition, compensation includes, but is not limited to, monetary payment, services or labor of employees.

Sidewalk means that portion of a public street right-of-way or public easement that is paved or otherwise surfaced and intended for pedestrian use.

Site means the entire area included in the legal description of the land on which a land-disturbing or land-development activity is proposed.

Site area means the total horizontal area included within the property lines of a site devoted to or intended for a use or occupied by a structure or a group of structures.

Small wind energy system means a wind energy system that:

(1) Is used to generate electricity;

(2) Has a nameplate capacity of 100 kilowatts or less; and

(3) Has a total height of 170 feet or less.

Small wind energy system owner means the individual or entity that intends to own and operate the small wind energy system in accordance with this chapter.

Solar energy means active radiant energy (direct, diffuse, and reflected) received from the sun.

Spa (hot tub) means any hydro-massage pool or tub for recreational or therapeutic use designed for immersion of users that may or may not be equipped with a filter, heater, and motor driven blower.

Specified anatomical areas (see *Adult entertainment establishment* under commercial recreation and entertainment) means:

(1) Less than completely and opaquely covered: human genitals, pubic region; buttock; female breast below a point immediately above the top of the areola.

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Stadium means a permanent or semi-permanent facility that conducts events and has designated seating for spectators.

Stormwater management plan means a written description of the number, locations, sizes, and other pertinent information of stormwater control measures designed to meet the requirements of the Municipal Code submitted by the applicant for review and approval by the Director of Public Works.

Story means that portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

Story, half, means that portion of a building between the eaves and ridge lines of a pitched roof which may or may not be used for tenant purposes.

Street means a strip of land including the entire right-of-way, publicly- or privately-owned, serving as a means of vehicular travel and furnishing access to abutting properties which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks. A street is typically more than 20 feet wide.

Structural alteration means any change which would alter the supporting structures or members of a building or structures, such as bearing walls, columns, beams or girders.

Terrace area means the space between the street pavement and the sidewalk, if any, excluding the driveway apron, often landscaped with grass and street trees.

The Austin Straubel International Airport Zoning Ordinance means Brown County Code of Ordinances, Chapter 24, Airport Zoning Districts.

Total height (small wind energy systems) means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

Tower means any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Traditional neighborhood means a compact, mixed-use neighborhood where residential, commercial, and civic buildings are within close proximity to each other.

Transient residential occupant means a person who is entitled to occupancy at any Transient Residential Use.

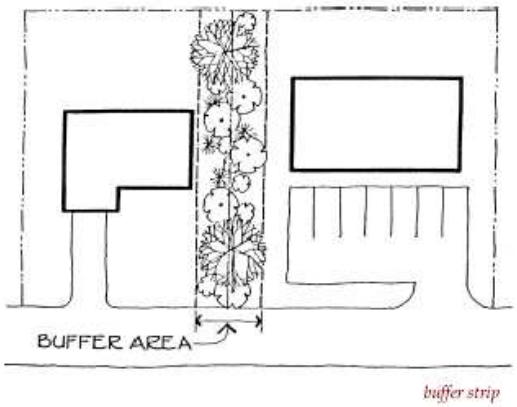
Transient residential permit (TRP) means a permit issued by the City of Green Bay Clerk to the Local Representative for compliance with a conditional use permit for a transient residential use.

Transient residential use means a single-family dwelling unit in which a private homeowner's paying guests or a corporate retreat's guests are entitled to occupancy for a period less than 28 consecutive calendar days.

Transient room tax means a fee based on the current hotel room tax for Brown County.

Transient vacation unit means a dwelling unit which is provided for compensation to transient occupants for less than 28 consecutive calendar days, other than a bed and breakfast. For the purposes of this definition, compensation includes, but is not limited to, monetary payment, services or labor of employees.

Transitional yard means an area used as a visual and noise separation/buffer of intensive uses from less intensive uses. See the following graphic.



Graphic Courtesy of the American Planning Association

Transitional Yard

Unbuildable area means the area of a property upon which structures or parking are not permitted due to natural features and required setbacks. The following natural features, when present within a parcel, constitute unbuildable area:

(1) Floodways, as defined.

(2) Navigable waters.

(3) Slopes of 20 percent or greater. (Gradients between 20 percent and 30 percent may be used for construction if acceptable engineering solutions are presented to and accepted by the Department of Public Works.)

(4) Wetlands.

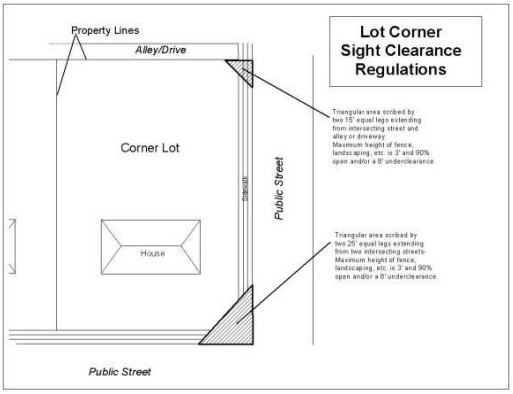
(5) Required setback areas.

Underlying zoning means that district existing at the time the overlay zoning is adopted or as subsequently amended.

Unnecessary hardship means circumstances where special conditions which were not self-created affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height, or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

Variance means an authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this chapter.

Vision triangle (sight clearance) means triangular area enclosing an isosceles triangle scribed by two 25-foot equal legs extended each way from the vertex of two intersecting streets, such corner determined by projecting the curblines out to where they meet, or the triangular area enclosing an isosceles triangle scribed by two 15-foot equal legs extended each way from the vertex of an intersecting street and alley or two alleys, such corner determined by projecting the curblines out to where they meet. See the following graphic.



Vision Triangle (Sight Clearance)

Waste collection area means facilities or areas intended for the temporary retention of garbage, recyclable materials, and other refuse awaiting collection. Waste collection areas consist of dumpsters, bins, and/or trash cans, visually screened from horizontal view from a public street or an adjoining property with fencing or vegetation, and not located within the minimum front or side yards of a property.

Wetland alteration means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

Wetlands means those areas where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wind energy system means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stats. § 66.0403(1)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, inverter, batteries or other component used in the system, including freestanding and roof-mounted systems.

Wind generator means blades and associated mechanical and electrical conversion components mounted on top of the tower.

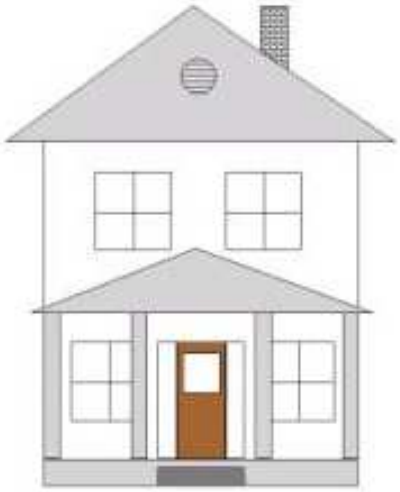
Zoning Administrator means that person designated to and responsible for interpreting and administering this chapter.
(Code 1984, § 13.302; Ord. No. 5-08; Ord. No. 16-08; Ord. No. 9-09; Ord. No. 36-09; Ord. No. 42-10; Ord. No. 1-11; Ord. No. 14-11; Ord. No. 9-12; Ord. No. 10-15; Ord. No. 20-16)

Sec. 44-250. Land use definitions.

This section defines each land use listed in the use tables of the various zoning districts in the order they appear in the tables. General definitions are listed in Section 44-249. Definitions of signs are listed in Section 30-3.

(1) *Residential uses.*

Single-family detached dwelling means a separate and detached one-family residence on a single lot designed and arranged for use by one family or household. See the following graphic.

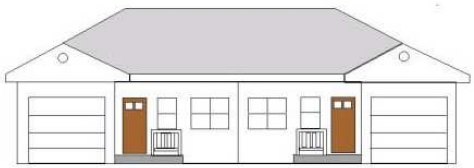


Single-Family Detached Dwelling

Two-family dwelling, duplex means a separate or detached two-family residence on a single lot, the first and second floors of which are each designed and arranged for use by one family. This type of dwelling is commonly referred to as an upper/lower duplex. See the following graphic.

Two-Family Dwelling, Duplex

Two-family dwelling, semi-detached, means a dwelling within a building containing two attached dwelling units which share a common wall. The dwelling units may be located on the same lot or on separate lots, with the common wall at the lot line. See the following graphic.



Two-Family Dwelling, Semi-Detached

Single-family attached dwelling, townhouse means a one-family dwelling unit with an individual private entrance which is part of a structure containing more than two dwelling units attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. See the following graphic.

Single-Family Attached Dwelling, Townhouse

Multiple-family dwelling means a building containing three or more dwelling units; also known as apartment house/apartment building. This type of dwelling typically, but not always, has a common/shared entrance. See the following graphic.

Multiple-Family Dwelling

Carriage-house dwelling means an additional dwelling unit subordinate to the principal dwelling on the lot and located above a detached garage.

Live-work unit means a dwelling unit in combination with a shop, office, studio, or other workspace within the same unit where the resident occupant both lives and works.

(2) *Congregate living uses.*

Rooming house, boarding house means a building that provides a dwelling space to be occupied by four or more individuals who are unrelated and do not constitute a family or by a family and two or more unrelated individuals. A fee is paid to the leaseholder or owner for occupancy for usually longer than one night, and common facilities may be shared, including toilet and kitchen. If, in addition to a room, the leaseholder or owner, as part of the fee for services, provides meals, then the building is considered a boarding house. A rooming house/boarding house may be considered a dormitory as defined and regulated within this Code.

Community living arrangement means a facility licensed, operated, or permitted by the State of Wisconsin that is either:

a. A facility where four or more children reside and are provided with care and maintenance by persons other than a relative or guardian. This definition includes foster homes, treatment foster homes, community living arrangements for children, and residential childcare centers as defined by Wisconsin State Statute, but does not include educational institutions, public agencies, hospitals, maternity homes, nursing homes, or sanitariums.

b. A facility where three or more adults not related to the operator reside and are typically provided with care, treatment, or services above the level of room service, which may include prescribed personal care. This definition includes Community Living Arrangements (CLAs), Community Based Residential Facilities (CBRFs), and Adult Family Homes (AFHs) as defined by Wisconsin State Statutes, but does not include transitional housing, nursing homes, prisons, jails, correctional facilities, convents, monasteries/seminaries, or educational institutions and related student housing.

Shelter facility means a temporary place of lodging for homeless individuals or homeless families. A shelter facility may be considered a dormitory as defined and regulated within this Code.

Transitional housing means a premises, other than a community living arrangement or community based residential facility, for the temporary placement of persons on parole, extended supervision, or probation in a controlled environment, including supervision or monitoring. A transitional housing facility may be considered a dormitory as defined and regulated within this Code.

Dormitory means a communal-type living arrangement of four or more persons not related by blood, adoption, or marriage who share common sleeping areas, kitchen, bath, or restroom facilities. This definition includes, but is not limited to, shelter facilities, educational facility housing, rooming houses, boarding houses or lodging houses, community living arrangements, community-based residential facilities, migrant housing, seminary, or similar institution.

Fraternity, sorority means a building used as group living quarters for students of a college, university, or seminary who are members of a fraternity, sorority, or other group that has been officially recognized by the college, university, or seminary. A fraternity/sorority may be considered a dormitory as defined and regulated within this Code.

Convent, monastery, seminary, and *religious retreat* mean a building or group of buildings that serves as the primary dwelling and place of work and worship for members of a religious order. A convent, monastery, seminary, and religious retreat may be considered a dormitory as defined and regulated within this Code.

Nursing home, assisted living facility means a building or complex of buildings where four or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services, as defined in Wis. Stats. § 50.01. A nursing home/assisted living facility may be considered a dormitory as defined and regulated within this Code.

(3) *Educational uses.*

School, elementary or secondary, means a public, parochial, or private school which provides an educational program for one or more grades between kindergarten and grade 12 and which is commonly known as an elementary school, grade school, middle school, junior high school, or high school.

College, university, means an educational institution authorized by the state to award associate, baccalaureate, or higher degrees or any campus of the state vocational, technical, or adult education system.

School, specialty or personal instruction, means a business, professional, trade, or other specialty school, including, but not limited to, a school offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology.

Daycare home/daycare center, preschool means a facility that provides supervision and care of preschool age children on a regular basis for periods less than 12 hours per day. Daycare or preschool facilities are licensed by the State of Wisconsin Department of Health and Family Services and classified as one of the following:

a. *Family daycare home* means a dwelling unit licensed as a daycare center by the Wisconsin Department of Health and Family Services where care is provided for up to eight children at one time.

b. *Group daycare center, preschool* means a program licensed to provide care for nine or more children at one time.

Adult daycare home means a residential dwelling where services are provided for part of a day in a group setting to adults who need assistance with activities of daily living, supervision, or protection. Services may include personal care and supervision, provision of meals, medical care, medication administration, transportation, and activities designed to meet physical, social, and leisure time needs. Such facilities are not licensed by the State of Wisconsin, but may be certified by the State.

(4) *Institutional and civic uses.*

Cemetery means a place for the internment of the dead, divided into burial lots subdivided in a cemetery plat in accordance with Wis. Stats. § 157.07, and may also include mausoleum or columbarium and also allow a crematorium as an associated use.

Community center or *neighborhood center* means a building used as a place of meeting, recreation, or social activity catering primarily to the surrounding area or neighborhood. The center may be owned or leased by a public agency or nonprofit organization and is generally open to the public for daily use or scheduled events.

Cultural institution means an institution that displays or preserves objects of interest of the arts or sciences. This term includes, but is not limited to, a museum, gallery, or planetarium.

Hospital means a state-licensed institution providing primary health services and medical, psychiatric, or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other physical or mental conditions. Also included are related accessory uses or facilities, such as laboratories, outpatient facilities, and training, research, and administrative services for patients and employees.

Clinic or *healthcare facility* means a facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis. Also included are related accessory uses, such as emergency treatment facilities, diagnostic services, training, administration, and other services to outpatients, employees, or visitors.

Library means a public, nonprofit facility in which books, manuscripts, computers, films, or similar materials are kept for use by or loan to patrons but not normally offered for sale.

Park, playground or *recreational center* means a public, noncommercial park, playground, or open space, including any park buildings or other structures. This term does not include commercial recreation facilities.

Religious institution or *place of worship* means a facility where people regularly assemble for religious worship and any incidental religious education which is maintained and controlled by a religious body. This term does not include an elementary, secondary, or specialty school or college.

(5) *Office uses.*

General office means use of a building for administrative, executive, professional, research, or similar organizations having only limited contact with the public. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relation-

ship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment, or legal services.

Government office means an administrative, clerical, or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of the agency's vehicles.

Bank or *financial institution* means a financial institution that is open to the public and engaged in deposit banking and that performs the related functions of making loans, investments, and fiduciary activities. The bank may be in a freestanding building or contained in an office building with other uses and with or without a drive-up window.

Medical office or *clinic* means an establishment providing diagnostic and outpatient medical, dental, chiropractic, or similar therapeutic care on a routine basis. Such facility may be staffed by physical or mental healthcare professionals who provide specialized diagnostic, testing, physical therapy, or treatment services, including clerical and administrative services, to persons for periods of less than 24 hours.

Artist's studio means workspace for artists, artisans, or craftspersons who are engaged in the creation, teaching, or performance of the fine and applied arts and also allows the sale of fine and applied art products as an associated use.

(6) *Commercial uses; accommodation and food service uses.*

Bed and breakfast means a lodging establishment that rents rooms for short periods of time to the public, provides meals to renters, and is the operator's place of residence.

Hotel or *inn* means a building containing rooming units providing temporary lodging accommodations to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel shall not include any use which could be defined as a motel.

Motel means a building containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside and with automobile parking located adjacent to or near sleeping rooms.

Restaurant means a commercial establishment open to the public where food and beverages are prepared, served, and consumed and where food sales constitute the majority of gross sales. A restaurant may include a drive-through lane for food pick-up by vehicle only where specified in a specific zoning district as "restaurant with drive-through."

Tavern or *bar* means an establishment serving alcohol beverages primarily for consumption on the premises and where food or packaged alcohol beverages may be served or sold only as accessory to the primary use.

(7) *Service businesses.*

Personal service business means an establishment providing services which are of a recurring and personal nature to individuals that produce minimal off-site impacts. This term includes, but is not limited to, the following uses:

a. Barbershops and beauty shops.

b. Dry cleaning pick-up station.
c. Interior decorating/upholstery.
d. Locksmith.
e. Shoe repair.
f. Tanning salon.
g. Tailor shop.
h. Tattoo or body piercing establishment.
i. Watch repair and other small goods repair.

Business service means an establishment primarily providing services to businesses or individual businesspeople on a fee or contract basis, including, but not limited to:

a. Business equipment and furniture sales or rental.
b. Copy center, excluding offset printing and publishing.
c. Commercial photography studio.
d. Mailing and packaging service.

Building maintenance or *janitorial service* means an establishment providing routine maintenance of buildings, including, but not limited to, window washing, building cleaning, pest extermination, or disinfecting service.

Catering service means a business that prepares food and beverages to be delivered off-premises for consumption at a social, business, or civic function and may also provide service at the function.

Day labor agency means an establishment engaged in the temporary employment of persons on a daily basis where persons wait on the premises for work assignments.

Funeral home means a building used for funeral services, including display of the deceased at a wake for family and friends; embalming and other services in preparation for burial; cremation; storage and sale of caskets, urns, and other funeral supplies for burial or cremation. A funeral home may also include a funeral chapel.

Furniture and appliance rental and leasing means an establishment that rents or leases furniture, electronics, small appliances, major appliances, or other household items, including incidental storage and maintenance of such items.

Laundromat means a facility that provides washing and drying machines, usually coin-operated, to patrons for cleaning clothes and other fabrics.

Material recovery facility (minor) means an establishment for the collection and processing (separation and/or recovery) of materials on-site from products that include, but are not limited to, electronics, computers, televisions, household appliances, monitors, printers, CD/DVD players to be distributed for future re-use.

Printing and publishing establishment means an establishment providing custom reproduction of written or graphic materials for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint and facsimile sending and receiving, prepress services and offset printing, binding, and packaging.

Small appliance repair service means an establishment that repairs or services household goods, furniture, appliances, or lawn and garden equipment but not motor vehicles.

Tool/equipment rental facility means an establishment that rents tools, lawn and garden equipment, party supplies, and similar goods and equipment, including incidental storage and maintenance of such items.

Animal hospital or *veterinary clinic* means an establishment providing medical and surgical treatment of domestic animals, including grooming and boarding for not more than 30 days if incidental to the medical care.

Animal grooming facility means an establishment where domestic animals are bathed, clipped, or combed, including boarding for not more than 48 hours incidental to the grooming services.

Animal boarding facility, kennel, or *animal shelter* means an establishment in which more than two dogs or three cats or any combination thereof may be kept for boarding, breeding, safekeeping, convalescence, placement, sale, or humane disposal.

(8) *Retail sales.*

Auto title loan business means any person licensed pursuant to Wis. Stats. §§ 138.09 and 218.05, who makes a loan that is secured by an interest, other than a purchase money security interest, where the title of an automobile, motorcycle, any motor vehicle or titled vehicle is used as collateral.

General retail means the retail sale of products, sometimes with provision of related services, to the general public that produce minimal off-site impacts. General retail sales include, but are not limited to, the following:

a. Antiques and collectibles store.
b. Art gallery.
c. Bicycle sales and repair.
d. Book store, music store.
e. Clothing and accessories.
f. Drugstore, pharmacy.
g. Electronics and appliance sales and repair.
h. Florists.
i. Food store, including grocery, bakery, butcher shop, and delicatessen.
j. Jewelry store.
k. Hardware store.
l. Liquor store.
m. Newsstands, magazine sales.
n. Photographic equipment and supplies.
o. Picture framing.
p. Sporting goods store.
q. Stationery store.
r. Tobacco store.
s. Video rental or sales.

Antiques and collectibles store means a retail establishment that displays and sells cultural or collectible objects, such as stamps, coins, sports memorabilia, and art works.

Building material sales means an establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. The term "building material sales" includes a lumberyard or home improvement center and may include outdoor storage or tool and equipment sales or rental.

Contractor showroom or workshop means an office of a contractor, builder, painter, etc., that includes an enclosed showroom for display of samples, appliances, supplies, and other materials used in the business and/or an enclosed workshop for limited assembly or preparation of building materials.

Currency exchange means an establishment, other than a bank, trust company, savings bank, savings and loan association, credit union, or other financial institution, that exchanges common currencies, sells money orders or cashier's checks, and cashes checks as its principal business activity.

Firearms sales and service means any business that sells or services firearms and ammunition as its primary sale item.

Garden supply store means an establishment for outdoor retail sale of plants, lawn furniture, playground equipment, and garden supplies.

Garden supply store or *greenhouse* means a retail business whose principal activity is the selling of plants and garden supplies, which may have outside storage, growing, or display, and which may include sales of lawn furniture and playground equipment.

Pawnshop means any business that loans or advances money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the depositor, while also selling such items to the public by acting as a consignment or secondhand store.

Payday loan business means a payday loan business is any person licensed pursuant to Wis. Stats. § 218.05, or a person licensed pursuant to Wis. Stats. § 138.09, who accepts a check, holds the check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash or who refinances or consolidated such a transaction.

Secondhand store or *consignment store* means a retail establishment that sells used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment or a retail store that sells used merchandise donated to a charitable, tax exempt organization that also sorts, cleans, and marks goods for resale.

(9) *Commercial recreation and entertainment.*

Adult entertainment establishment means an establishment providing nude dancing or other live or recorded performances that depict, describe, or relate to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; fondling or other erotic touching of specified anatomical areas. Adult entertainment establishments include, but are not limited to, the following uses:

a. *Adult bookstore.* An establishment having as a substantial or significant portion of its stock and trade in books, magazines, other periodicals, videotapes, compact

disks, and/or other electronic media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein.

b. *Adult motion picture theater.* An enclosed building or outdoor land area used for the viewing of films or videos at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

c. *Adult bath house.* An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this chapter.

d. *Adult motel.* A hotel, motel, or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

e. *Adult modeling studio.* An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise.

f. *Adult body painting studio.* An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this chapter, the adult body painting studio shall not be deemed to include a tattoo parlor.

g. *Adult cabaret.* An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.

h. *Adult novelty shop.* An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on or designed for specified sexual activities as defined herein or stimulating such activity.

Boat landing means a facility providing space for the launching and landing of watercraft.

Convention center means a commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space and catering and food service facilities.

Health club or *fitness center* means an establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, and where use is offered on a membership basis.

Indoor recreation facility means a facility for the indoor conduct, viewing, or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, tennis court, bowling alley, ice or roller skating rink, swimming pool, billiard hall, or basketball court.

Marina means a facility providing mooring of recreational boats, including piers, anchorage areas, launching facilities, boat storage areas, boat sales, service and rentals, and accessory facilities, such as sale of accessories, food, fuel, and fishing supplies for boating patrons. This term does not include a ship terminal used for freight.

Nightclub means an establishment dispensing alcohol beverages for consumption on the premises and in which dancing and musical entertainment are permitted and may also include sales of food. This use does not include adult entertainment facilities.

Outdoor commercial recreation facility means a facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, miniature golf course, or water park.

Campground means an area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

Theater or *assembly hall* means a facility for presenting motion pictures or live performances for patrons. This term includes an outdoor stage, band shell, or amphitheater but does not include an adult entertainment establishment.

(10) *Vehicle services.*

Automobile rental means an establishment where contracts are prepared or reservations accepted for the rental or leasing of automobiles and other motor vehicles, including incidental storage.

Automobile sales means an establishment providing wholesale and retail sales or leasing of new or used automobiles, motorcycles, trucks, trailers, boats, or outdoor recreational vehicles, including outdoor sales area, incidental storage and maintenance and warranty repair work, or other repair service conducted as an accessory use.

Carwash means an establishment where washing, drying, polishing, or vacuuming of an automobile is done by service personnel, the driver, or by automated machinery.

Convenience store means an establishment where motor fuel products or other minor accessories are retailed directly to the public on the premises, in combination with sale of items typically found in a convenience market or supermarket.

Drive-through facility means a facility consisting of a driveway and window, opening, canopy, or other facilities used for serving patrons seated in an automobile. Drive-through facilities may be associated with principal uses, such as restaurants, banks, or drugstores, or may be freestanding, such as coffee kiosks, ATMs, etc.

Fueling/gas/service station means an establishment where the primary use is the sale of gasoline or any other motor fuel, motor oil, or other minor accessories directly to the public on the premises.

Motor vehicle repair, major, means an establishment that performs major repairs to motor vehicles, engines, or trailers, including all services found in a minor repair establishment, as well as rebuilding or reconditioning of whole vehicles, body frame and fender straightening and painting, and rustproofing.

Motor vehicle repair, minor, means an establishment that may or may not include fuel sales and convenience market, while also performing minor repairs to motor vehicles. Such minor repairs may include muffler replacement, oil changing, lubrication, tire repair and replacement, wheel alignment, brake repair, suspension repair, minor engine repair, transmission repair, radiator flushing and repair, and other activities except rebuilding or reconditioning of whole vehicles, body frame and fender straightening, or painting.

Parking lot means an off-street open area used for parking of operable motor vehicles for limited periods of time. A parking lot can be the principal use of the lot or accessory to a commercial, office, residential, or other use. It may be available to the public or reserved for employees, residents, or visitors.

Parking structure means a structure of one or more levels or floors used for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or partially or totally above grade. The structure can be the principal use of the lot or accessory to a commercial, office, multiple-family residential, or other use.

(11) *Production, processing, and storage uses.*

Agriculture means the use of land for the production of plants, animals, or horticultural products, including farming, dairying, pasturage agriculture, horticulture, floriculture, and animal and poultry husbandry, and the necessary accessory uses for storing the products. Agriculture shall not include animal feedlot operations.

Limited production and processing means small-scale activities that are compatible with retail sales and services. These uses produce minimal off-site impacts due to their limited nature and scale. Limited production and processing includes, but is not limited to, the following uses:

a. Apparel and other finished products made from fabrics.
b. Boat building and repair.
c. Computers and accessories, including circuit boards and software.
d. Electronic components and accessories.
e. Film, video, and audio production.
f. Food and beverage products, not including live slaughter, grain milling, cereal, vegetable oil, or vinegar production.
g. Precision medical and optical goods.
h. Signs, including electric and neon signs.
i. Watches and clocks.
j. Wood crafting and carving.

k. Wood furniture and upholstery.

Light industrial uses means low impact uses which produce little or no noise, odor, vibration, glare, or other objectionable influences and which have little or no adverse effect on surrounding properties. Light industrial uses generally do not include processing of raw materials or production of primary materials. This term includes, but is not limited to, the production or processing of the following:

a. Apparel and other finished products made from fabrics.
b. Computers and accessories, including circuit boards and software.
c. Electronic components and accessories.
d. Food and beverage products, not including live slaughter, grain milling, cereal, vegetable oil, or vinegar production.
e. Furniture and fixtures, not including metal working.
f. Household appliances and components, not including metal working.
g. Measuring, analyzing, and controlling instruments.
h. Musical instruments.
i. Office and commercial equipment.
j. Pharmaceuticals, health and beauty products.
k. Precision machined products, including jewelry.
l. Printing and publishing, including distribution.
m. Signs, including electric and neon signs.
n. Sporting and athletic goods.
o. Telecommunications products.

General industrial uses means general industrial uses include metal working and other uses which have the potential to produce greater amounts of noise, odor, vibration, glare, or other objectionable influences than light industrial uses and which may have an adverse effect on surrounding properties. General industrial uses may include processing of raw materials or production of primary materials. This term includes, but is not limited to, the production or processing of the following:

a. Electrical equipment, such as motors and generators, lighting, wiring and transmission, and distribution equipment.
b. Fabricated metal products, such as cans and shipping containers, cutlery, hand tools, and general hardware.
c. Fabricated plastic and rubber products, except tires and inner tubes.
d. Glass and glass products, ceramics, china and earthenware, such as dishes and kitchenware.
e. Gypsum, drywall, and plaster products.
f. Latex paints.
g. Lumber and wood products, including plywood.
h. Machinery and equipment, such as engines and turbines, farm, lawn, and garden equipment, heating, cooling, and refrigeration equipment, and machine tools.

i. Metal-working, such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning, and heat treating.

j. Textiles and fabrics.

Heavy industrial uses include high impact and outdoor uses which are likely to have a substantial adverse effect on the environment or on surrounding properties and which require careful site selection to ensure compatibility with the surrounding area. These uses often include processing of extracted or raw materials and production of primary materials. The term "heavy industrial uses" includes, but is not limited to, the production or processing of the following:

a. Animals or poultry (slaughter or processing).

b. Asphalt, paving, and roofing materials.

c. Battery manufacture and reprocessing.

d. Chemicals and chemical products, including ammonia, chlorine, household cleaners, detergent, and fertilizer.

e. Oil-based paints, varnishes, lacquers, and enamels.

f. Petroleum and coal products, not including mining or extraction.

g. Plastics and synthetic resins and fibers.

h. Primary metals, including steelworks, rolling and finishing mills, foundries.

i. Pulp or paper products.

j. Sand and gravel, not including mining or extraction.

k. Tanned hides and leather.

l. Tires and inner tubes.

Concrete, asphalt, and rock crushing facility means a use in which the principal activity is the processing, handling, sale and transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials.

Contractor yard means an establishment providing general contracting or building construction services, including outdoor storage of machinery or equipment.

Dry cleaning establishment or *commercial laundry* means an establishment that launders or dry cleans fabric, textiles, wearing apparel, or similar articles, including drop-off of articles by customers or cleaning of articles dropped off at other locations.

Research and development facility means an establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing.

Material recovery facility (major) means a facility for the deposit, sorting, or batching, but not processing, of post-consumer recyclable materials, including limited compacting or crushing of recyclable materials.

Auto salvage yard or *scrap yard* means a facility where scrap or salvage materials, including used motor vehicles, are sorted, stored, dismantled, assembled, and distributed, includ-

ing wholesale and retail sales of such materials. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, plastics, and aluminum cans.

Self-service storage facility means a facility consisting of individual self-contained storage units or spaces leased to individuals, organizations, or businesses for storage of personal or business property.

Wholesale and distribution facility means an establishment providing storage, movement, or sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale or retail sales of goods received by the establishment but not sale of goods for individual consumption.

(12) *Transportation uses.*

Ground transportation service means an establishment that stores, maintains, or dispatches public transit vehicles, human service vehicles used for the transportation of elderly or handicapped persons, school buses, taxis, or tow trucks.

Motor freight terminal means a facility for truck-based freight service and operations, including, but not limited to, local pick-up, local sorting and terminal operations, line-haul loading and unloading, destination sorting, terminal operations, and local delivery.

Package delivery service means a facility which transports individual packages for expedited delivery in single rear axle straight trucks or smaller vehicles where no single item weighs over 150 pounds.

Railroad switching yard and freight terminal means a facility for the operation of a line-haul or short-line freight railroad.

Ship terminal or *docking facility* means a facility for the docking, loading, or unloading of ships, barges, or boats that primarily transport freight.

(13) *Public service and utility uses.*

Public safety/service facility means a government facility for public safety, service, and emergency services, including a facility that provides police or fire protection and public-related services.

Sewage treatment plant means a facility which collects, treats, and disposes of water-borne sewage generated within a given service area.

Wireless communications facilities means any system of antennas, wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electronic waves external to or attached to the exterior of any structure. This definition also includes all accessory equipment and/or structures which contribute to and are subordinate and secondary to the transmission or reception of electronic waves.

a. *Wireless communications facilities, attached.* Wireless communication facilities that are affixed to existing support structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition. See also "Wireless communication support structures."

b. *Wireless communications facilities, freestanding.* Wireless communication facilities that are not affixed to existing support structures but are mounted on the ground and not supported in any way by a structure.

Wireless communication support structure means any exterior structure whether freestanding or mounted on a building or structure that facilitates the broadcast transmission of commercial radio, telephone, or television communication signals. Support structures within this definition include, but are not limited to, monopole towers, lattice towers, light poles, wood poles, guyed towers, or other structures whether or not they appear to be something other than a support structure.

Solid waste disposal facility means a facility for the disposal or storage of solid waste material, including garbage, trash, construction debris, and other kinds of organic or inorganic refuse by dumping, burial, incineration, or any other similar means.

Substation/distribution equipment means a facility other than a transmission tower enclosed or outdoor that aids in the distribution of a utility, including, but not limited to, electric power or telephone service or in the transmission of voice, data, text, internet, sound, or video between network termination points.

Yard waste site, municipal, means a facility for collection, storage, and composting of vegetative matter resulting from landscape maintenance.

(14) *Accessory and temporary uses.*

Home-based occupation means an occupation that is conducted by a person on the same lot (in a residential district) where such person resides and is limited in extent, secondary, and incidental to the residential use of the lot.

Garage, private, means a detached accessory building or portion of a main building housing not more than four motor vehicles of the occupants of the premises, including no more than one commercial vehicle with a capacity of no more than two tons.

Garage means a building or portion of a main building designed or used for parking, storage, service, repair, or sale of motor vehicles. See also *Parking structure* under subsection (10) of this section, "Vehicle Services."

Outdoor display means the display of goods for sale or rental outside of an enclosed building.

Seasonal market means a temporary facility used to conduct retail trade for a period not exceeding 90 days in a calendar year.

Concrete/batch plant, temporary, means a facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

(Code 1984, § 13.303; Ord. No. 11-06; Ord. No. 8-09; Ord. No. 20-09; Ord. No. 36-09; Ord. No. 1-10)

Secs. 44-251—44-278. Reserved.

ARTICLE IV. NONCONFORMITIES

Sec. 44-279. Intent.

Situations may occur where an existing lot, structure, or use does not conform to the requirements contained in this chapter. The purpose of this chapter is to establish regulations governing nonconforming lots, structures, and uses and, further, to:

(1) Allow nonconforming lots to be used for single-family dwellings and accessory structures.

(2) To permit nonconformities to continue until removed or corrected but not to encourage the continuance of the nonconformity.

(Code 1984, § 13.401; Ord. No. 5-08)

Sec. 44-280. Nonconforming use.

A nonconforming use of land or structure which lawfully existed prior to the adoption or amendment of the ordinance from which this chapter is derived that makes such use illegal may be continued subject to the following provisions:

(1) *Change in tenancy, ownership, or management.* The tenancy, ownership or management of a nonconforming use may be changed, provided that the nonconforming use is not enlarged or changed to a more intensive use.

(2) *Change or substitution of use.* A nonconforming use may be changed to a conforming use or the Plan Commission may permit a nonconforming use to be changed to a less intensive nonconforming use. Once the change has been effected, the use shall not revert back to the prior nonconforming use.

(3) *Enlargement.* A nonconforming use shall not be enlarged, increased, or extended to occupy a greater area of land or structure than was occupied as of the effective date of the ordinance from which this chapter is derived.

(4) *Relocation.* A nonconforming use shall not be moved in whole or in part to any other portion of the lot or structure than was occupied as of the effective date of the ordinance from which this chapter is derived.

(5) *Discontinuance.* A nonconforming use which has been discontinued for a period of 12 months shall not be reestablished, and any future use of the land or primary structure shall conform to the provisions of this chapter.

(6) *Damage or destruction.* A primary structure containing a nonconforming use which is damaged by fire, explosion, flood, accident, or other causes to the extent of more than 50 percent of its equalized assessed value shall not be restored or rebuilt except in conformance with the provisions of this chapter. Legal conforming accessory structures may be restored or rebuilt provided the primary structure containing a nonconforming use is not damage or destroyed as described above and provided the accessory structure meets all aspects of the Municipal Code.

(7) *Repairs and nonstructural alterations.* Ordinary repairs and nonstructural alterations may be made to structures containing nonconforming uses. Ordinary repairs and nonstructural alterations include internal and external painting; decorating; paneling; the repair or replacement of doors, windows, nonbearing walls, fixtures, heating and cooling components, wiring,

plumbing, roofing and other nonstructural components; and the maintenance, repair, or replacement of existing private sewage and water supply systems or connections to public utilities to a value of which does not exceed 50 percent of the equalized assessed value of the building or structure at the time the first permit is issued. Subsequent permits shall draw down from the 50 percent value established at the time the first permit was issued. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement and other replacements of or substitutions for machinery or equipment not involving structural alterations to the building or structure.

(8) *Structural alterations and additions.* When a building or structure contains a nonconforming use, structural alterations and additions are only permitted when the use of the entire building or structure is changed to a use which conforms to all the regulations of the zoning district in which it is located.

(9) *Establishment of nonconforming status.* The burden of proof that a legally permitted nonconforming use existed at the time of the adoption of the ordinance from which this chapter is derived shall be the responsibility of the property owner.

(Code 1984, § 13.402)

Sec. 44-281. Nonconforming structures.

Nonconforming structures are existing buildings and structures that were lawfully constructed but do not meet the current setback, height, or other dimensional or density requirements of this chapter for permitted uses in the zoning district in which they are located. A nonconforming structure may be maintained and repaired, subject to the provisions of this section.

(1) *Repairs and nonstructural alterations.* Ordinary repairs and nonstructural alterations may be made to nonconforming structures. Ordinary repairs and nonstructural alterations include internal and external painting; decorating; paneling; the repair or replacement of doors, windows, nonbearing walls, fixtures, heating and cooling components, wiring, plumbing, roofing and other nonstructural components; and the maintenance, repair, or replacement of existing private sewage and water supply systems or connections to public utilities. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement and other replacements of or substitutions for machinery or equipment not involving structural alterations to the building or structure.

(2) *Structural alterations.* Structural alterations made to existing nonconforming structures are permitted provided that the value of such alteration does not exceed 50 percent of the equalized assessed value of the building or structure at the time the first permit was issued. Subsequent permits shall draw down from the 50 percent value established at the time the first permit was issued.

(3) *Additions or expansion.* Additions or expansions may be made to a nonconforming structure provided that such additions or expansions do not increase the degree of nonconformity of the structure and are in compliance with the following requirements:

a. All applicable setback requirements of this chapter shall be met.

b. All applicable parking and loading requirements for the use occupying the structure's addition or expansion shall be met.

c. The process of adding onto an existing nonconforming structure shall not be used to effectuate replacement of that structure where replacement would not otherwise be allowed under the provisions of this chapter.

d. An addition may be made to a nonconforming structure only if the existing structure is in sound condition.

e. The addition or multiple additions shall not surround or encase the existing structure in such a way as to replace that structure.

(4) *Relocation.* A nonconforming structure may be moved in whole or in part to any other location on the same or any other lot, so long as the structure comes into compliance with all of the regulations of the district in which it is to be relocated.

(5) *Damage or destruction.* A nonconforming structure which is damaged on or after March 2, 2006, by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored or rebuilt to its size, location, and use that it had immediately before the damage or destruction occurred, except that it may be constructed larger in size to the extent required to comply with applicable state or federal requirements. Such reconstruction shall start within one year from the date of damage or destruction and diligently pursued to completion.

(Code 1984, § 13.403; Ord. No. 30-08)

Sec. 44-282. Nonconforming lots.

A lot which does not comply with lot width or lot area requirements may nonetheless be used for a permitted use, provided that:

(1) The lot has been legally created.

(2) The nonconforming (substandard) lot has not been developed with one or more of its structures placed partly on an adjacent lot.

(3) All structures comply with the setback, lot coverage, height, parking, access, and other requirements of the district insofar as practical, subject to the approval of the Zoning Administrator or, if appealed, the Zoning Board of Appeals.

(Code 1984, § 13.404; Ord. No. 10-18, § 3, 6-19-2018)

Sec. 44-283. Nonconforming characteristics.

If a use, whether permitted, conditional, or nonconforming, has nonconforming characteristics, including parking, lighting, noise, and other matters, the use shall not be expanded until the nonconforming characteristics are brought into conformance with the provisions of this chapter.

(Code 1984, § 13.405)

Sec. 44-284. Additional requirements in floodplain districts.

See Article XIII of this chapter.

(Code 1984, § 13.406)

Sec. 44-285. Nonconforming parking lots.

Nonconforming parking lots are parking areas that were lawfully constructed but do not meet the current dimensional and/or interior lot landscaping requirements of this chapter for primary or accessory uses in the zoning district in which they are located. A nonconforming parking lot may be maintained and repaired subject to the provisions of this section.

(1) Maintenance and repair. Ordinary maintenance and repair may be made to nonconforming parking lots including patching and resurfacing.

(2) Rehabilitation, reconstruction, or expansions shall not be made to existing nonconforming parking lots without prior approval compliant with this Code, except those listed Section 44-1865(4).

(Code 1984, § 13.407; Ord. No. 42-10)

Secs. 44-286—44-303. Reserved.

ARTICLE V. GENERAL REGULATIONS

DIVISION 1. GENERAL PROVISIONS

Sec. 44-304. Purpose.

The purpose of this article is to provide regulations of general applicability for property throughout the City, to promote the orderly development of use of land, to protect the natural environment, and to minimize conflicts among land uses.

(Code 1984, § 13.501)

Sec. 44-305. Applicability.

The regulations set forth in this chapter apply to all structures and all land uses, except as otherwise provided in this chapter.

(Code 1984, § 13.502)

Sec. 44-306. Essential uses.

The following uses, being essential for the operation of any zoning district, are permitted in any district: wires, cables, conduits, vaults, pipelines, or any other similar equipment of a public utility, except as otherwise provided in this chapter or other federal, state, or local regulations.

(Code 1984, § 13.503)

Secs. 44-307—44-330. Reserved.

DIVISION 2. LOT CONTROLS

Sec. 44-331. Minimum lot area.

Lot area requirements shall be as specified in the applicable zoning district in which a zoning lot is located. No yard or lot existing at the time of passage of the ordinance from which this chapter is derived shall be reduced in size or area below the minimum requirements identified within this chapter.
(Code 1984, § 13.504)

Sec. 44-332. Street frontage.

Each lot shall have frontage on a public street at a width satisfying the requirements specified for each zoning district. In the case of a condominium, unified shopping center, cluster development or Planned Unit Development, the entire site shall be considered one zoning lot.
(Code 1984, § 13.505)

Sec. 44-333. Limit of one principal residential structure per zoning lot.

Except in the case of cluster developments, condominium developments, Planned Unit Developments or Traditional Neighborhood Developments, no more than one principal building shall be located on a zoning lot in any residential district.
(Code 1984, § 13.506)

Sec. 44-334. Lots containing two or more zoning classifications.

Where a lot is bisected by one or more zoning district boundary lines, land in the more restrictive district shall not be included as part of the required yards or minimum lot area for any structures or uses not allowed in that district.
(Code 1984, § 13.507)

Sec. 44-335. Corner lots.

On a corner lot, one of the lot lines that abuts the street shall be considered a front lot line, and the other shall be considered a corner side lot line. Establishment of the front lot line shall be based on the orientation of the existing or proposed building.
(Code 1984, § 13.511)

Sec. 44-336. Through lots.

On a through lot, both lot lines that abut the street shall be considered front lot lines. The required front setback shall be provided and maintained along each front lot line.
(Code 1984, § 13.512)

Secs. 44-337—44-356. Reserved.

DIVISION 3. YARD CONTROLS

Sec. 44-357. Required setbacks.

Setback requirements shall be as specified in the applicable zoning district, except as otherwise provided in Article IV of this chapter, Nonconformities.
(Code 1984, § 13.508)

Sec. 44-358. Permitted setback encroachments.

All required setbacks shall remain open and unobstructed, except for the following permitted obstructions. In no case, however, shall the identified permitted obstructions be located closer than one foot to a property line, except for fences. The vision triangle shall be regulated by the standards in Section 44-359.

(1) Air conditioning, heating, ventilation or other mechanical equipment, subject to the screening requirements in Section 44-1919, located only within rear or side yards and no closer than one-half the applicable setback to a side or rear property line.

(2) Awnings, cornices, canopies, eaves, and other ornamental features, projecting not more than three feet into a yard.

(3) Chimneys, fire escapes, uncovered stairs, ramps and necessary landings, bay windows no closer than one-half the applicable setback to a side or rear property line.

(4) Containers for the storage of household refuse, compost, or firewood if screened from view.

(5) Fences in compliance with Section 44-450.

(6) Light fixtures, lampposts, and flagpoles.

(7) Recreational playground equipment.

(8) Signs in compliance with the provisions of Chapter 30, Signs.

(9) Walkways and steps not exceeding four feet in width.

(10) Landscaping as not to infringe on the vision triangle as regulated in Section 44-359.

(11) Covered porches are permitted in the front setback compliant with the conditional use permit requirements found in Section 44-83.

(12) Ramps that provide access to a principal building compliant with ADA requirements.
(Code 1984, § 13.509; Ord. No. 16-19, § 1, 7-16-2019)

Sec. 44-359. Vision triangle clearance.

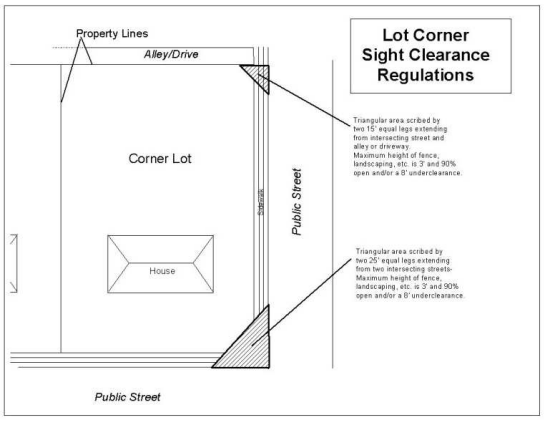
Within the vision triangle, defined as the triangular area defined by two 15-foot legs extending from intersecting street and alley or driveway, and the triangular area, defined as the triangular area defined by two 25-foot legs extending from two intersecting streets, the following clearances shall be observed:

(1) No obstructions shall be permitted except for landscape materials and fences as regulated in this section.

(2) Shrubs and other under-story vegetation shall not exceed three feet in height and shall be largely see-through, defined as no more than ten percent solid.

(3) All new trees and existing deciduous trees shall be kept free of branches up to a height of at least eight feet above the ground or 60 percent of their overall height, whichever is less, provided that trees are located so as not to create a traffic hazard. Coniferous (evergreen) trees shall be avoided

(4) Fences shall not exceed three feet in height and shall be largely see-through, defined as no more than ten percent solid.



Vision Traiangle Clearance

(Code 1984, § 13.510)

Sec. 44-360. Transitional yard setback requirements.

(a) *Front yards.* Where the front yard of a nonresidential district adjoins or is opposite to a residential district, the minimum front yard setback of the residential district shall apply to the nonresidential district. The setback area shall be landscaped as specified in Sections 44-1964 through 44-1969.

(b) *Side or rear yards.* Where the interior side yard or rear yard of a nonresidential district adjoins the side or rear yard of a residential district, the minimum side or rear yard setback within the nonresidential district shall be ten feet. The setback area shall be landscaped as specified in Sections 44-1964 through 44-1969.
(Code 1984, § 13.513)

Sec. 44-361. Building height.

(a) *In general.* The building height limitations established in each separate zoning district shall apply to all buildings and structures, with the exception of the following:

(1) Church steeples, spires, or belfries.

(2) Chimneys or flues.

(3) Cupolas and domes which do not contain useable space.

(4) Flagpoles.

(5) Mechanical or electrical equipment.

(6) Monuments.

(7) Parapet walls extending not more than three feet above the limiting height of the building.

(8) Television antennas not exceeding 20 feet.

(9) Towers, poles, or other structures for essential services.

(10) Water towers.

(b) *Measurement.* Building height shall be measured from the average elevation of the finished lot grade at the front of the building to the mid-height of the structure on a flat or shed roof, the deck line of a mansard roof, or the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

(c) *Limits.* No excluded roof equipment or structural element extending beyond the defined height of a building may occupy more than 25 percent of the roof area.
(Code 1984, § 13.514)

Secs. 44-362—44-384. Reserved.

DIVISION 4. PROTECTION OF NATURAL FEATURES

Sec. 44-385. General requirements.

(a) *In general.* All developments shall be located so as to preserve the natural features of the site, to avoid areas of environmental sensitivity, to minimize the creation of impervious surface area, and to minimize negative impacts on the alteration of the natural environment.

(b) *Unbuildable area.* The following natural features when present within a parcel constitute unbuildable area. No development, grading or filling, alteration of the natural character of the land, or construction of buildings, structures, or parking shall occur within these areas.

(1) Floodways, as defined in this chapter.

(2) Navigable waters, as defined in this chapter.

(3) Slopes of 20 percent or greater. Gradients between 20 percent and 30 percent may be used for construction if acceptable engineering solutions acceptable to a Professional Engineer and the Zoning Administrator.

(4) Wetlands, as defined in this chapter and in Section 404, Clear Water Act.

(c) *Preservation areas.* The following areas shall be preserved as undeveloped open space to the extent consistent with the reasonable utilization of land and in accordance with applicable federal, state, or local regulations:

(1) Vegetated areas. Significant trees or plant communities, including remnant stands of native trees or plant communities that are rare to the area or of particular landscape significance.

(2) Steep slope areas. Development on slopes of 12 percent and less than 20 percent shall be subject to the following conditions:

a. The foundation and underlying material of any structure shall be adequate for the slope condition and soil type.

b. The proposed development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

c. The proposed development will not cause erosion or slope instability to neighboring property or cause structural damage to neighboring structures.

d. The proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.

e. The City may require that a property be rezoned and developed as a Planned Unit Development to utilize flexible development standards to preserve steep slopes.

(3) Habitats of threatened or endangered wildlife as identified on federal or state lists, including, but not limited to, the Federal Endangered Species Act and the Natural Heritage Inventory.

(d) *Mitigation.* Where preservation is not consistent with the reasonable utilization of land, the City may require mitigation through replacement of the resource or similar resource on the site, restoration of former natural amenities to the site, or other reasonable measures to protect or enhance the natural features of the land.

(e) *Waterway setback.* There shall be a building setback of 50 feet from the bulkhead line or ordinary high water mark, whichever provides the greater landward distance, of all waterways within the City of Green Bay, as described on Map C of Section 30-58. There shall be no building, or alteration of existing buildings, within such setback area. These areas shall include, but are not limited to:

(1) Green Bay shore and islands.

(2) Fox River.

(3) East River.

(4) Baird Creek, including South Branch.

(5) Beaver Dam Creek.

(6) Duck Creek.

(7) Ellis Creek.

(8) Mahon Creek.

(9) Willow Creek, including North Branch.

(10) All other navigable waterways not listed above.

(Code 1984, § 13.515; Ord. No.16-10)

Secs. 44-386—44-413. Reserved.

DIVISION 5. ACCESSORY USES AND STRUCTURES

Sec. 44-414. General requirements.

Accessory uses and structures shall comply with the following standards and all other applicable regulations of this chapter:

(1) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure.

(3) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(4) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure, except for accessory off-street parking and loading facilities, subject to the provisions of Article XVIII of this chapter, Off-Street Parking, Drives and Loading.

(6) The accessory use or structure shall not be injurious to the use and enjoyment of the surrounding properties.

(Code 1984, § 13.516)

Sec. 44-415. Accessory buildings.

In all districts, the design and construction of any accessory building, such as garages, carports, or storage buildings, shall be similar to or compatible with the design and construction of the principal building. The exterior building materials, roof style, and colors shall be similar to the main building.

(Code 1984, § 13.517)

Sec. 44-416. Private outdoor recreation courts.

All private outdoor recreation courts, such as tennis or basketball courts, are subject to the following standards:

(1) The court is not operated as a business or private club except when allowed as a permitted home occupation.

(2) The court shall not be located in any required front yard or side yard and must be set back at least five feet from any property line, including any walks, paved areas, or related structures.

(Code 1984, § 13.518)

Sec. 44-417. Recreational vehicle parking.

Recreational vehicles may be parked on any property within the City only under the following conditions:

(1) Recreational vehicles may be located to the front, side, and rear of a principal structure and shall not be located in a required setback, in accordance with this chapter.

(2) Recreational vehicles shall be parked upon a paved off-street parking area, in accordance with this chapter.

(3) A maximum of two recreational vehicles may be permitted to park per residential tax parcel.

(4) Recreational vehicles are permitted to be parked in a garage as part of a primary structure and/or a permitted accessory building.

(5) Recreational vehicles shall not be utilized for living, sleeping, or housekeeping.

(6) Recreational vehicles shall not be parked for a period to exceed one year.

(7) Recreational vehicles must be operational and owned by and registered to the owner or the legal tenant of the property and must bear current license registrations as applicable.

(8) Recreational vehicles shall not interfere with vehicular line of sight, the public right-of-way, or interfere with pedestrian traffic.

(9) Recreational vehicles may be used as on-site offices in conjunction with construction work, provided they shall be removed upon completion of construction. Such vehicles may be occupied 24 hours a day for on-site security but shall not be used as a residence.

(Code 1984, § 13.519; Ord. No. 14-11; Ord. No. 27-15)

Sec. 44-418. Antennas and meteorological equipment.

(a) *In general.* Radio and television transmitting and receiving antennas, dish-type antennas, and meteorological sensing equipment is permitted on the roof of a permitted building or may be ground-mounted under the conditions provided in this section.

(b) *Installation and placement requirements.* In addition to applicable building and electrical code requirements, all such equipment shall meet the following standards:

(1) Equipment may be constructed to a maximum height of 20 feet above the allowable height limitations of the district.

(2) Not more than one antenna exceeding the allowable height limit of the district shall be allowed on any residentially zoned property.

(3) Antennas shall be located with at least five feet of vertical and horizontal clearance from the nearest overhead electrical power line that serves other properties.

(4) Mechanical equipment on a roof shall not take up more than 25 percent of the roof area.

(5) Antennas shall be set back from any public right-of-way or easement line a distance equal to or greater than the height above ground of the antenna.

(6) Necessary guy wires and other supportive devices shall be located at least six feet from any property line.

(7) Placement of antennas at nonresidential properties is allowed, subject to the screening requirements identified in Sections 44-1964 through 44-1969, Landscaping.

(8) Mechanical equipment shall be screened from view with suitable fencing or screening.

(9) Antennas shall also be subject to the provisions of Section 8-331, Television and radio receiving and transmitting antennas, covering construction, setbacks, etc.

(c) *Regulation of residential satellite dishes.*

(1) All residential facilities shall be designed to minimize the visual impact to the largest extent feasible, considering technological requirements, by means of placement and screening to be compatible with existing architectural elements and building materials and other site characteristics.

a. To the extent feasible, antennas and satellite dishes shall not be installed in a location where they are in clear view from the public right-of-way.

b. Such facilities shall be located to the largest extent possible in areas where the adverse impacts on the community are minimal.

c. Support facilities shall be constructed out of non-reflective materials and shall be screened from view by using landscaping or materials and colors consistent with the surrounding site.

d. Attached antennas shall be painted and/or textured to match the existing support structure.

(2) This division shall not apply to satellite dishes less than one meter (39 inches) in diameter. (Code 1984, § 13.520; Ord. No. 3-08)

Secs. 44-419—44-449. Reserved.

DIVISION 6. FENCES

Sec. 44-450. Fence location and height.

Fences may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements identified in this section. The owner shall be responsible for properly locating all property lines before construction of any fence.

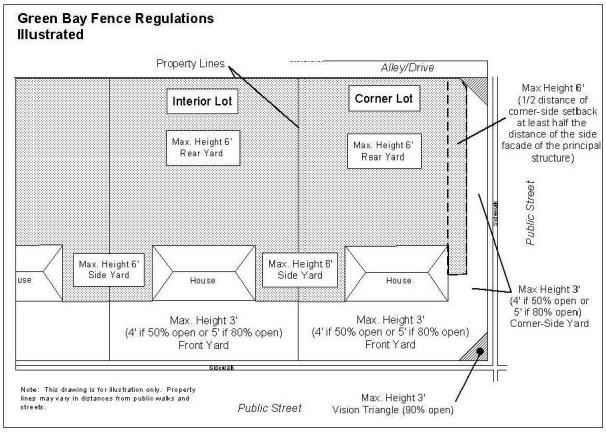
(1) *Height.*

a. Residential zoning districts. The maximum height of a fence or wall within required side and rear setbacks in a residential zoning district shall not exceed six feet. Fences around pools shall not exceed eight feet. The maximum height of a solid fence or wall within a required front yard or corner side yard setback shall not exceed three feet. Such front yard or corner side yard fences may be increased to a maximum height of four feet if open, decorative, ornamental fencing materials that are less than 50 percent opaque are used or to a maximum height of five feet if open, decorative, ornamental fencing materials that are less than 20 percent opaque are used. When the fence extends beyond at least half the distance of the primary building's side facade, the fence height may increase to six feet provided the fence is constructed not closer than one-half the applicable corner side yard setback.

b. Nonresidential zoning districts. The maximum height of a fence or wall shall not exceed eight feet except in required front or corner side yard setbacks where the maximum height of a solid fence or wall shall not exceed three feet.

c. In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.

d. Fences or walls shall comply with the vision triangle requirements of Section 44-359.



Fence Regulations

(2) *Materials and construction.*

a. Walls and fences shall be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood, wrought iron, chain link and plastic.

b. No fence shall have sharp or pointed pickets dangerous to life or limb.

c. Hedges shall be trimmed or confined to the property on which they are planted.

d. No fence or other structure containing barbed wire or other dangerous material shall be placed on residentially zoned property or within four feet of any public street, sidewalk, or alley.

e. Fences shall be constructed so that the structural supporting elements are located on the side which is visible to the fence owner (inside) so that the structure/supporting elements of the fence are less visible to adjoining properties and public rights-of-way.

(3) *Breaks for connections.* Breaks in the length of a perimeter wall shall be made to provide for required pedestrian connections to the perimeter of a site or to adjacent development.

(Code 1984, § 13.521; Ord. No. 35-10)

Secs. 44-451—44-468. Reserved.

DIVISION 7. TEMPORARY USES

Sec. 44-469. Permitted temporary uses and structures.

The following temporary uses and structures shall be permitted in all zoning districts, except as otherwise specified below, provided such temporary use or structure shall receive a temporary use permit designating that it complies with the regulations of the zoning district in which it is located and all other applicable regulations of this chapter:

(1) *Rummage sales.* Rummage sales shall be limited to a total of no more than three events for a total of nine days of operation per calendar year at any residential location.

(2) *Construction sites.* Storage of building materials and equipment or temporary buildings for construction purposes may be located on the site under construction for the duration of the construction or for a period of one year, whichever is less. Planning and zoning staff may grant extensions to this time limit for good cause shown.

(3) *Amusement events.* Temporary amusement events, including the erection of tents for such events, may be allowed as a temporary use for a maximum of 15 days per calendar year.

(4) *Outdoor dining.* Outdoor dining shall be permitted as a temporary accessory use to a primary use of a restaurant provided said use it conducted wholly on private property. In no case, however, shall the public right-of-way or any public property be utilized for outdoor dining without the appropriate agency or Common Council approval.

(5) *Promotional activities involving outdoor sales and display.* Promotional activities, including outdoor sales and display, may be allowed as a temporary use in nonresidential districts for a maximum of 30 days per calendar year. Such sales and display may also be conducted within a tent or other temporary structure.

(6) *Seasonal outdoor sale of agricultural products.* The seasonal outdoor sale of agricultural products, including, but not limited to, produce, plants, and Christmas trees, may be allowed as a temporary use. In no case, however, shall the public right-of-way or any public property be utilized for the sale and display of such items without the appropriate agency or Common Council approval.

(7) *Stay of recreational camping vehicles during professional/collegiate games.* On the days games are played in the City of Green Bay by professional football teams of the National Football League and/or by collegiate teams at Lambeau Field, areas zoned commercial and industrial may permit the temporary stay of recreational camping vehicles, not to exceed two days prior to nor two days after the game, provided that a site plan is filed by the property owner in accordance with Article XIX of this chapter and all of the following requirements are met:

a. Each individual camp site is located and identified by a site number.

b. Each camp site has direct access to a minimum 20-foot aisle space.

c. The plan for electrical hook-ups for guests is code compliant.

d. The site plan identifies the availability of restrooms for guests.

e. Fire pits and open flames shall be regulated by the City Fire Department.

f. The site plan designates refuse and recycling areas.

(8) *Additional temporary uses.* All other temporary uses are prohibited unless application is made to the Planning Department, which may allow other temporary uses for a maximum of 90 days per calendar year, with one possible 90-day extension. Such temporary uses may be substantially similar to the temporary uses listed in this section, or as otherwise approved by the Zoning Administrator. A site plan shall be submitted with the temporary use application, in accordance with Article XIX of this chapter. Any substantiated complaints or violations related to the temporary use shall be grounds for revocation of the site plan and termination of the temporary use authorization.

(Code 1984, § 13.522; Ord. No. 28-20, § 1, 8-18-2020; Ord. No. 31-20, § 1, 9-15-2020)

Secs. 44-470—44-491. Reserved.

DIVISION 8. LIGHTING

Sec. 44-492. Exterior site lighting.

(a) *In general.* These regulations recognize the benefits of site lighting as it increases safety, enhances nighttime character, and helps provide security. However, inappropriate and poorly designed or installed lighting often causes unsafe and unpleasant conditions and may infringe on the rights of private property owners. This exterior site lighting regulation is designed to eliminate problems associated with glare, as well as to minimize light trespass and spillover on adjacent properties and streets.

(b) *Applicability.* The regulations of this section shall apply to all exterior lighting, be it residential or nonresidential in nature, within the City of Green Bay.

(c) *Exceptions.* The following lighting types shall be exempt from these regulations:

(1) Public street lighting which shall conform to the standards established by the State Department of Transportation, Brown County Highway Department, and the City of Green Bay Department of Public Works.

(2) Residential uses are permitted to use low-intensity (70 watts or less per bulb) incandescent or fluorescent lighting mounted on the buildings or as landscape accents. Any high-intensity (more than 70 watts per bulb) incandescent, fluorescent, or high-intensity discharge lighting shall be prohibited unless a lighting plan is submitted and approved, per Section 44-493.

(3) Aviation lighting used exclusively for aviation purposes per Federal Aviation Administration. Heliport lighting shall be turned off when the heliport is not in use.

(4) Holiday lighting at or below seven watts per bulb.

(5) Approved historic light fixtures consistent with the character of the historic district or structure and with the approval of the Historic Preservation Commission.

(6) Residential lights at a light level of 0.25 foot-candles or less at the property line.

(7) Lighting associated with or considered to be signage.

(8) Existing exterior lighting that does not meet the standards of this section shall be considered legal nonconforming until such time as it is replaced or altered.

(Code 1984, § 13.523)

Sec. 44-493. Exterior lighting plan required.

Whenever exterior lighting is installed or modified and whenever a site undergoes site plan review, a lighting plan may be required at the discretion of the Inspection Superintendent. An exterior lighting plan may be required if the Zoning Administrator believes lighting from structures like tennis courts, swimming pools, sheds may encroach on neighboring single-family and two-family properties. This plan may be required to include the following information:

(1) Proposed light fixture details which depict the height, design, method of shielding, and proposed candlepower of the light source.

(2) Photometric plan which shows proposed intensity of illumination in foot-candle values distributed across the site in a grid-like fashion. This grid should be overlaid on the site plan or, at a minimum, be the same scale as the site plan.

(Code 1984, § 13.524)

Sec. 44-494. Lighting standards applying to all light sources.

The following standards are required for all exterior lighting:

(1) All cutoff light fixtures shall be designed with a hood that shields the light source and shall be directed downwards at all times.

(2) No flickering or flashing lights shall be permitted, other than holiday lighting exempted in Section 44-492(c)(4).

(3) Flood lights are not permitted in front yards, except as permitted by Chapter 30, Sign.

(4) Flashing, flickering, moving, and/or other lighting which is a nuisance or which may distract motorists, such as red, amber, or green lights closer than 300 feet from a traffic signal, is prohibited.

(5) Lighting levels shall be measured in foot-candles with a direct reading portable light meter. Readings shall be taken at heights between six inches to six feet above ground level at a position facing the light source. Measurements shall be made after dark with the light sources in operation and then again with the light sources off. The difference between these two readings shall be compared to the maximum permitted illumination. This procedure will eliminate the effects of moonlight and other ambient light.

(Code 1984, § 13.525)

Sec. 44-495. Standards for building-mounted lights.

Building-mounted lights shall be of the cutoff variety. The light sources shall be hooded and directed downward at all times. Non-shielded light sources shall only be permitted for security purposes provided the illumination at the nearest property line does not exceed the maximum permitted under Section 44-496.

(Code 1984, § 13.526)

Sec. 44-496. Standards for pole lights.

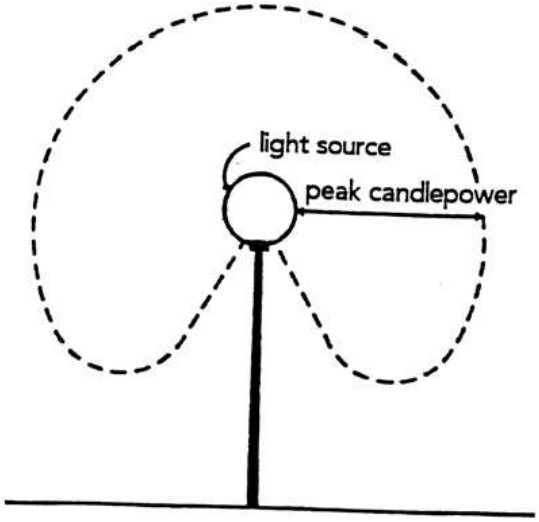
The maximum permitted light pole height is dependent upon the amount of cutoff provided in order to minimize glare onto adjacent properties and the public right-of-way.

(1) When the light source is non-cutoff:

a. Maximum permitted illumination as measured at property lines abutting residential districts shall be 0.25 foot-candle.

b. Maximum permitted illumination as measured at the property lines abutting nonresidential districts or the public right-of-way shall be one-half foot-candle.

c. Maximum permitted pole height shall be 15 feet as measured to the bottom of the light fixture. (See the following graphic.)



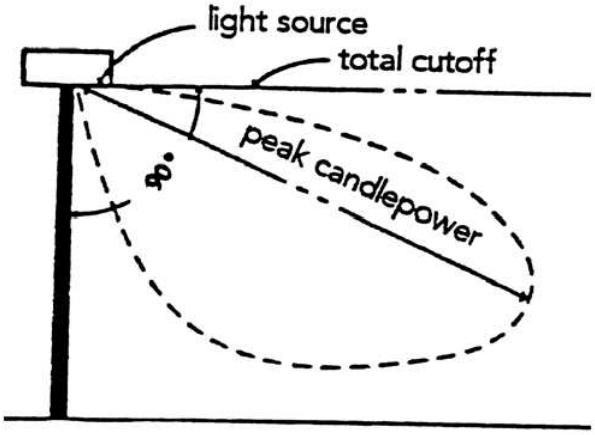
Non-Cutoff Light Source

(2) When the light source has semi-cutoff of an angle greater than or equal to 90 degrees:

a. Maximum permitted illumination as measured at property lines abutting residential districts shall be one-half foot-candle.

b. Maximum permitted illumination as measured at the property lines abutting nonresidential districts or the public right-of-way shall be one foot-candle.

c. Maximum permitted pole height shall be 25 feet as measured to the bottom of the light fixture. (See the following graphic.)

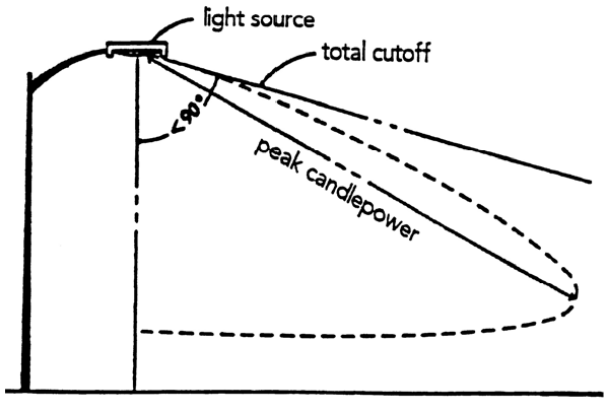


Semi-Cutoff Light Source (Angle ≥ 90°)

(3) When the light source has full cutoff of an angle less than 90 degrees and the light source is completely shielded from the direct view of an observer at five feet above the ground, at the point where the cutoff angle intersects the ground:

a. Maximum permitted illumination as measured at property lines abutting residential and nonresidential districts or the public right-of-way shall be one foot-candle.

b. Maximum permitted pole height shall be 40 feet as measured to the bottom of the light fixture. (See the following graphic.)



Full Cutoff Light Source (Angle < 90°)

(Code 1984, § 13.527)

Sec. 44-497. Lighting requiring a conditional use permit.

The following lighting types shall require a conditional use permit as regulated in Section 44-83, Conditional uses:

(1) Temporary special event lighting.

(2) Outdoor recreation lighting.

a. A pole and pole supports used in the lighting of an outdoor recreational/stadium lighting facility shall not be placed closer to a private property line than the mounting height of the lights.

b. All poles and pole supports shall meet the standards as specified in Section 8-331.

c. All lighting shall meet the requirements of this division.

d. All unused outdoor recreation/stadium lighting facilities and/or support structures shall be removed within 12 months of the cessation of operations at the site unless the Plan Commission approves a time extension. In the event that an outdoor recreation/stadium lighting facilities and/or support structures is not removed within 12 months of the cessation of operations at a site, the outdoor recreation/stadium lighting facilities and/or support structures may be removed by the City and the costs assessed against the property.

e. Stadium facilities within the park system are exempt from this requirement.

(3) Other lighting as deemed appropriate by the Inspection Superintendent.
(Code 1984, § 13.528; Ord. No. 16-08)

Secs. 44-498—44-517. Reserved.

DIVISION 9. REGULATION OF POOLS, PONDS, AND SPAS

Sec. 44-518. Purpose.

Regulation of pools, ponds, and spas are established to ensure that the establishment of pools, ponds, and spas do not affect the safety, health, or welfare of the residents or the community and do not annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.
(Code 1984, § 13.529)

Sec. 44-519. Permit required.

No construction of a pool intended as a permanent installation, a pond, or spa shall begin unless a permit has been obtained and the fee paid in accordance with the fee provisions of this chapter. The application for such permit shall be accompanied by a site plan showing the size, location, and description of the property.
(Code 1984, § 13.530)

Sec. 44-520. Requirements.

(a) *Setback.* Permanent aboveground or in-ground pools, ponds, or spas shall maintain a minimum front yard setback of 25 feet and a rear and side yard setback of ten feet from adjoining property, subject to properly granted variance under Article II of this chapter, Administration. In determining this setback for aboveground pools, ponds, or spas with permanent fencing or decks, any deck or similar structure shall be considered part of the pool, pond, or spa.

(b) *Fencing.* All pools, ponds, or spas requiring a permit shall be encompassed by fencing as provided under this subsection. A variance to maximum fence height may be granted under the procedures of Article II of this chapter. However, under no circumstance may the minimum fence height requirements of this subsection be varied.

(1) *Structural requirements.* All fences under this subsection shall be constructed in such a manner as to comply with the requirements of Section 44-450 or variance and the requirements of this subsection.

   a. The fence must be able to withstand 200 pounds of force in any direction.

   b. The fence shall be so constructed and designed so as to prevent penetration of an object greater than six inches in diameter.

   c. All such fences shall be constructed with a locking door or gate which complies with all other height and structural requirements of this section.

(2) *Permanent in-ground pools, ponds, or spas.* Permanent in-ground pools, ponds, or spas, subject to Section 44-450, shall be encompassed by a freestanding fence not less than 48 inches nor more than 96 inches from the ground level. Such fence shall be no less than three feet from the pool, pond, or spa at its nearest point. The fence shall comply with subsection (b)(1) of this section.

(3) *Aboveground pools, ponds and spas.*

a. *Generally.* Aboveground pools, ponds, or spas shall be encompassed by fencing which complies with one or any combination of options listed below and complies with subsection (b)(1) of this section.

1. A fence in compliance with subsection (b) of this section.

2. A fence within three feet of the pool, pond, or spa and not less than 48 inches nor more than 96 inches from ground level.

3. A fence attached to a deck or walkway, provided such fence is at least 36 inches above the surface of the deck or walkway and complies with this section.

4. A pool wall not less than 48 inches from ground level, provided steps, ladders, or other means of pool access are removed when the pool is not in use.

b. *Exceptions.* Fencing shall not be required if the following are provided:

1. Pools, ponds, or spas with locking and solid structural covers. Such covers shall be in place whenever the pool, pond, or spa is not in use and/or unsupervised by an adult.

2. Pools, ponds, or spas completely enclosed within a building.

3. As determined by the Zoning Administrator that the pool, pond, or spa does not affect the safety, health, or welfare of the residents or the community and does not annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.

(Code 1984, § 13.531)

Sec. 44-521. Operation of residential pools.

(a) *Public swimming pools, ponds, or spas prohibited in residential areas.* No person shall operate a public pool, pond, or spa on any premises zoned residential. The operation of a public pool, pond, or spa on residential premises is declared to be a public nuisance.

(b) *Interference with enjoyment of property rights prohibited.* No pool, pond, or spa shall be so located, designed, operated, or maintained as to interfere unduly with the enjoyment of property rights of owners of property adjoining the pool, pond, or spa or located in the neighborhood.
(Code 1984, § 13.532)

Secs. 44-522—44-550. Reserved.

ARTICLE VI. RESIDENTIAL DISTRICTS

DIVISION 1. GENERAL PROVISIONS

Sec. 44-551. Purpose.

The residential districts are established to preserve and enhance the quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of

residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the City's comprehensive plan, and to ensure adequate light, air, privacy, and open space. The residential districts and their purposes are as follows:

(1) R-1 Low-Density Residential District provides an environment of predominantly single-family dwellings on moderately sized lots. Infill development is encouraged on lots that are consistent in size and dimensions with the predominant lot size and type on adjacent parcels. Two-family dwellings are permitted in limited numbers, consistent with the goals of promoting affordable housing and encouraging a variety of housing sizes and types in each neighborhood.

(2) R-2 Medium-Density Residential District is established to provide an environment of moderate-density single- and two-family dwellings, townhouses, and small multifamily buildings that are designed to be compatible with their neighbors.

(3) R-3 Varied Density Residential District is established to provide for an environment of moderate- to high-density attached and multifamily housing designed to present an attractive appearance to neighboring streets and adjacent uses, to include sufficient private and semi-private outdoor space, and to be well integrated into their surroundings.

(4) RR Rural Residential District is established to provide for limited large-lot development in areas of the City not yet served by public utilities, as defined by the Urban Reserve District (a municipal service district). In these areas, the intent is to facilitate future urban development in a cost-effective manner that allows for logical street connections and open space protection. In areas served by public utilities, the RR district provides a low-density residential environment and allows for the option of conservation subdivision design.

(Code 1984, § 13.601)

Sec. 44-552. Principal uses for the residential districts.

(a) *In general.* Table 44-1, Principal Uses in the Residential Districts, lists all permitted and conditional uses allowed in the residential districts.

(b) *Permitted uses.* Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or modify a permitted use, excluding single-family residential uses, shall obtain a zoning certificate for such use as specified in Article II of this chapter, Administration.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Article II of this chapter, Administration. Condominiums are permitted in all residential districts per Wis. Stats. Ch. 703.

(d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Article II of this chapter, Administration, governing determination of substantially similar uses.

(e) *Specific development standards.* Permitted and conditional uses specified with an "x" under the Specific development standards column shall be subject to the standards identified in Article XVI of this chapter, Land Use Development Standards.

Table 44-1. Principal Uses in the Residential Districts

Use	*District*				*Dev. Stds.*
	R-1	*R-2*	*R-3*	*RR*	
Residential Uses					
Dwellings					
Single-family dwelling, detached	P	P	C	P	x
Two-family dwelling - duplex	C	P	P		x
Two-family dwelling - semi-detached	C	P	P		x
Single-family attached dwelling, townhouse	C	C	P	—	x
Multiple-family dwelling, three or four units	—	C	P	—	x
Multiple-family dwelling, more than four units	—	—	P	—	
Carriage-house	C	—	—	C	x
Live-work unit	C	C	C	P	x
Short-term rentals (STRs)	P	P	—	P	x
Congregate Living					
Rooming house, boarding house	—	—	P	—	x
Community living arrangement:					
Serving three to eight persons	P*	P*	P*	P*	x
Serving nine to 15 persons	—	—	P*	—	x
Serving 16 or more persons	—	—	C	—	x
Dormitory	—	—	C	—	x
Fraternity, sorority house	C	C	C	—	x
Convent, monastery, seminary	C	P	P	—	x
Nursing home, assisted living	—	—	C	—	x
Transitional facility	—	—	C	—	
*A conditional use permit may be required for community living arrangement uses per the development standards (Section 44-1581)					
Educational Uses					
Adult daycare home	C	P	P	—	x
Family daycare home (8 or fewer children)	P	P	P	P	x
Group daycare center, preschool (9 or more children)	—	—	P	—	x
Institutional and Civic Uses					
Cemetery	C	C	C	P	
Community center, neighborhood center	C	C	C	—	x
Cultural institution	C	C	C	—	x
Library	C	P	P	—	x
Religious institution, place of worship	C	P	P	C	x

Use		District				Dev. Stds.
		R-1	R-2	R-3	RR	
	Public park, playground, recreation center	P	P	P	P	
	Existing School, elementary or secondary*	C	C	C	—	x
	Community gardens	P	P	P	P	x
	*"Existing" means those elementary and secondary schools existing and in operation prior to the effective date of the Zoning Code: August 19, 2006					
Commercial and Production Uses						
	Bed and breakfast	C	C	P	C	x
	Personal service (<2,500 sq. ft. in floor area)	C	C	C	—	x
	General retail sales (<2,500 sq. ft. in floor area)	C	C	C	—	x
	Outdoor commercial recreation	—	—	—	C	x
	Agriculture	—	—	—	P	
	Campground	—	—	—	P	x
Public Service and Utility Uses						
	Public safety/service facility	P	P	P	P	x
	Telecommunication tower, wireless communication facility	—	C	C	C	x
	Utility buildings and substations	C	C	C	C	x

Note: P = Permitted Use; C = Conditional Use.
(Code 1984, § 13.602; Ord. No. 23-06; Ord. No. 34-09; Ord. No. 1-10; Ord. No. 10-15; Ord. No. 20-16; Ord. No. 10-18, § 4, 6-19-2018)

Sec. 44-553. Site design considerations.

Development of land within the residential districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Article XVI of this chapter, Land Use Development Standards, and Article XIX of this chapter, Site Plan Review.
(Code 1984, § 13.603)

Sec. 44-554. Lot dimension and building bulk requirements.

Lot area and setback requirements shall be as specified in Table 44-2, Lot Dimension and Setback Requirements.

Table 44-2. Lot Dimension and Setback Requirements, Residential Districts

	RR	R-1	R-2	R-3
Minimum Lot Area (sq. ft.)				
Single-family detached dwelling	10,000 [a]	7,500	5,000	5,000
Duplex (per building)		7,500	5,000	5,000
Semi-detached dwelling (per lot)	—	6,000	4,000	4,000

	RR	*R-1*	*R-2*	*R-3*
Single-family attached	—	—	2,500 or 15/ac (the lesser) [d]	2,500 or 15/ac (the lesser) [d]
Multifamily dwelling (per unit)	—	—	See Section 44-557	See Section 44-557
All other uses (per lot):		10,000	10,000	10,000
Minimum Lot Width (feet)				
Single-family detached dwelling	75	75	45	45
Duplex (per building)		75	45	45
Semi-detached dwelling (per lot)	—	40	30	30
Single-family attached	—		25	20
Multifamily dwelling (per building)	—		40	40
Minimum Building Width (feet)		See note [b]		
Maximum Height (feet/stories)	35/2.5[g]	35/2.5[g]	35/3[g]	45/4[g]
Building Setback Requirements (feet)				
Front yard	20 [c, h]	15 [c, h]	15 [c, h]	15 [c, h]
Side yard [e, f, i]	6/8 ea.[j]	6/8 ea.[j]	6 ea.	10 ea.[j]
Rear yard	25	25	25	25
Garages (attached)	25	20	20	20

Notes to Table 44-2:

[a] For lots in the RR district without City services, minimum lot area shall be ten acres. Other lot dimensions shall be as specified in Table 44-2. See Section 44-555.

[b] The minimum building width on any side shall be at least 25 feet, not including any entryways or other structures that do not run the full length of the building.

[c] Where at least 50 percent of the front footage of any block is built up with principal structures, the front yard setback for new structures shall be equal to the average of the existing structures, except that any structure which is set back 20 percent more or less than the average may be discounted from the formula.

[d] If townhouses are developed on parcels where only the land immediately beneath each dwelling unit constitutes an individually-described lot and all other land constitutes common properties, the density requirement rather than the minimum lot size shall apply to the entire parcel.

[e] Side yards: Setbacks shall apply to the ends of attached or semi-detached dwellings.

[f] Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, the setback shall be a minimum of one-half the required front yard setback of the subject property's zoning district.

[g] Heights of structures may be increased with a conditional use permit as permitted in Section 44-83.

[h] Covered porches are permitted in the front setback compliant with the conditional use permit requirements found in Section 44-83. A porch proposed for a designated historic property or a contributing building within a historic district may be constructed within a front and/or side yard setback provided the porch is historically appropriate or a restoration of a significant architectural feature of the original structure.

[i] Lots containing less than 60 feet of public street frontage may have a side yard reduction to six feet for primary buildings.

[j] For single and two-family uses, six feet for a single story, eight feet for 1 1/2 stories or greater.

(Code 1984, § 13.604; Ord. No. 11-14; Ord. No. 15-14)

Sec. 44-555. Unserviced lots, RR District.

All lots developed without City sewer and public water service shall meet the following standards:

(1) Lots, houses, and other structures, driveways, and any new streets shall be located in compliance with the comprehensive plan and any more detailed area plans for future roads, utilities, and drainage.

(2) The Plan Commission may require a sketch plan showing how the entire tract could be divided when City services become available. Lots and buildings shall be sited and streets shall be laid out to facilitate future subdivision.

(3) The ten-acre limit in the RR District may be reduced subject to the following development standards:

a. It is relatively similar to other existing parcels in the area.

b. An area development plan is submitted and approved for the remaining property and the parcel being created.

c. All efforts should be taken to ensure that the existing home and lot will:

1. Comply with future setbacks.

2. Fit with the surrounding future development and the parcels future development.

3. Provide for existing utilities, septic and well currently servicing the home.

d. Lot size will be determined by the Plan Commission based on a reasonable determination of the area development plan and future lot lines.

e. Remnant parcel shall not be less than ten acres, except in cases where a remnant parcel is part of a division of land for the purposes of acquisition of public property and/or public use.

f. The maximum lot to be created should not be greater than 2 1/2 acres.

g. The land division should meet all remaining standards of Chapter 36, Subdivisions.

(Code 1984, § 13.605; Ord. No. 38-08; Ord. No. 10-14)

Sec. 44-556. Lot area requirement, R-2 District.

The lot area requirement for multifamily uses in the R-2 District is 2,000 square feet per one bedroom dwelling unit plus 500 square feet for each additional bedroom within the dwelling unit. In the case of boarding homes, dormitories, hospitals, and other residential facilities, the area requirement shall be 1,000 square feet for each resident occupancy of the structure.
(Code 1984, § 13.606)

Sec. 44-557. Lot area requirement, R-3 District.

The lot area requirement for multifamily uses in the R-3 District is 1,500 square feet per one bedroom dwelling unit plus 500 square feet for each additional bedroom within the dwelling unit. In the case of boarding homes, dormitories, hospitals, and other residential facilities, the area requirement shall be 1,000 square feet for each resident occupancy of the structure.
(Code 1984, § 13.607)

Sec. 44-558. Housing density bonus, R-3 District.

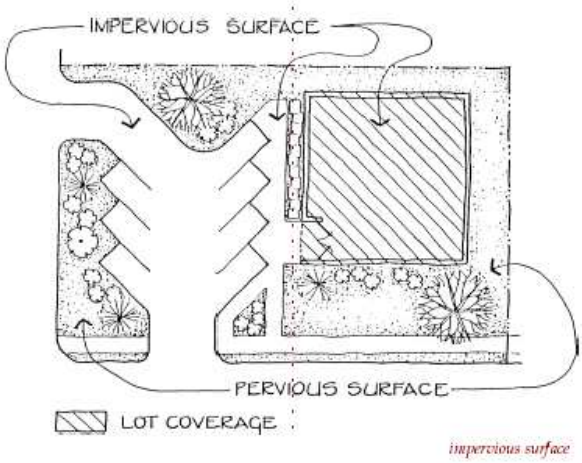
In the R-3 District, sites of three acres or more should include at least two of the following housing types: multifamily apartments of three or four units, multifamily apartments of five or more units, senior apartments, townhouses, duplexes, and semi-detached dwellings. For such developments, the number of units permitted may be increased by up to ten percent above the maximum number of units specified in Section 44-557, if the following requirements are met:

(1) Two or more of the above-listed housing types are provided.

(2) Each housing type may comprise no less than ten percent of the total number of units.
(Code 1984, § 13.608)

Sec. 44-559. Maximum impervious surface coverage.

Impervious surface, including all buildings, drives, and other paved areas, shall not cover more than 40 percent of any zoning lot located in the RR District, 50 percent of any zoning lot located in the R1, 60 percent of any zoning lot in the R2 Districts, or 70 percent of any zoning lot in the R3 District. See the following graphic.



Impervious Surface Coverage

(Code 1984, § 13.609)

Sec. 44-560. Planned Unit Developments and Traditional Neighborhood Developments.

A Planned Unit Development or Traditional Neighborhood Development plan may be submitted for consideration within any residential district, subject to the requirements and standards established in Article XX of this chapter, Planned Unit Development Standards, and Article XIV of this chapter, Traditional Neighborhood District.
(Code 1984, § 13.610)

Sec. 44-561. Parking and loading requirements.

Parking and loading requirements for uses in the residential districts shall be as set forth in Article XVIII of this chapter, Off-Street Parking, Drives, and Loading.
(Code 1984, § 13.611)

Sec. 44-562. Signs.

Sign requirements for uses in the residential districts shall be as specified in Chapter 30, Signs.
(Code 1984, § 13.612)

Secs. 44-563—44-587. Reserved.

DIVISION 2. ACCESSORY USES AND STRUCTURES

Sec. 44-588. General requirements.

Accessory uses and structures in the residential districts shall comply with the following standards and all other applicable regulations of this chapter:

(1) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(3) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(4) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

(Code 1984, § 13.613)

Sec. 44-589. Permitted accessory uses.

Table 44-3. Permitted Nonresidential Accessory Uses in the Residential Districts

Use	*RR*	*R1, R2*	*R3*	*Dev. Stds.*
Uses Accessory to Dwellings				
Antennas, satellite dishes, and similar equipment as regulated by Article XVI of this chapter	P	P	P	X
Boarding or renting of rooms to not more than two persons	P	P	P	
Buildings temporarily located for construction purposes	P	P	P	
Fences	P	P	P	X
Gardening and other horticultural uses	P	P	P	
Home-based occupations	P	P	P	X
Private garages, carports, and parking spaces	P	P	P	
Private swimming pools, tennis courts, indoor exercise facilities, community meeting rooms, and other recreational facilities that are operated for the sole use and convenience of the residents of the principal use and their guests	P	P	P	X
Tool houses, sheds, and similar buildings	P	P	P	—
Parking, structured			P	X
Outdoor kennel or exercise run for household pets	P	P	—	X
Retail, office, or service uses designed for residents of a multifamily building or complex of limited size and wholly contained within the principal structure			P	X

Use		RR	R1, R2	R3	Dev. Stds.
Uses Accessory to Dwellings					
	On parcels of ten acres or more, keeping of domestic animals, such as horses or ponies, sheep, goats, or domestic fowl, provided that no more than one horse, pony, sheep, goat, or similar large farm animal may be kept per acre of property. Animal feedlot operations and pig farms are not permitted. Barns and pens for domestic animals are permitted	P	—	—	X
Uses Accessory to Nonresidential Uses					
	Antennas, satellite dishes, and similar equipment	P	P	P	X
	Parking (surface)	P	P	P	
	Parking (structured)		C	P	X
	Signs, as regulated by Chapter 30	P	P	P	
	Small wind energy systems	C	C	C	X
	Solar energy systems, flush roof-mount	P	P	P	
	Solar energy systems, other than flush roof-mount	P	C	P	X
	Telecommunication facilities	C	C	C	X
	Waste and recycling storage	P	P	P	X

Note: P = Permitted Use; C = Conditional Use.

(Code 1984, § 13.614; Ord. No. 36-09; Ord. No. 1-11; Ord. No. 9-12; Ord. No. 13-14)

Sec. 44-590. Residential accessory buildings.

(a) *In general.* In all residential districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to the main building or shall be commonly associated with residential construction.

(b) *Attached structures.* An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.

(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.

(3) Attached garages may not exceed the height of the principal structure.

(c) *Detached structures.* Detached accessory structures shall be permitted in residential districts in accordance with the requirements shown in Table 44-4 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street.

(2) The maximum size may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

(3) Structures with a metal exterior finish exceeding 120 square feet shall be permitted only by conditional use permit.

(4) No more than 30 percent of the required rear yard area may be covered by accessory structures.

(5) Distance between structures shall be measured from wall to wall.

Table 44-4. Requirements for Detached Accessory Structures, Residential Districts

Use		*One- or Two-Family Residential Use*	*Townhouse or Multifamily Residential Use*	*RR District, 10 Acres or More*
Number of structures allowed		2	1 per unit	2
Maximum size - 1st structure		1,000 sq. ft./dwelling unit	10 percent of lot area*	2,000 sq. ft.
Maximum size - 2nd structure		150 sq. ft.	150 sq. ft.	1,000 sq. ft.
Maximum height [c]		16 feet [d]	16 feet [d]	20 feet [d]
Maximum side wall height [c]		10 feet	10 feet	10 feet
Required Setbacks				
	Front yard [e]	55 feet	55 feet	55 feet
	Side yard [a, e]	4 feet	10 feet	15 feet
	Rear yard [b, e]	4 feet	10 feet	15 feet
	Between structures	3 feet	3 feet	3 feet

Notes to Table 44-4:

[a] One- and two-family lots less than 60 feet in width only require a 2½-foot side yard for detached accessory structures.

[b] One- and two-family lots less than 90 feet in depth only require a 2½-foot rear yard for detached accessory structures.

[c] Maximum height and maximum side wall height may be increased to a height no greater than that of the principal structure located on the same lot provided the accessory structure is used as a carriage-house dwelling.

[d] Heights of structures may be increased with a conditional use permit as permitted in Section 44-83.

[e] A corner yard setback may be reduced where at least 50 percent of the front footage of any block is built up with principal structures, the corner yard setback for new structures shall be equal to the average of the existing structures, except that any structure which is setback 20 percent more or less than the average may be discounted from the formula. In no case shall the setback be less than 15 feet and shall only apply to corner lots of two intersection rights-of-way.

(Code 1984, § 13.615; Ord. No. 25-09)

Secs. 44-591—44-613. Reserved.

ARTICLE VII. MIXED-USE DISTRICTS

DIVISION 1. GENERAL PROVISIONS

Sec. 44-614. Purpose.

The mixed-use districts are established to encourage a mix of compatible land uses in a variety of locations and scales in order to create more vital and walkable activity centers within neighborhoods and the downtown and consistent with the City's comprehensive plan. The mixed-use districts are as follows:

(1) The Office-Residential (OR) District is a transitional mixed-use district intended for edges of downtown or segments of commercial corridors where there is some development pressure to convert residential uses to offices. Small office and service establishments are permitted as of right in compliance with specific design standards, while larger or more intense office, service, or limited retail would be allowed by conditional use permit.

(2) The Neighborhood Center (NC) District is intended to apply to small neighborhood commercial nodes and to encourage development that is transit-oriented, which is supportive of and supported by public transit. Permitted uses include limited size retail, office, and service uses, attached and multifamily housing, and supportive civic uses, such as daycare.

(3) The Downtown (D) District is designed specifically for the downtown core on both sides of the Fox River, permitting a full range of high-intensity uses: retail, multifamily housing, offices, entertainment, and civic uses. It is divided into two sub-districts (D1 and D2) with differing maximum heights and floor area ratios to recognize the distinctly different building types and character of development found in the central business district, the Broadway District, and the Olde Main Street District.

(Code 1984, § 13.701)

Sec. 44-615. Principal uses for the mixed-use districts.

(a) *In general.* Table 44-5, Principal Uses in the mixed-use districts, lists all permitted and conditional uses allowed in the mixed-use districts.

(b) *Permitted uses.* Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or modify a permitted use, excluding single-family residential uses, shall obtain a zoning certificate for such use as specified in Article II of this chapter, Administration. Condominiums are permitted in all mixed-use districts per Wis. Stats. Ch. 703.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Article II of this chapter, Administration.

(d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Article II of this chapter, Administration, governing determination of substantially similar uses.

(e) *Specific development standards.* Permitted and conditional uses specified with an "x" under the development standards column shall be subject to the standards identified in Article XVI of this chapter, Land Use Development Standards.

Table 44-5. Principal Uses in the Mixed-Use Districts

Use	*OR*	*NC*	*D*	*Dev. Stds.*
Residential Uses				
Dwellings				
Single-family dwelling, detached	C	—	—	
Two-family dwelling, duplex or semi-detached	C	—	—	
Attached single-family dwelling, townhouse	P	P	P	
Multiple-family dwelling	P	P	P	
Carriage-house dwelling	P	P	—	
Live-work unit	P	P	P	
Congregate Living				
Rooming house, boarding house, shelter facility	C	C	C	x
Community living arrangement:				
Serving 3 to 8 persons	P*	P*	—	x
Serving 9 or more persons	C	C	C	x
Dormitory	C	C	—	x
Fraternity, sorority house	C	C	—	x
Convent, monastery, seminary	C	—	C	x
Nursing home, assisted living	C	C	C	x
Transitional facility	—	—	C	
*A conditional use permit may be required for community living arrangement uses per the development standards (Section 44-1581)				
Educational Uses				
School, elementary or secondary	P	P	P	x
College, university, etc.	P	P	P	x
School, specialty or personal instruction	P	P	P	x
Adult/family daycare home (8 or fewer children)	P	P	P	x
Group daycare center, preschool (9 or more children)	P	P	P	x
Institutional and Civic Uses				
Cemetery		—	—	
Community center, neighborhood center	P	P	P	

Use		OR	NC	D	Dev. Stds.
	Cultural institution	P	P	P	x
	Library	P	P	P	
	Public park, playground, recreational center	P	P	P	
	Religious institution, place of worship	P	P	P	x
	Clinic, healthcare facility	P	P	P	x
	Community gardens	P	P	P	x
Public Service and Utilities					
	Public safety/service facility	P	P	P	X
	Telecommunication facility, wireless communication facility	C	C	C	X
	Governmental buildings and structures	P	P	P	
	Public utility buildings and structures	C	C	C	
Offices					
	General office	P	P	P	
	Government office	P	P	P	
	Bank or other financial institution (drive-through is C)	P	P	P	X
	Medical office, clinic	P	P	P	
	Artist's studio	P	P	P	
Commercial					
Accommodation and Food Service Uses					
	Bed and breakfast	P	P	P	X
	Hotel, inn	—	P	P	
	Restaurant,* not including drive-through	P	P	P	
	Restaurant with drive-through	—	C	—	X
	Tavern, bar *	C	C	P	
Service businesses					
	Personal service**	P	P	P	
	Business service**	P	P	P	
	Building maintenance, janitorial service	—	P	P	
	Catering service	P	P	P	
	Day labor agency	—	—	C	X
	Funeral home	P	P	P	
	Furniture and appliance rental and leasing	—	P	P	
	Laundromat	—	P	P	
	Printing and publishing establishment	—	P	P	
	Small appliance repair service	P	P	P	
	Tool/equipment rental facility	—	P	P	
	Animal hospital, veterinary clinic	P	P	P	X
	Animal grooming establishment	P	P	P	X
Retail Sales					
	General retail sales **	C	P	P	
	Contractor showroom	—	C	P	

Use		*OR*	*NC*	*D*	*Dev. Stds.*
	Currency exchange	—	—	C	
	Firearms sales and service	—	—	P	X
	Greenhouse, lawn and garden supply store	—	P	P	X
	Pawnshop	—	—	C	
	Secondhand goods store, consignment store	C	P	P	
Production, Processing, and Storage Uses					
	Limited production and processing	—	—	C	X
Commercial Recreation and Entertainment					
	Convention center	—	—	P	
	Health club, fitness center	—	P	P	
	Indoor recreation (bowling, billiards, etc.)	—	C	P	
	Restaurant or bar with entertainment, nightclub*	—	—	C	
	Theater, assembly hall	—	P	P	X
Vehicle services					
	Convenience store	—	C	C	X
	Fueling/gas/service station	—	C	C	X
	Motor vehicle repair, minor		C	C	X
	Parking structure (principal use)	—	—	C	
	Surface parking lot (principal use)	C	—	—	

Note: P = Permitted Use; C = Conditional Use.

* Any establishment at which primarily alcohol beverages are served must also meet the requirements of Chapter 10, Businesses.

** See definitions section for complete list of uses.

(Code 1984, § 13.702; Ord. No. 1-10; Ord. No. 6-12; Ord. No. 10-15; Ord. No. 10-18, § 5, 6-19-2018)

Sec. 44-616. Combination of uses on a lot.

Any permitted and conditional uses may be combined on a parcel or within a building, provided that all uses meet all other applicable provisions of this chapter, including any specific development standards.
(Code 1984, § 13.703)

Sec. 44-617. Use restrictions.

(a) In mixed-use buildings, residential uses shall not be permitted on the ground floor fronting the primary public street.

(b) Warehousing areas accessory to retail sales shall be limited to 30 percent of gross floor area.

(c) Drive-through uses, whether primary or accessory, are not allowed except by conditional use permit.
(Code 1984, § 13.704)

Sec. 44-618. Enclosed building requirement.

All business activities, except for off-street parking and loading, shall take place within completely enclosed buildings, except as provided in subsections (1) through (3) of this section.

(1) *Outdoor sales and display.* Retail merchandise may be displayed on a temporary basis on the sidewalk immediately in front of the principal building or elsewhere on the site, provided that such display does not interfere with pedestrian or vehicle traffic or encroach upon landscaped areas. The following uses may include permanent outdoor sales and display, in compliance with the specific development standards for such uses:

a. Automobile sales and rental.

b. Garden supply store.

(2) *Outdoor dining areas.* Outdoor dining areas may be allowed as a seasonal temporary use, in compliance with the specific development standards for such uses.

(3) *Outdoor speakers.* Outdoor speakers shall not be audible from a residential use or residential district boundary.

(Code 1984, § 13.705)

Sec. 44-619. Site design considerations.

Development of land within the mixed-use districts shall follow the following standards, as well as those specified in Article XVI of this chapter, Land Use Development Standards, and Article XIX of this chapter, Site Plan Review.

(1) If a structure originally designed for commercial use is converted wholly or partially to residential use, the elements of traditional storefront design, where present, shall be retained. These include door and window openings, display windows, intermediate cornice lines, sign bands, awnings, arcades, and primary entrances facing the public street.

(2) Building materials. All building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades. Metal pole barn structures are prohibited.

(3) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design unless the entire building is being renovated.

(4) Signs shall be placed so as not to obscure the architectural features of the principal building and shall be designed to be compatible in materials, size, and appearance with the principal building.

(Code 1984, § 13.706)

Sec. 44-620. Dimensional and area requirements.

Lot area and setback requirements shall be as specified in Table 44-6.

Table 44-6. Dimensional and Area Requirements, Mixed-Use Districts

	OR	*NC*	*D*
Minimum Lot Area (sq. ft.)			

		OR	*NC*	*D*
Single-family attached and live-work units		2,500 per unit		2,000 per unit
Multifamily dwelling (per unit)		2,000 per unit	1,500 per unit	1,000 per unit
Nonresidential or mixed-use		5,000	None	None
Floor Area Ratio				
	Minimum	0.3	0.5	1.0
	Maximum	1.0	2.0	3.0 (D1) 8.0 (D2)
Maximum ground floor area, retail and service uses [a]		5,000 s.f.	5,000 s.f.	40,000 s.f.
Minimum Lot Width (feet)				
Single-family attached and live-work units		24	24	24
Multifamily dwelling		None	None	None
All other uses		50	None	None
Maximum Height (feet)		35[h]	35(45 by CU)	45 (D1)[h] none (D2)
Minimum Building Width		See note [b]		
Maximum Impervious Surface Coverage		60%	80%	100%
Setbacks - Residential Uses				
Front yard minimum		15 [c]	15 [c]	10 [c]
Front yard maximum		25	25	20
Side yard [d, e]		16 (total) 6 min.	12 (total)	12 (total)
Rear yard		25	25	25
Setbacks - Nonresidential and Mixed-Uses				
Front yard minimum		None	None	None
Front yard maximum [f]		20	20	15
Side yard		6	6 [g]	6 [g]
Rear yard		6	6 [g]	6 [g]

Notes to Table 44-6:

[a] Maximum ground floor area for retail or service uses may be exceeded as a conditional use.

[b] For residential structures, the minimum building width on any side shall be at least 22 feet, not including any entryways or other structures that do not run the full length of the building.

[c] Where at least 50 percent of the front footage of any block (from intersecting street to intersecting street) is built up with principal structures, the front yard setback for new structures shall be equal to the average of the existing structures, except that any structure which is set back 20 percent more or less than the average may be discounted from the formula.

[d] Side yards are required only for dwelling units on the ends of townhouse buildings. Minimum size is one-half of the total distance shown in the table.

[e] Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, the setback shall be a minimum of one-half the required front yard setback of the subject property's zoning district.

[f] At least 60 percent of the front facade must fall between the maximum setback and minimum setback lines.

[g] In the NC and D Districts, side and rear yards shall be required when a nonresidential use adjoins a side yard or rear yard of a residential property or as necessary to provide access for deliveries, loading, etc.

[h] Heights of structures may be increased with a conditional use permit as permitted in Section 44-83.

(Code 1984, § 13.707)

Sec. 44-621. Planned Unit Developments and Traditional Neighborhood Developments.

A Planned Unit Development or Traditional Neighborhood Development plan may be submitted for consideration within any mixed-use district, subject to the requirements and standards established in Article XX of this chapter, Planned Unit Development Standards, and Article XIV of this chapter, Traditional Neighborhood Development.
(Code 1984, § 13.708)

Sec. 44-622. Parking and loading requirements.

Parking and loading requirements for uses in the mixed-use districts shall be as set forth in Article XVIII of this chapter, Off-Street Parking, Drives and Loading, and in the requirements for the individual mixed-use districts.
(Code 1984, § 13.709)

Sec. 44-623. Signs.

Sign requirements for uses in the mixed-use districts shall be as specified in Chapter 30, Signs.
(Code 1984, § 13.710)

Secs. 44-624—44-649. Reserved.

DIVISION 2. ACCESSORY USES AND STRUCTURES

Sec. 44-650. General requirements.

Accessory uses and structures in the mixed-use districts shall comply with the following standards and all other applicable regulations of this chapter:

(1) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(3) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(4) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

(Code 1984, § 13.711)

Sec. 44-651. Residential accessory buildings.

The standards applicable to accessory buildings in the residential districts shall apply (Article VI of this chapter).

(Code 1984, § 13.712)

Sec. 44-652. Nonresidential accessory buildings.

(a) *Attached structures.* An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway or common wall. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.

(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.

(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) *Detached structures.* Detached accessory structures shall be permitted in mixed-use districts in accordance with the requirements shown in Table 44-7 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or structure may be located within a side yard.

(2) The structure shall meet the required rear and side yard setbacks for a principal structure, as established for the zoning district in which it is located.

(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot.

(4) The maximum size of a detached accessory building may be increased by up to 25 percent upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

(5) Structures with a metal exterior finish exceeding 120 square feet shall be permitted only by conditional use permit.

(Code 1984, § 13.713)

Sec. 44-653. Permitted accessory uses.

Permitted accessory uses are as shown in Table 44-7.

Table 44-7. Permitted Accessory Uses in the Mixed-Use Districts

Use		*OR*	*NC*	*D*	*Dev. Stds.*
Uses Accessory to Dwellings					
	Antennas, satellite dishes, and similar equipment as regulated by Article XVI of this chapter	P	P	P	
	Boarding or renting of rooms to not more than two persons	P	P	P	
	Fences	P	P	P	X
	Gardening and other horticultural uses	P	P	—	
	Home-based occupations	P	P	P	X
	Outdoor kennel or exercise run	P	P	—	X
	Private garages, carports, and parking spaces	P	P	P	
	Private swimming pools, tennis courts, indoor exercise facilities, community meeting rooms, and other recreational facilities that are operated for the sole use and convenience of the residents of the principal use and their guests	P	P	C	
	Small wind energy systems	C	C	C	X
	Solar energy systems	C	C	P	X
	Tool houses, sheds, and similar buildings	P	P	P	—
Uses Accessory to Nonresidential Uses					
	Antennas, satellite dishes and similar equipment	P	P	P	X
	Carwash (automatic) when accessory to an auto service station in compliance with Article XVI of this chapter	—	C	C	X
	Music (outdoor live or amplified music)	—	—	C	X
	Off-street loading docks	C	P	P	X
	Outdoor display of vehicles			C	X
	Outdoor commercial recreation	—	C	C	X
	Outdoor sales, display, and storage	See Section 44-618			X
	Parking (surface)	P	P	P	
	Parking (structured)		C	P	X
	Parking and storage of vehicles licensed to a business	P	P	P	X
	Signs, as regulated by Chapter 30	P	P	P	
	Small wind energy systems	C	C	C	X
	Solar energy systems	C	C	P	X
	Telecommunication facilities	C	C	C	X
	Warehousing, incidental repair, or processing necessary to conduct a permitted principal use, conducted within principal building, not exceeding 25% of total floor area	—	P	P	X

Use	*OR*	*NC*	*D*	*Dev. Stds.*
Waste and recycling storage	P	P	P	X

(Code 1984, § 13.714; Ord. No. 36-02; Ord. No. 1-11; Ord. No. 7-12; Ord. No. 9-12)

Secs. 44-654—44-679. Reserved.

ARTICLE VIII. COMMERCIAL DISTRICTS

DIVISION 1. GENERAL PROVISIONS

Sec. 44-680. Purpose.

The commercial districts are established to provide a range of goods and services for City residents within the City's existing commercial corridors and districts, to promote employment opportunities and the adaptive re-use of existing commercial buildings, and to maintain and improve compatibility with surrounding areas. In all of the commercial districts, consideration should be given to building and site design to provide for efficient and well-integrated use of land, to ensure compatibility with adjacent zoning districts, to control traffic, and to improve the pedestrian environment. The commercial districts are as follows:

(1) C1 General Commercial is intended for use along the City's primary commercial corridors where moderate-intensity retail, office, and service uses are planned. Businesses that typically involve outdoor display, storage, and/or sales, motor vehicle repair, and other intensive or outdoor uses are discouraged.

(2) C2 Highway Commercial is intended for use in locations along the City's commercial corridors where automobile-oriented businesses already dominate or are planned. Businesses that typically involve outdoor display, storage, and/or sales, motor vehicle repair, and other intensive or outdoor uses should locate in this district.

(3) C3 Community Center Commercial is intended to provide for major commercial districts that serve a significant segment of the City's population. It is characterized by businesses that are major traffic generators requiring access from major thoroughfares, such as shopping centers and "big box" retail establishments. While these businesses are usually characterized by indoor operations, certain permitted uses may include limited outdoor activities.

(Code 1984, § 13.801)

Sec. 44-681. Principal uses for the commercial districts.

(a) *In general.* Table 44-8lists all permitted and conditional uses allowed in the commercial districts.

(b) *Permitted uses.* Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or modify a permitted use shall obtain a zoning certificate for such use as specified in Article II of this chapter, Administration.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Article II of this chapter, Administration. Condominiums are permitted in all commercial districts per Wis. Stats. Ch. 703.

(d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Article II of this chapter, Administration, governing determination of substantially similar uses.

(e) *Specific development standards.* Permitted and conditional uses specified with an "X" under the development standards column shall be subject to the standards identified in Article XVI of this chapter, Land Use Development Standards.

Table 44-8. Principal Uses in the Commercial Districts

Use		*C1*	*C2*	*C3*	*Dev. Stds.*
Office Uses					
	General office	P	P	P	
	Government office	P	P	P	
	Bank or other financial institution	P	P	P	
	Medical office, clinic	P	P	P	
	Artist's studio	P	P	P	
Commercial Uses					
Accommodation and Food Service Uses					
	Bed and breakfast	P	P	P	X
	Hotel, inn	C	P	P	
	Motel	—	C	C	
	Restaurant,* not including drive-through	P	P	P	
	Restaurant* with drive-through	C	P	P	X
	Tavern, bar *	C	C	P	X
Service Businesses					
	Personal service**	P	P	P	
	Business service**	P	P	P	
	Building maintenance, janitorial service	P	P	P	
	Catering service	P	P	P	
	Day labor agency	C	C	C	X
	Funeral home, crematory	P	P	P	
	Furniture and appliance rental and leasing	P	P	P	
	Laundromat	P	P	P	
	Pet grooming establishment	P	P	P	
	Printing and publishing establishment	P	P	P	
	Small appliance repair service	P	P	P	
	Tool/equipment rental facility	P	P	P	

Use		*C1*	*C2*	*C3*	*Dev. Stds.*
	Animal hospital, veterinary clinic	P	P	P	X
	Animal grooming establishment	P	P	P	X
	Animal boarding facility, kennel	P	P	P	X
	Material recovery facility (minor)	C	C	—	
Retail Sales					
	Auto title loan business	C	C	C	X
	General retail sales **	P	P	P	
	Building material sales	C	P	P	
	Contractor showroom	P	P	P	
	Currency exchange	—	C	C	
	Firearms sales and service	P	C	C	X
	Greenhouse, garden supply store	C	P	P	X
	Pawnshop	P	P	P	
	Payday loan business	C	C	C	X
	Pet store	P	P	P	
	Secondhand goods store, consignment store	C	P	P	
Production, Processing, and Storage Uses					
	Limited production and processing	C	C	C	X
Commercial Recreation and Entertainment					
	Convention center	—	—	—	
	Health clubs, fitness centers	P	P	P	
	Indoor recreational facility	P	P	P	
	Marina	—	C	C	
	Outdoor commercial recreation area	—	C	C	X
	Restaurant or bar with entertainment, nightclub*	C	—	C	
	Theater, assembly hall	P	—	P	X
Vehicle Services					
	Automobile rental	—	P	C	X
	Automobile sales - used or new	—	P	C	X
	Carwash	—	P	C	X
	Convenience store	—	P	C	
	Fuel/gas/service station	—	P	C	X
	Motor vehicle repair, major		P	C	X
	Motor vehicle repair, minor	C	P	C	X
	Parking structure (principal use)	C	C	P	
	Surface parking lot (principal use)	C	C	C	
	Drive-through facility	P	P	P	X
Residential Uses					
Dwellings***					
	Single-family dwelling, detached	—	—	—	
	Two-family dwelling, duplex or semi-detached	—	—	—	

Use		C1	C2	C3	Dev. Stds.
	Attached single-family dwelling, townhouse	—	—	—	
	Multiple-family dwelling	P	P	P	
	Carriage-house dwelling	—	—	—	
	Live-work unit	P	P	P	X
Congregate Living					
	Community living arrangement	C	—	—	X
	Dormitory	C	—	—	X
	Nursing homes, assisted living	C	C	—	
Educational Uses					
	School, grades K-12	C	—	C	X
	College, university, etc.	C	—	C	X
	School, specialty or personal instruction, etc.	C		C	X
	Adult/family daycare facility (8 or fewer children)	P	P	P	X
	Group daycare facility (9 or more children)	P	P	P	X
Institutional and Civic Uses					
	Cemetery	—	—	—	
	Community center	P	P	P	
	Cultural institution	P	P	P	X
	Library	P	P	P	X
	Park, playground, recreational center	P	P	P	
	Religious institution, place of worship	P	P	P	X
	Clinic, healthcare facility	P	P	P	
Public Service and Utilities					
	Public safety/service facility	P	P	P	
	Telecommunication tower, wireless communication facility	C	C	C	X

Note: P = Permitted Use; C = Conditional Use.

* Any establishment at which primarily alcohol beverages are served must also meet the requirements of Chapter 10, Businesses.

** See definitions section for complete list of uses.

*** Only located above the ground floor.

(Code 1984, § 13.802; Ord. No. 11-06; Ord. No. 8-09; Ord. No. 20-09; Ord. No. 37-09; Ord. No. 1-10; Ord. No. 6-12; Ord. No. 10-18, § 6, 6-19-2018)

Sec. 44-682. Combination of uses on a lot.

Any permitted and conditional uses may be combined on a parcel or within a building, provided that all uses meet all other applicable provisions of this chapter, including any specific development standards. More than one principal building on a lot may be permitted as a conditional use, subject to the standards of Article XIX of this chapter, Site Plan Review.
(Code 1984, § 13.803)

Sec. 44-683. Use restrictions.

(a) In mixed-use buildings, residential uses shall not be permitted on the ground floor fronting the primary public street.

(b) Warehousing areas accessory to retail sales shall be limited to 40 percent of gross floor area.

(c) Outdoor dining areas. Outdoor dining areas may be allowed as a seasonal temporary use, in compliance with the development standards for such uses.

(d) Outdoor speakers. Outdoor speakers shall not be audible from a residential use or residential district boundary.
(Code 1984, § 13.804)

Sec. 44-684. Outdoor storage and display, C1 and C3 Districts.

(a) In the C1 and C3 Districts, outdoor storage, sales, or display are permitted only when accessory to the following uses:

(1) Greenhouse, garden supply store

(2) Building material sales

(b) Where permitted, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park, or residential property, in compliance with Section 44-1964. Outdoor sales and display areas shall be separated from any adjacent street, sidewalk, or public walkway by a low landscaped screen, in compliance with Section 44-1918.

(c) Temporary/seasonal display. Retail merchandise may be displayed on a temporary basis when accessory to a permitted or conditional use. Display areas may be located on the sidewalk immediately in front of the principal building or elsewhere on the site, provided that such display does not interfere pedestrians, vehicle traffic, or required parking spaces in conflict with other sections of the Municipal Code. Storage and display of merchandise shall be setback ten feet from any property line and shall not exceed 100 square feet in total area. A temporary use permit shall be required, as specified in Article V of this chapter. Those sites exceeding 100 square feet in storage and/or display area are required to obtain a conditional use permit (CUP) per Section 44-83.
(Code 1984, § 13.805; Ord. No. 10-17)

Sec. 44-685. Outdoor storage and display, C2 District.

(a) In the C2 District, outdoor storage, sales, or display are permitted only when accessory to the following uses:

(1) Building material sales.

(2) Auto service station, in compliance with Article XVI of this chapter, Land Use Development Standards.

(3) Automobile rental or sales.

(4) Sales and/or service of watercraft, recreational vehicles, and agricultural equipment.

(5) Outdoor commercial recreation.

(b) Where permitted, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park, or residential property, in compliance with Section 44-1964. Outdoor sales and display areas shall be separated from any adjacent street, sidewalk, or public walkway by a low landscaped screen, in compliance with Section 44-1918.

(c) Temporary display. Retail merchandise may be displayed on a temporary basis when accessory to a permitted or conditional use. Display areas may be located on the sidewalk immediately in front of the principal building or elsewhere on the site, provided that such display does not interfere with pedestrian or vehicle traffic in conflict with other sections of the Municipal Code or encroach upon landscaped areas. A temporary use permit shall be required, as specified in Article V of this chapter.
(Code 1984, § 13.806)

Sec. 44-686. Site design considerations.

Development of land within the commercial districts shall follow the following standards, as well as those specified in Article XVI of this chapter, Land Use Development Standards, and Article XIX of this chapter, Site Plan Review.

(1) Building materials. All building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades. Metal pole barn structures are prohibited.

(2) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design, unless the entire building is being renovated.

(Code 1984, § 13.807)

Sec. 44-687. Parking and loading requirements.

Parking and loading requirements for uses in the commercial districts shall be as set forth in Article XVIII of this chapter, Off-Street Parking, Drives and Loading.
(Code 1984, § 13.808)

Sec. 44-688. Signs.

Sign requirements for uses in the commercial districts shall be as specified in Chapter 30, Signs.
(Code 1984, § 13.809)

Secs. 44-689—44-719. Reserved.

DIVISION 2. DIMENSIONAL STANDARDS

Sec. 44-720. Dimensional and area requirements.

Lot area and setback requirements shall be as specified in Table 44-9.

Table 44-9. Dimensional and Area Requirements, Commercial Districts

	C1	*C2*	*C3*
Minimum Lot Area (sq. ft.)[d]	5,000	10,000	10,000
Floor Area Ratio - Minimum	0.1[e]	0.1[e]	0.1[e]
Maximum Height (feet)	35[c]	35[c]	35[c]
Maximum Impervious Surface Coverage	80%	80%	80%
Building Setbacks			
Front yard minimum	15	15	15
Side yard	6[a b]	6[a, b]	6[a, b]
Rear yard	6[b]	6[b]	6[b]

Notes to Table 44-9:

[a] Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, the setback shall be a minimum of one-half the required front yard setback of the subject property's zoning district.

[b] Side and rear yards shall be required when a nonresidential use adjoins a side yard of a residential property or as necessary to provide access for deliveries, loading, etc.

[c] Heights of structures may be increased with a conditional use permit as permitted in Section 44-83.

[d] A minimum 75 feet of public street frontage is required.

[e] Surface parking lots (principal use) approved through conditional use permits shall not be required to meet the floor area ratio minimum.

(Code 1984, § 13.810; Ord. No. 13-07; Ord. No. 42-09)

Secs. 44-721—44-738. Reserved.

DIVISION 3. ACCESSORY USES AND STRUCTURES

Sec. 44-739. General requirements for commercial districts.

Accessory uses and structures in the commercial districts shall comply with the following standards and all other applicable regulations of this chapter:

(1) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(3) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(4) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

(Code 1984, § 13.811)

Sec. 44-740. Residential accessory buildings.

The standards applicable to accessory buildings in the residential districts shall apply (Article VI of this chapter).

(Code 1984, § 13.812)

Sec. 44-741. Nonresidential accessory buildings.

(a) *Attached structures.* An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.

(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.

(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) *Detached structures.* Detached accessory structures shall be permitted in commercial districts in accordance with the requirements shown in Table 44-10 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or structure may be located within a side yard.

(2) The structure shall meet the required rear and side yard setbacks for a principal structure, as established for the zoning district in which it is located.

(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot.

(4) The maximum size of a detached accessory building may be increased by up to 25 percent upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

(5) Structures with a metal exterior finish exceeding 120 square feet shall be permitted only by conditional use permit.

(6) No detached accessory building shall be located closer than three feet from the principal building. Distance between structures shall be measured from wall to wall.

(Code 1984, § 13.813)

Sec. 44-742. Permitted nonresidential accessory uses.

Permitted accessory uses are as shown in Table 44-10.

Table 44-10. Permitted Accessory Uses in the Commercial Districts

Use		*C1*	*C2*	*C3*	*Dev. Stds.*
Uses Accessory to Dwellings					
	Antennas, satellite dishes, and similar equipment as regulated by Article XVI of this chapter	P	P	P	
	Boarding or renting of rooms to not more than two persons	P	P	P	
	Fences	P	P	P	X
	Gardening and other horticultural uses	—	—	—	
	Home-based occupations	P	P	P	X
	Private garages, carports, and parking spaces	P	P	P	
	Private swimming pools, tennis courts, indoor exercise facilities, community meeting rooms, and other recreational facilities that are operated for the sole use and convenience of the residents of the principal use and their guests	P	P	C	
	Solar energy systems	P	P	P	X
	Tool houses, sheds, and similar buildings	P	P	P	
	Outdoor kennel or exercise run	—	—	—	
Uses Accessory to Nonresidential Uses					
	Antennas, satellite dishes, and similar equipment	P	P	P	X
	Carwash (automatic) when accessory to a service station in compliance with Article XVI of this chapter		C	C	X
	Music (outdoor live or amplified music)	C	C	C	
	Off-street loading docks	C	P	P	X
	Outdoor display of vehicles		P	C	X
	Outdoor commercial recreation	C	C	C	X
	Outdoor sales, display, and storage	*	**	*	X
	Parking (surface)	P	P	P	
	Parking (structured)		C	P	X
	Parking and storage of vehicles licensed to a business	P	P	P	X
	Self-service storage units	C	—	—	X
	Signs, as regulated by Chapter 30	P	P	P	
	Small wind energy systems	C	C	C	X
	Solar energy systems	P	P	P	X
	Telecommunication facilities	C	C	C	X
	Warehousing, incidental repair, or processing necessary to conduct a permitted principal use, conducted within the principal building, not exceeding 40 percent of total floor area		P	P	X

Use	C1	C2	C3	Dev. Stds.
Waste and recycling storage	P	P	P	X

Notes to Table 44-10:

* See Section 44-684, Outdoor Storage and Display, C1 and C3 Districts.

** See Section 44-685, Outdoor Storage and Display, C2 District.

(Code 1984, § 13.814; Ord. No. 26-02; Ord. No. 1-11; Ord. No. 9-12; Ord. No. 2-15)

Secs. 44-743—44-767. Reserved.

ARTICLE IX. INDUSTRIAL DISTRICTS

DIVISION 1. GENERAL PROVISIONS

Sec. 44-768. Purpose.

The industrial districts are established to provide locations for land uses engaged in the production, processing, assembly, manufacturing, packaging, wholesaling, warehousing, or distribution of goods and materials. Regulations for the industrial districts are established to promote industrial development and to maintain and improve compatibility with surrounding areas. In addition to industrial uses, limited commercial uses, parking facilities, public services, and utilities are allowed. The industrial and employment districts are as follows:

(1) *LI Light Industrial.* This district is intended to allow industrial operations and activities in combination with limited commercial uses in older industrial corridors that were developed with a mix of uses in medium-sized buildings with limited outdoor storage. The district is designed to include warehousing, wholesaling, shipping, and related activities, limited manufacturing, and a range of commercial uses.

(2) *GI General Industrial.* This district accommodates high-intensity industry and often includes very large structures, extensive exterior storage and exterior mechanical or equipment operations. It accommodates uses that require large or isolated sites or rail or port service. Most sites within the GI District have already been developed. Where possible, the GI District should be separated from residential neighborhoods. Standards for screening and buffering of these operations should be enhanced where feasible.

(3) *BP Business Park.* This district provides sites for modern industry, research and development, and associated office and commercial uses in a park-like environment characterized by high standards of building and site design. It is based on the existing I-43 Business Park Standards, with applicability to similar environments elsewhere in City.

(Code 1984, § 13.901)

Sec. 44-769. Principal uses for the industrial districts.

(a) *In general.* Table 44-11 lists all permitted and conditional uses allowed in the industrial districts.

(b) *Permitted uses.* Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or modify a permitted use, excluding single-family residential uses, shall obtain a zoning certificate for such use, as specified in Article II of this chapter, Administration. Condominiums are permitted in all industrial districts per Wis. Stats. Ch. 703.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Article II of this chapter, Administration.

(d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Article II of this chapter, Administration, governing determination of substantially similar uses.

(e) *Specific development standards.* Permitted and conditional uses specified with an "x" under the development standards column shall be subject to the standards identified in Article XVI of this chapter, Land Use Development Standards.

Table 44-11. Principal Uses in the Industrial Districts

Use		*LI*	*GI*	*BP*	*Dev. Stds.*
Production, Processing, and Storage					
	Agricultural uses	P	P	P	
	Limited production and processing	P	P	P	x
	Light industrial uses	P	P	P	
	General industrial uses	—	P	—	
	Heavy industrial uses	—	C	—	
	Concrete, asphalt, and rock crushing facility	—	C	—	x
	Contractor yard	P	P	—	
	Dry cleaning establishment, commercial laundry	P	P	P	
	Research and development facility	P	P	P	
	Material recovery facility (major)	—	P	—	
	Auto salvage yard, scrap yard	—	C	—	x
	Self-service storage facility	C	P	—	x
	Wholesale and distribution facility	P	—	P	
	Material recovery facility (minor)	P	—	P	x
Transportation Uses					
	Ground transportation service	P	P	—	
	Motor freight terminal	P	P	C	x
	Package delivery service	P	P	P	
	Railroad switching yards and freight terminal	—	P	—	

Use		LI	GI	BP	Dev. Stds.
	Ship terminal or docking facility	P	P	—	
Public Service and Utility Uses					
	Public safety/service facility	P	P	P	
	Sewage treatment plant	—	C	—	x
	Telecommunication tower, wireless communication facility	C	C	C	x
	Solid waste disposal facility	—	C	—	x
	Substation/distribution equipment	—	C	—	
	Yard waste site, municipal	—	C	—	
Office and Mixed Uses					
	General office	P	P	P	
	Government office	P	P	P	
	Bank or other financial institution	—	—	P	
	Clinic, healthcare facility	—	—	P	
	Artist's studio	P	—	P	
	Dwelling in conjunction with business	C	C	C	x
	Live-work unit	C	C	C	x
Commercial Uses					
Accommodation and Food Service Uses					
	Restaurant,* not including drive-through	—	—	P	x
	Restaurant* with drive-through	—	—	C	x
Service Businesses					
	Personal service**	C	—	P	
	Business service**	P	P	P	
	Building maintenance, janitorial service	P	P	P	
	Catering service	P	—	P	
	Printing and publishing establishment	P	P	P	
	Small appliance repair service	P	—	—	
	Tool/equipment rental facility	P	—	—	
	Animal hospital, veterinary clinic	P	—	P	x
	Animal grooming establishment	P	—	—	
	Animal boarding facility, kennel	P	—	—	x
Retail Sales					
	General retail sales **	C	C	C	
	Building material sales	P	P		
	Contractor showroom	P	P	P	
	Firearms sales and service	C	C	C	
	Greenhouse, garden supply store	C	—	—	
	Pawnshop	C	—	—	
Commercial Recreation and Entertainment					
	Adult entertainment	C	C	—	x
	Health clubs, fitness centers	P	—	P	x
	Indoor recreational facility	P	P		

Use		LI	GI	BP	Dev. Stds.
	Marina	C	C	—	
	Outdoor commercial recreation area	—	—	C	x
Vehicle Services					
	Automobile rental	P	P	C	x
	Convenience store	C	C	C	
	Fuel/gas/service station	C	C	C	x
	Motor vehicle repair, major	C	C	C	
	Motor vehicle repair, minor	C	C	C	
	Surface parking lot (principal use)	P	P	—	
	Drive-through facility	—	—	P	x
Educational Uses					
	School, specialty or personal instruction, etc.	C	—	C	x
	Group daycare center, preschool (9 or more children)	—	—	P	x

Note: P = Permitted Use; C = Conditional Use.

* Any establishment at which primarily alcohol beverages are served must also meet the requirements of Chapter 10, Businesses.

** See land use definitions section for complete list of uses.

(Code 1984, § 13.902; Ord. No. 8-09; Ord. No. 13-15; Ord. No. 10-18, § 7, 6-19-2018)

Sec. 44-770. Use restrictions.

(a) *Retail sales, service, and repair.* Retail sales, service, and repair shall be prohibited in all industrial districts except those specifically listed in Table 44-11 or where such activity is accessory to the permitted principal use. Accessory retail uses shall be limited to a maximum of 20 percent of the overall gross floor area occupied by the primary business, up to a maximum of 2,000 square feet.

(b) *Outdoor speakers.* Outdoor speakers shall not be audible from a residential district boundary. (Code 1984, § 13.903)

Sec. 44-771. Outdoor storage and display.

(a) Outdoor storage and display is permitted in the Business Park (BP) District, subject to the following standards:

(1) Outdoor storage areas shall not exceed 25 percent of the lot area and shall be contiguous.

(2) A fence 90 percent impervious to sight is required to enclose all outdoor storage areas from view. The fence shall not exceed eight feet in overall height and shall consist of wood, vinyl or masonry material.

(3) No material/product may be stored higher than the required fencing.

(4) A five-foot-wide landscaped area shall be provided along all fenced areas with ground cover, shrubs or trees planted at an average spacing of 30 feet on center.

(5) All outdoor storage areas shall be surfaced compliant with Section 44-1694.

(6) No outdoor storage shall encroach within a required setback.

(b) In the Light Industrial and General Industrial Districts, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park, or residential property, in compliance with Section 44-1964w. Outdoor sales and display areas shall be separated from any adjacent street, sidewalk, or public walkway by a low landscaped screen, in compliance with Section 44-1918.
(Code 1984, § 13.904; Ord. No. 16-14; Ord. No. 5-15)

Sec. 44-772. Site design considerations.

Development of land within the industrial districts shall follow the following standards, as well as those specified in Article XVI of this chapter, Land Use Development Standards, and Article XIX of this chapter, Site Plan Review:

(1) Building materials. All building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades.

(2) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design, unless the entire building is being renovated.

(3) Service areas shall be screened with an approved combination of berms, landscaping, and walls or fences architecturally complementary to the principal building.

(4) Loading docks shall be located and screened so as to minimize the visibility from any street.
(Code 1984, § 13.905)

Sec. 44-773. Parking and loading requirements.

Parking and loading requirements for uses in the industrial districts shall be as set forth in Article XVIII of this chapter, Off-Street Parking, Drives and Loading.
(Code 1984, § 13.906)

Sec. 44-774. Signs.

Sign requirements for uses in the industrial districts shall be as specified in Chapter 30, Signs.
(Code 1984, § 13.907)

Secs. 44-775—44-801. Reserved.

DIVISION 2. DIMENSIONAL STANDARDS

Sec. 44-802. Dimensional and area requirements.

Lot area and setback requirements shall be as specified in Table 44-12.

Table 44-12. Dimensional and Area Requirements, Industrial Districts

	LI	*GI*	*BP*
Minimum Lot Area (sq. ft.)[d]	10,000 s.f.	20,000 s.f.	20,000 s.f.
Maximum Floor Area Ratio	None	None	0.75
Maximum Height (feet)	35 [a]	35 [a] (none by CU)	35 [a] (none by CU)
Maximum Impervious Surface Coverage	80%	80%	70%
Building Setbacks			
Front yard minimum	None	None	15
Side yard	6 [b, c]	6 [b, c]	10[b]
Rear yard	6 [c]	6 [c]	15

Notes to Table 44-12:

[a] Smokestacks, water towers, and similar structures may exceed the maximum height limit as specified by conditional use.

[b] Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, the setback shall be a minimum of one-half the required front yard setback of the subject property's zoning district.

[c] Side and rear yards shall be required when a nonresidential use adjoins a side yard of a residential district or as determined necessary by the Zoning Administrator to provide access for deliveries, loading, etc.

[d] A minimum 75 feet of public street frontage is required.

(Code 1984, § 13.908)

Secs. 44-803—44-827. Reserved.

DIVISION 3. ACCESSORY USES AND STRUCTURES

Sec. 44-828. General requirements.

Accessory uses and structures in the industrial districts shall comply with the following standards and all other applicable regulations of this chapter:

(1) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(3) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(4) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

(Code 1984, § 13.909)

Sec. 44-829. Accessory buildings.

(a) *Attached structures.* An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.

(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.

(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) *Detached structures.* Detached accessory structures shall be permitted in industrial districts in accordance with the requirements shown in Table 44-13 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or parking structure may be located within a side yard.

(2) The structure shall meet the required rear and side yard setbacks for a principal structure, as established for the zoning district in which it is located.

(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot, except by conditional use.

(4) No detached accessory building shall be located closer than three feet from the principal building. Distance between structures shall be measured from wall to wall.

(Code 1984, § 13.910)

Sec. 44-830. Permitted accessory uses.

Permitted accessory uses are as shown in Table 44-13.

Table 44-13. Permitted Accessory Uses in the Industrial Districts

Use	*LI*	*GI*	*BP*	*Dev. Stds.*
Antennas, satellite dishes, and similar equipment	P	P	P	X
Carwash (automatic) when accessory to a service station in compliance with Article XVI of this chapter	C	C	C	X
Music (outdoor live or amplified music)	C	C	C	
Off-street loading docks	P	P	P	
Outdoor display of vehicles	C	C	C	X
Outdoor commercial recreation	C	C	C	X
Outdoor sales, display, and storage	P	P	—	X

Use	*LI*	*GI*	*BP*	*Dev. Stds.*
Parking (surface)	P	P	P	
Parking (structured)	P	P	P	
Parking and storage of vehicles licensed to a business	P	P	P	X
Signs, as regulated by Chapter 30	P	P	P	
Small wind energy systems	C	C	C	X
Solar energy systems	P	P	P	X
Telecommunication facilities	C	C	C	X
Warehousing, incidental repair, or processing necessary to conduct a permitted principal use, conducted within the principal building, not exceeding 40 percent of total floor area	P	P	P	X
Waste and recycling storage	P	P	P	X

(Code 1984, § 13.911; Ord. No. 1-11; Ord. No. 9-12)

Secs. 44-831—44-853. Reserved.

ARTICLE X. PUBLIC INSTITUTIONAL DISTRICT

DIVISION 1. GENERAL PROVISIONS

Sec. 44-854. Purpose.

The Public Institutional District (PI) is intended to provide for a district for public and civic buildings and large institutional uses that otherwise may not fit into other zoning districts because of their specialized land use needs and public purpose. This designation serves as a notice to those owning or buying land in proximity to publicly-owned land, which is not ordinarily subject to the regulations of this chapter.
(Code 1984, § 13.1001)

Sec. 44-855. Principal uses.

(a) *In general.* Table 44-14, Principal Uses in the Public Institutional District, lists all permitted and conditional uses.

(b) *Permitted uses.* Uses specified with a "P" are permitted in the district where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or modify a permitted use, excluding single-family residential uses, shall obtain a zoning certificate for such use, as specified in Article II of this chapter, Administration.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Article II of this chapter, Administration.

(d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Article II of this chapter, Administration, governing determination of substantially similar use.

(e) *Specific development standards.* Permitted and conditional uses specified with an "x" under the development standards column shall be subject to the standards identified in Article XVI of this chapter, Land Use Development Standards.

Table 44-14. Principal Uses in the Public Institutional District

Use	*Public Inst.*	*Dev. Stds.*
Institutional and Civic Uses		
Cemetery	P	
Community center, neighborhood center	P	
Cultural institution	C	x
Library	P	x
Public park, playground, recreation center, or other recreational facility	P	
Religious institution, place of worship	P/C[1]	x
Hospital	C	x
Clinic, healthcare facility	C	x
Government office	P	
Other public or semi-public facilities not listed in this table	C	
Community gardens	P	x
Educational and Health Care Uses		
School, elementary or secondary	P	x
College, university	C	x
Public Service and Utility Uses		
Public safety/service facility	P	
Solid waste disposal facility	P	
Substation/distribution equipment	P	
Sewage treatment plant	P	
Telecommunication tower, wireless communication facility	C	x
Yard waste site, municipal	P	

[1] Any facility with seating capacity of greater than 600 persons in the sanctuary or main activity area shall be a conditional use. Such facility shall be located with access to an arterial or collector street.

(Code 1984, § 13.1002; Ord. No. 10-15)

Sec. 44-856. Dimensional standards.

Lot area and setback requirements shall be as specified in Table 44-15.

Table 44-15. Dimensional and Area Requirements, Public Institutional District

		PI District
Minimum lot area (sq. ft.)		10,000 s.f. [a]
Minimum lot width		80 ft. [a]
Maximum height (feet)		note [b]
Maximum impervious surface coverage		note [b]
Building setbacks—minimum:		
	Front yard	15
	Side yard [c]	10
	Rear yard	15

[a] Public utility well sites, pump stations, substations, and similar uses involving no major structure are exempt from the minimum lot area and lot width requirements.

[b] Building height and impervious coverage shall not exceed that permitted in the most restrictive abutting district.

[c] Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, no less than half of the front setback applies.

(Code 1984, § 13.1003)

Sec. 44-857. Special provisions.

The following provisions apply to changes in status of land zoned PI or acquired for public use:

(1) If any land zoned PI is sold, conveyed, or transferred to any nongovernmental entity, the buyer or transferee must submit an application requesting the City to rezone the land in accordance with Article II of this chapter, Administration.

(2) Land acquired by a government, public or quasi-public agency, or public school district shall retain its existing zoning designation until such time as the zoning map is amended to designate such land as a Public Institutional District.

(Code 1984, § 13.1004)

Sec. 44-858. Parking and loading requirements.

Parking and loading requirements for uses in the Public Institutional District shall be as set forth in Article XVIII of this chapter, Off-Street Parking, Drives and Loading.
(Code 1984, § 13.1005)

Sec. 44-859. Signs.

Sign requirements for uses in the Public Institutional District shall be as set forth in Chapter 30, Signs.
(Code 1984, § 13.1006)

Secs. 44-860—44-881. Reserved.

DIVISION 2. ACCESSORY USES AND STRUCTURES

Sec. 44-882. General requirements.

Accessory uses and structures in the Public Institutional District shall comply with the following standards and all other applicable regulations of this chapter:

(1) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(3) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(4) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

(Code 1984, § 13.1007)

Sec. 44-883. Accessory buildings.

(a) *Attached structures.* An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.

(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.

(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) *Detached structures.* Detached accessory structures shall be permitted in accordance with the requirements shown in Table 44-16 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or structure may be located within a side yard.

(2) The structure shall meet the required rear and side yard setbacks as established for the zoning district in which it is located.

(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot.

(4) The maximum size of a detached accessory building may be increased by up to 25 percent upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

(5) Structures with a metal exterior finish exceeding 120 square feet shall be permitted only by conditional use permit.

(6) No detached accessory building shall be located closer than three feet from the principal building. Distance between structures shall be measured from wall to wall.

(Code 1984, § 13.1008)

Sec. 44-884. Permitted accessory uses.

Permitted accessory uses are as shown in Table 44-16.

Table 44-16. Permitted Accessory Uses in the Public Institutional District

Use		*Dev. Stds.*
Antennas, satellite dishes, and similar equipment	P	
Off-street loading docks	P	
Outdoor recreation facilities	P	
Parking (surface)	P	
Parking (structured)	P	
Signs, as regulated by Chapter 30	P	
Small wind energy systems	C	X
Solar energy systems	P	X
Storage within enclosed buildings	P	
Telecommunication facilities	P	
Waste and recycling storage	P	

(Code 1984, § 13.1009; Ord. No. 1-11; Ord. No. 9-12)

Secs. 44-885—44-901. Reserved.

ARTICLE XI. CONSERVANCY DISTRICT

DIVISION 1. GENERAL PROVISIONS

Sec. 44-902. Purpose.

The Conservancy District is established to promote the preservation of open space and natural and scenic features and may also be used to preserve watercourses, floodplains, wetlands, and stormwater management facilities.

(Code 1984, § 13.1101)

Sec. 44-903. Permitted uses.

(a) *In general.* Table 44-17, Principal Uses in the Conservancy District, lists all permitted and conditional uses.

(b) *Permitted uses.* Uses specified with a "P" are permitted in the district where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or modify a permitted use, excluding single-family residential uses, shall obtain a zoning certificate for such use, as specified in Article II of this chapter, Administration.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Article II of this chapter, Administration.

(d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Article II of this chapter, Administration, governing determination of substantially similar use.

(e) *Specific development standards.* Permitted and conditional uses specified with an "x" under the development standards column shall be subject to the standards identified in Article XVI of this chapter, Land Use Development Standards.

Table 44-17. Principal Uses in the Conservancy District

Use		*Dev. Stds.*
Agriculture, forestry, fishing, and recreation	P	
Agricultural uses that do not involve the use of fertilizer, including field crops, specialty crops, and similar uses but not livestock or animal husbandry	P	
Forest nurseries, tree and forest product gathering	P	
Fish hatcheries and preserves	C	
Hunting, trapping, and game propagation	P	
Campgrounds, public or private	P	x
Arboreta, wildlife preserves, botanical gardens, trails for non-motorized use, and similar non-intensive or passive recreational facilities	C	
Community gardens	P	x
Public Service and Utility Uses		
Docks, piers, and boat landings	P	
Drainage ditches, canals, irrigation systems, and stormwater management facilities	P	
Pipelines for natural gas, water supply, etc.	C	
Public utilities, streets, roads, and bridges	P	
Substation/distribution equipment	C	
Telecommunication tower, wireless communication facility	C	x

(Code 1984, § 13.1102; Ord. No. 10-15)

Sec. 44-904. Dimensional standards.

Because the permitted and conditional uses in the Conservancy District are generally not conducted in buildings, no minimum lot area is specified. The following setbacks and coverage limits shall be required:

(1) Waterway setback: All buildings and structures, except for road, bridge and utility crossings, docks, piers, boat landings, or drainage structures, shall be set back a minimum of 50 feet from the bulkhead line or ordinary high water mark, whichever provides the greater landward distance, of all navigable waterways, including, but not limited to:

a. Green Bay Shore and Islands.

b. Fox River.

c. East River.

d. Baird Creek, including South Branch.

e. Beaver Dam Creek.

f. Duck Creek.

g. Ellis Creek.

h. Mahon Creek.

i. Willow Creek, including North Branch.

(2) Impervious coverage: Impervious coverage within the Conservancy District shall be limited to 35 percent of any parcel.

(3) Building setbacks: All buildings and structures, including parking, with the exception of road, bridge and utility crossings, or drainage structures, shall be set back the following distances from lot boundaries:

a. Front yard: 25 feet.

b. Side yard: 15 feet.

c. Rear yard: 25 feet.

(4) Minimum lot width: 50 feet.

(Code 1984, § 13.1103)

Secs. 44-905—44-926. Reserved.

DIVISION 2. ACCESSORY USES AND STRUCTURES

Sec. 44-927. General requirements.

Accessory uses and structures in the Conservancy District shall comply with the following standards and all other applicable regulations of this chapter:

(1) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(3) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(4) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the principal use or structure served.

(5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

(Code 1984, § 13.1104)

Sec. 44-928. Accessory buildings.

(a) *Attached structures.* An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.

(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.

(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) *Detached structures.* Detached accessory structures shall be permitted in accordance with the requirements shown in Table 44-18 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or structure may be located within a side yard.

(2) The structure shall meet the required rear and side yard setbacks for a principal structure.

(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot.

(4) The maximum size of a detached accessory building may be increased by up to 25 percent upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

(5) Structures with a metal exterior finish exceeding 120 square feet shall be permitted only by conditional use permit.

(6) No detached accessory building shall be located closer than three feet from the principal building. Distance between structures shall be measured from wall to wall.

(Code 1984, § 13.1105)

Sec. 44-929. Accessory uses.

Permitted accessory uses are shown in Table 44-18.

Table 44-18. Permitted Accessory Uses in the Conservancy District

Antennas, satellite dishes, and similar equipment	P
Outdoor recreation facilities	C

Parking, surface	C
Storage or other accessory buildings customarily associated with a principal use	C
Signs, as regulated in Chapter 30	P

(Code 1984, § 13.1106)

Secs. 44-930—44-946. Reserved.

ARTICLE XII. SHORELAND-WETLAND OVERLAY DISTRICT

DIVISION 1. GENERAL PROVISIONS

Sec. 44-947. Statutory authorization.

The ordinance from which this article is derived, adopted pursuant to the authorization in Wis. Stats. §§ 62.23, 62.231, 87.30, and 281.31, and Wis. Admin. Code § NR 117.06(3), requires all cities to enact shoreland-wetland ordinances subject to DNR approval and in strict conformity with Wis. Admin. Code Ch. NR 117.
(Code 1984, § 13.1201)

Sec. 44-948. Purposes.

Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the City would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Shoreland-Wetland Overlay Zone is, therefore, intended to:

(1) Promote the public health, safety, convenience, and general welfare.

(2) Maintain the storm and floodwater storage capacity of wetlands.

(3) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.

(4) Protect fish, their spawning grounds, other aquatic life, and wildlife by preserving wetlands and other aquatic habitat.

(5) Prohibit certain uses detrimental to the shoreland-wetland area.

(6) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling, and other earth-moving activities.

(Code 1984, § 13.1202)

Sec. 44-949. Interpretation.

In the interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the City. If an ordinance provision is unclear,

the provision shall be interpreted in light of the Wis. Admin. Code Ch. NR 117 standards in effect on the date of the adoption of the ordinance from which this article is derived or the most recent text amendment to this article.
(Code 1984, § 13.1203)

Sec. 44-950. Annexed or attached areas.

The Brown County Shoreland Zoning provisions in effect on the date of annexation or attachment remain in effect administered by the City for all areas annexed or attached by the City after May 7, 1982. These annexed or attached lands are described on the City's Official Map. The Brown County Shoreland Zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Zoning Administrator.
(Code 1984, § 13.1204)

Secs. 44-951—44-974. Reserved.

DIVISION 2. ZONING DISTRICT DESIGNATION

Sec. 44-975. District boundaries.

(a) *In general.* The shoreland-wetland zoning district shall be an overlay district and shall include all wetlands in the City which are two acres or more and which are specifically shown on the City of Green Bay Wetland Map and the final Wisconsin Wetland Inventory Map and which are:

(1) Within 1,000 feet of the ordinary high water mark of navigable lakes, ponds, or flowages. Lakes, ponds, or flowages in the City shall be presumed to be navigable if they are shown on the United States Geological Survey Quadrangle Maps or other zoning base maps listed under Section 44-974.

(2) Within 300 feet of the ordinary high water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey Quadrangle Maps or other zoning base maps listed under Section 44-974. Adopted floodplain zoning maps shall be used to determine the extent of floodplain areas.

(b) *Determination of navigability.* Determinations of navigability and ordinary high water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources (DNR) for a final determination of navigability or ordinary high water mark.

(c) *Discrepancies.* When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources to determine if the shoreland-wetland district boundary, as mapped, is in error. If DNR staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator may immediately grant or deny a zoning permit

in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official shoreland-wetland zoning maps, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

(d) *Exemptions.* The following types of wetlands are not subject to this article:

(1) Wetlands which were filled prior to October 21, 1987, the date on which the City received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetlands.

(2) Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under Wis. Stats. § 30.11.

(Code 1984, § 13.1206)

Secs. 44-976—44-993. Reserved.

DIVISION 3. USE REGULATIONS

Sec. 44-994. Permitted uses.

Only the following uses are permitted, subject to the provisions of Wis. Stats. Chs. 30 and 31 and the provisions of other local, state, and federal laws, if applicable:

(1) Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating.

(2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

(3) The practice of silviculture, including the planting, thinning, and harvesting of timber, and limited temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on the conduct of silvicultural activities if not corrected.

(4) The pasturing of livestock and the construction and maintenance of fences, including limited filling and excavating necessary for fence construction and maintenance.

(5) The cultivation of agricultural crops if cultivation can be accomplished without wetland alterations, except for the maintenance and repair of existing farm drainage ditches or of other existing agricultural drainage systems (such as tiling) to restore the functional drainage of existing agricultural lands. The minimum amount of filling necessary to dispose of dredged spoil is allowed, provided that filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible.

(6) The construction and maintenance of a nonresidential building provided that:

a. The building is used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation.

b. The building cannot, as a practical matter, be located outside of the wetland.

c. The building does not exceed 500 square feet in floor area.

d. Only limited filling and excavating necessary to provide structural support for the building shall be allowed.

(7) The construction and maintenance of piers, docks, walkways, observation decks, and trail bridges, including limited filling and excavating necessary for the installation of pilings.

(8) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural, and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game farms and wildlife preserves, and public boat launching ramps, provided that:

a. Only limited filling and excavating necessary for the development of boat launching ramps, swimming beaches, or the construction of park shelters or similar structures shall be allowed.

b. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game farms, and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(9) Construction and maintenance of electric and telephone transmission lines, water and gas distribution lines, sewage collection lines, and construction and maintenance of railroad lines, provided that:

a. These facilities cannot, as a practical matter, be located outside of the wetland.

b. Only limited filling or excavating necessary for construction or maintenance shall be allowed.

c. Construction or maintenance shall be performed so as to minimize adverse impacts upon the natural functions of the shoreland-wetland.

(10) Construction and maintenance of roads as necessary for the continuity of the City street system, essential utility and emergency services, or access to uses permitted under this subsection, provided that:

a. The road cannot, as a practical matter, be located outside of the wetland.

b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the shoreland-wetland, as listed in Section 44-1021(3).

c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.

d. Road construction activities are carried out only in the immediate area of the roadbed.

e. Any wetland alteration shall only be the minimum necessary to accommodate construction or maintenance of the road.

(11) Installation and maintenance of sealed tiles for the purpose of draining lands outside of the shoreland-wetland zoning district, provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland.

(12) Maintenance, repair, replacement, and reconstruction of existing highways and bridges, including limited excavating and filling necessary for these functions.

(13) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible.

(Code 1984, § 13.1207)

Sec. 44-995. Prohibited uses.

The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high water mark of any navigable waters are prohibited.
(Code 1984, § 13.1208)

Sec. 44-996. Nonconforming uses.

This article shall not limit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of the ordinance from which this article is derived or of any environmental control facility in existence on May 7, 1982, related to such a structure. All other modifications to nonconforming structures are subject to Wis. Stats. § 62.23(7)(h), which limits total lifetime structural repairs and alterations to 50 percent of current equalized assessed value. All other standards of Article IV of this chapter, Nonconformities, shall apply.
(Code 1984, § 13.1209)

Secs. 44-997—44-1020. Reserved.

DIVISION 4. AMENDMENTS

Sec. 44-1021. Amending shoreland-wetland zoning regulations.

The City may alter, supplement, or change the district boundaries and the regulations contained in this article in accordance with the requirements of Wis. Stats. § 62.23(7)(d)2, Wis. Admin. Code Ch. NR 117, and the following:

(1) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the DNR within five days of the submission of the proposed amendment to the Plan Commission.

(2) The appropriate district office of the DNR shall be provided with written notice of any public hearing at least ten days prior to such hearing.

(3) In order to ensure that this article will remain consistent with the shoreland protection objectives of Wis. Stats. § 281.31, the Common Council may not rezone a wetland in a shoreland-wetland zoning district where the proposed rezoning may result in a significant adverse impact upon any of the following shoreland-wetland functions:

a. Stormwater and floodwater storage capacity.

b. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.

c. Filtering or storage sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable water.

d. Shoreline protection against erosion.

e. Fish spawning, breeding, nursery, or feeding grounds.

f. Wildlife habitat.

g. Areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.

(4) Where the district office of the DNR determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in the preceding subsection (3) of this section, the DNR shall notify the City of its determination either prior to or during the public hearing held on the proposed amendment.

(5) The appropriate district office of the DNR shall be provided with:

a. A copy of the recommendation and report, if any, of the Plan Commission on a proposed text or map amendment within ten days after the submission of those recommendations to the Common Council.

b. Written notice of the action on the proposed text or map amendment within ten days after the action is taken.

(6) If the DNR notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection (3) of this section, that proposed amendment, if approved by the City, shall not become effective until more than 30 days have elapsed since written notice of City approval was mailed to the DNR. If within the 30-day period the DNR notifies the City that it intends to adopt a superseding shoreland-wetland zoning ordinance for the City, as provided by Wis. Stats. § 62.231(6), the proposed amendment shall not become effective until the ordinance adoption procedure under Wis. Stats. § 62.231(6) is completed or otherwise terminated.

(Code 1984, § 13.1210)

Secs. 44-1022—44-1040. Reserved.

ARTICLE XIII. FLOODPLAIN OVERLAY DISTRICT

DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE, TITLE AND DEFINITION

Sec. 44-1041. Statutory authorization.

The ordinance from which this article is derived is adopted pursuant to the authorization in Wis. Stats. § 62.23, and the requirements of Wis. Stats. § 87.30.
(Code 1984, § 13.1301; Ord. No. 26-09; Ord. No. 26-13)

Sec. 44-1042. Finding of fact.

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.
(Code 1984, § 13.1302)

Sec. 44-1043. Statement of purpose.

This article is intended to regulate floodplain development to:

(1) Protect life, health and property;

(2) Minimize expenditures of public funds for flood control projects;

(3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(4) Minimize business interruptions and other economic disruptions;

(5) Minimize damage to public facilities in the floodplain;

(6) Minimize the occurrence of future flood blight areas in the floodplain;

(7) Discourage the victimization of unwary land and homebuyers;

(8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(Code 1984, § 13.1303)

Sec. 44-1044. Definitions.

Unless specifically defined, words and phrases in this article shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

A Zone means that area shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. The area may be a numbered or unnumbered A Zone. The A Zone may or may not be reflective of flood profiles, depending on the availability of data for a given area.

AH Zone. See *Area of shallow flooding.*

AO Zone. See *Area of shallow flooding.*

Accessory structure or use means a facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

Alteration means an enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO Zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement means any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

Building. See *Structure.*

Bulkhead line means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to Wis. Stats. § 30.11, and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of this article.

Campground means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

Camping unit means any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

Certificate of compliance means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this article.

Channel means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Crawlways or *crawl space* means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

Deck means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

Department means the 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 disposal systems or water supply facilities.

Dryland access means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Encroachment means any fill, structure, equipment, building, use or development in the floodway.

Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

(1) The overflow or rise of inland waters;

(2) The rapid accumulation or runoff of surface waters from any source;

(3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or

(4) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood frequency means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent chance of occurring in any given year.

Flood hazard boundary map means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.

Flood insurance rate map (FIRM) means a map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood insurance study means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance rate maps that accompany the flood insurance study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Flood profile means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Flood protection elevation means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see *Freeboard*.)

Flood storage means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodfringe means that portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

Floodplain means land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain island means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain management means policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Floodproofing means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Floodway means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Freeboard means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

Habitable structure means any structure or portion thereof used or designed for human habitation.

Hearing notice means publication or posting meeting the requirements of Wis. Stats. Ch. 985. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing, is required. Local ordinances or bylaws may require additional notice, exceeding these minimums.

High flood damage potential means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is either:

(1) 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;

(2) 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;

(3) 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

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

Increase in regional flood height means a calculated upward rise in the regional flood elevation, equal to or greater than 0.00 foot, based on a comparison of existing conditions and proposed condi-

tions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Land use means any nonstructural use made of unimproved or improved real estate. (Also see *Development*.)

Lowest adjacent grade means elevation of the lowest ground surface that touches any of the exterior walls of a building.

Lowest floor means the lowest floor of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Maintenance means the act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

Manufactured and mobile home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured and mobile home" includes a mobile home but does not include a mobile recreational vehicle.

Mobile/manufactured home park or subdivision means a parcel (or contiguous parcels) of land, divided into two or more manufactured and mobile home lots for rent or sale.

Mobile/manufactured home park or subdivision, existing, means a parcel of land, divided into two or more manufactured and mobile home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of the ordinance from which this article is derived. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Mobile/manufactured home park or subdivision, expansion to existing, means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured and mobile homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading or the pouring of concrete pads.

Mobile recreational vehicle means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured and mobile homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

Model, corrected effective, means a hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross-sections to the duplicate effective model, or incorporates more detailed topographic information than that used in the current effective model.

Model, duplicate effective, means a copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

Model, effective, means the hydraulic engineering model that was used to produce the current effective flood insurance study.

Model, existing (pre-project), means a modification of the duplicate effective model or corrected effective model to reflect any manmade modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the corrected effective model or duplicate effective model.

Model, revised (post-project), means a modification of the existing or pre-project conditions model, duplicate effective model or corrected effective model to reflect revised or post-project conditions.

Municipality or *municipal* means the county, city or village governmental units enacting, administering and enforcing this chapter.

NAVD or *North American Vertical Datum* means elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or *National Geodetic Vertical Datum* means elevations referenced to mean sea level datum, 1929 adjustment.

New construction means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Nonconforming structure means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this article for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

Nonconforming use means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this article for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

Obstruction to flow means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official floodplain zoning maps means those maps, adopted and made part of this article, as described in Section 44-1043, which have been approved by the Department and FEMA.

Open space use means those uses having a relatively low flood damage potential and not involving structures.

Ordinary high water mark means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Private sewage system means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Public utilities means Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Reasonably safe from flooding means base floodwaters will not inundate the land or damage structures to be removed from the floodplain 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 FIRM, the RFE is equivalent to the BFE.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured and mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Subdivision has the meaning given in Wis. Stats. § 236.02(12).

Substantial damage means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term "substantial improvement" does not, however, include either any

project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Unnecessary hardship means Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this article.

Variance means an authorization by the Zoning 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 article.

Violation means the failure of a structure or other development to be fully compliant with this article. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Water surface profile means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Watershed means the entire region contributing runoff or surface water to a watercourse or body of water.

Well means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.
(Code 1984, § 13.1305)

Secs. 44-1045—44-1073. Reserved.

DIVISION 2. GENERAL PROVISIONS

Sec. 44-1074. Areas to be regulated.

This article regulates all areas that would be covered by the regional flood or base flood as shown on the flood insurance rate map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the flood insurance study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
(Code 1984, § 13.1306)

Sec. 44-1075. Official Maps and revisions.

(a) The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the flood insurance study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the flood insurance rate map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (see Division 10 of this article, Amendments) before it is effective.

No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City of Green Bay Community Services Agency. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) Official Maps. Based on the FIS: Flood insurance rate map (FIRM), panel numbers 55009C0161F, 55009C0162F, 55009C0163F, 55009C0164F, 55009C0166F, 55009C0167F, 55009C0168F, 55009C0169F, 55009C0183F, 55009C0184F, 55009C0186F, 55009C0187F, 55009C0188F, 55009C0189F, 55009C0191F, 55009C0192F, 55009C0193F, 55009C0194F, 55009C0215F, 55009C0232F, 55009C0251F, 55009C0252F, 55009C0256F, 55009C0257F, 55009C0276F, 55009C0277F, 55009C0281F, and 55009C0282F, dated August 18, 2009; panel numbers 55009C0142G, 55009C0144G dated March 17, 2014; with corresponding profiles that are based on the flood insurance study (FIS) dated March 17, 2014, Volume Numbers 55009CV001B, 5009CV002B, and 5009CV003B.
(Code 1984, § 13.1307)

Secs. 44-1076—44-1103. Reserved.

DIVISION 3. ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

Sec. 44-1104. Districts defined.

The regional floodplain areas are divided into three districts as follows:

(1) 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 and are contained within AE Zones as shown on the FIRM.

(2) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

(3) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH, and AO Zones on the FIRM.

(Code 1984, § 13.1309)

Sec. 44-1105. Locating floodplain boundaries.

Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in subsection (1) or (2) of this section. If a significant difference exists, the map shall be amended according to Division 10 of this article. 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 the standards of Section 44-1281(c) and the criteria in subsections (1) and (2) of this section.

(1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale.

(Code 1984, § 13.1310)

Sec. 44-1106. Removal of lands from floodplain.

Compliance with the provisions of this article shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Division 10 of this article. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).
(Code 1984, § 13.1311)

Sec. 44-1107. Compliance.

Any development or use within the areas regulated by this article shall be in compliance with the terms of this article, and other applicable local, state, and federal regulations.
(Code 1984, § 13.1312)

Sec. 44-1108. Municipalities and state agencies regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stats. § 30.2022 applies.
(Code 1984, § 13.1313)

Sec. 44-1109. Abrogation and greater restrictions.

(a) This article supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stats. § 61.23, which relate to floodplains. If another ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this article imposes greater restrictions, the provisions of this article shall prevail.
(Code 1984, § 13.1314)

Sec. 44-1110. Interpretation.

In their interpretation and application, the provisions of this article are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this article, required by Wis. Admin. Code Ch. NR 116, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of the ordinance from which this article is derived or in effect on the date of the most recent text amendment to this article.
(Code 1984, § 13.1315)

Sec. 44-1111. Warning and disclaimer of liability.

The flood protection standards in this article are based on engineering experience and research. Larger floods may occur or the flood height may be increased by manmade or natural causes. This article does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this article create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this article.
(Code 1984, § 13.1316)

Sec. 44-1112. Annexed areas for cities and villages.

The Brown County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code Ch. NR 116 and 44 CFR 59—72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Municipal Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.
(Code 1984, § 13.1318)

Secs. 44-1113—44-1132. Reserved.

DIVISION 4. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

Sec. 44-1133. General development standards.

(a) The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed by methods and practices that minimize flood damages; and be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

(b) Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured and mobile home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this article and all other requirements in Section 44-1279(b). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.
(Code 1984, § 13.1319)

Sec. 44-1134. Hydraulic and hydrologic analyses.

(a) No floodplain development shall:

(1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or

(2) Increase regional flood height due to floodplain storage area lost.

(b) The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights based on the officially adopted FIRM or other adopted map, unless the provisions of Division 10 of this article are met.
(Code 1984, § 13.1320)

Sec. 44-1135. Watercourse alterations.

(a) No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of Section 44-1134 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

(b) As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to Division 10 of this article, Amendments, the community shall apply for a letter of map revisions (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and DNR through the LOMC process.
(Code 1984, § 13.1321)

Sec. 44-1136. Wis. Stats. Chs. 30 and 31, development.

Development which requires a permit from the Department, under Wis. Stats. Chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to Division 10 of this article, Amendments.
(Code 1984, § 13.1322)

Sec. 44-1137. 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 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 is such that a 72-hour warning of an impending flood can be given to all campground occupants.

(4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the Municipal Emergency Government Coordinator and the chief law enforcement official which specifies the flood

elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

(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 (4) of this section to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.

(6) Only camping units that are fully licensed, if required, and ready for highway use are allowed.

(7) The camping units shall 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 municipality shall monitor the limited authorizations issued by the campground operator to ensure compliance with the terms of this section.

(10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Division 5 or Division 6 of this article 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, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(Code 1984, § 13.1323)

Secs. 44-1138—44-1167. Reserved.

DIVISION 5. FLOODWAY DISTRICT (FW)

Sec. 44-1168. Applicability.

This division applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Section 44-1223.

(Code 1984, § 13.1324)

Sec. 44-1169. Permitted uses.

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if they are not prohibited by any other ordinance; they meet the standards in Sections 44-1170 and 44-1171; and all permits or certificates have been issued according to Section 44-1279:

(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 44-1170(d).

(4) Uses or structures accessory to open space uses, or classified as historic structures that comply with Sections 44-1170 and 44-1171.

(5) Extraction of sand, gravel or other materials that comply with Section 44-1170(d).

(6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stats. Chs. 30 and 31.

(7) Public utilities, streets and bridges that comply with Section 44-1170(c).

(Code 1984, § 13.1325)

Sec. 44-1170. Standards for developments in floodway areas.

(a) *General.*

(1) Any development in floodway areas shall comply with Division 4 of this article and have a low flood damage potential.

(2) Applicants shall provide the following data to determine the effects of the proposal according to Section 44-1134.

a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

b. An analysis calculating the effects of this proposal on regional flood height.

(3) The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for subsection (a)(2) of this section.

(b) *Structures.* Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

(1) The structure is not designed for human habitation and does not have a high flood damage potential and is constructed to minimize flood damage;

(2) It shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

(3) It must be anchored to resist flotation, collapse, and lateral movement;

(4) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(5) It must not obstruct flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

(c) *Public utilities, streets, and bridges.* Public utilities, streets and bridges may be allowed by permit, if:

(1) Adequate floodproofing measures are provided to the flood protection elevation; and

(2) Construction meets the development standards of Section 44-1134.

(d) *Fills or deposition of materials.* Fills or deposition of materials may be allowed by permit, if:

(1) The requirements of Section 44-1134 are met;

(2) No material is deposited in the navigable waters unless a permit is issued by the Department pursuant to Wis. Stats. Ch. 30, and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 USC 1344, has been issued, if applicable, and the other requirements of this section are met;

(3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(4) The fill is not classified as a solid or hazardous material.

(Code 1984, § 13.1326)

Sec. 44-1171. Prohibited uses.

All uses not listed as permitted uses in Section 44-1169 are prohibited, including the following uses:

(1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code Ch. SPS 383;

(5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code Chs. NR 811 and 812;

(6) Any solid or hazardous waste disposal sites;

(7) Any wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code § NR 110.15(3)(b);

(8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(Code 1984, § 13.1327)

Secs. 44-1172—44-1190. Reserved.

DIVISION 6. FLOODFRINGE DISTRICT (FF)

Sec. 44-1191. Applicability.

This division applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Section 44-1223.
(Code 1984, § 13.1328)

Sec. 44-1192. Permitted uses.

Any structure, land use, or development is allowed in the floodfringe district if the standards in Section 44-1193 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Section 44-1279 have been issued.
(Code 1984, § 13.1329)

Sec. 44-1193. Standards for development in the floodfringe.

All of the provisions of Section 44-1134 shall apply, in addition to the following requirements, according to the use requested. Any existing structure in the floodfringe must meet the requirements of Division 8 of this article, Nonconforming Uses.

(1) *Residential uses.* Any structure, including a manufactured and mobile home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Division 8 of this article, Nonconforming Uses:

a. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation (which is a point two feet above the regional flood elevation) on fill, unless the requirements of subsection (1)b of this section can be met. The fill elevation shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. In addition, the side slopes of fill placed for the purpose of elevating structures shall meet the following requirements:

1. The side slopes of a fill area shall be tapered back to the grade of the neighboring property at a maximum 3:1 slope.

2. A minimum two-foot-wide stormwater drainage area shall be constructed and maintained as such along the entire length of the side lot lines.

3. If adequate space does not exist for 3:1 side slopes and the required stormwater drainage, then a retaining wall with a maximum height of two feet may be incorporated into the side slope. In such cases, the required two-foot stormwater drainage area shall be maintained and the slopes of remaining fill areas shall not exceed 3:1.

4. Retaining walls shall be constructed of durable, decorative materials and shall be maintained in good repair.

b. All new construction and substantial improvements of structures with basements within A Zones shall be designed so that any basement area, together with attendant utilities and sanitary facilities below the floodproofed design level, is water-tight with walls that are impermeable to the passage of water without human intervention.

1. Basement walls (including sealed structural glass block windows) shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding which is two feet above the 100-year frequency flood and shall be designed so that minimal structural damage will occur if this design is exceeded.

2. Under this provision, the bottom of the lowest basement openings, such as doors and non-sealed windows, must be placed at least two feet above the 100-year regional flood elevation.

3. The area surrounding the entire foundation must be filled to at least one foot above the 100-year regional flood line for a distance of 15 feet beyond the limits of the structure.

4. Basements constructed in accordance with this subsection shall not be used for sleeping purposes.

c. The basement floor elevation shall not be more than five feet below the regional flood elevation.

d. Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in subsection (4) of this section.

e. In developments where existing street or sewer line elevations make compliance with subsection (3) of this section impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure by wheeled vehicles during a regional flood event; or

2. The municipality has a DNR-approved emergency evacuation plan.

(2) *Accessory uses.* Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) *Commercial uses.* Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of subsection (1) of this section. Subject to the requirements of subsection (5) of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) *Manufacturing and industrial uses.* Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in Section 44-1283. Subject to the requirements of subsection (5) of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) *Storage of materials.* Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Section 44-1283. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) *Public utilities, streets and bridges.* All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and:

a. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with Section 44-1283;

b. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) *Sewage systems.* All sewage disposal systems shall be to minimize or eliminate infiltration of floodwater into the system, pursuant to Section 44-1283, to the flood protection elevation and shall meet the provisions of all local ordinances and Wis. Admin. Code Ch. SPS 383.

(8) *Wells.* All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to Section 44-1283, to the flood protection elevation and shall meet the provisions of Wis. Admin. Code Chs. NR 811 and 812.

(9) *Solid waste disposal sites.* Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) *Deposition of materials.* Any deposited material must meet all the provisions of this article.

(11) *Manufactured and mobile homes.*

a. Owners or operators of all manufactured and mobile home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

b. In existing manufactured and mobile 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 existing manufactured and mobile home parks, including new manufactured and mobile home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured and mobile homes shall meet the residential development standards for the floodfringe in subsection (1) of this section.

(12) *Mobile recreational vehicles.* All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in subsection (11)a and b of this section. A mobile

recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(Code 1984, § 13.1330)

Secs. 44-1194—44-1219. Reserved.

DIVISION 7. GENERAL FLOODPLAIN DISTRICT (GFP)

Sec. 44-1220. Applicability.

The provisions for this district shall apply to all floodplains mapped as A, AO, or AH Zones.

(Code 1984, § 13.1331)

Sec. 44-1221. Permitted uses.

(a) Pursuant to Section 44-1223, it shall be determined whether the proposed use is located within the floodway or floodfringe.

(b) Those uses permitted in floodway (Section 44-1169) and floodfringe (Section 44-1192) districts are allowed within the general floodplain district, according to the standards of Section 44-1222, provided that all permits or certificates required under Section 44-1279 have been issued.

(Code 1984, § 13.1332)

Sec. 44-1222. Standards for development in the general floodplain district.

Division 5 of this article applies to floodway areas, and Division 6 of this article applies to floodfringe areas. The rest of this article applies to either district.

(1) In AO/AH Zones, the structure's lowest floor must meet one of the conditions listed below whichever is higher:

   a. At or above the flood protection elevation; or

   b. Two feet above the highest adjacent grade around the structure; or

   c. The depth as shown on the FIRM

(2) In AO/AH Zones, plans must be provided showing adequate drainage paths to guide floodwaters around structures.

(Code 1984, § 13.1333)

Sec. 44-1223. Determining floodway and floodfringe limits.

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

(1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures; and the flood zone as shown on the FIRM.

(2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

a. A hydrologic and hydraulic study as specified in Section 44-1279(c).

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. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(Code 1984, § 13.1334)

Secs. 44-1224—44-1249. Reserved.

DIVISION 8. NONCONFORMING USES

Sec. 44-1250. General regulations.

(a) Applicability. If these standards conform with Wis. Stats. § 62.23(7)(h), they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of the ordinance from which this article is derived or any amendment thereto.

(b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this article may continue subject to the following conditions:

(1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this article. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(2) 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 article.

(3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

(4) 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 article. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 44-1193(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this subsection.

(5) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which 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 article. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 44-1193(1).

(6) If, on a per-event basis, the total value of the work being done under subsections (b)(4) and (5) of this section equals or exceeds 50 percent of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 44-1193(1).

(7) Except as provided in subsection (b)(8) of this section, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50 percent of the structure's present equalized assessed value.

(8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

a. Residential structures.

1. Shall have the lowest floor elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of Section 44-1283(b).

2. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

3. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
5. In AO Zones with no elevations specified, shall have the lowest floor meet the standards in Section 44-1222(1).
6. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

b. Nonresidential structures.

1. Shall meet the requirements of subsection (b)(8)a.1, 2, 5 and 6 of this section.
2. Shall either have the lowest floor elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Section 44-1283(a) or (b).
3. In AO Zones with no elevations specified, shall have the lowest floor meet the standards in Section 44-1222(1).

(c) 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 44-1170(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 44-1283 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of subsection (b)(8)a of this section if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.
(Code 1984, § 13.1335)

Sec. 44-1251. Floodway district.

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway district, unless such modification or addition:

(1) Has been granted a permit or variance which meets all ordinance requirements;

(2) Meets the requirements of Section 44-1250;

(3) Shall not increase the obstruction to flood flows or regional flood height;

(4) Any addition to the existing structure shall be floodproofed, pursuant to Section 44-1283, by means other than the use of fill, to the flood protection elevation;

(5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

d. The use must be limited to parking, building access or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway district. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, Section 44-1283(c) and Wis. Admin. Code Ch. SPS 383.

(c) No new well or modification to an existing well used to obtain potable water shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances, Section 44-1283(c) and Wis. Admin. Code Chs. NR 811 and 812.
(Code 1984, § 13.1336)

Sec. 44-1252. Floodfringe district.

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of Section 44-1193(3), except where subsection (b) of this section is applicable.

(b) Where compliance with the provisions of subsection (a) of this section would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in Section 44-1281, may grant a variance from those provisions of subsection (a) of this section for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

(1) No floor is allowed below the regional flood elevation for residential or commercial structures;

(2) Human lives are not endangered;

(3) Public facilities, such as water or sewer, will not be installed;

(4) Flood depths will not exceed two feet;

(5) Flood velocities will not exceed two feet per second; and

(6) The structure will not be used for storage of materials as described in Section 44-1193(5).

(c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, Section 44-1283(c) and Wis. Admin. Code Ch. SPS 383.

(d) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this article, Section 44-1283(c) and Wis. Admin. Code Chs. NR 811 and 812.
(Code 1984, § 13.1337)

Secs. 44-1253—44-1277. Reserved.

DIVISION 9. ADMINISTRATION

Sec. 44-1278. Applicability.

Where a Zoning Administrator, planning agency or a Board of Adjustment/Appeals has already been appointed to administer a zoning ordinance adopted under Wis. Stats. § 62.23(7), these officials shall also administer this article.
(Code 1984, § 13.1338)

Sec. 44-1279. Zoning Administrator.

(a) *Duties and powers.* The Zoning Administrator is authorized to administer this article and shall have the following duties and powers:

(1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and ensure that the regional flood elevation for the proposed development is shown on all permit applications.

(2) Issue permits and inspect properties for compliance with provisions of this article, and issue certificates of compliance where appropriate.

(3) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

(4) Keep records of all official actions such as:

a. All permits issued, inspections made, and work approved.

b. Documentation of certified lowest floor and regional flood elevations for floodplain development.

c. Floodproofing certificates.

d. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

e. All substantial damage assessment reports for floodplain structures.

f. List of nonconforming structures and uses.

(5) Submit copies of the following items to the Department Regional Office:

a. Within ten days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.

b. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.

c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(6) Investigate, prepare reports, and report violations of this article to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional Office.

(7) Submit copies of text and map amendments and biennial reports to the FEMA Regional Office.

(b) *Land use permit.* A land use permit shall be obtained before any new development repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

(1) *General information.*

a. Name and address of the applicant, property owner and contractor;

b. Legal description, proposed use, and whether it is new construction or a modification.

(2) *Site development plan.* A site plan drawn to scale shall be submitted with the permit application form and shall contain:

a. Location, dimensions, area and elevation of the lot;

b. Location of the ordinary high water mark of any abutting navigable waterways;

c. Location of any structures with distances measured from the lot lines and street centerlines;

d. Location of any existing or proposed on-site sewage systems or private water supply systems;

e. Location and elevation of existing or future access roads;

f. Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;

g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Division 5 or Division 6 of this article are met; and

i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 44-1134. This may include any of the information noted in Section 44-1170(a).

(c) *Hydraulic and hydrologic studies to analyze development.* All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

(1) *Zone A floodplains:*

a. *Hydrology.* The appropriate method shall be based on the standards in Wis. Admin. Code § NR 116.07(3), Hydrologic Analysis: Determination of Regional Flood Discharge.

b. *Hydraulic modeling.* The regional flood elevation shall be based on the standards in Wis. Admin. Code § NR 116.07(4), Hydraulic Analysis: Determination of Regional Flood Elevation, and the following:

1. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
2. Channel sections must be surveyed.
3. Minimum four-foot contour data in the overbanks shall be used for the development of cross-section overbank and floodplain mapping.
4. A maximum distance of 500 feet between cross-sections is allowed in developed areas with additional intermediate cross-sections required at transitions in channel bottom slope including a survey of the channel at each location.
5. The most current version of HEC-RAS shall be used.
6. A survey of bridge and culvert openings and the top of road is required at each structure.
7. Additional cross-sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
8. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
9. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. *Mapping.* A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

1. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
2. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

(2) *Zone AE floodplains.*

a. *Hydrology.* If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Wis. Admin. Code § NR 116.07(3), Hydrologic Analysis: Determination of Regional Flood Discharge.

b. *Hydraulic modeling.* The regional flood elevation shall be based on the standards in Wis. Admin. Code § NR 116.07(4), Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

1. Duplicate effective model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the floodway data table in the FIS report to within 0.1 foot.

2. Corrected effective model. The corrected effective model shall not include any manmade physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

3. Existing (pre-project conditions) model. The existing model shall be required to support conclusions about the actual impacts of the project associated with the revised (post-project) model or to establish more up-to-date models on which to base the revised (post-project) model.

4. Revised (post-project conditions) model. The revised (post-project conditions) model shall incorporate the existing model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

5. All changes to the duplicate effective model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

6. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross-sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The effective model shall not be truncated.

c. *Mapping.* Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

1. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or flood boundary floodway maps (FBFMs), construction plans, bridge plans.

2. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

3. Annotated FIRM panel showing the revised one percent and 0.2 percent annual chance floodplains and floodway boundaries.

4. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with

the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

5. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

6. All cross-sections from the effective model shall be labeled in accordance with the effective map and a cross-section lookup table shall be included to relate to the model input numbering scheme.

7. Both the current and proposed floodways shall be shown on the map.

8. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

d. *Expiration.* All permits issued under the authority of this article shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(d) *Certificate of compliance.* No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

(1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this article;

(2) Application for such certificate shall be concurrent with the application for a permit;

(3) If all ordinance provisions are met, the certificate of compliance shall be issued within ten days after written notification that the permitted work is completed;

(4) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of Section 44-1283.

(e) *Other permits.* Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including, but not limited to, those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 USC 1344.
(Code 1984, § 13.1339)

Sec. 44-1280. Zoning agency.

(a) The Planning Department shall:

(1) Oversee the functions of the office of the Zoning Administrator; and

(2) Review and advise the governing body on all proposed amendments to this article, maps and text.

(b) This zoning agency shall not:

(1) Grant variances to the terms of the ordinance in place of action by the Zoning Board of Appeals; or

(2) Amend the text or zoning maps in place of official action by the governing body.

(Code 1984, § 13.1340)

Sec. 44-1281. Zoning Board of Appeals.

The Zoning Board of Appeals, created under Wis. Stats. § 62.23(7)(e), is hereby authorized or shall be appointed to act for the purposes of this article. The Board 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.

(1) *Powers and duties.* The Zoning Board of Appeals shall:

a. *Appeals.* Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this article.

b. *Boundary disputes.* Hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map.

c. *Variances.* Hear and decide, upon appeal, variances from the ordinance standards.

(2) *Appeals to the Board.*

a. Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

b. Application materials.

1. When applying for a variance, the applicant shall provide site and building plans in sufficient detail to allow the Board to evaluate whether the criteria for granting a variance can be met.

2. When a variance to the minimum floodproofing standards established by Section 44-1170 or 44-1193 is requested, in addition to the plans and certifications submitted by a registered professional engineer or architect under Section 44-1283, the following shall also be prepared by a qualified professional (e.g., surveyor, engineer, architect, other construction professional, etc.) and submitted by the applicant.

(i) The basic anticipated drainage pattern that would be expected to provide positive drainage throughout the subject area.

(ii) How surface drainage would reach storm sewers within the road right-of-way or any other available stormwater facilities.

(iii) Whether back yard drains or sewers would be required.

(iv) Design details for the side slopes of fill areas that are treated in any way other than by grading to a slope no steeper than 3:1 (e.g., retaining walls, terracing, etc.).

c. Notice and hearing for appeals including variances.

1. Notice. The Board shall:

(i) Fix a reasonable time for the hearing;

(ii) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;

(iii) Ensure that notice shall be mailed to the parties in interest and the Department regional office at least ten days in advance of the hearing.

2. Hearing. Any party may appear in person or by agent. The Board shall:

(i) Resolve boundary disputes according to subsection (1)b of this section.

(ii) Decide variance applications according to subsection (1)c of this section.

(iii) Decide appeals of permit denials according to Section 44-1282.

d. Decision. The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;

2. Be sent to the Department Regional Office within ten days of the decision;

3. Be a written determination signed by the Chairperson or secretary of the Board;

4. State the specific facts which are the basis for the Board'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 variance application;

6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) *Boundary disputes.* The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

c. If the boundary is incorrectly mapped, the Board should inform the Planning Department or the person contesting the boundary location to petition the governing body for a map amendment according to Sections 44-1313 and 44-1314.

(4) *Variance.*

a. The Board may, upon appeal, grant a variance from the standards of this article if an applicant convincingly demonstrates that:

1. Literal enforcement of the ordinance will cause unnecessary hardship;

2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
3. The variance is not contrary to the public interest; and
4. The variance is consistent with the purpose of this division in Section 44-1043.

b. In addition to the criteria in subsection (4)a of this section, to qualify for a variance under FEMA regulations, the following criteria must be met:

1. The variance may not cause any increase in the regional flood elevation;
2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
3. 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 this chapter.

c. A 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 article or map required in Section 44-1313.
6. Allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.
7. Deviate from the fill area side slope requirements found in Section 44-1193(1)a.1—4. These standards provide sufficient flexibility as adopted. If a lot is too small to provide the reasonable side slopes required by this article, then other alternatives should be pursued such as acquiring additional property, modifying the design of the habitable structures, or coordinating construction with neighboring properties to raise the finished grade of several lots.

d. When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risk to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

(Code 1984, § 13.1341)

Sec. 44-1282. To review appeals of permit denials.

(a) The Planning Department (Section 44-1280) or Zoning Board of Appeals shall review all data related to the appeal. This may include:

(1) Permit application data listed in Section 44-1279(b).

(2) Floodway/floodfringe determination data in Section 44-1223.

(3) Data listed in Section 44-1170(a)(2) where the applicant has not submitted this information to the Zoning Administrator.

(4) Other data submitted with the application, or submitted to the Zoning Board of Appeals with the appeal.

(b) For appeals of all denied permits the Zoning Board of Appeals shall:

(1) Follow the procedures of Section 44-1281;

(2) Consider recommendations from the City departments of Inspections, Planning, and Engineering; and

(3) Either uphold the denial or grant the appeal.

(c) For appeals concerning increases in regional flood elevation the Board shall:

(1) Uphold the denial where the Zoning 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 as per the requirements of Division 10 of this article, Amendments; and

(2) Grant the appeal where the Zoning Board of Appeals agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

(Code 1984, § 13.1342)

Sec. 44-1283. Floodproofing standards for nonconforming structures or uses.

(a) No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation 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 and submits a FEMA floodproofing certificate. Such plans and certifications shall be submitted for review at the time of permit or variance application.

(b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

(1) Certified by a registered professional engineer or architect; or

(2) Meets or exceeds the following standards:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(c) Floodproofing measures shall be designed, as appropriate, to:

(1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

(2) Protect structures to the flood protection elevation;

(3) Anchor structures to foundations to resist flotation and lateral movement;

(4) Minimize or eliminate infiltration of floodwaters; and

(5) Minimize or eliminate discharges into floodwaters.

(Code 1984, § 13.1343)

Sec. 44-1284. Public information.

The following information shall be made available to the public:

(1) Place marks on structures to show the depth of inundation during the regional flood.

(2) All maps, engineering data and regulations shall be available and widely distributed.

(3) All real estate transfers should show what floodplain zoning district any real property is in.

(Code 1984, § 13.1344)

Secs. 44-1285—44-1311. Reserved.

DIVISION 10. AMENDMENTS

Sec. 44-1312. Conditions for amendments.

(a) Obstructions or increases may only be permitted if amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with Division 8 of this article.

(b) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with Section 44-1313. Any such alterations must be reviewed and approved by FEMA and the DNR.

(c) In A Zones, increases equal to or greater than one foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the official floodplain maps, floodway lines, and water surface profiles, in accordance with Section 44-1313.

(Code 1984, ch. 13.1300, § 10, intro. ¶)

Sec. 44-1313. Change of floodplain zoning district boundaries.

The governing body shall change or supplement the floodplain zoning district boundaries and this article in the manner provided in Section 44-1314. Actions which require an amendment to the ordinance and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

(1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

(2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

(3) Any changes to any other officially adopted floodplain maps;

(4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;

(5) Correction of discrepancies between the water surface profiles and floodplain maps;

(6) Any upgrade to a floodplain zoning ordinance text required by Wis. Admin. Code § NR 116.05, or otherwise required by law, or for changes by the municipality; and

(7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(Code 1984, § 13.1345)

Sec. 44-1314. Procedures.

Ordinance amendments may be made upon petition of any interested party according to the provisions of Wis. Stats. § 62.23. Such petitions shall include all necessary data required by Sections 44-1223 and 44-1279(b). The land use permit shall not be issued until a letter of map revision is issued by FEMA for the proposed changes.

(1) The proposed amendment shall be referred to the Planning Department for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stats. § 62.23.

(2) No amendments shall become effective until reviewed and approved by the Department.

(3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height 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 governing body.

(Code 1984, § 13.1346)

Secs. 44-1315—44-1341. Reserved.

DIVISION 11. ENFORCEMENT AND PENALTIES

Sec. 44-1342. Violation and penalty.

Any violation of the provisions of this article by any person shall be unlawful and shall be referred to the City Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $10.00 and not more than $50.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this article is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wis. Stats. § 87.30.

(Code 1984, § 13.1347)

Secs. 44-1343—44-1368. Reserved.

ARTICLE XIV. TRADITIONAL NEIGHBORHOOD DEVELOPMENT

DIVISION 1. GENERAL PROVISIONS

Sec. 44-1369. Intent.

This article is enacted pursuant to Wis. Stats. §§ 62.23 and 66.1027. Its purpose is to allow the optional development and redevelopment of land in Green Bay consistent with the design principles of traditional neighborhoods. A traditional neighborhood:

(1) Is compact and is designed for the human scale.

(2) Provides a mix of uses, including residential, commercial, civic, and open space uses, in close proximity to one another within the neighborhood.

(3) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes.

(4) Incorporates a system of relatively narrow, interconnected streets with sidewalks, as well as access to bicycle and transit routes, offering multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments.

(5) Retains existing buildings with historical or architectural features that enhance the visual character of the community.

(6) Incorporates significant environmental features into the design.

(7) Is consistent with the City of Green Bay Comprehensive Plan.

(Code 1984, § 13.1402)

Sec. 44-1370. Applicability.

This article applies as an alternative set of standards for development or redevelopment on sites of five acres or more if it is within the Urban Service or Urban Expansion Districts and is contiguous to existing development and 15 acres or more if it is within the Urban Service or Urban Expansion Districts and is noncontiguous to existing development.

(Code 1984, § 13.1403)

Sec. 44-1371. Interpretation.

Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, if there is a conflict between the provisions of this article and other provisions of the zoning or subdivision sections of this Code, this division shall take precedence.

(Code 1984, § 13.1404)

Secs. 44-1372—44-1395. Reserved.

DIVISION 2. APPLICATION AND APPROVAL PROCESS

Sec. 44-1396. General requirements.

Prior to the issuance of any permits for development within a Traditional Neighborhood Development, the following steps shall be completed according to the procedures outlined in this section:

(1) The applicant shall have had an initial consultation with Planning Department staff.

(2) A conceptual plan and a zoning map amendment to a TND District shall be approved by the Common Council.

(3) A final plan shall be approved by the Plan Commission.

(Code 1984, § 13.1405)

Sec. 44-1397. Initial conference.

Before submitting an application for a TND District zoning map amendment, the applicant shall schedule an appointment and meet with Planning staff to discuss the procedure for approval of a TND project, including submittal requirements and design standards. Statements made at the consultation are not legally binding.

(Code 1984, § 13.1406)

Sec. 44-1398. Conceptual and final plan review process.

Following the initial conference, the applicant shall submit a conceptual plan to the Planning Department together with an application for a zoning map amendment to a Traditional Neighborhood Development District.

(1) The Plan Commission shall consider the zoning map amendment request and consider a recommendation for approval or disapproval of a zoning map amendment and conceptual plan. The Plan Commission shall then recommend the Common Council to either:

   a. Approve the conceptual plan and zoning map amendment.

   b. Approve the conceptual plan and zoning map amendment with modifications.

   c. Deny the conceptual plan and zoning map amendment.

   d. Table the petition and refer it to staff or another government body.

(2) The Common Council shall receive the recommendation from the Plan Commission and a report from Planning staff recommending approval, disapproval, or approval with specified modifications. The Council shall hold a public hearing to consider the zoning map amendment with public notice, as required under Article II of this chapter. Upon due consideration, the Council shall either:

   a. Approve the conceptual plan and zoning map amendment.

   b. Approve the conceptual plan and zoning map amendment with modifications.

   c. Deny the conceptual plan and zoning map amendment.

   d. Table the petition and refer it to staff or another government body.

(3) The purpose of the final plan is to establish a detailed development proposal. The final plan can be proposed, reviewed, and acted upon as a whole or in part or phases.

a. Within 12 months following the zoning map amendment, the applicant shall submit a final plan to the Plan Commission at least 21 days prior to the Plan Commission meeting at which final review is requested. If not submitted within such a timeframe, the zoning map amendment shall be revoked, the conceptual plan approval shall be deemed to be revoked, and the applicant must re-apply.

b. Following a review of the final plan, the Plan Commission shall express its approval or disapproval and state its reasons for rejection.

(Code 1984, § 13.1407)

Sec. 44-1399. Conceptual plan requirements.

The purpose of the conceptual plan is to establish the intent, density, and intensity of the proposed development. The conceptual plan shall include the following:

(1) A general location map of suitable scale which shows the location of the property within the community and adjacent parcels, including locations of any public streets, railroads, major streams or rivers, and other major features within 1,000 feet of the site.

(2) A site inventory and analysis of suitable scale to identify site assets or resources and constraints, including, but not limited to, floodplains, environmentally sensitive areas, wetlands and soils classified as "poorly drained" or "very poorly drained," soils with bedrock at or within 42 inches of the surface, utility easements, steep slopes, and environmental contamination.

(3) A conceptual site plan of suitable scale which indicates topography in two-foot contours, indicating proposed features and existing site features and uses to remain. These should include:

a. All contemplated land uses within the tract, along with the proposed intensity of use: density of residential development, height, and approximate floor area of nonresidential development.

b. Proposed location of all principal structures and associated parking areas.

c. Proposed streets and circulation systems (pedestrian, bicycle, auto, transit) and their relation to existing or proposed streets, routes, and path networks outside of the site.

d. Proposed parks and open space, along with a general indication of their use (park, square, greenway, preserve, etc.).

e. Proposed landscape material and existing trees and landscape material to remain.

(4) A conceptual stormwater management plan identifying the proposed patterns of major stormwater runoff, locations of stormwater infiltration areas, and other significant stormwater best management practices.

(5) Identification of the primary architectural style of the development conveyed through drawings or images of typical proposed building elevations for primary building types.

(6) A written report providing general information about the site conditions, development objectives, and the covenants, easements, or agreements which will be used to manage and maintain the proposed development.

(7) Identification of the developer if different from owner.

(8) For phased development, a conceptual plan indicating the successive phases of development.

(9) Any other documents and supporting information deemed necessary by the Planning staff.

(10) A legal description of the property prepared by a professional surveyor or engineer.

(Code 1984, § 13.1408)

Sec. 44-1400. Final plan requirements.

The final plan shall include the following:

(1) All data set forth in Section 44-1399 above.

(2) Natural drainage patterns and water resources, including streams and drainage swales, ponds, and lakes, wetlands and floodplains, subject to 100-year flood frequency and proposed major changes in the above.

(3) Total number and type of dwelling units, including affordable units.

(4) A site plan, including proposed topographic contours at two-foot intervals, with the following information:

a. The location of proposed structures and existing structures that will remain, with height and gross floor area noted.

b. The location of street and pedestrian lighting, including lamp intensity and height.

c. The location and function of proposed open space.

d. The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public streets or rights-of-way; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking, and loading spaces, including service access for receiving and trash removal; sidewalks and other walkways.

e. Location of all trees, shrubs, and groundcover proposed or existing to remain on the site.

(5) A stormwater management plan for the site, as required by Chapter 42.

(6) Detailed elevations of all proposed commercial buildings and typical elevations of residential buildings. Scaled elevations should identify all signs; building materials; the location, height, and material for screening walls and fences, including outdoor trash storage areas; electrical, mechanical, and gas metering equipment; storage areas for trash and recyclable materials; and rooftop equipment.

(7) A utilities plan showing underground and aboveground lines and structures for sanitary sewers, electricity, gas, telecommunications, etc.

(8) A written report which completely describes the proposal and indicates covenants or agreements that will influence the use and maintenance of the proposed development. The report also shall describe the analysis of site conditions and the development objectives.

(9) Any other information deemed necessary by the Zoning Administrator in order to evaluate plans.

(Code 1984, § 13.1409)

Sec. 44-1401. Amendments to the final plan.

(a) *Minor changes.* Minor changes to the final plan adopted by the Plan Commission may be approved by the Planning Department, provided that the changes do not involve:

(1) Increases or decreases of less than ten percent in the floor area of structures or number of dwelling units or the area designated as open space.

(2) Changes to the street layout or circulation pattern that would eliminate a street or path segment or an intersection.

(3) Changes to primary architectural style as shown.

(4) Alteration of any conditions attached or modifications to the conceptual plan made by the Common Council.

(5) Any other changes that, in the opinion of Planning staff, depart from the original concept or intent of the conceptual plan.

(b) *Major changes.* A major change to a final plan shall require approval by a majority vote of all members of the Common Council.

(Code 1984, § 13.1410)

Sec. 44-1402. Subdivision of land.

If the Traditional Neighborhood Development involves the subdivision of land as defined in the subdivision chapter, the applicant shall submit all required land division documents in accordance with the requirements of the subdivision and platting code and Wis. Stats. Ch. 236. If there is a conflict between the design standards of Chapter 36 and the design guidelines of this article, the provisions of this article shall apply.

(Code 1984, § 13.1411)

Sec. 44-1403. Ownership and maintenance of public space.

Provisions shall be made for the ownership and maintenance of streets, squares, parks, open space, and other public spaces in a Traditional Neighborhood Development by dedication to the City or management by an entity, such as a homeowners' association or neighborhood association approved by the Common Council.

(Code 1984, § 13.1412)

Sec. 44-1404. Recording of documents.

The following documents shall be filed by the applicant in the County Register of Deeds Office within ten days after approval of the document by the Common Council: a certified copy of the zoning ordinance amendment designating a tract of land as a Traditional Neighborhood Development, the conceptual plan, and the final plan.
(Code 1984, § 13.1413)

Secs. 44-1405—44-1431. Reserved.

DIVISION 3. TND DESIGN STANDARDS

Sec. 44-1432. Permitted uses.

In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A Traditional Neighborhood Development shall consist of the following components: a residential area, a mixed-use area, and open space, as specified below.
(Code 1984, § 13.1414)

Sec. 44-1433. Residential area.

(a) *In general.* The TND shall include a residential area in which the following uses are permitted. For infill development, the required mix of residential uses may be satisfied by existing residential uses adjacent to the TND site.

(1) Single-family detached dwellings at a density of at least four and no more than eight units per net acre.

(2) Single-family attached dwellings, including duplexes, townhouses, rowhouses, at a density of at least eight and no more than 15 units per net acre.

(3) Multifamily dwellings, including senior housing, at a density of at least ten and no more than 20 units per net acre.

(4) Community living arrangements and assisted living facilities with a conditional use permit. The status of each use in terms of density and housing type shall be determined based on the findings for the conditional use permit.

(b) *Required mix.* A minimum of two housing types from this list must be present in any TND. Single-family detached dwellings shall constitute a maximum of 70 percent of the dwelling units.

(c) *Bonus units.* For each affordable housing unit provided under this section, one additional dwelling unit shall be permitted, up to a maximum 15 percent increase in dwelling units.
(Code 1984, § 13.1415)

Sec. 44-1434. Mixed-use area.

(a) *In general.* A TND shall include a mixed-use area containing commercial, civic, residential, and open space uses as identified below. For infill development, this requirement may be satisfied by existing commercial, civic, and open space uses, provided that these are located within a one-half-mile radius of all proposed dwellings.

(1) Commercial uses. Individual businesses shall not exceed 10,000 square feet in size except as a conditional use.

a. Food services (grocery stores, butcher shops, bakeries, and other specialty food stores, restaurants, not including drive-throughs, cafes, coffee shops, bars or taverns, ice cream or candy shops, and similar uses.

b. General retail.

c. Services, such as daycare centers, music, dance or exercise studios, offices, including professional and medical offices, barber, hair salon, dry cleaning, repairs of small goods, such as shoes, electronics, or similar items.

d. Accommodations, including bed and breakfast establishments, small hotel, or inn.

(2) Residential uses, including those listed under Section 44-1433, with the exception of single-family detached dwellings and also including the following:

a. Residential units located above or to the rear of commercial uses.

b. Live-work units that combine a residence and workplace.

(3) Civic or institutional uses, including the following:

a. Municipal offices, fire and police stations, libraries, museums, community meeting facilities, and post offices.

b. Transit shelters.

c. Places of worship.

d. Educational facilities.

(4) Open space uses:

a. Central square.

b. Neighborhood park.

c. Playground.

d. Natural/open space area.

(b) *Density and intensity.* Density ranges and required mix of single-family and multifamily dwelling units are as specified in Section 44-1433. Additionally, dwellings constructed as part of mixed-use buildings are permitted in addition to the maximum density authorized above, up to an increase of ten percent in total dwelling units within the TND.

(c) *Maximum area.* The total land area devoted to nonresidential development, including ground floor commercial or office uses, civic buildings, and parking areas, shall not exceed 25 percent of the gross acreage of the TND.
(Code 1984, § 13.1416)

Sec. 44-1435. Open space area.

(a) *In general.* At least 20 percent of the gross acreage of the TND shall be designated as open space, which may include undevelopable areas, such as steep slopes and wetlands and stormwater detention and retention basins. For infill sites, this requirement may be reduced to a minimum of ten percent and may be waived if such a site is within one mile of a neighborhood or community park. Open space areas may include:

(1) Environmental corridors, greenways.

(2) Protected natural areas.

(3) Neighborhood and community parks, squares, plazas, and playing fields.

(4) Streams, ponds, and other water bodies.

(5) Open spaces do not include required setback areas and rights-of-ways but may include subsections (a)(1) through (4) of this section.

(b) *Common open space.* At least 25 percent of the open space area must be common open space available for public use. At least 90 percent of all dwellings shall be located within one-half mile of such common open space.
(Code 1984, § 13.1417)

Sec. 44-1436. Stormwater management.

The design and development of the Traditional Neighborhood Development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the requirements of Chapter 42.
(Code 1984, § 13.1418)

Sec. 44-1437. Dimensional standards.

Minimum and maximum dimensions are as shown in Table 44-19. The standards in Table 44-19 are applicable to buildings in both the mixed residential and mixed-use areas.

(1) *Block and lot size diversity.* Street layouts should provide for perimeter blocks that are generally in the range of 200 to 400 feet deep by 400 to 800 feet long. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

(2) *Lot widths.* Lot widths should create a relatively symmetrical street cross-section that reinforces the public space of the street as a simple, unified public space. Similar lot sizes and housing types should generally be located on opposite sides of a street.

(3) *Standards for garages.* Garages may be placed on a single-family detached residential lot either within the principal building or an accessory building, meeting the following requirements:

a. The total of all accessory buildings, including attached or detached garages, shall not exceed 1,000 square feet of gross floor area and shall not be located within the front

yard setback area. An accessory building shall be located a minimum of six feet from rear and side lot lines, except that where an alley is present no setback from the alley right-of-way is required.

b. An attached garage shall be recessed a distance of at least ten feet behind the primary facade of the house.

Table 44-19. Dimensional Standards, Traditional Neighborhood Development

	Min. lot size	*Min. lot width*	*Front yard setback*	*Rear yard setback* [a]	*Side yard setback* [b, e]	*Height* [d]
			Min. - Max.	*Minimum*	*Minimum*	*Min. - Max.*
Single-family detached	5,000 SF	50	10—25	25	6 (two) or 10 (one - ZLL)	1—2.5 stories/ 35'
Two-family/attached residences	2,000 SF/unit	25 per unit	10—25	25	10 (end units)	1—2.5 stories/ 35'
Multifamily residences	1,500/unit, min 4,000 SF	80	5—25	15	10	2—4 stories/ 45'
Nonresidential or mixed-use	5,000	50	0—10	N/A	6[c]	2—4 stories/ 45'
Civic (institutional, rec.) buildings	5,000	50	0—25	N/A	10	2—4 stories/ 45'

Notes:

[a] Where an alley is present, half of the alley's right-of-way width shall be counted toward the rear setback.

[b] A minimum side yard setback of six feet shall be provided for single-family detached dwellings or a single side yard of ten feet for semi-detached single-family dwellings. A minimum side yard setback of ten feet shall be provided for end-unit attached dwellings. For semi-detached single-family dwellings, a reciprocal access easement shall be recorded for both lots. All semi-detached single-family dwellings, townhouses, and other attached dwellings shall have pedestrian access to the rear yard through means other than the principal structure.

[c] No side yards are required along interior lot lines, except as otherwise specified in the building code, except that if walls of structures facing such interior lot lines contain windows or other openings, yards of not less than six feet shall be provided. Side and rear yards of at least six feet shall be required when a nonresidential use adjoins a side yard of a residential property.

[d] See Section 44-1499(a) for exceptions to maximum height.

[e] Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, no less than half of the front setback applies.

(Code 1984, § 13.1419)

Secs. 44-1438—44-1467. Reserved.

DIVISION 4. CIRCULATION STANDARDS

Sec. 44-1468. Objectives.

The circulation system shall:

(1) Allow for multiple modes of transportation.

(2) Provide functional and visual links within the residential, mixed-use, and open space areas of the TND.

(3) Provide multiple connections to existing and proposed external development.

(4) Provide adequate traffic capacity.

(5) Provide multiple connections to pedestrian and bicycle routes, including off-street bicycle or multi-use paths.

(6) Control through traffic.

(7) Limit lot access to streets of lower traffic volumes.

(8) Promote safe and efficient mobility through the TND.

(Code 1984, § 13.1420)

Sec. 44-1469. Pedestrian circulation.

Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in Table 44-20. The following provisions also apply:

(1) *Sidewalks in residential areas.* Clear and well-lighted sidewalks at least five feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.

(2) *Sidewalks in mixed-use areas.* Clear and well-lighted walkways at least five feet in width shall connect all building entrances to the adjacent public sidewalk and associated parking areas.

(3) *Disabled accessibility.* Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.

(4) *Crosswalks.* Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well-lit and clearly marked with contrasting paving material at the edges or with striping.

(Code 1984, § 13.1421)

Sec. 44-1470. Bicycle circulation.

Bicycle circulation shall be accommodated on streets and/or dedicated bicycle paths. Any existing or planned bicycle routes through the site shall be preserved or developed. Bicycle facilities

may include off-street paths (generally shared with pedestrians and other non-motorized uses) and/or separate striped four-foot bicycle lanes on streets. If a bicycle lane is combined with a parking lane, the combined width should be 14 feet.
(Code 1984, § 13.1422)

Sec. 44-1471. Transit access.

Where public transit service is available or planned, convenient access to transit stops shall be provided. Transit shelters, where provided, shall be well-lighted and placed in highly visible locations that provide security through surveillance.
(Code 1984, § 13.1423)

Sec. 44-1472. Motor vehicle circulation.

Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features, such as "queuing streets," curb extensions, traffic circles, and medians, may be used to encourage slow traffic speeds.
(Code 1984, § 13.1424)

Sec. 44-1473. Street hierarchy.

(a) *In general.* Each street within a TND shall be classified according to the following hierarchy:

(1) *Arterial.* Arterial streets should not bisect a TND but may border a TND.

(2) *Collector.* This street provides access to mixed-use areas and is also part of the City's major street network.

(3) *Subcollector.* This street provides primary access to residential properties and connects streets of higher and lower function, and it may provide access to community facilities, such as schools.

(4) *Local street.* This street provides primary access to residential properties.

(5) *Alley.* This street provides primary access to residential garages and commercial parking areas. It is typically used where street frontages are narrow, where the primary street width is narrow and limited on-street parking is provided, or to provide delivery access and access to commercial parking.

(b) *Street design.* Table is provided as a general guide to street design in the TND. Street and right-of-way widths shall be reviewed by City staff as part of the concept plan review and shall be approved as part of the final plan.

Table 44-20. Street Design Guidelines for Traditional Neighborhood Development

	Collector	*Sub-Collector*	*Local Street*	*Alley*
Typical average daily trips	750 or more	250—750	Less than 250	N/A
Right-of-way	76—88 feet	48—72 feet	50—60 feet	12—16 feet
Auto travel lanes	2 or 3 @ 12 feet	2 @ 10 feet	2 @ 10'	2 @ 8 feet or 1 @ 12 feet (1-way)

	Collector	*Sub-Collector*	*Local Street*	*Alley*
Bicycle lanes (may be required where needed)	6 feet next to parking lane	4 feet without parking or 6 feet next to parking lane	None	None
Parking	Both sides, 9 feet	One or both sides, 9 feet	One or both sides, 9 feet	None (access to drives and garages)
Curb and gutter	Required	Required	Required	Not required
Planting strips	Both sides, min. 6 feet	Both sides, min. 6 feet	Both sides, min. 6 feet	None
Sidewalks	Both sides @ 5 feet min.	Both sides @ 5 feet	Both sides @ 5 feet	None

(Code 1984, § 13.1425)

Sec. 44-1474. Parking requirements.

Parking areas for shared or community use should be encouraged. In addition:

(1) In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided, as specified in Section 44-1519.

(2) A parking lot or parking garage shall not be located adjacent to or opposite a street intersection.

(3) In the mixed-use area, a commercial use shall provide one parking space for every 300 square feet of gross floor area or portion thereof. Parking may be provided in shared or community lots within 1,000 feet of the site.

(4) In the mixed-use and residential areas, $1^1/_2$ off-street parking spaces shall be provided for each dwelling unit, with the exception of senior housing and secondary dwelling units, which shall provide one space per unit, and live-work units, which shall provide two spaces per unit.

(5) On-street parking directly adjacent to a building may apply toward the minimum parking requirements for that building.

(6) Surface parking lots or garages shall provide at least one bicycle parking space for every ten motor vehicle parking spaces. Bicycle parking shall consist of a rack of acceptable design in a well-lit location, preferably sheltered.

(7) Service access. Direct access to service and loading dock areas for service vehicles should be provided, while avoiding movement through parking areas to the greatest extent possible. Alleys may be used to provide service access.

(8) Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for remote parking lots or those used infrequently.

(Code 1984, § 13.1426)

Secs. 44-1475—44-1496. Reserved.

DIVISION 5. ARCHITECTURAL STANDARDS

Sec. 44-1497. Purpose of architectural standards.

A variety of architectural and design features and building materials is encouraged to give each building or group of buildings a distinct character, as well as sensitivity to the surrounding context. (Code 1984, § 13.1427)

Sec. 44-1498. Standards for existing structures.

(a) Existing structures, if determined to be historic or architecturally-significant, shall be protected from demolition as part of a Traditional Neighborhood Development. Determination of historic significance shall be made by the Historic Preservation Commission.

(b) The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally-significant structures.

(c) Additions to existing structures shall maintain setbacks, building proportions, roof and cornice lines, facade divisions, rhythm and proportion of openings, building materials, and colors that are similar to and compatible with the existing structure.
(Code 1984, § 13.1428)

Sec. 44-1499. Standards for new structures.

(a) Building height. To create a visually unified streetwall, buildings should be no more than 30 percent taller or shorter than the average building height on the block.

(b) Entries and facades.

(1) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.

(2) The front or principal facade of the principal building on any lot shall face a public street and shall not be oriented to face directly toward a parking lot.

(3) Buildings of more than 30 feet in width shall be divided into smaller regular increments through articulation of the facade. This can be achieved through variations in materials, detailing, roof lines, and elements, such as arcades, awnings, windows, and balconies.

(4) The ground level of any multi-story, commercial, and mixed-use structure shall be visually distinct from the upper stories through the use of an intermediate cornice line, sign band, awning or arcade, or a change in building materials, texture, or detailing.

(5) Porches, pent roofs, roof overhangs, hooded front doors, or similar architectural elements shall be used to define the front entrance to all residences or multifamily buildings.

(c) Residential uses at street level should generally be set back far enough from the street to provide a private yard area between the sidewalk and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability for first floor units.

(d) For commercial or mixed-use buildings, a minimum of 30 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
(Code 1984, § 13.1429)

Secs. 44-1500—44-1516. Reserved.

DIVISION 6. SITE DESIGN STANDARDS

Sec. 44-1517. Lighting standards.

(a) Street lighting shall be provided on both sides of all streets at intervals of no greater than 75 feet. Generally, more smaller lights, as opposed to fewer high-intensity lights, should be used. Street lighting design shall meet the minimum standards developed by the Department of Public Works.

(b) Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties, per Article V of this chapter, General Regulations.
(Code 1984, § 13.1430)

Sec. 44-1518. Standards for exterior signage.

Sign number, size, height, and location in the TND District shall meet the requirements of the Neighborhood Center District. A comprehensive sign program shall be developed for the entire Traditional Neighborhood Development that establishes a uniform sign theme. Signs shall share a common palette of sizes, shapes, materials, and lettering styles.
(Code 1984, § 13.1431)

Sec. 44-1519. Landscaping and screening standards.

(a) *In general.* Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger well-placed contiguous planting areas shall be preferred to smaller disconnected areas.

(b) *Height and opacity.* Where screening is required by this article, it shall be at least three feet in height unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year.

(c) *Components.* Required screening shall be satisfied by one or a combination of the following:

(1) A decorative fence not less than 50 percent opaque behind a continuous landscaped area.

(2) A masonry wall.

(3) A hedge.
(Code 1984, § 13.1432)

Sec. 44-1520. Street trees.

A minimum of one deciduous canopy tree per 35 feet of street frontage or fraction thereof shall be required. Trees may be clustered and need not be evenly spaced. Trees should preferably be located within a planting strip between the sidewalk and the curb, within a landscaped median strip, or in tree wells installed in pavement or concrete.
(Code 1984, § 13.1433)

Sec. 44-1521. Parking area landscaping and screening.

All parking and loading areas fronting public streets and sidewalks shall be landscaped in accordance with the requirements of article XIX of this chapter. All parking and loading areas abutting residential districts shall be landscaped in accordance with article XIX of this chapter. Parking area interior landscaping shall conform to the requirements of article XIX of this chapter. Parking area landscaping can include turf grass, native grasses, or other perennial flowering plants, vines, shrubs, or trees. Such spaces may also include architectural features, such as benches, kiosks, or bicycle parking.
(Code 1984, § 13.1434; Ord. No. 17-08)

Secs. 44-1522—44-1545. Reserved.

ARTICLE XV. HISTORIC STRUCTURES, SITES, AND DISTRICT REGULATIONS

Sec. 44-1546. Purpose and intent.

(a) *Purpose.* It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this article and Division 5 of Article II of this chapter is to:

(1) Effect and accomplish the protection, enchantment, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.

(2) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic structures, sites, and districts.

(3) Foster civic pride in the notable accomplishments of the past.

(4) Stabilize and improve property values.

(5) Protect and enhance the City's historic districts, structures, and sites for the benefit of residents, tourists, and visitors and serve as a support and stimulus to business and industry.

(6) Improve and enhance the visual and aesthetic character of the City.

(7) Educate the public regarding the need and desirability of a City historic preservation program and its enhancement of the quality of life.

(b) *Definitions.* The terms and definitions in Section 44-168(b) apply to this section.
(Code 1984, § 13.1501; Ord. No. 18-18, § 2(13-1501), 8-21-2018)

Sec. 44-1547. Designation of historic structures, sites, and districts.

Pursuant to the provisions of Wis. Stats. § 62.23(7)(em) as it may be amended from time to time, the Landmarks Commission (LC) may after notice and public hearing designate a structure, site, or district as historic.

(1) Standards for designation. The designation may be applied to any area of particular historic, architectural, archaeological, or cultural significance to the City, including those that:

a. Exemplify or reflect the broad cultural, political, economic, or social history of the nation, State, or community;

b. Are identified with historic personages or with important events in national, State, or local history;

c. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for the study of a period, style, or method of construction or of indigenous materials or craftsmanship;

d. Are representative of the notable works of master builders, designers, or architects who influenced their age;

e. Have yielded or may be likely to yield information important to history or prehistory; or

f. Historic structures and sites which are on the National or State Register of Historic Places shall be designated as a City historic structure or site.

(2) The LC may adopt specific operating guidelines for historic structure, historic site, and historic district designation providing such are in conformance with this Article and Division 5 of Article II of this chapter.

(Code 1984, § 13.1502; Ord. No. 18-18, § 2(13-1502), 8-21-2018)

Sec. 44-1548. Procedure for nomination and designation of historic structures, sites, and districts.

The Landmarks Commission (LC) may after notice and public hearing nominate to the Common Council parcels for historic structure, site or district designation, or recommend rescinding such designation previously made upon application of the criteria herein. No such nomination or recommendation shall be final until approved by the Common Council. The procedure for designation of a historic district may be initiated by the LC or by property owners wishing to be included within a historic district.

(1) The LC shall notify the owners of record by first class mail, as listed in the office of the City Assessor, of all properties proposed for designation or inclusion within a proposed district and all properties within 100 feet of the proposed site or district's boundaries. These owners may confer with the LC prior to final action on the designation.

(2) The LC shall notify all Alderpersons of the proposed district, the Mayor, Director of Public Works, Director of Parks and Recreation Department, Development Services Manager, Zoning Administrator, and the Director of the Department of Community and Economic Development. Each may respond to the LC with its comments on the proposed designation at or prior to the hearing.

(3) The LC shall conduct the public hearing. It may call witnesses, including experts, and may subpoena such witnesses and records as it deems necessary. The LC may view the properties in question and direct the conduct of an independent investigation into the proposed designation or rescission.

(4) After the close of the public hearing, the LC shall make and forward a recommendation to the Common Council. The owners of record of the above-referenced properties shall be notified in writing by the LC of the date, time, and place the Common Council will act on its recommendation.

(5) The Common Council shall approve or deny the recommendation of the LC.

(6) Upon approval by the Common Council of any nomination or recommendation of the LC, the historic structure, site, or district shall be designated as such on or removed from the City's official zoning map.

(Code 1984, § 13.1503; Ord. No. 18-18, § 2(13-1503), 8-21-2018; Ord. No. 11-19, § 2, 3-5-2019)

Sec. 44-1549. Recognition of historic structures and sites.

At such time as a historic structure or site has been properly designated and approved in accordance with this section, the Landmarks Commission (LC) may allow and/or cause to be prepared and erected on such structure or site a suitable plaque identifying the structure or site and placed so as to be easily visible to passing pedestrians.

(1) In the case of a historic structure, the plaque shall state the accepted name of the structure, the date of its construction, and other information deemed appropriate by the LC and acceptable to the owner.

(2) In the case of a historic site that is not the site of a historic structure, the plaque shall state the common name of the site and such other information deemed appropriate by the LC.

(3) In the case of a historic district, a marker or sign shall state the name of the district and such other information deemed appropriate by the LC.

(Code 1984, § 13.1504; Ord. No. 18-18, § 2(13-1504), 8-21-2018)

Sec. 44-1550. Historic districts are overlay districts.

A designated historic district shall be considered an overlay district that is in addition to the underlying base zoning. Provisions for specific uses within the base district may be modified, and specific guidelines for design review may be added through the historic district preservation plan, as provided in Section 44-1551.

(Code 1984, § 13.1505; Ord. No. 18-18, § 2(13-1505), 8-21-2018)

Sec. 44-1551. Creation of historic district preservation plan.

In conjunction with the creation of a historic district, the Landmarks Commission (LC), with the assistance of the Planning Department, shall prepare a historic preservation plan for the district. The plan shall include the following:

(1) A statement of preservation objectives.

(2) A cultural and architectural analysis supporting the historic significance of the area and any specific guidelines for development.

(3) An inventory of buildings that contribute to the distinctive architectural or special historic character of the district as a whole (contributing buildings) and buildings that do not so contribute (non-contributing buildings).

(4) Guidelines applicable to renovation of existing buildings and structures, to any new construction, and to site improvements within the district. The general guidelines in Section 44-1555 should be supplemented with more specific guidelines based upon the cultural and architectural character of the district.

(Code 1984, § 13.1506; Ord. No. 18-18, § 2(13-1506), 8-21-2018)

Sec. 44-1552. Powers and duties of Landmarks Commission.

The Landmarks Commission (LC) shall have the following powers and duties:

(1) Designation of historic structures, historic sites, and historic districts. The LC shall have the power, subject to Section 44-1548, to recommend designation of historic structures, historic sites, and historic districts within the City limits. Such recommendations for designation shall be based on Sections 44-170 and 44-1547. Approval by the Common Council results in historic structure, historic site, or historic district designation. Once designated, such historic structures, sites, and districts shall be subject to all provisions of this article and Division 5 of Article II of this chapter.

(2) Regulation of construction, reconstruction, alteration, and demolition.

a. No owner or person in charge of a designated historic structure, designated historic site, or a structure within a designated historic district shall reconstruct, alter, or demolish all or any part of the exterior of such property, or construct any improvement upon such property, or cause or permit any such work to be performed upon such property, or demolish such property unless a certificate of appropriateness (COA) has been granted. A COA is the certificate issued by the LC, the Director of Community and Economic Development, or their designee, approving alteration, rehabilitation, construction, reconstruction, or demolition of a designated historic structure, designated historic site, or a site or structure located in a designated historic district. Unless a COA has been granted, the Development Services Manager shall not issue a permit for any such work.

b. Upon filing of any application for a COA with the LC, the LC shall approve the application unless:

1. In the case of a designated historic structure or designated 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;

2. In the case of construction of a new improvement upon a designated historic site or within a designated 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;

3. In the case of any property located in a designated historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform

to the purpose and intent of this article and Division 5 of Article II of this chapter, or to the objectives and design criteria of the historic preservation plan for said district;

4. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City or State;

5. 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.

c. If the LC determines that the application for a COA and the proposed changes are consistent with the character of the features of the property or district, it shall issue the COA. The LC shall make this decision within 30 days of the filing of the application. If the LC is unable to make a decision within 30 days, the Director of Community and Economic Development, or their designee, shall make the decision.

d. The issuance of a COA shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of a COA required for the proposed work.

e. A COA expires one year from the issuance date.

f. Ordinary maintenance and repairs may be undertaken without a COA, provided that the work involves repairs to existing features of a historic structure or structure within a designated historic district. A COA is not required for the replacement of elements of a structure with pieces identical in material and appearance, provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

g. Work done without a COA.

1. If a COA is not obtained prior to the commencement of work, a fee will be assessed as provided in the City Fee Schedule.

2. When work or demolition has been done upon a designated historic structure, designated historic site, or structure within a designated historic district without a COA, and the LC finds that the work or demolition requires a COA but does not qualify for a COA, that work or demolition constitutes a violation of this article and the LC may require the owner to restore the structure or site to the condition the structure or site was in before the inappropriate work was conducted or modify the work so that it qualifies for a COA. Any owner who fails to restore work or demolition as ordered by the LC, in accordance with this section, shall forfeit not less than $1.00 nor more than $1,000.00. Any owner who violates this section within 24 months after committing a previous violation of this section shall forfeit not less than $200.00 nor more than $2,000.00.

3. If the owner does not comply with the restoration or modification requirement within 60 days, the LC may seek an order from the Circuit Court to require the owner to restore the structure or site to its former condition or to modify the work so that it qualifies for a COA.

4. If the owner does not comply or cannot comply with the order of the court, the LC or its agent may elect to, but is not required to, enter the property and conduct work necessary to restore the structure or site to its former condition or modify the work so that it qualifies for a COA in accordance with the court's order. The cost of the work shall be charged to the owner and may be levied by the City as a special assessment against the property. When acting pursuant to said order of the Circuit Court, the LC or its agents may enter a property for purposes of this section.

(3) Appeals. Should the LC or their designee fail to issue a COA due to the failure of the proposal to conform to the requirements and guidelines of this article and Division 5 of Article II of this chapter and applicable guidelines, the applicant may appeal such decision to the Common Council within 30 days. In addition, if the LC fails to issue a COA, the LC shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a COA within the requirements and guidelines of this article and Division 5 of Article II of this chapter.

(4) Demolition by neglect. Neglect in maintaining, repairing, or securing a designated historic structure, designated historic site, or a structure in a designated historic district that results in deterioration of an exterior feature of the structure or site or the loss of structural integrity of the structure or site constitutes demolition by neglect. Upon a finding by the LC that a designated historic structure, designated historic site, or structure in a designated historic district is threatened by demolition by neglect, such neglect constitutes a violation of this article and the LC may do either of the following:

a. Require the owner of the property to repair all conditions contributing to demolition by neglect; or

b. If the owner does not make repairs within 60 days, the LC or its agent may elect to, but is not required to, enter the property and make such repairs as are necessary to prevent demolition by neglect, provided:

1. That an estimate of the anticipated cost is provided to LC and it authorizes going forward with the repairs, designating a source of the funds to be made available.

2. The LC, through grants, donations, or other efforts on its own, provides the funding necessary to accomplish the necessary repairs. Such funds shall be handled and accounted for in accordance with subsection (12) of this section.

3. The costs of the work shall be charged to the owner, and may be levied by the City as a special assessment against the property. The LC or its agents may enter the property for purposes of this section upon obtaining an order from the Circuit Court. All funds recovered from a property owner pursuant to this provision shall be returned to the same source from which it was obtained.

(5) Develop appropriate criteria and standards for identifying and evaluating neighborhoods, areas, places, structures, and improvements within the City which have distinctive character of special historic, aesthetic, architectural, archaeological, or cultural interest or value and might be classified as historic sites, structures, or districts.

(6) Conduct studies and surveys of neighborhoods, areas, places, structures, and improvements within the City for the purpose of determining those of a distinctive character or special historic, aesthetic, architectural, archaeological, or cultural interest or value and of compiling appropriate descriptions, facts, lists, and files.

(7) Promote public education, interest, and support for the preservation and enhancement of such historic sites, structures, or districts.

(8) Cooperate with and advise the Common Council and other agencies and departments of government with regard to such matters as may be appropriate with respect to historic sites, structures, or districts.

(9) Cooperate with and enlist assistance from the National Trust for Historic Preservation, the State Historical Society, the County Historical Society, and other agencies, groups, or individuals active in the field of historic and cultural preservation.

(10) Work on a voluntary basis with the owners of historic sites and structures advising them on the benefits, problems, and techniques of preservation and encouraging their participation in preservation activities.

(11) Nominate those neighborhoods, areas, places, structures, and improvements of special historic, aesthetic, architectural, archaeological, or cultural significance to the National Register of Historic Places if appropriate.

(12) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the City. Such funds shall be placed in a special City account for such purpose, to be administered by the LC.

(Ord. No. 18-18, § 2(13-1507), 8-21-2018; Ord. No. 11-19, §§ 3, 4, 3-5-2019)

Sec. 44-1553. Review of construction, reconstruction, or alteration.

No owner or person in charge of a historic site, historic structure, or site or structure within a historic district shall construct or alter any part of the structure or site, and no building permit shall be issued for the structure or site until design review has been completed and a certificate of appropriateness (COA) has been issued.

(1) *Intent.* Design review is binding in nature. The general guidelines in Sections 44-1555 and 44-1556 and any specific guidelines developed for the historic district in question shall be used in design review.

(2) *Applicability.* The following applications for designated historic sites, designated historic structures, or sites within designated historic districts, or structures within designated historic districts shall be subject to design review:

a. Applications which involve modification of the physical configuration of a property, such as the erection of a new building, the demolition of an existing building, or the expansion of an existing building.

b. Applications that involve a change in the exterior appearance of a property, such as roofing, siding, window replacement, fencing, paving, or signage.

c. Any other application requiring a building permit from the Department of Community and Economic Development, with the exception of interior alterations that will not change the exterior appearance of the structure.

(3) *Maintenance and repairs permitted.* Ordinary exterior maintenance, painting, and repairs may be undertaken without a review and recommendation by the Landmarks Commission (LC), provided that:

a. The work involves repairs to existing features of a historic structure or site or replacement of elements of a structure with pieces identical in material and appearance.

b. Provided that the work does not change the exterior appearance of the structure or site.

c. Sandblasting of any exterior surface is prohibited. Other types of abrasive exterior cleaning including, but not limited to, and media blasting or water blasting with any media additive, or corrosive cleaning including, but not limited to, muriatic acid wash, are also prohibited unless specifically approved prior to work by the LC.

(4) *Building permit required.* A building permit is required for applications that are subject to design review.

(5) *Authority to issue COA.* The LC and, in certain limited cases described below, the Director of Community and Economic Development, or their designee, may issue a COA in accordance with this section. The Director of Community and Economic Development, or their designee, shall make this decision within 30 days of the filing of the application. If the Director/designee is unable to make a decision within 30 days, approval of the COA shall be granted. If a COA is denied by the Director/designee, this decision may be appealed to the LC. The Director of Community and Economic Development, or their designee, may issue a COA in the following cases:

a. Roof repair/replacement.

b. Gutter repair/replacement.

c. Private sidewalk and driveway repair/replacement of the same dimensions and orientation.

d. Chimney repair and tuckpointing according to the Secretary of the Interior Standards and in appropriate color and design.

e. Installation of fences.

f. Storm window or storm door repair or replacement.

g. Installation of glass blocks in basement window openings.

h. Painting of existing unpainted brick.

i. Unattached nonvisible accessory structures.

j. Replacement of identical siding.

k. Replacement or repair to porches identical to existing style and materials.

l. Commercial sign replacement of identical dimensions.

(Code 1984, § 13.1507; Ord. No. 31-09; Ord. No. 18-18, § 2(13-1508), 8-21-2018)

Sec. 44-1554. Design review procedures.

(a) Any application for a permit from the Department of Community and Economic Development shall also be filed with the Landmarks Commission (LC).

(b) As part of the application, the applicant shall submit a detailed description of the proposed construction, reconstruction, or alteration, together with any architectural drawings if those services have been utilized, along with a description of the construction or alteration sufficient to enable the LC to evaluate the final appearance of the structure. Photos and/or material samples are required as part of the application.

(c) Design review shall be conducted concurrent with site plan review, as specified in Article XIX of this chapter, Site Plan Review, when site plan review is required.

(d) Property owners within 100-feet of the subject property will be notified of the Design Review if the COA is being reviewed by the LC.

(e) After the filing of any application, the LC shall issue a certificate of appropriateness (COA) subject to the requirements of Section 44-1553. During the period of review, the Commission will work with the applicant to preserve the historical attributes of the building, structure, or site. If the LC does not issue a COA based on the requirements of Section 44-1553, the LC shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a COA within the requirements and guidelines of this article and Division 5 of Article II of this chapter.
(Code 1984, § 13.1508; Ord. No. 18-18, § 2(13-1509), 8-21-2018)

Sec. 44-1555. Guidelines for renovation of existing buildings.

The Landmarks Commission (LC) will consider the following factors in arriving at its recommendation:

(1) Whether there is a change in use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) Whether the historic character of the property will be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use and maintaining features and architectural elements of the period shall be encouraged.

(4) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(5) Deteriorated historical features should be repaired rather than replaced, where feasible. Where replacement is necessary, the new feature shall match the old in design, color, texture and other visual qualities, and, where possible, materials.

(6) The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest methods possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used.

(7) New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(8) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(9) The Secretary of the Interior's Standards for Rehabilitation (36 CFR 67 and 68, as amended).

(Code 1984, § 13.1509; Ord. No. 18-18, § 2(13-1510), 8-21-2018)

Sec. 44-1556. Guidelines for new structures and additions.

The following elements shall be visually compatible with the contributing buildings and environment to which they are visually related and with the architectural style of the district, where applicable:

(1) Building height.

(2) Building volume and massing.

(3) On the street elevation of a building, the proportion between the width and height in the facade.

(4) The proportions and relationships between doors and windows in the street facade.

(5) The directional expression of the street facade (horizontal or vertical expression).

(6) Exterior building materials.

(7) Roof design and shape.

(8) Landscape plan, off-street parking and drives, fencing, and other aspects of site design.

(Code 1984, § 13.1510; Ord. No. 18-18, § 2(13-1511), 8-21-2018)

Sec. 44-1557. Standards for approval of demolition or recommendation of preservation.

The following standards shall be considered:

(1) Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest.

(2) Whether the structure, when in a historic district, although not itself a historic structure, contributes to the distinctive character of the historic district as a whole and, therefore, demolition would be detrimental to the public interest.

(3) Whether the demolition of the structure would be contrary to the objectives of the historic preservation plan for the applicable historic district, where applicable.

(4) Whether the structure is of such old, unusual, or uncommon design, texture, and/or material that it could not be reproduced or could be reproduced only with great difficulty and/or expense.

(5) Whether the structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner, which is self-created or the result of any failure to maintain the structure in good repair, cannot qualify as a basis for the issuance of a demolition permit.

(6) Whether the denial of the application would deny the owner of the structure all economically-viable use of the property.

(Code 1984, § 13.1511; Ord. No. 18-18, § 2(13-1512), 8-21-2018)

Sec. 44-1558. Interim control.

No building permit shall be issued by the Development Services Manager for alteration, construction, demolition, or removal of a nominated historic structure, a nominated historic site, or any property or structure within a proposed historic district from the date of the first notice of public hearing by the Landmarks Commission (LC) until final disposition by the LC or Common Council, unless such action is authorized by formal resolution of the Common Council as necessary for public health, welfare, or safety. The period of delay shall not exceed 90 days.
(Code 1984, § 13.1512; Ord. No. 18-18, § 2(13-1513), 8-21-2018)

Sec. 44-1559. Penalties for violations.

Any person or persons violating any provision of this article or Division 5 of Article II of this chapter, shall forfeit no less than $50.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Development Director or their designee. Forfeiture amounts shall be established by Common Council.
(Ord. No. 18-18, § 3(13-1514), 8-21-2018; Ord. No. 11-19, § 5, 3-5-2019)

Sec. 44-1560. Conditions dangerous to life, health or property.

Nothing contained in this chapter shall prohibit the making of emergency repairs to a historic building in compliance with an order of any governmental agency or court of law to remember conditions determined to be dangerous and a substantial threat to life, health or property. In addition, nothing contained in this chapter shall prohibit the demolition of a historic building which has been condemned in accordance with the provisions of Wis. Stats. § 66.0413(3). In any such cases, no approval from the LC shall be required. A building official shall send a copy of any emergency order or demolition permit affecting a historic building to the LC at the time that such order or permit is issued.
(Ord. No. 18-18, § 3(13-1515), 8-21-2018)

Secs. 44-1561—44-1578. Reserved.

ARTICLE XVI. LAND USE DEVELOPMENT STANDARDS

Sec. 44-1579. Development standards established.

Specific development standards are established as supplemental regulations that address the unique characteristics of certain land uses. The standards and conditions listed below apply to both permitted and conditional uses, in addition to all other applicable regulations of this article. Standards shall apply in all zoning districts where the use in question is allowed, except where specific districts are specified. Initial residential designs shall be submitted to the Community Development Review Team (CDRT), as established in Section 44-1890, to determine the compliance with the requirements listed below. In the event that an issue cannot be resolved between the applicant and the CDRT, the applicant will be directed to make application to the Plan Commission for review and consideration.
(Code 1984, § 13.1601)

Sec. 44-1580. Residential uses.

(a) *Single-family detached dwelling in all residential districts.*

(1) No parking shall be located in the front yard or between the front facade and the street except on a permitted driveway providing access to parking areas beyond the front yard.

(2) The primary entrance shall be located on the facade fronting a public street.

(3) Single-family homes shall be designed to reflect the general architectural style of surrounding buildings on the block, including front yard depth, height and roof pitch, primary materials, facade detailing, and size and placement of window and door openings. Renderings of all buildings elevations designs must be complementary with the neighborhoods. This requirement shall only apply under the in-fill lot definition.

(b) *Two-family dwelling, duplex in R-1 Residential Districts.*

(1) No parking shall be located in the front yard or between the front facade and the street except on a permitted driveway providing access to parking areas beyond the front yard.

(2) Access to the second dwelling unit shall be either through a common hallway with one front entrance or by means of a separate entrance. The primary entrance shall be located on the facade fronting a public street.

(3) New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no duplex shall be constructed and no single-family dwelling shall be converted to a duplex within a distance of 300 feet from any other two-family or multifamily dwelling located within the same block without a conditional use permit.

(4) Duplexes shall be designed to reflect the general architectural style of surrounding buildings on the block, including front yard depth, height and roof pitch, primary materials, facade detailing, and size and placement of window and door openings. Renderings of all buildings elevations designs must be complementary with the neighborhoods. This requirement shall only apply under the in-fill lot definition.

(c) *Two-family dwelling, semi-detached, in the R-1 and R-2 Residential Districts.*

(1) No parking shall be located in the front yard or between the front facade and the street except on a permitted driveway providing access to parking areas beyond the front yard.

(2) If the primary entrance of a structure is not facing the street, the Community and Economic Development Director may choose to require its location face a public street.

(3) New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no semi-detached dwelling shall be constructed and no single-family dwelling shall be converted to a semi-detached dwelling within a distance of 300 feet from any other two-family or multifamily dwelling located within the same block.

(4) Semi-detached dwellings shall be designed to reflect the general architectural style of surrounding buildings on the block, including front yard depth, height and roof pitch, primary materials, facade detailing, and size and placement of window and door openings. Exact replication of attributes of existing buildings is not expected, but rather sensitivity to neighborhood context.

(d) *Single-family attached dwelling (townhouse) in the R-1 and R-2 Residential Districts.*

(1) A maximum of six units shall be permitted within a single building.

(2) Townhouses shall have sufficient frontage per Table 44-2. No parking shall be located in the front yard or between the front facade and the street.

(3) If the primary entrance of a structure is not facing the street, the Community and Economic Development Director may choose to require its location face a public street.

(4) New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a block may be converted to townhouse units, and no further townhouse development is permitted once this threshold is reached.

(5) Townhouse units shall be designed to reflect the general architectural style of surrounding buildings on the block, including front yard depth, height and roof pitch, primary materials, facade detailing, and size and placement of window and door openings. Exact replication of attributes of existing buildings is not expected, but rather sensitivity to neighborhood context.

(6) Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise of a minimum of 1,500 square feet per unit.

(e) *Single-family attached dwelling (townhouse) in the R-3 Residential District.*

(1) A maximum of eight units shall be permitted within a single building.

(2) Townhouse dwellings shall have sufficient frontage per Table 44-2. No parking shall be located in the front yard or between the front facade and the street.

(3) If the primary entrance of a structure is not facing the street, the Community and Economic Development Director may choose to require its location face a public street.

(4) Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise of a minimum of 1,500 square feet per unit.

(f) *Multiple-family dwelling in the R-2 Residential District.*

(1) No more than four units shall be permitted on a single lot.

(2) No parking shall be located in the front yard or between the front facade and the street.

(3) If the primary entrance of a structure is not facing the street, the Community and Economic Development Director may choose to require its location face a public street.

(g) *Carriage-house dwelling in all residential districts.*

(1) A carriage-house dwelling unit shall be located above a detached garage that is accessory to a single-family detached dwelling and located within the rear yard.

(2) Any exterior changes or additions for a carriage-house dwelling shall be constructed of similar materials and shall be architecturally compatible with the main (principal) building.

(3) The dwelling unit may not contain more than 30 percent of the total floor area on the zoning lot.

(4) There shall be a total of no more than one carriage-house dwelling on a zoning lot.

(5) The minimum lot area shall be 2,500 square feet greater than the minimum lot area required for the main (principal) building in the zoning district.

(6) A detached garage with a carriage-house dwelling shall meet all requirements for accessory buildings. If walls of a carriage-house dwelling facing interior lot lines contain windows or other openings, the wall shall be set back at least four feet from the lot line.

(7) There shall be an unobstructed walkway leading from the public street to the carriage-house dwelling.

(8) At least one dwelling unit on the zoning lot shall be owner-occupied.

(9) A site plan and a building plan shall be submitted to the Plan Commission at the time of application for review and approval.

(h) *Live-work unit in all residential districts.*

(1) The workspace component shall be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.

(2) The dwelling unit component shall be located above or behind the workspace and shall maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.

(3) The office or business component of the unit shall not exceed 30 percent of the total gross floor area of the unit.

(4) A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground/enclosed.

(5) The size and nature of the workspace shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.

(6) The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business, or auto service or repair for any vehicles other than those registered to residents of the property.

(7) The business of the live-work unit must be conducted by a person who resides on the same lot. In no case shall the business employ more than two workers who live outside of the live-work unit.

(i) *Dwelling in conjunction with business in all industrial districts.*

(1) There shall be a total of no more than one dwelling in conjunction with business on a zoning lot.

(2) The minimum lot area shall be 5,000 square feet greater than the minimum lot area required for the principal use in the zoning district.

(3) Only an employee who is a watchman of the principal use, including their family, shall be permitted to reside in the dwelling unit.

(4) Access to the dwelling shall be by means of separate individual entrance from that of the principal use. Said access shall be made available to the City's public safety agencies, such as EMS, police, and fire, and approved by the Common Council during conditional use permit review.

(5) A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground/enclosed.

(6) A site plan and a building plan shall be submitted to the Plan Commission at the time of application for review and approval.

(j) *Short-term rentals (STRs).*

(1) Prior to occupancy as a short-term rental, the following shall be obtained by the local representative:

a. State of Wisconsin tourist rooming house permit.

b. State of Wisconsin sale and use tax permit.

c. Proof of registration with the City of Green Bay Treasurer regarding Brown County room tax requirements.

d. Proof of registration with the Brown County Health Department.

e. A lease agreement example provided that indicates language regarding compliance with parking, noise and other applicable City of Green Bay ordinances being met during occupancy of the structure.

f. City of Green Bay short-term rental permit (STRP).

(2) A submittal for short-term rentals (STRs) shall include the following:

a. Initial application.

1. Completed STRP application on a form established by the City.

2. Application/review fee as provided in the City Fee Schedule.

3. Proof of insurance.

4. Necessary permits and proof of registration as required in subsection (j)(1) of this section.

b. Renewal of a STRP. A STRP is valid for one year and shall expire on June 1 of the calendar year. A STRP may be renewed on an annual basis and shall meet the following standards:

1. Proof of insurance.

2. Necessary permits and proof of registration as required in subsection (j)(1) of this section.

3. Renewal fee: as provided in the City Fee Schedule.

(3) The number of occupants in STRs shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable County and City of Green Bay housing regulations for residential structures based on the number of bedrooms within the unit.

(4) STRs are issued to a specific owner of a short-term rental. STRs shall be terminated when the permit holder sells or transfers the real property which was rented, except for a change in ownership where the title is held in survivorship or transfers on the owner's death.

(5) Availability of STRs to the public shall not be advertised on site.

(6) A STRP shall be visible from the exterior of the principal structure and shall contain the name and telephone number of the local representative.

(7) STRs shall not violate any applicable conditions, covenants, or other restrictions on real property.

(8) Alcohol may not be sold on site.

(9) STRs granted by the City may be subject to review on a yearly basis or when the Community and Economic Development Director or Plan Commission has reason to believe that the regulations are not being adhered to or that there are problems associated with the STRs that warrant review by the Plan Commission and the Green Bay Common Council. STRs may be revoked based on the findings of the Plan Commission. STRs denied by the Planning staff may be appealed to the Plan Commission and Common Council.

(10) No recreational vehicle (RV), camper, tent or any other temporary lodging arrangement shall be permitted on site for the means of providing accommodations for occupants and/or guests of a short-term rental.

(11) STRs shall comply with all requirements of this article and all applicable standards of this Code.

(12) Violations. Failure to comply with the requirements above shall constitute a violation of the provisions of this section. Disturbances or nuisances caused by the tenants of an approved STR which violate this Code, including, but not limited to, outdoor events and existing noise ordinances or state law, shall also constitute a violation. Penalties for each violation shall be imposed in an amount not to exceed $500.00, including court costs, and may result in permit suspension or revocation.

(Code 1984, § 13.1602; Ord. No. 9-09; Ord. No. 20-16)

Sec. 44-1581. Congregate living uses.

(a) *Rooming house, boarding house in all districts.*

(1) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits, and bathrooms.

(2) All new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.

(3) An appropriate transition area between the use and adjacent property shall be required and to include landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(4) A rooming house/boarding house may be considered a dormitory as defined and regulated within this Code.

(b) *Community living arrangements in all districts.*

(1) Intent. It is the intent and purpose of these regulations to avoid discrimination against disabled persons by maintaining the residential character and desirability of the neighborhoods in which community living arrangements may locate. These regulations are intended to avoid the undue concentration of community living arrangements, as such concentrations may alter the residential character and desirability of a neighborhood and thus defeat the purpose of providing community living housing opportunities in a residential neighborhood setting. It is the nature of community living arrangements as business operations within residential neighborhoods, not the disabled individuals who occupy community living arrangements, that necessitate these regulations. Such facilities impact a residential neighborhood like a "business operation" in that they may include higher levels of nonresident traffic due to staffing, shift changes, and various other service providers, may require state licensing, and may be subject to special regulations administrated by state agencies. The following standards are established consistent with Wis. Stats. § 62.23(7)(i).

(2) No community living arrangement may be established within 2,500 feet of any other such facility except with a conditional use permit. Note that 2,500 feet is not a density standard or minimum separation distance, but rather is a determinant for whether the conditional use process will be applied.

(3) Community living arrangements shall be permitted under the standard above as long as their total capacity within any aldermanic district does not exceed 25 or one percent of the population of that district, whichever is greater. When that capacity is reached, no additional community living arrangements shall be permitted within that district until their capacity is reduced or the district's population increases, thus changing the ratio.

(4) Community living arrangements shall be permitted under the standards above as long as their total capacity does not exceed one percent of the City's total population. When that total capacity is reached, no additional community living arrangements shall be permitted within the City until their capacity is reduced or the City's population increases, thus changing the ratio.

(5) Exceptions from conditional use permit process.

a. In accordance with Wis. Stats. § 62.23(7)(i), in all cases where a community living arrangement has capacity for eight or fewer persons being served by the program, meets the criteria listed in subsections (b)(2) through (4) of this section, and is licensed, operated, or permitted under the authority of the Department of Health Services or the Department of Children and Families, that facility is entitled to locate in any residential zone without being required to obtain a conditional use permit.

b. Adult family home or small group shelter care facility. All adult family homes or small group shelter care facilities which serve disabled residents are entitled to locate in any residential zone without being required to obtain a conditional use permit. All residents of the adult family home or small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as defined by the required state license application.

(6) In reviewing a conditional use permit for a community living arrangement, the Plan Commission and Common Council shall consider the following:

a. The character and use of surrounding buildings, the density of nearby community living arrangements, and the potential impact of the proposed facility on the character and desirability of the surrounding neighborhood. Such facilities should not be permitted where proposed building architecture (assuming new construction) does not fit in with the surrounding neighborhood or where the density of such facilities (regardless of whether it is new construction or conversion of an existing building) will negatively impact the neighborhood.

b. The proximity of the proposed facility to essential services and infrastructure such as police and fire protection, pedestrian paths, transit stops, park facilities, and the like. Such facilities should not be permitted where essential services or infrastructure are not present or planned for improvement or construction.

c. Whether granting the conditional use permit will provide disabled persons with reasonable accommodation for housing as defined by the Americans with Disabilities Act (ADA) and Fair Housing Act-Amended (FHAA). Such facilities should not be denied a conditional use permit if they are needed to provide reasonable accommodation.

d. Whether any conditions of approval are needed to address the compatibility of the use as a business operation with the character of the residential neighborhood. Such conditions shall not be discriminatory toward disabled residents of a community living arrangement.

(7) Based on the resident capacity, community living arrangements shall provide adequate living space in compliance with the most restrictive of the dormitory standards of this article (subsection (c) of this section), Chapter 8, and applicable state administrative codes.

(8) A community living arrangement may be considered a dormitory as defined and regulated within this Code.

(c) *Dormitory in all districts.*

(1) On-site services shall be for residents of the facility only.

(2) The maximum number of persons occupying the building shall not exceed four per bedroom with 50 square feet of sleeping area per resident, except that more than four individuals may be allowed per room if all said individuals are related by blood, marriage, or adoption. Rooms shall consist of enclosed places having walls that extend from the ceiling to the floor and an entry door.

(3) One bath and restroom facility for every eight individuals residing in the dormitory. The bath and restroom facility shall be located so that no individual is required to pass through a sleeping room other than their own in order to access the bath and restroom facility.

(4) One kitchen and dining area for every ten individuals residing in the dormitory.

(5) One laundry facility consisting of a minimum of one clothes washer, one clothes dryer, and a washbasin for every ten individuals residing in the dormitory.

(6) One common use area/lounge of at least 600 square feet in size for relaxation and recreation of the occupants for every ten individuals residing in the dormitory.

(7) If the dormitory use ceases for a period of 12 months or more, the conditional use approval will no longer be in effect. If construction and occupancy has not been completed and established within 12 months of the date of approval, the conditional use status of the property shall no longer be in effect. In the event of a natural disaster or emergency situation, as determined by the City of Green Bay, these regulations may be suspended for a term of not more than 12 months.

(d) *Fraternity, sorority.*

(1) The maximum number of persons occupying the building shall not exceed four per bedroom.

(2) On-site services shall be for residents of the facility only.

(3) If located outside of the campus boundary, the use shall be located in an existing structure designed and built as a single-family or two-family dwelling or a new structure that meets the height, density, and setback requirement for a two-family dwelling.

(4) A fraternity/sorority may be considered a dormitory as defined and regulated within this Code.

(e) *Convent, monastery, seminary.* The use shall be subject to the same requirements for maximum number of residents and minimum lot area as multifamily developments located in the same zoning district.

(f) *Nursing home, assisted living.*

(1) A facility that is located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.

(2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.

(3) The site shall contain a minimum of 150 square feet of greenspace per resident, consisting of outdoor seating areas, gardens, and/or recreational facilities. Public parks or plazas within 300 feet of the site may be used to meet this requirement.

(4) An appropriate transition area between the use and adjacent property may be required and to include landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(5) A nursing home may be considered a dormitory as defined and regulated within this Code.
(Code 1984, § 13.1603; Ord. No. 1-10; Ord. No. 9-15)

Sec. 44-1582. Educational uses.

(a) *School, elementary or secondary.*

(1) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.

(2) An appropriate transition area, as required by this Code, between the use and adjacent property is required to include landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(3) A facility that is located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.

(b) *College, university.* Any new college or university or expansion of an existing college or university shall submit a master plan that shall describe proposed physical development for at least a ten-year period and shall include a description of proposed development phases and plans, estimated dates of construction, and anticipated interim uses of property.

(c) *School, specialty or personal instruction.*

(1) Except in the industrial districts, all activities shall be conducted within an enclosed building.

(2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.

(3) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(d) *Adult/family daycare home.*

(1) Any daycare center must meet the requirements specified in the Bureau of Regulation and Licensing Manual, as well as other applicable codes.

(2) The operator must reside in the dwelling unit in which the daycare home is located.

(e) *Group daycare center, preschool.*

(1) Any daycare center must meet the requirements specified in the Bureau of Regulation and Licensing Manual, as well as other applicable codes.

(2) In all residential districts, the use may either be located in a nonresidential structure existing on the effective date of the ordinance from which this article is derived or designed and integrated into a new residential development but not located in a new freestanding nonresidential building.

(3) A designated area shall be provided for short-term parking of vehicles for drop-off and pick-up of children. The designated area may be on-street or off-street but shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.

(Code 1984, § 13.1604)

Sec. 44-1583. Institutional and civic uses.

(a) *Clinic, healthcare facility in NC or OR District.*

(1) A facility that is located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.

(2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.

(3) An appropriate transition area between the use and adjacent property may be required and to include landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(b) *Community center; neighborhood center.*

(1) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.

(2) An appropriate transition area, as required by this Code, between the use and adjacent property is required to include landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(3) A facility that is located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.

(c) *Cultural institution.* Any use established after the effective date of the ordinance from which this article is derived shall be located with access to an arterial or collector street.

(d) *Hospital.* Any new hospital or expansion of an existing hospital shall submit a master plan that shall describe proposed physical development for at least a ten-year period and shall include a description of proposed development phases and plans, estimated dates of construction, and anticipated interim uses of property. Any use established after the effective date of the ordinance from which this article is derived shall be located with access to an arterial or collector street.

(e) *Library.* Any use established after the effective date of the ordinance from which this article is derived shall be located with access to an arterial or collector street.

(f) *Religious institution, place of worship.* Any facility with seating capacity of greater than 600 persons in the sanctuary or main activity area shall be a conditional use. Such facility shall be located with access to an arterial or collector street.
(Code 1984, § 13.1605)

Sec. 44-1584. Commercial uses.

(a) *Adult entertainment establishment.*

(1) No more than one adult entertainment establishment shall be located on any one parcel, and such establishment shall be at least 1,500 feet from any other adult establishment.

(2) No adult establishment shall be permitted within 1,000 feet of the following:

a. A residential or mixed-use district.

b. An historic site or district identified on the National Register of Historic Places or by the Historic Preservation Commission as specified in this chapter.

c. A public or private elementary or secondary school, licensed nursery school, or day-care center.

d. A religious institution or place of worship.

e. A public park or parkway.

(3) Signs advertising any of the aforementioned adult uses shall conform with the requirements of Chapter 30, Signs, with the following exceptions:

a. No tower or portable signs or billboards shall be permitted on the premises.

b. Signs will inform only of the establishment name and address and will not depict human silhouettes or forms, specified sexual activities and/or specified anatomical areas, as defined in this Code.

c. There shall be no flashing or traveling lights located outside of the building.

d. The location and wording of such sign shall be shown on the site plan and submitted along with the request for conditional use.

(4) Parking required under Article XVIII of this chapter, Off-Street Parking, Drives and Loading, of this chapter shall be provided in a lighted area. Location of parking shall be shown on the site plan and submitted along with the request for conditional use.

(5) Lighting shall be provided so as to illuminate the entire exterior of the building. Lighting fixtures and levels shall be shown on the site plan and submitted along with the request for conditional use.

(6) There shall be no display windows on the premises.

(7) The owner and/or operator of the adult establishment shall agree to comply with all federal, state, and local laws and ordinances, including obscenity, liquor, and cabaret laws, and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.

(8) In the case of adult cabarets, they shall be compliance with the provisions of this Code regulating noise, and the hours of operation for such establishments shall be limited to the same hours of operation for bars and taverns within that community within which the district is located.

(9) The owner of the parcel upon which the adult entertainment use is to be established and the operator and owner of the establishment shall appear in person before the Plan Commission.

(b) *Animal boarding facility, kennel in all districts except the L-1 District.*

(1) Animal boarding facilities shall be required to be soundproofed to ensure that the noise levels associated with the use do not interfere with the health, welfare, and safety of adjoining properties.

(2) All runs, exercise areas, and enclosures/kennels shall be located within a completely enclosed building.

(c) *Animal grooming establishment in all districts except the L-1 District.*

(1) Animal grooming establishments shall be required to be soundproofed to ensure that the noise levels associated with the use do not interfere with the health, welfare, and safety of adjoining properties.

(2) All runs, exercise areas, and enclosures/kennels shall be located within a completely enclosed building.

(d) *Animal hospital, veterinary clinic in all districts except the L-1 District.*

(1) Animal hospitals and veterinary clinics shall be required to be soundproofed to ensure that the noise levels associated with the use do not interfere with the health, welfare, and safety of adjoining properties.

(2) All runs, exercise areas, and enclosures/kennels shall be located within a completely enclosed building.

(e) *Automobile sales/rentals.*

(1) The lot or area shall be provided with a permanent, durable, and dustless paved surface and shall be graded and drained so as to dispose of all surface water accumulated within the area.

(2) Vehicular access to the outdoor sales/display area shall be at least 30 feet from the intersection of any two streets.

(3) All repairs shall be conducted within a completely enclosed building.

(4) The minimum lot area shall be 15,000 square feet. A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking.

(f) *Banks with drive-through facilities.* See *Drive-throughs* under transportation and utilities.

(g) *Bed and breakfast.*

(1) Exteriors of pre-existing dwelling units shall retain the residential character of the building prior to conversion for use as a bed and breakfast.

(2) The addition of exterior entrances for the purpose of serving guest rooms is prohibited.

(3) Signs advertising the establishment are those permitted in residential districts.

(4) Parking for guest renters shall be provided to the side or rear of the lot with landscaping and screening consistent with the regulation of this Code. Access to the guest parking area shall be from driveways from public streets. Use of alleys for guest parking is prohibited.

(5) A bed and breakfast establishment may be considered a dormitory as defined and regulated within this Code.

(h) *Building material sales in mixed-use districts.* Outdoor sales and storage shall be screened from any permitted or conditional residential use by a landscaped buffer strip at least ten feet in width and landscaped according to the standards of Article XIX of this chapter, Site Plan Review.

(i) *Campground.* Any proposed campground shall submit a master plan that shall describe proposed physical development for a site and shall include a description of proposed development phases and plans, estimated dates of construction, and anticipated interim uses of property. Any campground established after the effective date of the ordinance from which this article is derived shall provide a minimum of five acres of land and be located with access to an arterial or collector street.

(j) *Carwash.*

(1) The carwash shall be completely enclosed when not in operation.

(2) Any access drive shall be located at least 30 feet from any public street intersection, measured from the interior curbline commencing at the intersection of the street.

(3) Any carwash line exit shall be at least 30 feet distant from any street line.

(4) Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.

(5) Water from the carwash shall not drain across any sidewalk or into a public right-of-way.

(k) *Day labor agency.* A waiting area for clients shall be provided which shall be available to clients one hour prior to the posted opening of the use and shall include toilet facilities.

(l) *Drive-through facility.*

(1) Drive-through elements shall not be located between the front facade of the principal building and the street.

(2) Plans for on-site circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with on-site parking/circulation.

(3) Alley access to drive-through lanes is prohibited on any block containing a residential or office-residence district, except for commercial deliveries when approved by the City Engineer.

(4) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.

(5) Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.

(6) An emergency exit lane shall be provided for users queuing through the drive-through lane without interfering with on-site parking/circulation.

(m) *Firearms sales and service in all districts.*

(1) Firearms sales and service establishments shall be protected by a security system, as found acceptable by the City of Green Bay Police Department.

(2) All sales and service of firearms shall be conducted within a completely enclosed building.

(3) All accessory uses, such as firing ranges and shooting galleries, if provided, shall be in completely enclosed buildings under circumstances that weapons can be fired so as not to endanger any person or property and that the projectile is protected from leaving the structure, as found acceptable by the Green Bay Police Department.

(4) Firearms sales and service establishments shall meet all other requirements of this Code.

(n) *Garden supply store/greenhouse, commercial districts.*

(1) The storage or display of any materials or products shall meet all setback requirements of a structure.

(2) All loading and parking shall be provided off-street.

(3) The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.

(o) *Garden supply store/greenhouse in mixed-use districts.*

(1) There shall be no exterior storage of bulk materials, such as dirt, sand, gravel, and building materials.

(2) There shall be no growing of materials for sale on-site.

(p) *General retail in residential districts.* A small general retail business may be combined with a residential use or conducted in a freestanding building of the traditional storefront type, provided the following conditions are met:

(1) Maximum gross floor area devoted to the use shall not exceed 2,500 square feet.

(2) The use shall occupy a corner property. Any freestanding building developed on such a property shall have a maximum setback of ten feet from each right-of-way line.

(3) No retail or service business shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of 300 feet from any other retail or service business. No more than one retail or service business shall be located within the same block.

(4) Two off-street parking spaces shall be provided in addition to those required for any residential use. Off-street parking shall not be located between the principal building and the street.

(q) *Health clubs in all industrial districts.*

(1) Health clubs within industrial districts shall only be accessory to the primary permitted use and not be a primary use in themselves.

(2) The health club shall be for employees of the principal use and not be open to the public.

(3) The health club shall be accessed through a principal structure on-site and shall not be a stand-alone structure.

(r) *Motor vehicle repair/service station in all mixed-use and commercial districts, as well as in the BP District.*

(1) All vehicle repairs shall be conducted in a completely enclosed building.

(2) Inoperable and/or unlicensed vehicles or equipment typically stored or displayed in a salvage yard or junkyard shall not be visible to the public.

(s) *Outdoor commercial recreation area.*

(1) A minimum 25-foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential property.

(2) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site.

(3) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties.

(4) If the use will be available to the general public, ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any development proposal.

(t) *Personal service business in residential districts.* A small personal service business may be combined with a residential use or conducted in a freestanding building of the storefront type, provided the following conditions are met:

(1) Maximum gross floor area devoted to the use shall not exceed 2,500 square feet.

(2) The use shall occupy a corner property. Any freestanding building developed on such a property shall have a maximum setback of ten feet from each right-of-way line.

(3) No retail or service business shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of 300 feet from any other retail or service business. No more than one retail or service business shall be located within the same block.

(4) Two off-street parking spaces shall be provided in addition to those required for any residential use. Off-street parking shall not be located between the principal building and the street.

(u) *Restaurants with drive-through facilities.* See *Drive-throughs* under transportation and utilities.

(v) *Payday loan businesses and auto title loan businesses.*

(1) It is the purpose of this subsection to regulate the hours of operation on all payday loan businesses and auto title loan businesses. The majority of existing payday loan businesses and auto title loan businesses are located near residential areas where business hours may impact the residents of the area. Payday loan businesses and auto title loan businesses, like other financial businesses, do not provide services that must be available at hours other than normal business hours. This subsection is deemed for the benefit of the health, safety, and welfare of the public. No payday loan business or auto title loan business may be open between the hours of 9:00 p.m. and 6:00 a.m.

(2) Payday loan businesses and auto title loan businesses allowed as a conditional use, provided no other payday loan business or auto title loan business is located within 5,000 feet, and no payday loan business or auto title loan business shall be allowed within 150 feet of any residential district.

(Code 1984, § 13.1606; Ord. No. 9-07; Ord. No. 20-09)

Sec. 44-1585. Production, processing, and storage uses.

(a) *Auto salvage.*

(1) Auto salvage uses shall be located on sites which are suitable from a topographic standpoint, so that development at the ground elevation up to a point 400 horizontal feet away will be adequately screened with fences and buffer areas surrounding the use.

(2) All material not stored in a completely enclosed building shall be enclosed with a solid fence which is six to ten feet high and located on or inward from the established setback lines.

(3) No materials shall be placed on the property that would exceed a height equal to the vertical plane extending from the top of the approved fence.

(4) Hours of outside activity shall be limited to 7:00 a.m. until 8:00 p.m. and shall follow the City's noise regulations as detailed in Chapter 24.

(b) *Limited production and processing in commercial and downtown districts.* Limited production and processing may be approved as a principal use in the D1, D2, C1, C2, and C3 Districts and may include wholesale and off-premises sales.

(1) Such uses shall be considered permitted uses when they do not exceed 1,200 square feet of gross floor area and include a retail or office component equal to at least 15 percent of the floor area of the use.

(2) Such uses may be approved with a conditional use permit when they are greater than 1,200 square feet but do not exceed 10,000 square feet of gross floor area; and if found by the Plan Commission and Common Council to be consistent with the following development standards:

a. The intent for this use allowance is to encourage the adaptive use of existing downtown and commercial buildings and to encourage limited infill development of new structures. Such uses shall fit with their surrounding context in terms of intensity and scale of the use, functional character, and architectural character. Such uses shall have a positive image from the street frontage. While not necessarily required, preference will be given to locating such uses in existing buildings. In terms of functional character, such use in a D1 or D2 District, for example, should include display areas, a visible office presence, or some attraction or interaction with pedestrian traffic like a tour or retail outlet.

b. The intent for this use allowance is to not displace viable retail, office, or other permitted commercial, residential, or mixed uses from the downtown or commercial districts. Limited production and processing uses should be approved only where more typical downtown or commercial uses are not expected to compete for the same space.

c. The intent for this use allowance is for production and processing that have little to no external impacts and that are found to be compatible with the downtown or commercial environment. Such uses shall only be approved if they are found to have adequate parking and loading areas and to not have negative impacts on surrounding properties in terms of traffic, noise, odor, vibration, heat, glare, and the like. Impacts on any nearby residential uses will be considered in particular.

d. Limited production and processing uses should be approved only when their location in a downtown or commercial district is necessitated or reasonably expected due to the presence of other elements of that same business in a downtown or commercial district, whether on-site or off-site, such as offices, retail sales, or consumption of finished products.

(c) *Self-service storage facility.*

(1) No commercial transactions shall be permitted other than the rental of storage units.

(2) No more than one unit shall be accessed directly from the public street.

(3) Plans for on-site circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

(d) *Material recovery facility (minor).*

(1) No outdoor storage is permitted.

(2) All portions of the operation shall be located within a building.

(3) All applicable ordinances regarding noise and lighting shall be met within this Code.
(Code 1984, § 13.1607; Ord. No. 8-09; Ord. No. 6-12)

Sec. 44-1586. Public service and utility uses.

(a) *Public safety/service facility.*

(1) Must provide parking, as set forth in Article XVIII of this chapter, Off-Street Parking, Drives and Loading.

(2) Vehicular access to the site shall be from a collector or arterial street to ensure adequate traffic capacity.

(3) Must provide pedestrian access to the site.

(4) Transitional yards shall be required per Article XIX of this chapter, Site Plan Review, wherein the nonresidential site is considered a "nonresidential district" for purposes of establishing minimum setback distances from opposite and adjacent residential zoning districts.

(5) A site plan showing site layout and front, side, and rear elevation drawings of the proposed building, as well as location and design of external signage and lighting, shall be furnished with architectural features specified in order to determine compatibility with uses permitted in this district.

(b) *Wireless communication facilities and/or support structures.*

(1) A proposal for new wireless communication facilities and/or support structures shall not be approved unless the Common Council finds that the telecommunications equipment planned for the proposed facilities cannot be accommodated on an existing or approved wireless communication support structure within a one-mile search radius due to one or more of the following reasons, as documented by a qualified and licensed professional engineer:

a. The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure, and it cannot be reinforced, modified, or replaced to accommodate equivalent equipment.

b. The planned equipment would cause interference affecting the usability of other existing or planned equipment at the wireless communication facilities and/or support structures.

c. Existing or approved wireless communication support structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably.

(2) Any proposed commercial wireless communication support structure shall be designed to accommodate both the applicant's antennas and comparable antennas for at least two additional users, as well as be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.

(3) Design. Proposed or modified wireless communication facilities and/or support structures shall blend in with the surrounding environment, except as may be required by rules of the

Federal Aviation Administration (FAA) and Federal Communications Commission (FCC). Any associated utility buildings must also blend in with the character of the district in which it is located.

(4) Setbacks. Wireless communication facilities and/or support structures shall conform to the setback requirements of the underlying zoning.

(5) Signage. The use of any portion of wireless communication facilities and/or support structures for signs other than warning or equipment signs is prohibited.

(6) Lighting. Wireless communication facilities and/or support structures shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other federal or state authority for particular wireless communication facilities and/or support structures.

(7) Security and landscaping. Ground-mounted equipment and utility buildings shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. The base of the wireless communication support structure shall be secured so that it is not accessible by the general public.

(8) Abandonment.

a. All unused wireless communication facilities and/or support structures shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Plan Commission. If leased property, a copy of the signed lease which requires the applicant to remove the wireless communication facilities and/or support structures upon cessation of operations at the site shall be submitted at the time of application. In the event that wireless communication facilities and/or support structures are not removed within 12 months of the cessation of operations at a site, the wireless communication facilities and/or support structures may be removed by the City and the costs assessed against the property.

b. Unused portions of wireless communication support structures above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a wireless communication support structure previously removed requires the issuance of a new conditional use permit.

(9) Interference. The wireless communication facilities and/or support structures shall be shielded, filtered, and grounded in a manner consistent with FCC and Electronic Industries Association guidelines so as to minimize the possibility of interference with locally-received transmissions. Additionally, the owner of said facilities shall execute an agreement holding the City harmless for any interference.

(10) Obstruction marking and airport zoning. All wireless communication facilities and/or support structures shall comply with the obstruction marking and lighting requirements of the FAA in cooperation with the FCC. Written verification from the FAA of its obstruction marking requirements is required.

(11) Airport zone. If applicable, written verification of compliance with the Austin Straubel International Airport Zoning Ordinance is required.

(12) Municipal sites. The siting and design of wireless communication facilities and/or support structures on municipal property shall be consistent with the character of the area and other zoning requirements. Facilities shall not be located in conservancy areas but may be located in active recreation areas, major playfields, municipal parks, and maintenance facilities. Any application for wireless communication facilities and/or support structures site within a park shall go before the Park and Recreation Committee, and applications for other municipal property shall go before the Improvement and Services Committee.

(13) Existing wireless communication facilities and/or support structures. Any structural modification to existing wireless communication facilities and/or support structures must meet the requirements set forth in this section.

(14) Data sharing. The following data shall be submitted to the Planning Department and updated in a timely manner:

a. Parcel number and address where the wireless communication facilities and/or support structures are to be located.

b. Wireless communication support structure owners' and agents' contact information.

c. Number of tenants using wireless communication support structure and lease space available.

d. Wireless communication facilities and/or support structures elevations (in feet).

e. Wireless communication support structure type (monopole, lattice, etc.) and antenna technology on structure (cellular, PCS, etc.).

(Code 1984, § 13.1608)

Sec. 44-1587. Accessory uses; home-based occupations.

(a) Home-based occupations may include small professional offices, service establishments, musical instruction, or home crafts which are typically considered accessory to a dwelling unit.

(b) A home-based occupation shall not involve the conduct of a retail or wholesale business, a manufacturing business, a commercial food service requiring a license, or auto service or repair for any vehicles other than those registered to residents of the property.

(c) A home-based occupation shall be carried on wholly within the main building or within a permitted accessory building.

(d) Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings, or the property itself shall be prohibited.

(e) No person other than residents of the principal dwelling may be employed in the home-based occupation.

(f) Service occupations shall serve no more than two parties at a time where a party is defined as one client or a group of no more than four individuals representing one client. A party is also defined as one family.

(g) There shall be no exterior storage of equipment or supplies associated with the home-based occupation. Neither an enclosed trailer nor an open trailer that is empty shall be considered "equipment" and may be parked outside in compliance with Section 44-1747(f).

(h) The required off-street parking area provided for the principal use shall not be reduced or made unusable by the home-based occupation. There shall be parking of no more than one motor vehicle (not exceeding 10,000 pounds) associated with the home-based occupation, and parking of vehicles and trailers shall comply with Section 44-1747(f).

(i) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat, or glare at or beyond the property line.

(j) The operation of the home occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

(k) Shipment and delivery of products, merchandise, or supplies shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. and shall occur only in single rear-axle straight-trucks or smaller vehicles normally used to serve residential neighborhoods.

(l) A home-based occupation may have an identification sign conforming to the standards for signs in residential districts, as specified in Chapter 30, Signs.

(m) The use of a dwelling unit for a home-based occupation shall be clearly incidental and subordinate to its use for residential purposes by including no more than 25 percent of the habitable floor area of the dwelling unit in the conduct of the home-based occupation.

(n) Any home-based occupation that exceeds the standards of this section is permitted only through a conditional use permit, as outlined in Article II of this chapter, Administration.

(o) No home-based occupation shall be permitted or approved as a conditional use that is found to impair the character of the residential neighborhood or that is found to pose a risk to health or safety in excess of that which is common to a residential neighborhood. Examples of such conditions may include, but are not necessarily limited to, the following:

(1) Business activities or uses that generate excessive traffic relative to the type of street that it fronts upon and the level of traffic that existed prior to the home-based occupation.

(2) Business activities or uses that regularly require parking on the street.

(3) Business activities or uses that involve the presence of nonresident individuals from potentially dangerous populations such as individuals under arrest, on parole, under extended supervision or probation, or registered as sex offenders.

(4) Business activities or uses that create a greater risk of disease, fire, explosion, or other hazard.

(Code 1984, § 13.1609; Ord. No. 36-09)

Sec. 44-1588. Development standards—Self-service storage units.

(a) No unit shall not have an individual external entrance; instead, units shall share common entrance and internal hallways.

(b) The self-service storage use shall not exceed 30 percent of the total floor area of a building.

(c) The approved site plan and building plan shall delineate the extent of the self-storage use.

(d) A principal permitted use shall be established prior to creation of a self-storage accessory use.

(Code 1984, § 13.1612; Ord. No. 2-15)

Sec. 44-1589. Development standards—Community gardens.

(a) All community gardens are to meet or exceed the following development standards:

(1) Site users shall have an established set of operating rules addressing the governance structure of the garden, maintenance and general responsibilities. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on file with the Community Services Agency. Hours of operation are limited to sunup/sundown. The entire site shall be maintained in a manner, including noise and odors, so that it does not become a nuisance in any way.

(2) The cultivated area shall have a minimum setback of five feet from all property lines. Dead garden plants shall be removed regularly and no later than November 15 of each year. Plants intended for pollination habitat and perennial plans may remain. Weeds, grass, undergrowth and uncultivated plants shall not exceed a height of nine inches. Any exposed cultivated areas shall be stabilized with a natural ground cover such as mulch, leaves, hay or other natural cover during the non-growing seasons.

(3) No more than two accessory structures, such as a storage shed and/or greenhouse, shall be permitted and may not exceed 150 square feet per structure. Such structures may not be located in a required front yard, five feet from a side and rear property line and not exceed ten feet in overall height. Other related uses such as benches, raised/accessible planting beds, compost or waste bins, water tank enclosure, garden kiosk, picnic tables, garden art, and children's play areas shall be permitted no closer than five feet from a property line and shall be less than three feet in height within any required front yard setback. Impervious coverage shall not exceed 20 percent of the lot area.

(4) A site plan shall be submitted in compliance with Article XIX of this chapter. The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.

(5) Fences shall comply with the standards of Section 44-450.

(6) Signage is limited to one sign per street frontage not to exceed 25 square feet per sign, compliant with the standards found in Section 30-5.

(b) Prohibitions.

(1) Keeping of chickens and animal husbandry.

(2) No commercial uses permitted beyond retail sales of harvested crops produced on-site.

(3) Use of heavy cultivation equipment and electric generators as part of day-to-day activity.

(4) On-site parking and driveway cuts.

(5) Temporary on-site restrooms not longer than five days.

(Code 1984, § 13.1613; Ord. No. 10-15)

Secs. 44-1590—44-1606. Reserved.

ARTICLE XVII. RENEWABLE ENERGY OR SUSTAINABILITY

DIVISION 1. RESERVED

Secs. 44-1607—44-1625. Reserved.

DIVISION 2. SMALL WIND ENERGY SYSTEMS

Sec. 44-1626. Standards.

(a) Multiple freestanding or roof-mounted wind energy systems may be permitted per parcel under a conditional use permit compliant with Article II of this chapter.

(b) Met towers shall be permitted under the same standards, permit requirements, permit and abandonment procedures as a small wind energy system.

(c) Height limitations.

(1) The overall height of any freestanding small wind energy system may be permitted to supersede zoning district height standards but shall not exceed 170 feet in total height.

(2) Roof-mounted wind energy systems shall be integrated, to the extent possible, into the design of the structure that it is being attached to and shall not exceed the height requirement of the zoning district.

(d) Setbacks. A wind tower for a small wind system shall be set back a distance equal to its total height from:

(1) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;

(2) Any overhead utility lines, unless written permission is granted by the affected utility;

(3) All property lines within residentially zoned districts.

(4) All property lines within or adjacent to commercial or industrial zoned areas, unless written permission granted from the affected property owners.

(e) Sound/noise level. On-site small wind energy systems shall comply with Chapter 24 of this Code. Sound pressure levels may be exceeded during short-term events such as utility outages and/or severe wind storms. All small wind energy systems shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.

(f) Access.

(1) All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

(2) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public at a minimum height of eight feet above the ground.

(g) Electrical wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground.

(h) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

(i) Appearance, color, and finish. The wind generator and tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless approved in the building permit. All portions of the wind energy system shall be a non-reflective, non-obtrusive color. Only monopole towers are permitted. The appearance of the turbine, tower and any other related components shall be maintained throughout the life of the wind energy system pursuant to industry standards.

(j) Shadow flicker. Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

(k) Signs. All signs shall be prohibited, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited. Systems shall not be used for displaying any advertising.

(l) The applicant shall notice Eagle III Rescue of any freestanding small wind energy system.

(m) All small wind energy system towers more than 50 feet tall require a height permit from the Airport Director.

(n) Before construction, the applicant shall check to determine if the proposal meets the reporting criteria of 14 CFR 77.13; and if required, notify the Federal Aviation Administration (FAA) using their Obstruction Evaluation/airport Airspace Analysis (OE/AAA) website. If the proposal meets FAA reporting criteria, the City of Green Bay will table action on approving the proposal until the FAA airspace study is complete, and the FAA has issued a final letter of determination of no hazard to air navigation.

Editor's note—The Federal Aviation Administration (FAA) Obstruction Evaluation/airport Airspace Analysis (OE/AAA) website is https://oeaaa.faa.gov/oeaaa/external/portal.jsp. The website for the FAA's notice criteria tool is https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm.

(o) Code compliance.

(1) A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

(2) Small wind energy systems that connect to the electric utility shall comply with Wis. Admin. Code Ch. PSC 119, Rules for Interconnecting Distributed Generation Facilities.

(Code 1984, § 13.1610(a); Ord. No. 1-11)

Sec. 44-1627. Site plan review and building permit requirements.

(a) All applications for permits shall comply with the requirements of Article XIX of this chapter, Site Plan Review, and a building permit shall be required for the installation of a small wind energy system.

(b) The site plan application shall include but not limited to the following:

(1) Property lines and physical dimensions of the property.

(2) Location, dimensions, and types of existing major structures on the property.

(3) Location of the proposed wind system tower.

(4) The right-of-way of any public road that is contiguous with the property.

(5) Location of any overhead utility lines.

(6) Wind system specifications, including manufacturer and model, rotor diameter, tower height.

(7) Tower foundation blueprints or drawings.

(8) Tower blueprint or drawing.

(9) Details of any support or structural components.

(10) An ambient sound sample and the manufacturer's sound report.

(11) Insurance. A person seeking a building permit to erect a small wind energy system shall provide evidence, in the form of a certificate of insurance satisfactory to the City, showing general liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility.

(Code 1984, § 13.1610(b); Ord. No. 1-11)

Sec. 44-1628. Abandonment.

(a) A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from Notice receipt date. The Zoning Administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

(b) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the facility at the owner's sole expense within three months of receipt of notice of abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator removed at the owner's expense.

(Code 1984, § 13.1610(c); Ord. No. 1-11)

Secs. 44-1629—44-1654. Reserved.

DIVISION 3. SOLAR ENERGY SYSTEMS

Sec. 44-1655. Height and setback requirements.

(a) Multiple ground-mounted and/or roof-mounted solar energy systems may be permitted per parcel compliant with the standards of the zoning district they are allowed in.

(b) Height limitations.

(1) Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.

(2) Ground or pole-mounted solar energy systems shall not exceed 16 feet in height when oriented at maximum tilt.

(c) No solar energy system, at full tilt parallel to the ground, shall encroach into a required setback and shall not cause the property's total area of ground covered to exceed the maximum impervious coverage for the district in which the system is located. Ground-mounted systems impervious coverage shall be calculated by using the total square footage of the panel face.

(d) Ground-mounted and or pole-mounted solar energy systems shall not be allowed in residential districts between the front of the building and the public right-of-way without a conditional use permit.
(Code 1984, § 13.1611(a); Ord. No. 9-12; Ord. No. 13-14)

Sec. 44-1656. Ground-mounted solar energy system.

(a) All electrical wires associated with a solar energy system, other than wires necessary to connect the system, grounding wires, etc. shall be located underground.

(b) A ground-mounted solar energy system must comply with the accessory structure restrictions contained in the zoning district where the solar energy system is installed.

(c) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
(Code 1984, § 13.1611(b); Ord. No. 9-12; Ord. No. 13-14)

Sec. 44-1657. Roof-mounted solar energy system.

The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building roof and shall not exceed the highest point of the roof line on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building roof on a side yard exposure.
(Code 1984, § 13.1611(c); Ord. No. 9-12; Ord. No. 13-14)

Sec. 44-1658. Code compliance.

(a) A solar energy system shall comply with all applicable state and local construction, electrical and plumbing codes, where applicable.

(b) Solar energy systems that connect to the electric utility shall comply with Wis. Admin. Code Ch. PSC 119, Rules for Interconnecting Distributed Generation Facilities.

(c) The design of the solar energy system shall conform to applicable industry standards.

(d) No grid-intertie photovoltaic system shall be installed until evidence has been given to the Green Bay Building Inspection Department that the owner has submitted the required PSC6027 or PSC6028 to Wisconsin Public Service. Off-grid systems are exempt from this requirement.
(Code 1984, § 13.1611(d); Ord. No. 9-12; Ord. No. 13-14)

Sec. 44-1659. Site plan review and building plan and permit requirements.

(a) All applications for permits shall comply with the requirements of Article XIX of this chapter, Site Plan Review, building plans and a building permit shall be required for the installation of a solar energy system.

(b) The site plan application shall include but not be limited to the following:

(1) Property lines and physical dimensions of the property.

(2) Location, dimensions, and types of existing major structures on the property.

(3) Location of the proposed solar energy system and any overhead utility lines.

(4) The right-of-way of any public road that is contiguous with the property.

(5) Solar energy system mounting plan and details of any support or structural components.

(6) A written description of solar panel tracking mechanism and a detailed layout of orientation limits.

(Code 1984, § 13.1611(e); Ord. No. 9-12; Ord. No. 13-14)

Sec. 44-1660. Abandonment.

(a) A solar energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a notice of abandonment to the owner of a solar energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date. The Zoning Administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.

(b) If the solar energy system is determined to be abandoned, the owner of the solar energy system shall remove the facility at the owner's sole expense within three months of receipt of notice of abandonment. If the owner fails to remove the solar energy system, the Administrator may pursue a legal action to have the system removed at the owner's expense.

(Code 1984, § 13.1611(f); Ord. No. 9-12; Ord. No. 13-14)

Secs. 44-1661—44-1688. Reserved.

ARTICLE XVIII. OFF-STREET PARKING, DRIVES, AND LOADING

DIVISION 1. GENERAL PROVISIONS

Sec. 44-1689. Purpose.

Access, parking and loading facility regulations are established to alleviate or prevent congestion of the public right-of-way, provide for the parking and loading needs of uses and structures, and enhance the compatibility between parking and loading areas and their surroundings. Parking

facilities include but are not limited to all driveways, drive aisles, parking spaces, loading areas, and other items associated with access to the site, vehicle parking and loading/unloading operations.
(Ord. No. 19-19, §1(13-1701), 9-17-2019)

Sec. 44-1690. Submission of site plan.

Any application for a building permit or zoning certificate requiring or including the provision of off-street parking or loading shall include a site plan. Said plan shall be drawn to scale and fully dimensioned depicting access, parking and loading facilities in compliance with this article.
(Ord. No. 19-19, §1(13-1702), 9-17-2019)

Sec. 44-1691. Nonconforming facilities.

Existing access, parking and loading facilities that were lawfully constructed but are nonconforming to current requirements of this article may be maintained and repaired subject to the following:

(1) Maintenance and repair of nonconforming facilities is limited to patching and resurfacing where the base is not exposed. Maintenance and repair that exposes the base material is considered reconstruction and must meet the requirements of this article with the following exception: Minor rehabilitation items like replacing catchbasins, replacing damaged landscaped islands, repairing cracks/small sinkholes, etc., is permitted. Minor rehabilitation is limited to no greater than 500 square feet or ten percent of the surface area annually, whichever is greater.

(2) Shared driveways (driveways located on multiple lots and typically situated over lot lines) that existed prior to the adoption of the ordinance from which this chapter is derived may remain legal driveways. No new or reconstructed shared driveways may be established unless cross-access easements are recorded with the Register of Deeds.

(3) Existing nonconforming access, parking and loading facilities shall not be reconstructed, expanded or increased in an area unless the entire facility is brought into compliance with requirements of this Code.

(4) Existing access, parking and loading facilities shall not be reduced below the requirements for a similar new use or, if currently nonconforming, they shall not be reduced further.

(Ord. No. 19-19, §1(13-1703), 9-17-2019)

Sec. 44-1692. Change of use.

When the use of a building or site is changed or the intensity of use is increased through the addition of dwelling units, floor area, capacity, or other unit of measurement used for determining parking and loading requirements, parking and loading facilities shall be provided for such change or intensification of use as specified in Section 44-1726. Figure 2: Number of Off-Street Parking Spaces Required by Land Use.
(Ord. No. 19-19, §1(13-1704), 9-17-2019)

Sec. 44-1693. Use limitations.

Access, parking and loading facilities shall be used for their intended purposes.

(1) Access, parking and loading facilities shall not be used for storage, display, sales, rental, or repair of motor vehicles or other goods nor for the storage of inoperable vehicles or snow.

(2) All vehicles shall be in condition for safe and legal performance on public rights-of-way, be registered, and display current license plates.

(3) No vehicle or equipment shall be used as living quarters.

(4) Single- and two-family uses are permitted to temporarily use required access and parking areas for recreation and social activities, maintenance of licensed operable vehicles owned/operated by residents of the unit (such as washing, changing fluids, rotating tires), and other activities accessory to the principal single- or two-family use. All such activities/uses shall be limited so that they are discontinued between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. No. 19-19, §1(13-1705), 9-17-2019)

Sec. 44-1694. Surfacing.

(a) All off-street parking facilities and driveways leading to such parking facilities, and all other areas upon which motor vehicles may traverse or be parked shall be graded and surfaced with a dust-free all-weather hard surface material capable of carrying a wheel load of 4,000 pounds.

(b) Acceptable surfacing materials include asphalt, concrete, brick, cement pavers, or similar material approved by the City and installed and maintained per industry standards.

(c) Residential drives serving single-family and two-family dwellings may contain a grass center, provided that the areas on which the vehicle's wheels touch are a minimum of 12 to 18 inches in width.

(Ord. No. 19-19, §1(13-1706), 9-17-2019)

Sec. 44-1695. General maintenance.

Access, parking and loading facilities shall be kept free of dirt, dust, debris, and waste. In winter months, required access, parking and loading facilities that are available to the public shall be cleared of snow within a reasonable time as required in Section 34-14.

(Ord. No. 19-19, §1(13-1707), 9-17-2019)

Sec. 44-1696. Abandoned facilities.

(a) Parking facilities which have been abandoned, no longer provide access to legal parking areas, no longer service an approved principal or accessory use, and/or are not included on the approved site plan shall be removed, in their entirety, to the curb/pavement line at the owner's expense.

(b) Removed parking facilities shall be replaced with curb, sidewalk (where applicable) and vegetated ground cover.

(Ord. No. 19-19, §1(13-1708), 9-17-2019)

Sec. 44-1697. Access limitation by use.

Access to property shall be directed to the most appropriate street classification for the use it is serving.

(1) Single-family and two-family dwelling units shall not have driveways or other access points onto a collector or arterial street that is not primarily residential unless such street has the only available frontage.

(2) Nonresidential, mixed-use and multifamily uses shall not have driveways or other access points onto a residential local street unless such street has the only available frontage.

(3) Driveway access existing prior to the adoption of the ordinance from which this article is derived is exempt from the access limitation and may be reconstructed at its present size and location.

(4) Exception to this limitation is permitted if determined by the Department of Public Works based on findings of a traffic impact analysis.

(Ord. No. 19-19, §1(13-1709), 9-17-2019)

Sec. 44-1698. Access distance from intersections.

Driveway approaches measured along the property line shall be a minimum of 25 feet from the intersection of the street right-of-way lines on a corner lot or 35 feet from the point of intersection of the face of the curbs, whichever is greater. See Figure 1: Access Distance from Intersections.

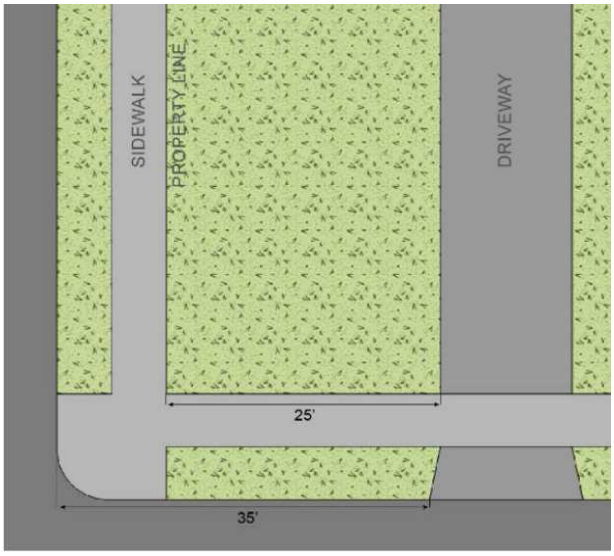


Figure 1: Access Distance From Intersections

(Ord. No. 19-19, §1(13-1710), 9-17-2019)

Sec. 44-1699. Angle of intersection with right-of-way.

All driveways and other access points shall intersect with any public right-of-way at an angle of 90 degrees wherever possible but in no case shall the angle be less than 75 degrees.
(Ord. No. 19-19, §1(13-1711), 9-17-2019)

Sec. 44-1700. Visibility standards.

All driveways and other access points shall comply with the visibility standards of Section 44-359.
(Ord. No. 19-19, §1(13-1712), 9-17-2019)

Sec. 44-1701. Traffic control.

(a) Traffic generated by any use shall be channelized and controlled in a manner that avoids congestion on public streets and other safety hazards.

(b) All parking and loading areas except those serving single- and two-family dwellings shall be designed so that vehicles enter and exit property in a forward motion so as not to back onto public streets. If deemed necessary for traffic safety, turnaround areas may be required.

(c) Each required off-street parking space except those serving single- and two-family dwellings shall open directly onto a driveway or drive aisle of such width and design as to provide safe and efficient means of vehicular access, as regulated in Section 44-1774 and Figure 9: Parking Space Design Standards.
(Ord. No. 19-19, §1(13-1713), 9-17-2019)

Secs. 44-1702—44-1725. Reserved.

DIVISION 2. OFF-STREET PARKING AND CIRCULATION

Sec. 44-1726. Minimum number of required off-street parking spaces.

(a) Calculation. Off-street parking requirements for each land use are generally tied to capacity, net floor area, or the number of employees at the subject property during the largest work shift.

(1) The term "capacity" means the maximum number of persons that may be accommodated by the use as determined by its design or by building code regulations, whichever is greater. Both indoor and outdoor uses are included in maximum capacity.

(2) The term "employees on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period and whether any such person is a full-time versus part-time employee.

(3) The term "net floor area" shall mean the total floor area inside the building envelope on all levels of a building excluding mechanical rooms, permanent accessory storage/freezers/coolers, stairwells/elevators, uninhabitable attics or basements, underground parking and other areas deemed appropriate by the Zoning Administrator.

(4) When calculating the number of off-street parking spaces resulting in a fraction, each fraction of one-half or more shall be considered a space.

(5) Where future potential uses of a building may generate additional parking demand, the City may require a parking plan for the site showing how the anticipated parking demand will be met. The City may require the additional land area identified as anticipated parking to be placed in reserve as landscaped open space until needed.

(b) Parking spaces for uses with multiple components, such as hotels with dining and conference facilities, shall be based on the sum of the parking requirements of the separate components.

(c) Buildings built on speculation or not initially occupied (unknown use) shall be required to provide one stall per 300 square feet of net floor area.

(d) In addition to the requirements in Figure 2: Number of Off-Street Parking Spaces Required by Land Use, one parking space shall be provided for each commercial vehicle or vehicle necessary for the operation of the use that is maintained on the premises.

(e) See Figure 2: Number of Off-Street Parking Spaces Required by Land Use for a list of the number of parking spaces required by land use.

(f) Parking requirement exceptions in the Downtown Zoning District (D).

(1) Within the Downtown Zoning District (D), the minimum required parking space requirements for nonresidential uses are waived.

(2) Residential uses within the Downtown Zoning District (D) need only provide evidence of the availability of off-street public or private parking within the district in the amount of one parking space per dwelling unit.

(3) When off-street parking facilities are provided, such facilities shall meet all requirements of this chapter, except in respect to the required number of spaces.

Figure 2. Number of Off-Street Parking Spaces Required by Land Use

	Land-Use	*Minimum Number of Off-Street Parking Spaces Required*	*Notes*
Residential	Single- and two-family dwellings, detached or attached	2 spaces per dwelling unit, 1 space per unit must be an enclosed (garage) space.	Exception for narrow lots, as outlined in Section 44-1747 (c).
	Multiple-family dwelling	1 Space per dwelling unit plus 1 visitor space per 4 units.	
	Senior (elderly) housing	1 space per dwelling unit.	If senior housing has the potential to be converted to general housing, proof of ability to provide additional parking may be required.
	Carriage-house	1 space per dwelling unit.	
	Live-work unit and/or home occupations	Same as dwelling unit requirement.	1 space shall be accessible for client parking, if applicable.
	Manufactured and mobile home	1 per dwelling unit.	
	Rooming house/boarding house	2 spaces per 3 bedrooms for rent plus 2 spaces per 3 employees on the largest shift.	
	Community living arrangement	2 space per 3 employees on the largest shift plus 1 visitor space for every 4 residents based on capacity.	
	Dormitories, student housing, fraternity or sorority house, convent/monastery	To be determined by Zoning Administrator based on parking study.	Parking study required.
	Shelter facility, transitional housing	1 space per 5 residents based on capacity plus 2 spaces per 3 employees on the largest shift.	
	Nursing home, assisted living	1 space per 4 beds plus 3 spaces per 4 employees on the largest shift.	

	Land-Use	*Minimum Number of Off-Street Parking Spaces Required*	*Notes*
Educational	Adult/family daycare home	Same as dwelling unit requirement plus 1 drop-off space.	Drop-off space may be on-street adjacent to residence with Approval of the Department of Public Works.
	Group daycare center, preschool	2 spaces per 3 employees on the largest shift plus 1 space per 7 students based on capacity.	
	School, grades K—12	2 spaces per 3 employees on the largest shift plus 1 space per 5 students of legal driving age based on capacity.	Existing schools not meeting this standard may be required to provide a parking management plan but shall not be required to add the minimum number of spaces.
	College or university, other adult learning center	To be determined by Zoning Administrator based on parking study.	Parking study required.
	Trade school, arts school, dance school, etc.	2 spaces per 3 employees on the largest shift plus 1 space per 5 students based on capacity.	If students are expected to drive, Parking study required.

	Land-Use	*Minimum Number of Off-Street Parking Spaces Required*	*Notes*
Institutional and Civic	Community center, neighborhood center, cultural institution, library	Parking equal to 30 percent of persons based on design capacity.	
	Cemetery	To be determined by Zoning Administrator based on parking study.	Parking study required.
	Hospital	To be determined by Zoning Administrator based on parking study.	Parking study required.
	Clinic or healthcare facility including veterinary	1 space per 2 exam rooms plus 2 spaces per 3 employees on the largest shift.	
	Park, playground or recreational center	1 space per each 4 persons of maximum design capacity.	
	Religious institution, place of worship	1 space per each 5 persons based on design capacity of the main assembly area.	

	Land-Use	*Minimum Number of Off-Street Parking Spaces Required*	*Notes*
Commercial	Offices		
	General office, government office, bank/financial institution, medical office	1 space per 500 square feet net floor area.	
	Artist's studio	1 space per 500 sq. ft. net floor area devoted to sales or display.	
	Accommodation and Food Service		
	Hotel, motel and bed and breakfast	1 space per guest room plus 2 spaces per 3 employees on the largest shift.	Additional spaces as needed for conference/meeting or restaurant facilities.
	Restaurant (with or without drive-through), tavern/bar, nightclub	1 space per 300 sq. ft. of net floor area plus 1 space per 500 sq. ft. exterior seating area.	Drive-through facilities shall include queuing space for at least 3 vehicles in advance of the menu board and 3 vehicles between the menu board and pick-up window.
	Service Businesses		
	Personal or business service businesses not listed below	1 space per 500 sq. ft. net floor area plus 1 space per 1,000 sq. ft. outside sales or display area.	Includes any service uses not specifically listed.
	Barber shop/beauty salon, spa	2 spaces per 3 workstations plus 2 spaces per 3 employees on the largest shift.	

	Land-Use	*Minimum Number of Off-Street Parking Spaces Required*	*Notes*
Commercial	Retail		
	Funeral home	1 space per each 5 persons based on design capacity of the main assembly hall.	
	General retail sales and rental	1 space per 500 sq. ft. net floor area plus 1 space per 1,000 sq. ft. outside sales or display area.	Includes any retail uses not specifically listed.
	Motor vehicle rental/sales	1 space per 500 sq. ft. of net floor area plus adequate storage space for vehicles displayed/maintained on-site.	
	Motor vehicle repair (major or minor), service station, convenience store	1 space per 500 sq. ft. of net floor area used for sales or customer service plus 2 spaces per service bay.	Service bay shall not be counted as a parking space.
	Commercial Recreation and Entertainment		
	Auditorium, assembly hall, theater, convention center, and other places of assembly	1 space per each 5 persons based on design capacity of the main assembly area.	
	Indoor recreation facilities, health clubs, fitness centers, adult entertainment	1 space per 500 sq. ft. net floor area.	
	Outdoor recreation facility	To be determined by Zoning Administrator based on parking study.	Parking study required.

	Land-Use	*Minimum Number of Off-Street Parking Spaces Required*	*Notes*
Commercial	Retail		
	Marina	2 spaces per 3 slips.	Additional spaces as needed for accessory uses such as boat sale/rental/service, retail, recreation and restaurant facilities.
	Boat landing	4 spaces per launch.	Spaces associate with launches shall be double depth to accommodate vehicles with trailers.
	Golf course, bowling alley or similar use	2 spaces per hole, lane or similar recreation station.	Additional spaces for accessory uses such as retail, tavern/bar and restaurant facilities.
	Campground	2 spaces per 3 camp site plus 2 spaces per 3 employees on the largest shift.	Additional spaces for accessory uses such as retail, tavern/bar and restaurant facilities.

	Land-Use	*Minimum Number of Off-Street Parking Spaces Required*	*Notes*
Industrial, Production and Storage	Agriculture	2 spaces per 3 employees on the largest shift.	Additional spaces for accessory uses such as on-site retail.
	Industrial uses, including limited production and processing, light industrial, general industrial, heavy industrial, and other industrial uses not specified below	2 spaces per 3 employees on the largest shift.	Customer/visitor parking may also be required based on office use.
	Contractor office and showroom	1 space per 500 square feet net floor area.	
	Self-service storage facility	1 space per 500 sq. ft. net floor area of office or sales area plus 1 space per 10 individual storage units.	
	Wholesaling, warehousing, and distribution	1 space per 500 sq. ft. net floor area of office or sales area plus 2 spaces per 3 employees on the largest shift.	
	Other industrial activities that are conducted largely out-of-doors, including concrete, asphalt, and rock crushing facility, scrap yard, recycling, etc.	2 spaces per 3 employees on the largest shift.	

	Land-Use	*Minimum Number of Off-Street Parking Spaces Required*	*Notes*
Transportation	Ground transportation service	To be determined by Zoning Administrator based on parking study.	Parking study required.
	Freight terminal- motor, rail or ship	3 spaces per 4 employees on the largest shift.	
	Package delivery service	2 spaces per 3 employees on the largest shift.	Additional parking may be required for delivery service vehicles.
	Airport	To be determined by Zoning Administrator based on parking study.	Parking study required.
Public Service and Utility	Government or public utility uses and buildings, public safety buildings	To be determined by Zoning Administrator.	Based on type of use (offices, storage, production, etc.).
	Communication facilities	As approved by CUP.	
	Yard waste site	As approved by CUP.	

(g) Limit on the number of off-street parking spaces provided. No site plan may be approved for a multiple-family or nonresidential use which contains more than two times the development's minimum number of required parking spaces, except as granted through a conditional use permit. Parking facilities containing 20 stalls or less are exempt from this regulation. The following criteria shall be reviewed in considering a conditional use permit request:

(1) The proposed development has unique or unusual characteristics (such as high sales volume or low parking turnover) which creates a parking demand that exceeds the maximum ratio and does not typically apply to comparable uses.

(2) The lot is designed to allow for more intensive future site development that will create and utilize the additional parking demand.

(3) The need for additional parking cannot be reasonably met through provision of shared parking with nearby uses.

(h) Parking studies. Where a parking study is required, the study shall be performed by a qualified transportation engineer or transportation planner. The study shall contain information on the anticipated number of employees, customers, visitors, clients, shifts, events, or deliveries to the use, and may refer to other studies or similar situations elsewhere.
(Ord. No. 19-19, §1(13-1714), 9-17-2019)

Secs. 44-1727—44-1745. Reserved.

DIVISION 3. REGULATIONS SPECIFIC TO SINGLE-FAMILY AND TWO-FAMILY USES

Sec. 44-1746. Single-family and two-family residential driveways.

Driveways shall lead from the public right-of-way directly to a garage opening or parking space and are regulated as follows:

(1) *Number of driveways.* Single-family uses are permitted one driveway per lot unless otherwise regulated in this chapter, subject to the design regulations specified herein. Two-family uses are permitted two driveways per lot unless otherwise regulated in this chapter, subject to the design regulations specified herein.

(2) *Minimum driveway setback from property lines.*

a. *Narrow lots.* On lots with less than 60 feet of lot width/frontage, driveways shall be set back a minimum of one foot from the side lot line. On lots where the available side yard area prohibits the ability to create/maintain an eight-foot-wide driveway and the required setback as listed below, the setback may be administratively reduced or eliminated.

b. *Detached garages.* Driveways leading to detached garages shall meet the applicable side or rear setbacks for accessory structures established in the district in which it is situated or shall meet the side setback of an existing detached garage, whichever is less.

c. *Attached garages.* Driveways leading to attached garages shall meet the applicable side or rear setbacks for principal structures established in the district in which it is situated or shall meet the side setback of the existing attached garage, whichever is less.

d. *Uncovered parking.* Driveways leading to uncovered parking areas shall meet the applicable side or rear setbacks established within the parking section or shall meet the side setback of the existing legal uncovered parking area, whichever is less.

(3) *Driveway width.*

a. Driveways shall be a minimum width of eight feet. Driveways leading to garages are limited to a maximum width of 25 feet at the property line and 30 at the curb/pavement line ($2^1/_2$ foot apron flares), but may increase to the width of the garage. See Figure 3.A: Single-Family and Two-Family Drive Width and 3.B: Single-Family and Two-Family Drive Width-Enlarged with Taper.

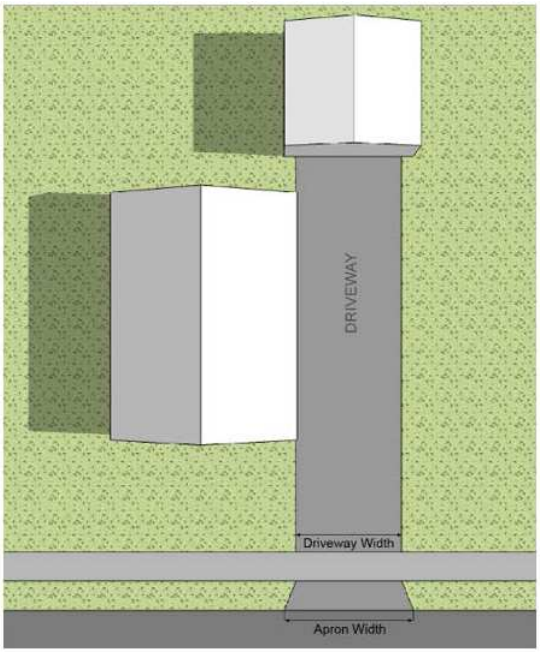


Fig. 3.A: Single & Two-Family Drive Width—Standard

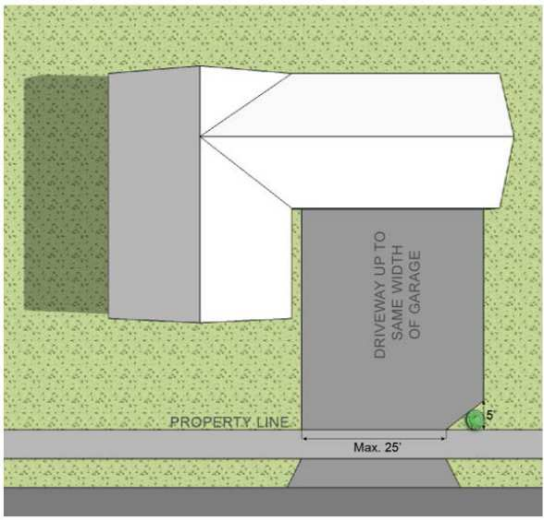


Fig. 3.B: Single & Two-Family Drive Width—Enlarged with Taper

b. Where no garage exists, the maximum driveway width shall be 12 feet.

c. Where the width of the driveway at the garage or other legal parking space exceeds the maximum width of the driveway at the property line, the driveway shall be tapered between the garage or the edge of a legal uncovered space and the property line starting a minimum of five feet inside the parcel. Said taper "triangle" shall contain vegetation or other item designed to limit vehicular trespass. See Figure 3.C: Single-Family and Two-Family Drive Width-Taper Detail.

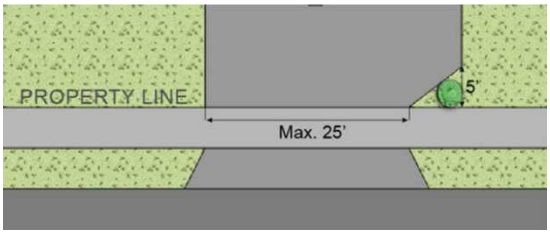


Fig. 3.C: Single & Two-Family Drive Width—Taper Detail

When leading to a legal uncovered space, the driveway width shall be the least possible needed and shall not exceed 25 feet in width at the property line.

d. Driveways for two-family dwellings with adjacent garages are limited to the 25 feet maximum width at the property line for each individual driveway. Each individual driveway must be separated by a minimum of a two-foot green area extending the full length from the property line to the garage/uncovered parking space. Separation area shall contain vegetation or other item designed to limit vehicular trespass. See Figure 4: Two-Family Drive Separation.

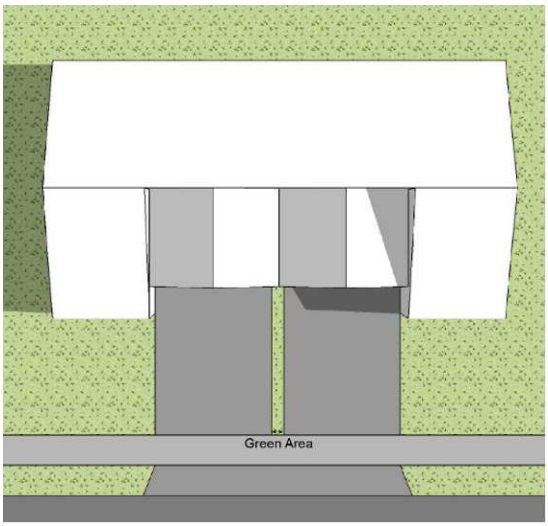


Fig. 4: Two-Family Drive Separation

e. Side-loading drives. The maximum width of driveway leading to a side-loaded garage shall not exceed 12 feet, except for the area directly leading of the garage, where it can be increased to the width of the garage. See Figure 5.A: Alternative Single-Family and Two-Family Drives-Side Loading. The driveway shall not be located within the side yard setback.

f. Circular drives. The maximum width of circular, horseshoe, and similar type driveways shall not exceed 12 feet, except for the area directly leading of the garage, where it can be increased to the width of the garage. See Figure 5.B: Alternative Single-Family and Two-Family Drives-Circular.

1. The driveway shall not be located within the side yard setback.

2. The inside edge of the arc of the driveway shall be at least 15 feet from the lot line.

3. The interior area between the drive and the street must be landscaped.

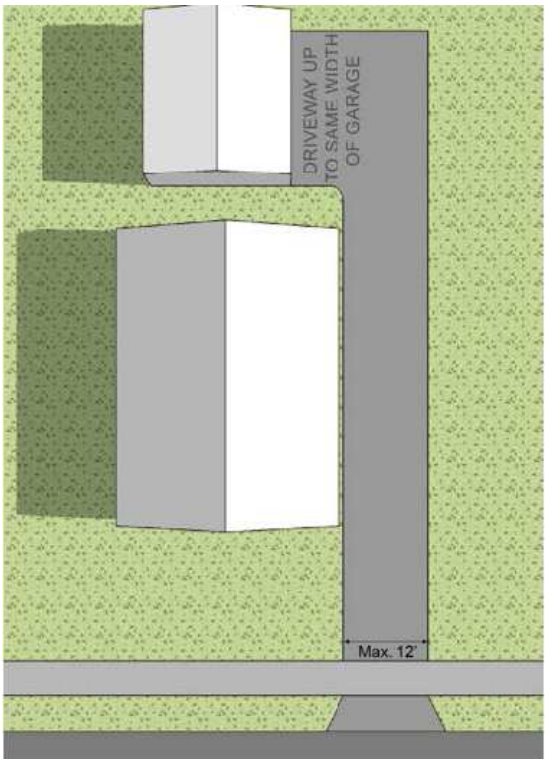


Fig. 5.A: Alternative Single & Two-Family Drives—Side Loading

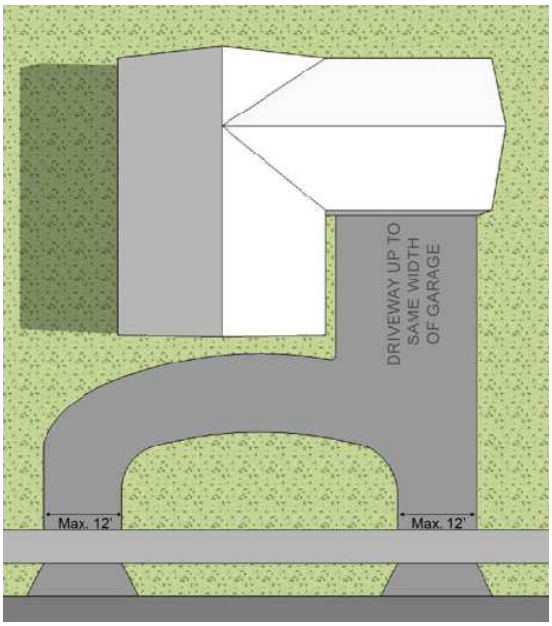


Fig. 5.B: Alternative Single & Two-Family Drives—Circular

g. Alley drives. The driveway may extend to the garage opening or may extend into the lot for 30 feet in width and 40 feet in depth but shall not extend into the side yard setbacks. See Figure 5.C: Alternative Single-Family and Two-Family Drives-Alley.

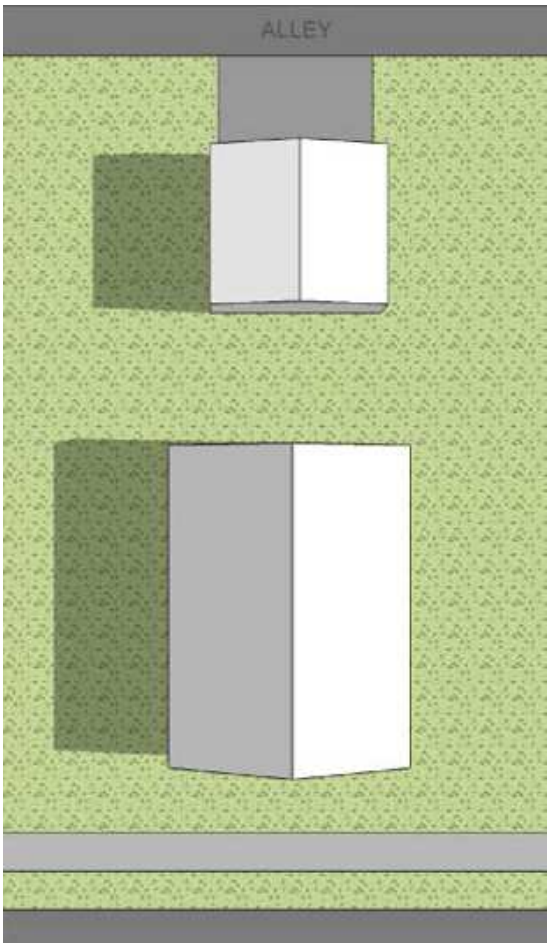


Fig. 5.C: Alternative Single & Two-Family Drives—Alleys

h. In no case shall the maximum driveway width be cumulatively greater than 50 percent of the lot frontage.

(Ord. No. 19-19, §1(13-1715), 9-17-2019)

Sec. 44-1747. Parking for single-family and two-family uses.

(a) A minimum number of legal parking spaces shall be provided in conformance with Section 44-1726 and Figure 2: Number of Off-Street Parking Spaces Required by Land Use.

(b) On a lot containing a single-family or two-family dwelling unit, off-street parking shall not be located between the principal structure and a street right-of-way, except within residential driveways leading to a legal parking space or as otherwise permitted in this chapter.

(1) Parking spaces must be provided either within a garage, in a driveway, or uncovered parking spaces on the same lot of the use it is serving and shall meet the requirements of this section. See Figure 6.A: Single-Family and Two-Family Parking Space-Garage or 6.B: Single-Family and Two-Family Parking Space-Uncovered.

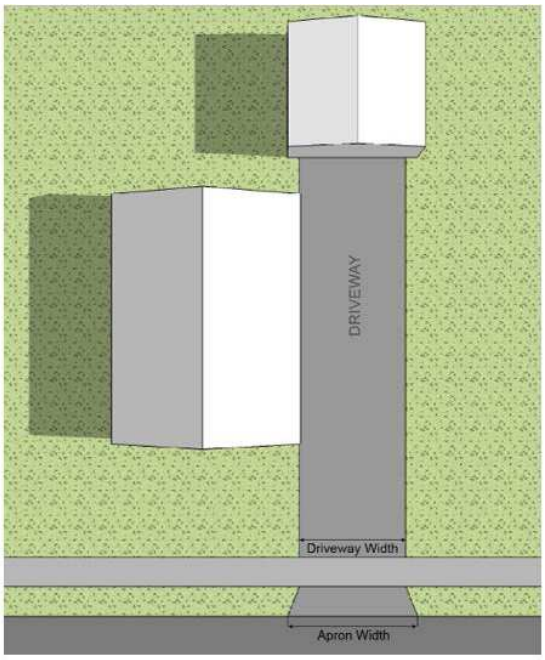


Fig. 6.A: Single & Two-Family Parking Space—Garage

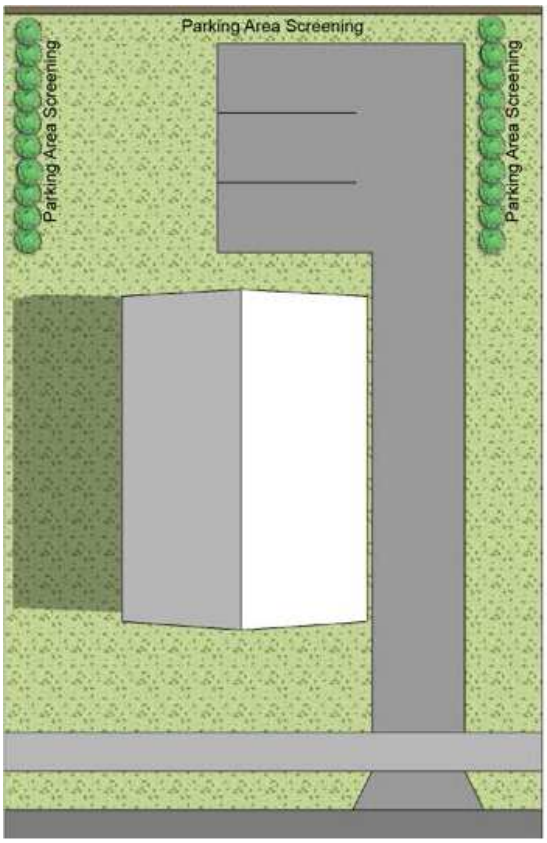


Fig. 6.B: Single & Two-Family Parking Space—Uncovered

(2) Driveway parking. Driveways shall not count towards minimum parking stall requirement except as provided for narrow lots in subsection (c) of this section.

(3) Uncovered parking spaces (not located in driveways).

a. No more than four uncovered parking spaces are permitted per unit per lot.

b. Uncovered parking spaces may be located in the rear yard and shall be setback from the side and rear lot lines by no less than 2 1/2 feet. Said spaces shall be screened from view per subsection (f) of this section. See Figure 6.B: Single-Family and Two-Family Parking Space—Uncovered.

c. One uncovered parking space is permitted in the side yard alongside a garage provided said space is not located between the building and the street and shall be setback from the side and rear lot lines by no less than 2 1/2 feet. Said space shall be screened from view per subsection (f) of this section. See Figure 7: Single-Family and Two-Family Parking Space Beside Garage.

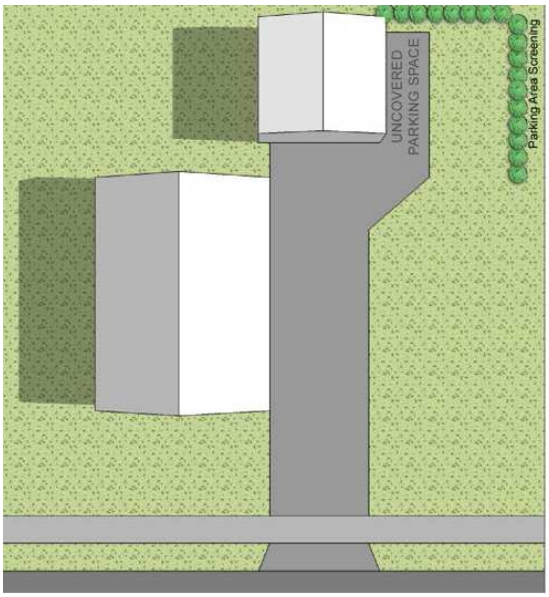


Fig. 7: Single & Two-Family Parking Space Beside Garage

d. Front yard parking space exception. For single-family or two-family lots with attached single stall garages that are unable to provide parking as regulated in this article, a single parking space may be established next to the driveway between the front facade of the residence and the public right-of-way as regulated below.

e. Front yard space is limited to no greater than eight feet in width beyond the garage door opening but shall not be located in front of the primary entrance to the residence.

f. Lots shall not exceed the maximum impervious surface ratio for the applicable zoning district.

(c) Driveway as legal parking space for single-family and two-family uses on narrow lots. Driveways may be considered legal "stacked" (meaning in front of one another) parking spaces for required stalls. A driveway parking space need not lead to a legal parking space but must be a minimum of eight feet wide and 15 feet deep.

(d) Except for driveways leading to legal parking spaces or otherwise regulated in this article, parking is not permitted in the front yard.

(e) Uncovered parking spaces situated beyond the front facade of the principal structure must be screened with a minimum of five-foot tall vegetation, fencing, or other material that creates a solid screen, impervious to sight from adjacent properties, excluding views from where access is provided.

(f) Parking of commercial vehicles and trailers in residential districts.

(1) The intent of this section is to preserve the orderly appearance and quiet enjoyment of residential neighborhoods while allowing reasonable flexibility for parking business-

related vehicles. Specifically, this applies to motor vehicles that are driven off-site by a resident but are kept on the premises when not in use. This section shall apply to the following types of vehicles:

a. Commercial trucks, tractors, vans, pick-ups, or other motor vehicles not exceeding 10,000 pounds gross vehicle weight; and

b. Commercial trailers capable of being trailed behind a commercial motor vehicle that is allowed to be parked on the premises by this section.

(2) Engines of commercial vehicles may not run continuously. A 30-minute engine warm-up time shall be permitted immediately prior to the commercial vehicle and/or any other motorized equipment leaving the premises. The warm-up period shall begin no earlier than 7:00 a.m. and end no later than 10:00 p.m.

(3) Commercial trailers parked outside in residential districts shall be fully enclosed or be empty when not in transport.

(4) Commercial trailers parked in residential districts shall be actually trailed and transported from the property no less than once per week.

(Ord. No. 19-19, § 1(13-1716), 9-17-2019; Ord. No. 40-20, § 1, 12-1-2020)

Sec. 44-1748. Game day parking.

The Director of Community and Economic Development and/or Director of Public Works may permit vehicles to be parked on the front, side, and rear yards of residential, mixed-use, commercial, and industrial zoned parcels, on the days games are played in the City of Green Bay by professional football teams of the National Football League and/or during the day of a special event held at Lambeau Field when the event is expected to exceed an estimated attendance of 20,000 individuals, provided, however, that all parking shall occur outside the vision triangle as required in Section 44-359.

(Ord. No. 32-20, § 1, 9-15-2020)

Secs. 44-1749—44-1772. Reserved.

DIVISION 4. REGULATIONS SPECIFIC TO MULTIPLE-FAMILY, MIXED-USE, INSTITUTIONAL, COMMERCIAL AND INDUSTRIAL USES

Sec. 44-1773. Multifamily residential, mixed-use, institutional, commercial, and industrial use driveways.

(a) *Number of driveways.* A maximum of one two-way driveway or two one-way driveways shall be permitted from each street right-of-way to which a lot or parcel has frontage, except under the following circumstances:

(1) Multiple two-way driveways may be permitted on one street frontage, provided the distance between the driveway centerlines is no less than 200 feet.

(2) Mixed two-way and one-way driveways may be permitted on one street frontage, provided the distance between the driveway centerlines is no less than 200 feet.

(3) One three-lane driveway consisting of a one 12-foot ingress lane, a three-foot mountable rumble strip dividing island, and two ten-foot egress lanes may be administratively permitted per street frontage with concurrence of the Zoning Administrator and Traffic Engineer. This option should be limited to sites on streets with high traffic volumes and speeds and/or unique timeframes of mass ingress/egress, or other conditions making a standard driveway operate less than optimally.

(4) Additional driveways may be permitted, if necessary, for the public safety and sufficient level of traffic circulation with approval of the Director of Public Works.

(b) *Minimum driveway setback.*

(1) Driveways shall be set back as established for buildings in the zoning district for which the property they service is situated. Driveway access through the front yard setback area should be designed to minimize its presence within the front yard to the greatest extent practical.

(2) Parking facility perimeter buffers. Parking facilities in any yard abutting a public street or public walkway shall be separated from the street or walkway by a landscaped buffer meeting the requirements of Section 44-1966. Parking facilities accessing parking areas abutting residential uses in residential districts shall be separated by a perimeter landscape buffer meeting the requirements of Section 44-1964.

(c) *Distances between curb openings.*

(1) *On the same parcel.* The minimum distance between one-way driveways at the curbline shall be no less than 15 feet. Minimum distance between two-way drives at the curbline shall be 200 feet from center.

(2) *On adjoining parcels.* Where two adjoining driveways abut, the maximum opening at the curb shall be the maximum for a single driveway, as listed in subsection (d) of this section. Both parcels must share the curb opening.

(d) *Driveway width.* Driveway sizes are regulated at the property/right-of-way line and the curb/road pavement line as follows (See Figure 8: Three-Lane, Full Access Drive Detail):

(1) *One-lane, one-way access drives.*

One-Way Drives (Single Direction - Ingress or Egress)	*Maximum Width of Drive at Property and Setback Line*	*Maximum Width of Drive at Curb or Pavement Line*
Autos and single axle trucks	15 feet	25 feet
Semi-trailers	20 feet	30 feet

(2) *Two-lane, full access drives.*

Two-Way Drives (One-Ingress and One-Egress Lane)	*Maximum Width of Drive at Property and Setback Line*	*Maximum Width of Drive at Curb or Pavement Line*
Autos and Single axle trucks	25 feet	35 feet
Semi-Trailers	30 feet	40 feet

(3) *Three-lane, full access drive (consisting of one 12-foot ingress lane, a three-foot mountable "rumble strip" dividing island, and two ten-foot egress lanes).*

Three-Lane Drives (One-Ingress, Divider and Two-Egress Lanes)	*Maximum Width of Drive at Property and Setback Line*	*Maximum Width of Drive at Curb or Pavement Line*
All	35 feet	45 feet

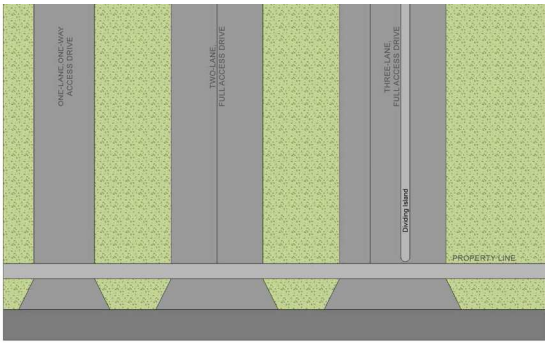


Fig. 8: One-Lane, Two-Lane & Three-Lane Access Drive Detail

(e) *Flow.* Traffic may be restricted as to direction of flow.

(1) Driveways approved for one-way movement only or three-lane drives shall be equipped with signage and pavement markings indicating its direction to motorists.

(2) Signs for directional movement of traffic shall be constructed and installed in accordance with City of Green Bay Standard Specifications and Construction Standards for Public Works.

(Ord. No. 19-19, §1(13-1717), 9-17-2019)

Sec. 44-1774. Off-street parking and traffic circulation standards for multiple-family and nonresidential uses.

(a) *Location.*

(1) Required parking and loading spaces shall be located on the same lot or development site as the use served unless otherwise regulated in this chapter.

(2) Off-site parking may be located up to 1,000 feet from the lot containing the use being served if the under common ownership or protected by a recorded instrument acceptable to the City.

(b) *Setbacks.*

(1) Parking areas shall be set back as established for buildings in the zoning district for which the property it services is situated.

(2) Special provisions for nonconforming parking facilities. Legally established parking facilities constructed prior to the effective date of the ordinance from which this article is derived which do not meet the minimum setbacks required by this article shall be permitted to be reconstructed with reduced setbacks, subject to approval of a parking plan by the Zoning Administrator. Said parking lot layout shall be designed in accordance with the dimensions identified in Figure 9: Parking Space Design Standards. Parking lot setback reductions shall only be permitted in the following instances:

a. To prevent the loss of legal parking spaces required by this article.

b. To prevent the loss of required internal circulation aisles.

(c) *Circulation.* Parking facilities shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of the road. All traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.

(d) *Marking.* All off-street parking and traffic circulation areas shall be marked, striped, and maintained in a clear and visible manner which clearly indicates parking spaces, pedestrian walkways, and other designated areas.

(e) *Curbing.* A minimum six-inch high curb shall be installed within parking areas where parking surface is adjacent to pedestrian and/or bicycle ways and internal landscape islands, except: Where bio-filtration or bio-retention methods of stormwater management are utilized as part of an approved grading and drainage plan, alternatives to the installation of curbing may be considered by the Department of Public Works, provided that measures are taken to protect landscaping from vehicular circulation damage.

(f) *Access.* Each off-street parking space shall open directly upon a drive aisle or driveway that is wide enough to provide a safe and efficient means of vehicular access without directly maneuvering a vehicle into any pedestrian way or public right-of-way.

(g) *Lighting.* All off-street parking and traffic circulation areas shall be lit to ensure their safe and efficient use during evening hours. An illumination level shall meet the standards of Article V of this chapter.

(h) *Landscaping and screening.* Parking lots shall meet the landscaping requirements of Sections 44-1964 through 44-1969.

(i) *Parking space design standards.* Other than handicapped parking and permitted parking in residential driveways, each off-street parking space shall comply with the minimum requirements of Figure 9: Parking Space Design Standards.

Figure 9. Parking Space Design Standards

Angle (A)	*Width (B) **	*Curb Length (C)*	*Stall Depth (D) ***	*1-Way Aisle Width (E)*	*2-Way Aisle Width (E)*
0 (Parallel)	9'	22	8'6"	14'	22'
45°	9'	12'	18'9"	14'	22'
60°	9'	9'10"	19'10"	18'	22'
90°	9'	8'6"	18'	20'	22'

* Subcompact spaces may account for up to 20 percent of the total parking area required. They may be reduced in size to a width of eight feet and a stall depth of 12 percent less than (D) in the table above and must be grouped and signed appropriately.

** Parking spaces that use an appropriately sized curb overhang over a landscaped island or buffer may be reduced in depth by 1 1/2 feet. A concrete curb or other means shall be provided to prevent parked vehicles from damaging plant materials.

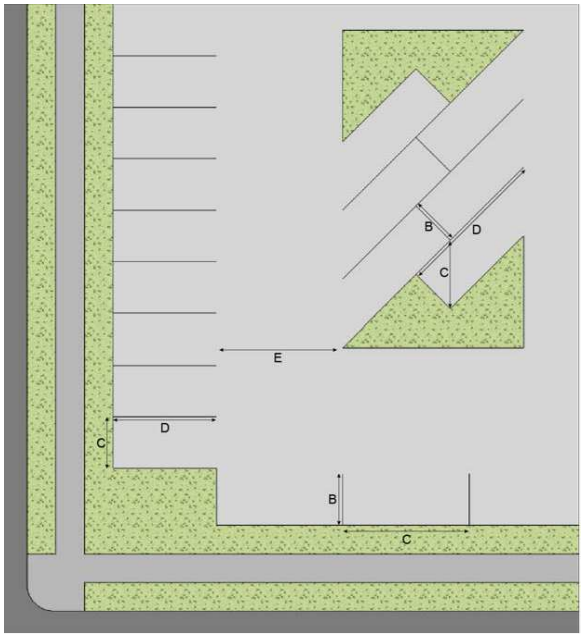


Fig. 9: Parking Space Design Standards

(Ord. No. 19-19, §1(13-1718), 9-17-2019)

Secs. 44-1775—44-1796. Reserved.

DIVISION 5. ALTERNATE PARKING OPTIONS FOR MULTIPLE-FAMILY, MIXED-USE, INSTITUTIONAL, COMMERCIAL AND INDUSTRIAL USES

Sec. 44-1797. Shared parking facilities.

(a) Joint parking facilities which provide required parking for two or more uses are allowed a reduction in required number of parking spaces as specified below. Up to a 15 percent reduction in the number of required parking spaces for four or more separate uses, ten percent for three separate uses, and five percent for two separate uses may be utilized for a collective parking facility.

(b) Day-night use parking facility. Shared day-night use parking facilities may provide a reduction in required number of parking spaces as specified below:

(1) Up to 70 percent of the parking facilities of nighttime/Sunday uses may be supplied by off-street parking facilities of daytime uses. Up to 70 percent of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime/Sunday uses.

(2) Daytime uses. For the purpose of this section, the following uses are considered as primarily daytime uses: banks, offices, certain retail stores and personal service shops, service and repair shops, wholesale, and similar uses as determined by the Zoning Administrator.

(3) Nighttime and Sunday uses. For the purpose of this section, the following uses are considered as primarily nighttime and weekend uses: theater, bowling alley, tavern/nightclub, auditorium incidental to a public or parochial schools, churches, and similar uses as determined by the Zoning Administrator.

(4) The applicant shall show that there is no substantial conflict in the principal operating hours of the buildings or uses for which shared parking is proposed.

(5) The use for which application is being made for shared parking shall be located within 1,000 feet of the use providing the parking facilities.

(c) A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities shall be approved by the City Attorney and filed with the City within 60 days after City approval of the joint parking use. Said agreement shall cover a period of no less than 20 years. Shared use parking privileges shall continue in effect only so long as such an instrument remains in effect, and if such instrument becomes legally ineffective, parking shall be provided as otherwise required in this article.
(Ord. No. 19-19, §1(13-1719), 9-17-2019)

Sec. 44-1798. Valet parking.

(a) Up to 50 percent of the off-street parking for restaurants, hotels, theaters, and similar uses may be fulfilled by maintaining a valet parking service for customers.

(b) The valet service shall provide service to and from the main entrance with a passenger loading area, as approved by the Department of Public Works.

(c) The parking area shall be located no farther than 1,000 feet from the main entrance.
(Ord. No. 19-19, §1(13-1720), 9-17-2019)

Sec. 44-1799. Employee off-site parking.

(a) Retail, service businesses, large employers, major institutions and similar uses are encouraged to provide designated employee parking.

(b) If a shuttle service is provided, such parking may be off-site in a remote location.
(Ord. No. 19-19, §1(13-1721), 9-17-2019)

Sec. 44-1800. Ride-sharing and autonomous vehicles.

The intent of this section is to encourage the installation of passenger loading zone spaces to meet demand for passenger pick-up/drop-off generated by ride-sharing and/or autonomous vehicles on all land uses except single-family and two-family residential dwellings.

(1) *Reduction to required parking spaces.* The number of required parking spaces for a use may be reduced by ten percent for each passenger loading zone space provided up to a maximum of 30 percent. The Zoning Administrator is authorized, at their discretion, to require the submission of a parking study per Section 44-1726(g) upon making the determination that such a reduction will result in a shortage of parking spaces needed for the subject land-use.

(2) *Passenger loading zone space standards.*

a. Location. Each passenger loading zone space shall be located within 100 feet of the primary entrance/exit of a stand-alone use. Passenger loading zone spaces located in shopping centers and other multiple use developments may be located more than 100 feet from the primary entrance/exit of a tenant when placed in a centralized location, provided that a minimum of five-foot-wide pedestrian access to all tenants of the development is present.

b. Passenger loading zone spaces shall be separate and distinct from parking facility drive aisles, fire lanes, off-street loading areas, or other uses not explicitly dedicated to passenger loading/unloading.

c. Dimensions. Minimum of eight feet wide by 22 feet long with appropriate taper for safe ingress/egress.

d. Design. All vehicular ingress/egress to and from passenger loading zone spaces shall be in forward motion only. All passenger loading zone spaces shall be clearly marked and signed to signify that they are for loading and unloading of passengers and shall not be used for other purposes.

e. Amenities. Amenities such as sitting areas, shade structures, and landscaping are encouraged to be provided adjacent to the passenger loading zone spaces.

f. Accessibility. Passenger loading zone spaces shall be compliant with the Americans with Disability Act (ADA).

(Ord. No. 19-19, §1(13-1722), 9-17-2019)

Secs. 44-1801—44-1818. Reserved.

DIVISION 6. PEDESTRIAN AND BICYCLE ACCESS AND PARKING

Sec. 44-1819. Pedestrian and bicycle access.

(a) *Quantity.* For all multifamily, commercial, institutional, and industrial uses, a minimum of one pedestrian/bicycle access way is required to at least one street frontage.

(b) *Off-site connections.* Pedestrian/bicycle access shall include appropriate connections to existing and planned public pedestrian and bicycle facilities. If none exist, the connection is unnecessary; however, the site plan must depict a location such access can be installed should public pedestrian and bicycle facilities be installed in the right-of-way in the future.

(c) *On-site connections.* The entire development shall provide walkways for full and safe pedestrian and bicycle circulation within the development.

(1) Walkways shall provide pedestrian access through or around off-street parking areas from public walks and/or bicycle facilities to building entries which directly and continuously connect areas of pedestrian origin and destination.

(2) Design requirements.

a. Walkways shall have an acceptable dust-free surface not less than five feet in width, be separate from the parking lot drive aisle and delineated with pavement markings or alternate paving materials.

b. The entirety of the on-site pedestrian walkway system shall be consistent with the Americans with Disabilities Act.

c. The material and layout of the pedestrian walkway shall be continuous as the pedestrian access crosses a driveway or internal drive.

(Ord. No. 19-19, §1(13-1723), 9-17-2019)

Sec. 44-1820. Bicycle parking standards for multiple-family and nonresidential uses.

(a) *Required provision of bicycle parking areas.*

(1) For all multifamily, commercial, institutional, and industrial uses, a minimum of four bicycle spaces shall be provided if off-street parking for vehicles is provided.

(2) For parking lots containing more than 40 automobile parking spaces, off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, or 20 bicycle parking spaces, whichever is less.

(3) A nonresidential use's automobile parking requirement may be reduced by providing additional bicycle parking. After the bicycle parking requirement has been met, a minimum of four bicycle parking spaces may be provided in lieu of one required automobile parking space, with a maximum reduction of up to five automobile parking spaces.

(b) *Specifications for bicycle parking spaces.*

(1) All bicycle parking provided shall be on a hard-surfaced area and be set back from walls and other objects so as to be functional. Freestanding bicycle parking racks shall be securely fastened to the ground.

(2) Bicycle parking spaces and racks shall be located in a convenient and visible area no farther from the principal entrance to the building served than the closest automobile parking space. With the permission of the Department of Public Works, bicycle parking may be located in the public right-of-way.

(3) Bicycle parking spaces shall be installed in conformance with setback requirements applicable to automobile parking lots. The placement of the racks shall not conflict with pedestrians and motorized traffic movements.

(4) Covered spaces. If accessory automobile parking spaces are covered, bicycle parking spaces shall also be covered.

(Ord. No. 19-19, §1(13-1724), 9-17-2019)

Secs. 44-1821—44-1843. Reserved.

DIVISION 7. OFF-STREET LOADING STANDARDS

Sec. 44-1844. Off-street loading requirements.

Off-street loading space shall be provided for any nonresidential use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles and which will have a gross floor area of 5,000 square feet or more, subject to following minimum standards:

(1) The off-street loading requirement for buildings with less than 20,000 square feet of gross floor area may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate from any required off-street parking area, and access to it shall not conflict with automobile or pedestrian circulation within the site.

(2) Buildings with 20,001 to 50,000 square feet of gross floor shall provide one loading space.

(3) Buildings with 50,001 to 100,000 square feet of gross floor shall provide two loading spaces.

(4) Buildings with 101,000 or more square feet of gross floor shall provide one additional loading space per additional 300,000 square feet.

(Ord. No. 19-19, §1(13-1725), 9-17-2019)

Sec. 44-1845. Size and location.

(a) Semi-trailer spaces shall be at least 55 feet in length, ten feet in width, and 14 feet in height, plus necessary additional maneuvering space.

(b) No loading space shall be located in a front yard or at the front of a building. Loading spaces shall not be located between any building and a public street unless provided with adequate screening and landscaping, in compliance with Article XIX of this chapter.

(c) Spaces shall be at least 50 feet from the property line of any residential property or residentially zoned property.

(d) All loading spaces and driveways shall be surfaced with a dustless all-weather material meeting the standards for off-street parking areas and driveways and subject to the approval of the City Engineer.

(Ord. No. 19-19, §1(13-1726), 9-17-2019)

Secs. 44-1846—44-1863. Reserved.

ARTICLE XIX. SITE PLAN REVIEW

DIVISION 1. GENERAL PROVISIONS

Sec. 44-1864. Purpose.

The purpose of the site plan review process is to encourage quality development in the City of Green Bay that reflects the goals set forth in the City of Green Bay Comprehensive Plan, while allowing flexibility in the design process. The comprehensive plan recommends better integration

of diverse land uses and transportation modes through improved standards for site planning and design, including standards for building and parking placement, pedestrian connections, signage, and landscape improvements.
(Code 1984, § 13.1801)

Sec. 44-1865. Applicability.

Site plan review shall apply to all new construction, remodeling, or expansion or change of uses, with the following exceptions:

(1) The use is established in an existing building that has received site plan approval, and the establishment of the use does not alter the approved site plan for the property.

(2) Proposed modifications are strictly related to the interior of the building.

(3) Modifications, additions, or enlargements to a building which do not increase the gross floor area by more than 500 square feet or ten percent, whichever is less, and which do not require a variance from the provisions of this chapter.

(4) Existing parking areas that are patched and/or resurfaced are not required to file a site plan. Existing parking areas up to 500 square feet may be rehabilitated or reconstructed in a one-year period without a site plan.

(5) Grading or site preparation that results in minor modifications to the existing site, as approved by the City Engineer.

(6) Construction, alteration of expansion of a public right-of-way, or any part thereof.
(Code 1984, § 13.1802; Ord. No. 42-10)

Secs. 44-1866—44-1888. Reserved.

DIVISION 2. PLAN REQUIREMENTS AND REVIEW PROCESS

Sec. 44-1889. Site plan requirements.

(a) *In general.* Except in those instances specified in Section 44-1865, site plan approval is required prior to issuance of a building permit for any proposed construction or issuance of a zoning certificate for any proposed use. When a site plan is required in support of a request for conditional use permit or variance approval, the plan shall also be subject to the requirements of this article.

(b) *Required information.* All site plans shall be drawn to scale and shall contain the following information, unless otherwise specifically waived by the Zoning Administrator or their designated representative:

(1) Project name, location, developer, and designer of the project.

(2) Date of plan preparation, scale, and north arrow.

(3) A map showing the location of any railroads, major streams or rivers, wetlands, environmentally sensitive areas, and public streets in the vicinity of the site.

(4) Property dimensions and boundaries.

(5) Location, identification, and dimensions of existing and proposed:

a. Topography of the site and adjacent areas within 50 feet by contour lines at intervals of not more than five feet.

b. Public rights-of-way and easements.

c. On-site parking facilities, drives, and walkways, including direction of traffic flow, excludes one- and two-family developments.

d. Buildings and structures, including gross and useable floor area (categorized as interior or exterior uses).

e. Service areas and loading docks, excludes one- and two-family developments.

f. Freestanding signs, light fixtures, fences, and other site furnishings, excludes one- and two-family developments.

g. Stormwater management facilities, including ponds, drainageways, and drainage patterns, with directional arrows showing the proposed flow of stormwater runoff from the site.

h. Landscaping materials, including sizes and locations.

i. Renderings of all building elevations, including colors to be used, signage, and listing of finish materials (samples of exterior finish materials may be required). This requirement shall only apply under the in-fill lot definition.

j. Site statistics, including gross square footage of both site and buildings, floor area ratio, percentage of impervious surface, and parking calculations.

k. All other information deemed necessary by the Zoning Administrator, but will not include additional restrictions or information that is not already specified in this chapter.

(6) When a site is to be developed in stages, the plan should indicate the ultimate development of the site and proposed developmental phases.

(Code 1984, § 13.1803)

Sec. 44-1890. Administrative site plan review.

(a) *In general.* The Community Development Review Team (CDRT) shall conduct the administrative review of all site plan approval requests. All findings and decisions of the CDRT shall be final, subject to appeal to the Zoning Board of Appeals or Plan Commission and Common Council, as specified in Chapter 2, Administration.

(b) *Required findings.* The Community Development Review Team shall make each of the following findings before approving a site plan approval request:

(1) The site plan conforms to all applicable standards within this chapter.

(2) The site plan conforms to all applicable regulations of this article and is consistent with the applicable policies of the comprehensive plan.

(3) The site plan is consistent with any applicable functional or special area plans or development objectives adopted by the Common Council.

(4) The site plan minimizes any adverse effects of property in the immediate vicinity and minimizes congestion of the public streets.

(c) *Conditions of site plan approval.* The CDRT may impose conditions on any proposed site plan and require such guarantees as it deems necessary for the protection of the public interest and to ensure compliance with the standards and purposes of this article, the applicable policies of the Land Use Plan, and any special land use plans adopted by the Common Council.

(d) *Changes to approved site plan.* An approved site plan may not be changed, modified, or altered in any manner without the approval of the City. If the Zoning Administrator determines that such changes are minor in nature, a revised site plan may not be required. In all other cases, a revised site plan shall be re-submitted for consideration by the CDRT.

(e) *Expiration of approved site plan.* Unless a written extension request is submitted to and approved by the Zoning Administrator, an approved site plan shall expire upon either of the following conditions:

(1) A new site plan for the property is submitted to and approved by the Community Development Review Team.

(2) A building permit has not been issued within two years from the date of site plan approval.

(f) *Inspection and enforcement.* Before issuing a certificate of occupancy and/or zoning certificate for any use not exempted under Section 44-1865, the Zoning Administrator shall conduct an inspection to determine compliance with the conditions set forth on the approved site plan for the project. A temporary certificate of occupancy may be issued without completion of all elements on the site plan, provided written assurance is given that all improvements will be completed when feasible.
(Code 1984, § 13.1804)

Secs. 44-1891—44-1908. Reserved.

DIVISION 3. BUILDING AND SITE DESIGN GUIDELINES

Sec. 44-1909. Purposes and applicability.

The guidelines set forth in this division shall be used in site plan review, as applicable. Alternative methods may be proposed for achieving the intent of the guidelines.
(Code 1984, § 13.1805)

Sec. 44-1910. Building context.

New development in the Mixed-Use and R1 Districts should relate to the design of adjacent historic or traditional buildings in scale and character where these are present. This can be achieved by maintaining similar setbacks, facade divisions, roof lines, massing, rhythm and proportions of openings, and compatible building materials and colors. Historic architectural styles need not be replicated. Rather, a sensitivity to context is encouraged.
(Code 1984, § 13.1806)

Sec. 44-1911. Building entries.

Primary building entries shall be oriented to create a visually attractive streetscape and to reinforce and support pedestrian access. Building entrances shall be clearly defined and highly visible by featuring elements, such as canopies or porticos, overhangs, arches, recesses or projections, peaked roof forms, outdoor patios, or other distinguishing features. Entrances shall be located as follows:

(1) Primary building entrances on all buildings should face the primary abutting public street or walkway or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances may be oriented to a secondary street or parking area. Entries should be clearly visible and identifiable from the street.

(2) Multi-tenant building. At least 50 percent of a building's "active" wall shall be oriented toward the primary abutting street. The "active" wall shall be the side of the building containing the majority of storefronts, customer entrances, and windows.

(3) Exceptions. Industrial uses or buildings which have only vehicle bays and/or service doors with infrequent nonpublic access to equipment, storage, or similar rooms (e.g., self-serve carwashes) shall be exempt from this standard.

(Code 1984, § 13.1807)

Sec. 44-1912. Building placement.

In the mixed-use districts, pedestrian-oriented commercial district buildings should be placed as close to the sidewalk as practical. At intersections, buildings should hold the corner. That is, have street facades at or near the sidewalks of both streets, while maintaining the established vision triangle, as specified in Section 44-359.

(Code 1984, § 13.1808)

Sec. 44-1913. Building facades.

Facades shall provide architectural interest and variety to a building, while avoiding the effect of single, long, or massive walls. The following guidelines should be followed in designing facades:

(1) Ground floor facades that face public streets or pedestrian walkways shall have features, such as arcades, display windows, entry areas, awnings, or other such features for no less than 40 percent of the horizontal length of the facade.

(2) Wall articulation. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding 30 feet without including at least one of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.

(3) Four-sided design. All sides of the building shall include materials and design characteristics similar to and compatible with those on the front.

(4) Windows. Building facades shall contain windows at the ground floor or first floor in order to create visual interest.

(5) Building materials. All building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades. All subsequent additions and outbuildings constructed after the erection of an

original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design, unless the entire building is being renovated.

(6) Exceptions. Industrial uses or buildings which have only vehicle bays and/or service doors with infrequent nonpublic access to equipment, storage, or similar rooms (e.g., self-serve carwashes) shall be exempt from standards in Sections 44-1911 and this section.

(Code 1984, § 13.1809)

Sec. 44-1914. Parking structures.

The exterior design of parking structures shall ensure that sloped floors do not dominate the appearance of the facade and that vehicles are screened from view.
(Code 1984, § 13.1810)

Sec. 44-1915. Signage.

Signage should be integrated as an architectural element with attention given to the color, materials, scale, and orientation of all proposed signs in relation to the overall design of the building and to each other, as well as complying with the sign regulations specified in Chapter 30.
(Code 1984, § 13.1811)

Sec. 44-1916. Site layout guidelines.

(a) *Existing site features.* Site design should respect and incorporate existing topography and natural features, such as hillsides, wooded areas, and greenways. Important vistas and viewpoints, both from the site and into the site, should be protected and enhanced.

(b) *Crime prevention through environmental design.* Site plans should employ best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and nonpublic spaces.

(c) *Shadowing and wind.* Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties and to minimize the generation of wind currents at ground level.
(Code 1984, § 13.1812)

Sec. 44-1917. Service, loading, and storage areas.

(a) *Placement and orientation.* Loading, delivery, and service bays should be oriented away from existing residences and public streets to the extent feasible.

(b) *Setback from street.* No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street or public sidewalk.

(c) *Screening.* Trash receptacles and dumpsters, trash recycling containers, and loading docks shall be fully enclosed and screened with walls and/or fences at least six feet in height and 90 percent impervious to sight.

(d) *Design.* Architectural elements, materials, colors and design of screening walls, coverings, and/or fences shall be compatible with those used as predominant materials, colors, and elements on the building or landscaping.
(Code 1984, § 13.1813)

Sec. 44-1918. Outdoor sales and display areas.

Outdoor sales and display areas shall be separated from any adjacent street, sidewalk, or public walkway by a landscaped frontage strip at least five feet wide.
(Code 1984, § 13.1814)

Sec. 44-1919. Mechanical/utility equipment for all uses except single-family or two-family homes.

(a) *In general.* For all uses except single-family or two-family homes, mechanical/utility screening shall be an integral part of the building structure and architecture and shall not give the appearance of being "tacked on" to exterior surfaces.

(b) *Roof-mounted equipment.* Roof-mounted equipment shall be screened, preferably by parapet walls. Building materials for screening roof-mounted equipment shall be identical to or substantially similar to the facade of the building on which such items are located. Screening shall be an integral part of the building's architectural design.

(c) *Ground-mounted equipment.* Ground-mounted equipment shall be screened by a decorative wall constructed of materials compatible with the overall architectural design of the development and softened with landscaping.
(Code 1984, § 13.1815)

Secs. 44-1920—44-1936. Reserved.

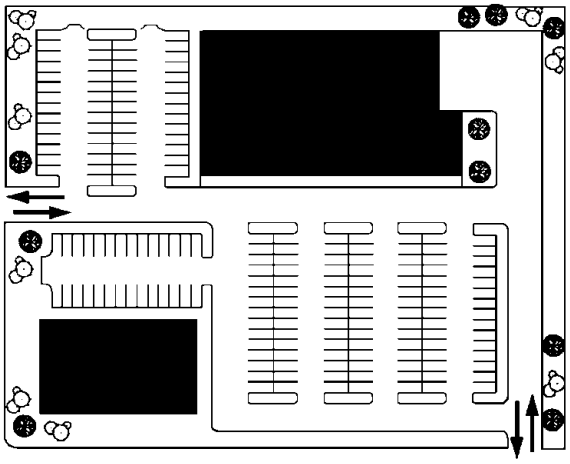
DIVISION 4. ACCESS, CIRCULATION AND PARKING

Sec. 44-1937. Vehicular access.

(a) *In general.* Site plans should create a roadway system that provides for safe, convenient, and efficient vehicular access and minimizes conflicts with pedestrians. For nonresidential developments, primary access should be from streets designed to handle higher traffic volumes, rather than from streets whose primary purpose is to serve residential areas.

(b) *Entrances and exits.* All entrances and exits should be designed to facilitate efficient and safe traffic flow for both in-bound and out-bound traffic. Except for single-family and two-family uses, all vehicular traffic must enter and exit in a forward motion. See the figure in this section illustrating a site with efficient separation between access drives and parking areas.

(c) *Internal traffic circulation.* Internal traffic circulation patterns should be easily understood, allow for efficient movement of traffic, and be designed so as to reduce the potential for traffic accidents or conflicts with pedestrians. Parking spaces that require backing into an entrance or exit drive are discouraged. Where multiple parcels are sharing access, private access easements shall be recorded.



Internal Traffic Circulation

(d) *Traffic control.* Appropriate traffic control devices shall be installed for all public and private developments before, during, and after construction. Fabrication and installation of traffic control devices shall conform to the standards of the Federal Manual on Unified Traffic Control Devices (MUTCD).

(e) *Snow storage and removal.* Adequate areas for snow storage should be provided on-site in order to eliminate the utilization of access drives and parking areas for such purposes. Snow storage should not interfere with access drives, parking areas, or adjacent property.

(f) *Service and delivery access.* Access for service and delivery vehicles should be provided and should not conflict with pedestrian or general vehicle use of the site. Access points for such vehicles should be as direct a route as possible to service and loading areas while avoiding movement through parking areas.
(Code 1984, § 13.1816)

Sec. 44-1938. Pedestrians.

(a) *In general.* Site plans should create a safe, continuous pedestrian network, as required by federal and state code, which offers clear circulation paths from the street and parking areas to building entries.

(b) *Walkway connections.* Continuous pedestrian walkways shall be provided from building entries to the public sidewalk or right-of-way, parking areas, transit stops, and adjacent properties, as appropriate.

(c) *Walkway width.* On-site pedestrian walkways and sidewalks shall be a minimum of five feet wide, except that walkways adjacent to a parking area where cars may overhang the walkway shall be a minimum of seven feet wide.

(d) *Clearly marked walkways.* At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in color, texture, or height.
(Code 1984, § 13.1817)

Sec. 44-1939. Transit.

Vehicular and pedestrian connections shall be provided to any transit points, existing or planned, within or adjacent to a development.
(Code 1984, § 13.1818)

Sec. 44-1940. Parking location.

In the residential districts and mixed-use districts, except for permitted driveways, off-street parking areas shall not be located in front yard areas or between the front facade of the principal building and the abutting street. Parking areas are encouraged to be located to the rear of the building and may be located in side yards with appropriate screening.
(Code 1984, § 13.1819)

Secs. 44-1941—44-1963. Reserved.

DIVISION 5. LANDSCAPING

Sec. 44-1964. Perimeter landscape buffers.

Buffers shall be used to provide visual and noise separation of intensive uses from less intensive uses. Buffer landscaping shall be provided as follows:

(1) *Nonresidential or multifamily uses in residential districts.* At least ten feet wide abutting residential uses (at least 15 feet wide if the nonresidential use is two stories or more). Large nonresidential buildings (25,000 square feet or greater) shall provide a buffer yard at least 20 feet wide. Nonresidential buildings with service areas or mechanicals oriented toward residential uses shall provide a buffer yard of 20 feet or more depending on the intensity of the development.

(2) *Nonresidential or multifamily uses in commercial or industrial districts.* At least 15 feet wide abutting residential uses in residential districts (at least 20 feet wide if the nonresidential use is two stories or more). Large nonresidential buildings (25,000 square feet or greater) shall provide a buffer yard at least 25 feet wide.

(3) *Buffer design.*

a. Buffer areas shall consist of either a masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of four feet in height, a maximum of six feet in height, and not less than 90 percent opaque on a year-round basis. Screening located along front and corner side yards are limited to four feet in height and not less than 90 percent opaque on a year-round basis and which effectually blocks automobile headlights from trespass on adjacent property.

b. Buffers shall be landscaped with at least one tree and five shrubs for every 50 linear feet.

c. Buffers may be interrupted for necessary pedestrian and vehicle access.

(Code 1984, § 13.1820)

Sec. 44-1965. Interior parking lot landscaping.

The purpose of interior parking lot landscaping is to minimize the expansive appearance of parking lots and provide shaded parking areas. Landscaping shall consist of planting islands and medians comprising the required planting area specified under subsection (1) of this section.

(1) *Planting area.*

a. At least ten percent of the interior area of parking lots with more than 25 spaces shall be devoted to landscape planting areas.

b. Shade trees shall be provided within the interior of parking lots areas in accordance with the following table:

Table 44-21. Minimum Tree Planting Per Number of Parking Spaces

Number of Parking Spaces	*Minimum Required Tree Planting*
0—24	None required
25—100	1 tree per 10 spaces
101+	1 tree per 15 spaces

(2) *Landscape islands.*

a. Landscape islands shall be provided at the end of each parking row and within the row of parking spaces so that there are no more than 15 consecutive parking spaces without a landscape island.

b. Landscape islands shall have minimum interior dimensions of at least ten feet in width and 15 feet in length.

c. Landscape islands shall be planted with ground cover or sod and a minimum of one shade/deciduous tree.

(3) *Landscape medians.* Parking lots with more than 100 spaces shall be divided into at least two smaller areas by landscape medians.

a. Landscape medians shall be a minimum of eight feet wide or 14 to 18 feet wide with a pedestrian walk.

b. Landscape medians shall have a minimum of one shade tree per 40 lineal feet along the length of the median and shall contain mulch or irrigated grass.

(4) *General compliance.* For existing parking lots that currently do not comply with the interior lot landscaping as of the adoption of the ordinance from which this article is derived, such landscaping shall be provided when any one of the following occurs:

a. Any new construction of a parking lot must comply with the current requirements of this article.

b. Existing approved parking areas that are either rehabilitated or reconstructed are required to replace existing approved interior lot landscaping or provide a total of five percent interior lot landscaping.

c. When an existing approved parking lot is expanded by 25 percent or greater than 7,500 square feet in total surface area, the entire parking area shall be brought into compliance with the requirements of this article. All expanded areas are considered cumulative.

d. Re-striping, patching, resurfacing of an existing parking area shall not be subject to this requirement.

(Code 1984, § 13.1821; Ord. No. 42-10)

Sec. 44-1966. Perimeter parking lot landscaping.

Parking area edges shall be screened from public streets and sidewalks, public open space, and adjacent properties. The perimeter of parking areas shall be screened from residential uses by:

(1) A landscaped frontage strip at least five feet wide along the public street or sidewalk. If a parking area contains over 100 spaces, the minimum required yard shall be increased to eight feet in width.

(2) Screening consisting of either a masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of four feet in height, a maximum of six feet in height (six to eight feet in industrial districts), and not less than 90 percent opaque on a year-round basis. Screening located along front and corner side yards are limited to four feet in height and not less than 90 percent opaque on a year-round basis and which effectually blocks automobile headlights from trespass on adjacent property.

(3) Trees shall be planted at a minimum of one shade tree per 40 lineal feet within the frontage strip.

(Code 1984, § 13.1822)

Sec. 44-1967. Building foundation landscaping.

Building foundations adjoining parking areas, walkways, or open space shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs and perennials, and ground covers, with the exception of buildings that have facades flush with the sidewalk, i.e., downtown or storefronts.

(Code 1984, § 13.1823)

Sec. 44-1968. Plant materials, in general.

A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the site plan.

(1) All required landscaping shall emphasize the use of native species or plants that are proven adaptable to the climate but are not invasive on native species.

(2) Each area required to be landscaped shall be covered in live material. Live material includes trees, shrubs, ground cover, and sod. Areas not covered in live material may be covered by mulch, rock, or other natural materials. Exposed gravel, aggregate rock, or concrete shall only be used where drainage and/or soil conditions require a non-irrigated and/or hard surface pan at finished grade adjoining a building foundation.

(3) Tree species mix. Any one species of trees shall not make up more than 50 percent of the total tree plantings for the property.

(4) Minimum sizes. All required trees shall meet the following minimum size requirements:

Table 44-22. Minimum Tree Size Requirements

Tree/Plant	*Minimum Required Size*
Deciduous trees	Two-inch caliper
Ornamental deciduous trees	1 1/2-inch caliper
Evergreen trees	Six feet in height
Shrubs	Five-gallon container size

(Code 1984, § 13.1824)

Sec. 44-1969. Maintenance and installation of materials.

Installation and maintenance of all landscape materials shall comply with the following standards:

(1) All landscape materials shall be installed to current industry standards.

(2) An adequate water supply shall be indicated in the site plan.

(3) All required landscaping and screening features shall be kept free of refuse and debris.

(4) Maintenance and replacement of landscape materials shall be the responsibility of the applicant or property owner, including the maintenance of any trees planted in the public right-of-way.

(Code 1984, § 13.1825)

Secs. 44-1970—44-1991. Reserved.

DIVISION 6. LIGHTING

Sec. 44-1992. Exterior site lighting.

Exterior site lighting shall be regulated as set forth in Article V of this chapter, General Regulations.

(Code 1984, § 13.1826)

Secs. 44-1993—44-2022. Reserved.

ARTICLE XX. PLANNED UNIT DEVELOPMENT STANDARDS

DIVISION 1. GENERAL PROVISIONS

Sec. 44-2023. Purpose.

The Planned Unit Development District is established as a means to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encour-

age development that is sensitive to environmental, cultural, and economic considerations. Approval of a Planned Unit Development District shall result in the creation of an overlay to the base zoning district, with specific requirements and standards that are unique to the planned development. (Code 1984, § 13.1901)

Sec. 44-2024. Identified objectives.

When reviewing requests for approval of a Planned Unit Development, the City shall consider whether the objectives listed below will be served or achieved. Planned Unit Developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

(1) Accommodation of housing of all types with convenient access to commercial facilities.

(2) Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas.

(3) Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.

(4) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.

(5) Preservation of historic buildings, structures, or landscape features through adaptive re-use of public or private preservation of land.

(6) Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.

(7) Coordination of architectural styles and building forms to achieve greater compatibility with surrounding land uses.

(8) Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.

(Code 1984, § 13.1902)

Sec. 44-2025. Relationship to other applicable regulations.

(a) *In general.*

(1) A Planned Unit Development shall comply with all standards, procedures, and regulations of this article that are applicable to the individual uses within the development and to the site plan review standards in Article XIX of this chapter, Site Plan Review, except as otherwise provided in this chapter.

(2) Platting requirement. All land within a Planned Unit Development shall be platted into one or more lots in compliance with the requirements of the subdivision and platting regulations. The development plan for the Planned Unit Development shall include the necessary information to serve as a preliminary plat for the development.

(b) *Permitted uses.* The PUD shall identify all proposed land uses, and those uses shall become permitted uses upon the approval of the Planned Unit Development by the Common Council.

(1) *Placement of structures.* More than one principal building may be placed on a platted lot within a Planned Unit Development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.

(2) *Floor area and height.* The PUD may provide for an increase in the maximum gross floor area, floor area ratio, and/or maximum building height allowed in the base zoning district for the purpose of promoting project integration and additional site amenities.

(3) *Building setbacks.* The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the PUD.

(4) *Lot requirements.* The Common Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space elsewhere in the Planned Unit Development. Such open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.

(5) *Open space.* For all PUDs, at least 20 percent of the project area not within street rights-of-way shall be preserved as protected open space. Such open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for stormwater detention facilities and other required site improvements shall not be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods to the extent practicable for parks, playgrounds, playing fields, and other recreational facilities.

(6) *Street layout.* The PUD should maintain the existing street grid where present and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at an environmentally sensitive area as defined by Brown County, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

(7) *Other exceptions.* As part of PUD approval, the Common Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in Section 44-2024.

(Code 1984, § 13.1903)

Sec. 44-2026. Preliminary application procedure.

Any person having a legal or equitable interest in a property may file a development plan application for a Planned Unit Development. The application shall be filed with the Planning Department on an approved form and with a preliminary plan, as described in Section 44-2027.

(Code 1984, § 13.1904)

Sec. 44-2027. Preliminary plan required.

Upon application of a PUD, the developer of a Planned Unit Development project shall meet with the Planning Department staff to review a preliminary plan for the project prior to submittal of a final development plan for approval. Statements made at the consultation are not legally binding. The meeting is intended to ensure that the developer is aware of the community's standards and policies for the Planned Unit Development. The preliminary plan shall be legibly drawn to a scale of not less than one inch equals 200 feet and shall include the following minimum information:

(1) Name and address of the recorded owner of development.

(2) Name of developer if different from owner.

(3) Name of individual responsible for preparation of the preliminary plan.

(4) North arrow, graphic scale, and the date of the drawing.

(5) Tract boundaries and a statement of the total acreage of the tract.

(6) Significant physical features within the tract, including existing two-foot contours, watercourses, ponds, lakes, and wetlands and proposed changes in those features.

(7) All contemplated land uses within the tract.

(8) An indicator of the contemplated intensity of use, i.e., gross floor area and number of prospective tenants in office, commercial, and recreational development and gross density in residential development.

(9) Existing buildings that may affect the proposed development and proposed location of all principal structures and associated parking areas.

(10) Proposed circulation systems (pedestrian, bicycle, auto, transit) by type and how they relate to the existing network outside this site.

(11) Existing rights-of-way and easements which may affect the PUD project.

(12) In the case of plans which call for development in phases, a map at an appropriate scale showing the phases of development.

(13) Any other documents and supporting information deemed necessary by the Planning Department staff.

(Code 1984, § 13.1905)

Sec. 44-2028. Preliminary plan review.

(a) Planning staff shall review the preliminary plan to determine whether the plan adequately achieves the following objectives:

(1) Adequate property controls are established to protect the individual owner's rights and property values and to define legal responsibilities for maintenance and upkeep.

(2) The internal circulation plan and access points to surrounding streets are adequate for the safety and convenience of the project residents and the general public.

(3) A sufficient amount of usable open space is provided.

(4) The architectural design of the project is compatible with the surrounding area.

(5) The project will not place a burden on existing municipal infrastructure, including utility and drainage systems.

(6) The development schedule ensures a logical development of the site, protecting the interests of project residents and the general public.

(7) The Planned Unit Development is in reasonable compliance with the intent and purpose of the comprehensive plan.

(8) Other health, safety, and welfare considerations as deemed appropriate by Planning staff.

(b) The preliminary plan may be submitted for review by other departments, agencies, or third parties as may be deemed necessary by Planning staff. Such departments, agencies, or third parties may include Department of Public Works, school districts, public utilities, or adjacent landowners.

(c) Planning staff shall compile a list of recommended or required revisions that shall be incorporated in the final development plan.
(Code 1984, § 13.1906)

Secs. 44-2029—44-2049. Reserved.

DIVISION 2. FINAL PLAN

Sec. 44-2050. Submission of final plan.

(a) *In general.* The applicant shall revise the preliminary plan as provided in Section 44-2027 and submit a final plan for approval by the Plan Commission and Common Council. The final application shall include a narrative statement, site plan, building plans and elevations, applicable fee as provided in the City Fee Schedule, and any other information requested by the Planning Department, the Plan Commission, or Common Council. The final application shall include two full copies of all plans plus two 11-inch by 17-inch copies of all plans.

(b) *Narrative statement.* A written narrative of the proposed development indicating the following information in a format to be provided by the Planning Department:

(1) Evidence that the applicant has sufficient property control to carry out the Planned Unit Development project.

(2) How the proposed development meets the identified objectives of this chapter.

(3) Development schedule showing the timing and phasing of the proposed development.

(4) A summary of the total number of units of each residential use, the acreage devoted to all land uses, and the overall net density of the development.

(5) A summary of the use, height, and gross floor area of all buildings.

(6) Architectural design standards that will be implemented as part of the development.

(7) The anticipated market which the development is intended to serve.

(8) The form of ownership and maintenance of all common open space, recreational facilities, and other common areas intended for the exclusive use of the residence.

(9) List of proposed protective covenants, easements, or restrictions to be imposed to protect open space and other identified resources.

(10) Any variances, modifications, or waivers requested from the development standards of this chapter and the reasons for the request.

(c) *Site plan information and contents.* The site plan submitted in support of a development plan shall include the following information, unless specifically waived by the Zoning Administrator prior to submittal:

(1) All information provided in the preliminary plan.

(2) Name of proposed development. Names shall not duplicate nor too closely resemble names of existing subdivisions or developments.

(3) Location of boundary lines in relation to known section, quarter-section, or quarter-quarter-section lines comprising a legal description of the property.

(4) Natural drainage patterns and water resources, including wetland, floodplains, streams, drainage swales, ponds, and lakes and proposed changes to these.

(5) Proposed lot coverage of buildings and structures.

(6) Approximate gross and net floor areas by use.

(7) Architectural renderings and elevations of structures and improvements.

(8) Specifications of structural finish materials.

(9) Total amount of open space, both improved and unimproved.

(10) All existing streets, including streets reserved on the Official Map or adjoining the site, including names, right-of-way widths, and pavement width.

(11) Proposed circulation systems by type and the proposed width of rights-of-way and pavement width.

(12) All existing sanitary and storm sewers, water lines, fire hydrants, utility transmission lines, bridges, railroads, etc., within the project boundaries.

(13) A description of the proposed system for drainage, water supply, sewage disposal, and power and communication lines.

(14) Location, width, and purpose of existing easements and utility rights-of-way within the PUD.

(15) Proposed covenants, grants of easements, or other restrictions to be imposed upon the use of land and structures.

(16) In the case of plans which call for development in stages, a map at an appropriate scale showing the successive phases and a schedule of time within which applications for final approval of all parts of the development are intended to be filled.

(17) A general landscaping plan, as required by Article XIX of this chapter, Site Plan Review.
(Code 1984, § 13.1907)

Sec. 44-2051. Plan Commission review.

The Plan Commission shall review each complete application for a Planned Unit Development and may suspend the rules to hear from the developer or any other interested party. The Plan Commission shall make a recommendation for approval, conditions for approval, or denial of the PUD to the Common Council.
(Code 1984, § 13.1908)

Sec. 44-2052. Council action.

(a) The Common Council shall make the final decision regarding all applications for Planned Unit Development approval. Upon approval of the development plan, the official zoning map shall be amended to designate the property as a PUD overlay district.

(b) Established conditions of approval. The Common Council may establish any reasonable conditions of approval they determine are necessary to mitigate adverse impacts of the development, to protect neighboring properties, and to achieve the objectives of this chapter.
(Code 1984, § 13.1909)

Sec. 44-2053. Phasing of development.

Phasing of a Planned Unit Development shall be permitted, provided that each individual phase is designed and developed to exist as an independent unit and that the construction and improvement of common open space and site amenities shown on the development plan proceeds at the same rate as the construction of dwellings and other permitted land uses. Any violation of this provision shall authorize the Common Council to hold a public hearing to review the status of the Planned Unit Development and impose any remedies it deems appropriate, including, but not limited to, revocation of permits, issuance of construction orders, or issuance of citations for failure to comply with such orders.
(Code 1984, § 13.1910)

Sec. 44-2054. Expiration of approval.

The Planned Unit Development shall remain valid for a period of five years from the date of approval, unless a longer time-period has been agreed to by the Council. If construction has not commenced during this period, the Planned Unit Development shall be considered void and the overlay designation removed, unless a petition for a time extension has been granted by the Council. Any extension requests shall be submitted in writing to the Common Council at least 30 days prior to expiration of the approval and shall describe reasons for the delay in construction of the project.
(Code 1984, § 13.1911; Ord. No. 12-18, § 1, 7-17-2018)

Sec. 44-2055. Plan consistency.

The City shall withhold approval of any final plat, site plan, or building permit required for a Planned Unit Development if the proposal is inconsistent with the development plan as approved, except as provided below:

(1) *Minor revisions.* Minor changes may be authorized by the Community Development Review Team if required by engineering or other circumstances not foreseen at the time the development plan was approved. Changes are minor if the change does not cause:

a. A change in the use or character of the development.

b. An increase in overall coverage of structures.

c. An increase in the intensity of use.

d. An increase in the problems of traffic circulation and public utilities.

e. A reduction in approved open space.

f. A reduction of off-street parking/loading spaces.

g. A reduction in required pavement widths.

(2) *Major revisions.* All changes that are not minor shall require an amendment or repeal of the original PUD and approval of a revised development plan, in accordance with this chapter.

(Code 1984, § 13.1912)

Secs. 44-2056—44-2073. Reserved.

ARTICLE XXI. SPECIAL PURPOSE DISTRICTS

DIVISION 1. GENERAL PROVISIONS

Sec. 44-2074. Purpose.

Special purpose districts are established to address planning and land use issues and opportunities that go beyond the general purposes of the City's conventional zoning districts. They are narrowly constructed for the special purposes and unique circumstances defined in the purpose statement for each district and are only to be applied to the unique areas of the City that align with the stated purpose and siting criteria. The special purpose districts are as follows:

(1) The Special Purpose-Residential Light Industrial (S-RLI) District is a mixed-use district, meaning that it is intended to encourage a mix of compatible land uses in a variety of locations and scales in order to preserve and enhance the vitality of the neighborhood. The overall intent for land uses in the S-RLI District is to allow the continuation and limited expansion of existing single- and two- family residential uses, to allow the addition of attached or accessory residential uses (live-work unit, dwelling in conjunction with a business, etc.) where they enhance the vitality of a commercial or industrial use, to allow very limited new residential uses, and to allow a carefully selected set of commercial and light industrial uses that will be compatible with the existing and anticipated housing in the area. Other compatible uses may also be allowed where they are consistent with the overall purpose of the District. Because of the wide range of uses particular to the S-RLI Mixed-Use District, careful site design and adherence to the applicable land use performance standards (refer to Article V, Division 9 of this chapter) are especially important. The S-RLI District is not an overlay zone, but rather completely replaces the underlying zoning where it is adopted. Overlay zones could then be applied in addition to the S-RLI District.

(2) Siting criteria. The S-RLI District may be applied to neighborhoods with the following characteristics:

a. A wide array of land uses, from single-family residential to commercial and light industrial, intermixed within close proximity to each other.

b. Close proximity to an intensive industrial or manufacturing area imparting to the mixed-use neighborhood significant potential for commercial and industrial redevelopment over the long term.

c. Signs of decline at the time of rezoning which might include blighted properties, increased crime, decreased owner-occupancy, and the like, that need to be immediately addressed for reasons of protecting public health, safety, and welfare and for stabilizing property values.

d. Very old housing stock, much of which pre-dates zoning, but with a substantial proportion that has been well-maintained.

e. Geographic isolation due to natural features and transportation corridors, such as arterial streets and railroads, which limit to some extent service provision and amenities.

(3) In addition, the purpose of the S-RLI District is:

a. To be applied as an intermediate measure due to the near-term infeasibility of public redevelopment. While redevelopment for commercial and light industrial uses remains as the long range plan, public funding is not available in the foreseeable future. Certain features of this district are intended to preserve the ability to allow for such redevelopment should it become feasible in the future while not penalizing the property owners that wish to continue using existing properties.

b. To encourage home ownership and owner-occupancy by making existing single-family and two-family residential properties conforming uses that can be maintained and rebuilt subject to the requirements of this chapter, and in some cases, expanded. However, the S-RLI District does not affect the floodplain zoning (refer to Article XIII of this chapter) that may also apply. Structures and uses in the S-RLI District that are nonconforming due to the presence of floodplain must comply with the applicable floodplain zoning regulations.

c. To encourage and preserve commercial and light industrial redevelopment as a long-term strategy by limiting new residential construction and by recognizing the right of commercial and industrial uses to operate within the established land use performance standards for glare, heat, vibration, noise, odor, air quality, explosion/fire hazard, waste discharge, and pollution.

d. To support the vitality of the neighborhood by allowing for quality, affordable housing to be located within walking distance of employment opportunities.

e. To encourage innovative site and building design that allows for a unique mix of land uses in a way that does not lead to land use conflicts.

(Code 1984, § 13.2101)

Sec. 44-2075. Principal uses for the special purpose districts.

(a) *In general.* Table 44-23, Principal Uses in the Special Purpose Districts, lists all permitted and conditional uses allowed in the special purpose districts.

(b) *Permitted uses.* Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this article. Persons wishing to establish or modify a permitted use, excluding existing single-family residential uses, shall obtain a zoning certificate for such use as specified in Article II of this chapter, Administration. Condominiums are permitted in all districts where residential uses are allowed per Wis. Stats. Ch. 703.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this article. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Article II of this chapter, Administration.

(d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Article II of this chapter, Administration, governing determination of substantially similar uses.

(e) *Specific development standards.* Permitted and conditional uses specified with an "X" under the development standards column shall be subject to the standards identified in this chapter and in Article XVI of this chapter, Land Use Development Standards.

Table 44-23. Principle Uses in the Special Purpose Districts

Use		*S-RLI*	*Dev. Stds.*
Residential Uses			
Dwellings			
	Existing single-family dwelling, detached	P	X
	New single-family dwelling, detached	C	X (same as R1)
	Existing two-family dwelling, duplex or semi-detached	P	X
	New two-family dwelling, duplex or semi-detached	C	X (same as R1)
	Multiple-family dwelling	—	
	Single-family attached dwelling, townhouse	C	X
	Carriage-house dwelling	P	X
	Live-work unit	P	X
	Dwelling in conjunction with business	P	X
	Congregate Living Uses	—	
Institutional and Civic Uses			
	Community center	P	
	Public park	P	
	Religious institution	P	X
	Clinic, medical office, healthcare facility	C	X (same as OR)
Educational Uses			
	Family daycare home (8 or fewer children)	C	X
	Group daycare center (9 or more children)	C	X
	All other educational uses	—	
Public Service and Utilities			

Use		S-RLI	Dev. Stds.
	Public safety/service facility	P	X
	Telecommunication facility	C	X
	Governmental buildings and structures	P	
	Substation/distribution equipment	C	
Office Uses			
	General office	P	
	Government office	P	
	Bank or other financial institution	—	
	Artist's studio	P	
Commercial Uses			
Accommodation and Food Service			
	Restaurant,* not including drive-through	P	
	Restaurant,* including drive through	—	
	Tavern, bar*	C	
Service Businesses			
	Personal service**	C	
	Business service**	P	
	Building maintenance, janitorial service	P	
	Catering service	P	
	Laundromat	P	
	Printing and publishing establishment	P	
	Small appliance repair service	P	
	Tool/equipment rental facility	P	
	Animal hospital, veterinary clinic	P	X
	Animal grooming establishment	P	X
	Animal boarding facility, kennel	P	X
Retail Sales			
	General retail sales**	C	
	Building material sales	P	
	Contractor showroom	P	
	Firearms sales and service	C	X
	Greenhouse, garden supply store	C	
	Pawnshop	C	
	Commercial recreation and entertainment uses	—	
Vehicle Services			
	Automobile rental	P	X
	Automobile sales	—	
	Convenience store	C	
	Fuel/gas/service station	C	X
	Motor vehicle repair, major	C	X
	Motor vehicle repair, minor	C	X
	Surface parking lot (principal use)	P	X
	Drive-through facility (as an accessory)	C	X

Use		*S-RLI*	*Dev. Stds.*
Production, Processing, and Storage			
	Agricultural uses	—	
	Limited production and processing (as accessory to retail sales)**	P	X
	Light industrial uses**	P	
	General industrial uses**	—	
	Heavy industrial uses**	—	
	Concrete, asphalt, and rock crushing facility	—	
	Contractor yard	C	
	Dry cleaning establishment, commercial laundry	P	
	Research and development facility	P	
	Recycling facility	—	
	Auto salvage yard, scrap yard	—	
	Self-service storage facility	C	X
	Wholesale and distribution facility	P	
Transportation Uses			
	Ground transportation service	P	
	Motor freight terminal	C	
	Package delivery service	P	
	Railroad switching yards and freight terminal	—	
	Ship terminal or docking facility	—	

Note: P = Permitted Use; C = Conditional Use.

* Any establishment at which primarily alcohol beverages are served must also meet the requirements of Chapter 10, Businesses.

** See definitions section for list of uses.

(Code 1984, § 13.2102)

Sec. 44-2076. S-RLI District policy; the right of industry.

The City of Green Bay permits properly conducted industrial operations. Owners of property and residents in areas zoned S-RLI should expect that they will be subject to conditions arising from such industrial operations. Conditions may include, but are not limited to, exposure to noise, lights, vehicle traffic including heavy trucks, occasional dust, occasional vibration, late and early hours of operation, and the like. The conditions described may occur as a result of any industrial operation which is in conformance with accepted customs, standards, laws, and regulations. Residents in areas zoned S-RLI should be prepared to accept such conditions as a normal and necessary aspect of living in an area with a history of industrial land uses and an active industrial sector. This policy does not exempt any land use from meeting the performance standards of this chapter, the prohibitions of the nuisance ordinance, the applicable conditions of site plan or permit approval, the applicable regulations of the WDNR or EPA, or any other applicable law.
(Code 1984, § 13.2103)

Sec. 44-2077. Combination of uses on a lot.

S-RLI District. Combination of uses may be allowed in the S-RLI District. If the principle or primary use is other than a one- or two-family residence, permitted and conditional uses may be combined on a parcel or within a building, provided that all uses meet all other applicable provisions of this article, including any specific development standards. Combination of uses where the principle or primary use of a parcel or building is a single-family or two-family residence is only permissible for the specific mixed uses allowed by this chapter: live-work unit or home-based occupation. (Code 1984, § 13.2104)

Sec. 44-2078. Use restrictions in S-RLI District.

(a) *Regulation of transitional land uses.*

(1) Residential lots resulting from new land divisions or lot combinations shall not exceed 10,000 square feet in order to preserve land for commercial and industrial uses.

(2) The conversion of commercial or industrial buildings to residential is not permitted, except where a commercial or industrial use is maintained in the building and the residential use is permissible as a live-work unit or dwelling in conjunction with a business.

(3) The conversion of commercial or industrial buildings to residential is not permitted, except that such a building with residential architecture may be approved for conversion back to a residential use with conditional use permit approval.

(4) The conversion of residential buildings to allowed commercial or industrial uses may be permissible if the change in use complies with building code requirements and all other applicable regulations.

(b) *Expansion of existing residential uses.*

(1) Expansion of existing residential is limited to a maximum of 500 square feet (gross floor area) as a permitted use. A conditional use is required if larger.

(2) Expansion of an existing residence shall not be permitted unless the existing structure is in good repair and in compliance with all applicable requirements of the building code. Expansion may be permitted concurrently with rehabilitation and improvements that will bring the entire structure into code compliance and a condition of good repair.

(c) *Definition and standards for new residential uses.*

(1) New residential use shall be defined as any of the following:

a. Construction of a dwelling (regardless of the type) where the parcel had been vacant prior to April 25, 2009 (effective date of the ordinance from which this article is derived).

b. Construction or rehabilitation of a dwelling where the existing dwelling has fallen into a state of disrepair to the point that it has been subject to a raze order issued by the City.

c. Construction of a dwelling on a parcel that became vacant after the effective date of the ordinance from which this article is derived and remained vacant for more than 12 months.

(2) Other residential uses not defined as new residential uses shall be defined as "existing" residential uses. It is intended that an existing residential use can be entirely reconstructed without losing its status as existing residential as long as the property is not vacant for more than 12 months, has not been subject to a raze order issued by the City, and can be modified, repaired, or reconstructed in compliance with all other applicable codes and ordinances.

(3) New residential uses may only be granted a conditional use if the Plan Commission and Common Council find that:

a. The residential use is located in a predominantly residential area.

b. The residential use will not adversely affect commercial and industrial uses in the area.

c. The residential use will not be subject to excessive noise, smoke, dust, noxious odor, toxic materials, safety hazards, or other adverse impacts from current or previous commercial or manufacturing uses.

d. The residential use will not impair the future use or development of commercial and manufacturing zoning lots.

(4) New residential uses shall fit in with the scale and design of surrounding residential uses.

(5) A copy of the Right of Industry Policy shall be provided by the owner/seller to the buyer and occupants of new residential uses in advance of purchase and occupancy.

(6) Consistent with the purpose of this district, owner-occupancy of new single-family and (at least one unit of) new two-family residential uses is preferred, but not required, and may be taken into consideration in deciding the conditional use.

(7) For new single-family and two-family dwellings, the minimum building width on any side shall be at least 22 feet, not including any entryways or other structures that do not run the full length of the building.

(Code 1984, § 13.2105; Ord. No. 36-09)

Sec. 44-2079. Outdoor storage in S-RLI District.

(a) Outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park, or residential property, in compliance with the screening requirements of this chapter.

(b) Temporary retail display. Retail merchandise may be displayed on a temporary basis when accessory to a permitted or conditional use. Display areas may be located on the sidewalk immediately in front of the principal building or elsewhere on the site, provided that such display does not interfere with pedestrian or vehicle traffic in conflict with other sections of the Municipal Code or encroach upon landscaped areas. A temporary use permit shall be required, as specified in Article V of this chapter.

(Code 1984, § 13.2106)

Sec. 44-2080. Site design considerations in S-RLI District.

(a) *Standards.* Development of land within the S-RLI District shall follow these standards, as well as those specified in Article XVI of this chapter, Land Use Development Standards, and Article XIX of this chapter, Site Plan Review.

(1) Nonresidential building materials. All nonresidential building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades.

(2) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design, unless the entire building is being renovated.

(3) Service areas shall be screened with an approved combination of berms, landscaping, and walls or fences architecturally complementary to the principal building.

(4) Loading docks shall be located and screened so as to minimize the visibility from any street.

(5) Signs shall be placed so as not to obscure the architectural features of the principal building and shall be designed to be compatible in materials, size, and appearance with the principal building.

(b) *Buffers and screening.* Due to the intensity of the mixed-uses in this district, buffering and screening are particularly important to manage potential land use conflicts. But because of the existing lot sizes and densities, space for buffering is very limited. For this reason, a screening approach is required as a minimum standard, but buffering is also permitted and encouraged. In order to require buffers or screens more frequently and to allow for narrower buffers that better fit the sites in this neighborhood, these regulations replace the landscape buffer requirements found in Section 44-1964 and the parking lot perimeter landscaping requirements found in Section 44-1966. Sections 44-1965, 44-1967, 44-1968, and 44-1969 still apply.

(1) Screening is required around new development that involves a vehicle service use, a production, processing, and storage use, a transportation use, or a parking area for any nonresidential use, any of which that abuts a residential use on a separate parcel that is either directly adjacent or directly across the street or alley within the S-RLI District. The screening required under this section needs only to extend along those property boundaries where the residential use adjoins or is directly across the street or alley.

a. In the application of this provision, "new development" is defined as any of the following:

1. New construction or reconstruction of buildings or other structures.

2. Expansion or structural alteration of buildings or other structures that are visible from residential property within the S-RLI District.

3. Expansion or reconstruction of parking areas that are visible from residential property within the S-RLI District.

4. Erection or replacement of mechanical equipment that is visible from residential property within the S-RLI District.

b. Buffer or screen depth. No minimum depth is required, but where landscaping materials are used, the depth shall provide adequate space to sustain the long- term health and growth of the plantings (no less than five feet).

(2) As part of the conditional use process, buffers or screens may be required around residential development that abuts commercial or industrial use on a separate parcel within the S-RLI District and that requires a conditional use permit (new residential construction or expansions that exceed 500 square feet).

(3) Screen design.

a. Screens shall consist of either a masonry wall, fence, berm, or hedge (or a combination of these) that forms a screen a minimum of four feet in height, a maximum of six feet in height, and not less than 90 percent opaque on a year-round basis. Screening located along front and corner side yards is limited to four feet in height and not less than 90 percent opaque on a year-round basis and which effectually blocks automobile headlights from trespass on adjacent property.

b. Screens that include landscaping are encouraged where there is adequate space on the site, with at least one tree and five shrubs for every 50 linear feet recommended.

c. Because buffers are not required in the S-RLI District, fencing, if used, shall be constructed of visually appealing materials that do not detract from the value of adjacent residential properties. Woven wire (i.e., chain link, cyclone, etc.) or sheet metal fencing are not permitted for screening. Any metal fencing used for screening shall be of a decorative variety. Board-on-board fencing, masonry walls, berms, and landscape buffers are preferred.

d. Screening may be interrupted for necessary pedestrian and vehicle access.

e. If a compliant screen is already present on the abutting property, the new screen on the subject property should complement the existing screen, and the requirements may be reduced accordingly. For example, back-to-back fences or walls are not necessary, but landscaping clusters may be added to enhance an existing berm, fence, or wall.

(4) Proposed buffer/screen design shall be submitted on a site plan, and Community Development Review Team review may be required as determined by the Zoning Administrator.

(c) *Development outside S-RLI District.* Note that the S-RLI District will be considered a residential district when determining whether development outside of this district but adjacent to a residential use must comply with the buffering requirements of Section 44-1697, 44-1964, or 44-1966.
(Code 1984, § 13.2107)

Sec. 44-2081. Parking and loading requirements in S-RLI District.

Parking and loading requirements for uses in the S-RLI District shall be as set forth in Article XVIII of this chapter, Off-Street Parking, Drives and Loading.
(Code 1984, § 13.2108)

Sec. 44-2082. Signs in S-RLI District.

Sign requirements for uses in the S-RLI District shall be as specified for the other mixed-use districts (OR, NC and TND) in Chapter 30, Signs.
(Code 1984, § 13.2109)

Secs. 44-2083—44-2112. Reserved.

DIVISION 2. DIMENSIONAL STANDARDS

Sec. 44-2113. Dimensional and area requirements in S-RLI District.

Lot area and setback requirements shall be as specified in Table 44-24.

Table 44-24. Dimensional and Area Requirements, S-RLI District

Minimum Lot Area (sq. ft.)	
Single-family detached dwelling	5,000
Duplex (per building)	5,000
Single-family attached and live-work units	2,500 per unit
Multifamily dwelling (per unit)	2,000 per unit
Nonresidential or mixed-use	5,000
Production, processing, and storage or transportation use	10,000
Minimum Lot Width (feet)	
Single-family attached and live-work units	24
Production, processing, and storage or transportation use	75
All other uses	50
Maximum Height (feet) [g]	35
Minimum Building Width [a]	See note [a]
Maximum Impervious Surface Coverage	80%
Setbacks—Existing Residential Uses (feet)	
Front yard minimum [b, h]	See note [b]
Side yard minimum [c]	2.5
Rear yard minimum	6
Setbacks—New Residential Uses (feet)	
Front yard minimum [b, h]	15
Side yard minimum [c, d]	12 (total)/2.5 min. (see note [i])
Rear yard minimum	15
Setbacks—Nonresidential and Mixed Uses (feet)	
Front yard minimum	None
Front yard maximum [e]	20
Side yard minimum [f]	6
Rear yard minimum [f]	6

Notes to Table 44-24:

[a] The minimum building width on any side shall be at least 22 feet, not including any entryways or other structures that do not run the full length of the building.

[b] Where at least 50 percent of the front footage of any block (from intersecting street to intersecting street) is built up with principal structures, the front yard setback for new structures shall be equal to the average of the existing structures, except that any structure which is set back 20 percent more or less than the average may be discounted from the formula.

[c] Side yards are required only for dwelling units on the ends of townhouse buildings. Minimum size is one-half of the total distance shown in the table.

[d] Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, the setback shall be a minimum of one-half the required front yard setback of the subject property's zoning district.

[e] At least 60 percent of the front facade must fall between the maximum setback and minimum setback lines.

[f] Side and rear yards shall be required when a nonresidential use adjoins a side yard or rear yard of a residential property or as necessary to provide access for deliveries, loading, etc.

[g] Heights of structures may be increased with a conditional use permit as permitted in Section 44-83. Smokestacks, water towers, and similar structures may exceed the maximum height limit as specified by conditional use.

[h] Covered porches are permitted in the front setback compliant with the conditional use permit requirements found in Section 44-83.

[i] Where required, side yards shall add up to a total of no less than 12 feet, but shall also be no less than $2^1/_2$ feet on any one side.

(Code 1984, § 13.2110)

Secs. 44-2114—44-2144. Reserved.

DIVISION 3. ACCESSORY USES AND STRUCTURES

Sec. 44-2145. General requirements in S-RLI District.

Accessory uses and structures in the S-RLI District shall comply with the following standards and all other applicable regulations of this article:

(1) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(3) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(4) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

(Code 1984, § 13.2111)

Sec. 44-2146. Residential accessory buildings in S-RLI District.

The standards applicable to accessory buildings in the residential districts shall apply (Article VI of this chapter).

(Code 1984, § 13.2112)

Sec. 44-2147. Nonresidential accessory buildings in S-RLI District.

(a) *Attached structures.* An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway or common wall. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.

(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.

(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) *Detached structures.* Detached accessory structures shall be permitted in the S-RLI District in accordance with the requirements shown in Table 44-253 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or structure may be located within a side yard.

(2) The structure shall meet the required rear and side yard setbacks for a principal structure, as established for the zoning district in which it is located.

(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot, except by conditional use.

(4) No detached accessory building shall be located closer than three feet from the principal building. Distance between structures shall be measured from wall to wall.

Table 44-25. Permitted Accessory Uses in the S-RLI District

Use		*S-RLI*	*Dev. Stds.*
Uses Accessory to Dwellings			
	Antennas, satellite dishes, and similar equipment as regulated by Article XVI of this chapter	P	X
	Boarding or renting of rooms to not more than two persons	P	
	Fences	P	X

Use		*S-RLI*	*Dev. Stds.*
	Gardening and other horticultural uses	P	
	Home-based occupations	P	X
	Private garages, carports, and parking spaces	P	
	Private swimming pools, tennis courts, indoor exercise facilities, community meeting rooms, and other recreational facilities that are operated for the sole use and convenience of the residents of the principal use and their guests	P	
	Tool houses, sheds, and similar buildings	P	
	Outdoor kennel or exercise run	P	X
Uses Accessory to Nonresidential and Mixed Uses			
	Antennas, satellite dishes and similar equipment	P	X
	Carwash (automatic) when accessory to an auto service station in compliance with Article XVI of this chapter	C	X
	Off-street loading docks	P	X
	Outdoor display of vehicles	C	X
	Outdoor sales, display, and storage (see regulations of the district)	P	X
	Parking (surface)	P	
	Parking (structured)	—	
	Parking and storage of vehicles licensed to a business	P	
	Rooming house/boarding house as accessory to religious institution	C	X
	Signs, as regulated by Chapter 30	P	X
	Telecommunication facilities	C	X
	Warehousing, incidental repair, or processing necessary to conduct a permitted principal use, conducted within principal building, not exceeding 25% of total floor area	P	
	Waste and recycling storage	P	X

(Code 1984, § 13.2113; Ord. No. 36-09)

Appendix A

CHARTER ORDINANCES

APPENDIX A—CHARTER ORDINANCES

A CHARTER ORDINANCE 1

REPEALING THE CONSOLIDATION OR

ANNEXATION ORDINANCE OF MARCH 9 AND 11, 1895,

WITH THE EXCEPTION OF SECTION 11 THEREOF

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

SECTION 1. With the exception of Section 11 thereof, the consolidation or annexation ordinance of March 9 and March 11, 1895, is hereby repealed.

SECTION 2. This ordinance shall not take effect until 60 days after its passage and publication as provided by §66.01(6) of the Wisconsin Statutes.

Dated at Green Bay, Wisconsin, this 17th day of June, 1947.

A CHARTER ORDINANCE 2

REPEALING A CHARTER ORDINANCE ENACTED

FEBRUARY 18, 1941, RELATIVE TO THE APPOINTMENT

OF CITY OFFICIALS AND THE MANNER AND METHOD

OF FIXING THEIR TERMS

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

SECTION 1. A certain charter ordinance enacted February 18, 1941, relative to the appointment of City officials and the manner and method of fixing their terms is hereby repealed.

SECTION 2. This ordinance shall not take effect until 60 days after its passage and publication as provided by §66.01(5) of the Wisconsin Statutes.

Dated at Green Bay, Wisconsin, this 17th day of June, 1947.

A CHARTER ORDINANCE 3

REPEALING A CERTAIN CHARTER ORDINANCE

ENACTED FEBRUARY 18, 1936, WHEREBY THE

CITY OF GREEN BAY ELECTED NOT TO BE GOVERNED

BY THE PROVISIONS OF SECTION 5.025, STATUTES OF 1933*

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

SECTION 1. Section 23.01 of the Revised Municipal Code of the City of Green Bay is hereby repealed.

SECTION 2. This ordinance shall not take effect until 60 days after its passage and publication as provided by §66.01(5) of the Wisconsin Statutes.

Dated at Green Bay, Wisconsin, this 5th day of October, 1948.

A CHARTER ORDINANCE 4

PROVIDING FOR A PRIMARY WHENEVER

THREE OR MORE CANDIDATES FILE NOMINATIONS

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

SECTION 1. Whenever three or more candidates shall file nominations for City office, including supervisor, a primary election shall be held for the nomination of candidates for such office.

SECTION 2. This is a charter ordinance and shall not take effect until 60 days after its passage and publication.

Dated at Green Bay, Wisconsin, this 3rd day of January, 1950.

***Editor's note—**A former version of Section 23.01 related to the establishment of a Water Commission. However, such a reference is inconsistent with the numbering system currently in use. Today, Chapter 23 is the Housing Code, and the City Water Commission is addressed in Section 21.03 (now Section 42-66 of the Green Bay Municipal Code).

A CHARTER ORDINANCE 5

REPEALING A CERTAIN CHARTER ORDINANCE ADOPTED AUGUST 17, 1937, PROVIDING FOR THE ESTABLISHMENT OF A WATER COMMISSION AND OUTLINING THE DUTIES THEREOF*

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

SECTION 1. A certain charger ordinance passed August 17, 1937, being Section 23.01 of the Code of General Ordinances of the City of Green Bay of 1950, creating a Water Commission and outlining the duties thereof is hereby repealed.

SECTION 2. This ordinance shall be in full force and effect 60 days after its passage and publication if within said 60 days no petition be filed with the City Clerk that this ordinance be submitted to a vote of the people, in which event said ordinance shall not take effect until submitted to referendum and approved by a majority of the electors voting thereon.

Dated at Green Bay, Wisconsin, this 16th day of October, 1951.

A CHARTER ORDINANCE 6

WHEREBY THE CITY OF GREEN BAY ELECTS NOT TO BE GOVERNED BY THE PROVISIONS OF SECTION 343.461 OF THE WISCONSIN STATUTES

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

SECTION 1. The City of Green Bay hereby elects, pursuant to Section 66.01 of the Wisconsin Statutes, not to be governed by Section 343.461 of the Wisconsin Statutes, and hereby ordains that buildings in the City of Green Bay may be erected to a height of 125 feet.

SECTION 2. This is a Charter Ordinance and shall not take effect until 60 days after its passage and publication.

Dated at Green Bay, Wisconsin, this 20th day of April, 1954.

***Editor's note**—A former version of Section 23.01 related to the establishment of a Water Commission. However, such a reference is inconsistent with the numbering system currently in use. Today, Chapter 23 is the Housing Code, and the City Water Commission is addressed in Section 21.03 (now Section 42-66 of the Green Bay Municipal Code).

A CHARTER ORDINANCE 7

WHEREBY THE CITY OF GREEN BAY ELECTS NOT

TO BE GOVERNED BY THE PROVISIONS OF

SECTION 62.23(1) OF THE WISCONSIN STATUTES

(CITY PLAN COMMISSION)

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

SECTION 1. The City of Green Bay hereby elects, pursuant to Section 66.01 of the Wisconsin Statutes, not to be governed by Section 62.23(1) of the Wisconsin Statues, and hereby ordains that membership of the City Plan Commission shall be as follows:

The City Plan Commission shall consist of seven members: The president of the Park Board, the City Engineer-Superintendent, an Alderman, and four citizens. Citizen members shall be persons of recognized experience and qualifications.

The Alderman member of the Commission shall be elected by a two-thirds vote of the Council in April in each year.

The four citizen members shall be appointed by the Mayor. The first terms shall be staggered, one for one year, two for two years, and one for three years, respectively, from the succeeding first day of May. Thereafter annually, during April, members shall be appointed for a term of three years.

The City Plan Commission shall have power and authority to employ experts and a staff, and to pay for their services, and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such Commission by the legislative body, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the governing body.

SECTION 2. This is a Charter Ordinance and shall not take effect until 60 days after its passage and publication.

Dated at Green Bay, Wisconsin, this 15th day of February, 1955.

A CHARTER ORDINANCE 8

AMENDING A CERTAIN CHARTER ORDINANCE ADOPTED

JULY 15, 1952, BY PROVIDING FOR A DIFFERENT

TENURE FOR ALDERMEN WHEN WARDS ARE ALTERED

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

SECTION 1. A certain charter ordinance of July 15, 1952, adopting the mayor-council form of government is hereby amended by adding thereto Section 6, which shall read as follows:

SECTION 6. Whenever it is necessary to accomplish the purpose set forth in Section 62.08, Wisconsin Statutes, (alteration of wards), the Council may provide a different tenure for the office of Alderman.

SECTION 2. This is a Charter Ordinance and shall not take effect until 60 days after its passage and publication.

Dated at Green Bay, Wisconsin, this 6th day of February, 1962.

A CHARTER ORDINANCE 9

ENACTED PURSUANT TO SECTION 62.09(5)(b), WIS. STATS.,

AND PURSUANT TO A CHARTER ORDINANCE ADOPTED

FEBRUARY 6, 1962, PROVIDING FOR A DIFFERENT TENURE

FOR ALDERMEN-SUPERVISORS FOR THE PURPOSE OF ACCOMPLISHING

ALTERATION OF WARD BOUNDARIES IN THE CITY OF GREEN BAY

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

SECTION 1. Pursuant to Section 62.09(5)(b), Wis. Stats., and pursuant to a charter ordinance adopted February 6, 1962, a certain charter ordinance adopted July 15, 1952, setting the terms of all elected city officers is hereby amended as follows:

The term of office for Ward No. 5 shall be for one year in 1963, for one year in 1964, and for two years thereafter.

The term of office for Ward No. 7 shall be for one year in 1964 with a term of two years thereafter.

The term of office for Ward No. 16 shall be for one year in 1963 and for two years thereafter.

SECTION 2. This ordinance is a companion ordinance with General Ordinance No. 29-62 altering ward boundaries in the City of Green Bay. This ordinance is being enacted to accomplish redistricting in the City of Green Bay, and the failure to adopt General Ordinance No. 29-62 shall render this ordinance null and void.

SECTION 3. This ordinance shall become effective pursuant to the provisions of 66.01(3) and 66.01(5), Wis. Stats.

Dated at Green Bay, Wisconsin, this 16th day of October, 1962.

A CHARTER ORDINANCE 10

CHANGING THE TERM OF MAYOR

TO FOUR YEARS

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

SECTION 1. Pursuant to Section 62.09(5)(b), Wisconsin Statutes, 1965, commencing on the third Tuesday of April, 1967, the regular term of office of Mayor for the City of Green Bay, Brown County, Wisconsin, shall be four years.

SECTION 2. This is a charter ordinance and shall be submitted to a referendum in accordance with Section 66.01(7), Wisconsin Statutes, 1965, and shall become effective when approved by a majority of the electors voting thereon.

Dated at Green Bay, Wisconsin, this 4th day of October, 1966.

A CHARTER ORDINANCE 11

CREATING THE OFFICE OF

CITY ATTORNEY EMERITUS

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

SECTION 1. This is a charter ordinance enacted pursuant to Section 66.01, Wisconsin Statutes.

SECTION 2. There is hereby created the office of City Attorney Emeritus.

SECTION 3. The qualification for the office of City Attorney Emeritus is a continuous twenty years or more of above ordinary service rendered to the City as City Attorney. The appointment shall be made by the Mayor and shall be for an indefinite term. The City shall furnish, without charge, desk space in the City Hall for the length of the term. The chief executive, the governing body, and the City Attorney may call upon the City Attorney Emeritus for advice and counsel, when the giving of such advice and counsel does not conflict with any other position he may be holding.

SECTION 4. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this 1st day of June, 1967.

A CHARTER ORDINANCE 12

CREATING SECTION 1.02(4) OF THE

CODE OF GENERAL ORDINANCES OF THE

CITY OF GREEN BAY BY ESTABLISHING

THE OFFICE OF COUNCIL VICE PRESIDENT*

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

SECTION 1. There is hereby created Section 1.02(4) of the Code of General Ordinances of the City of Green Bay which shall read as follows:

1.02(4) COUNCIL [VICE] PRESIDENT. The Council shall, at its regular meeting on the third Tuesday of April, elect from its members a Vice President for a term of two years. The Vice President, in the absence of the Mayor and President, shall preside at meetings of the Council, and during the absence or inability of the Mayor and President, shall have the powers and duties

***Editor's note—**This Charter Ordinance No. 12, which creates the office of Vice President, is codified at Section 2-21(c) of the Green Bay Municipal Code.

of the Mayor and President, except that he shall not have the power to approve an act of the Council which the Mayor or President has disapproved by filing an objection with the Clerk. He shall, when so officiating, be styled "Acting Mayor."

SECTION 2. This is a charter ordinance and shall not take effect until 60 days after its passage and publication.

Dated at Green Bay, Wisconsin, this 7th day of November, 1967.

A CHARTER ORDINANCE 13

REPEALING AND RECREATING CERTAIN

PORTIONS OF THE CITY CHARTER

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

SECTION 1. The Common Council elects, pursuant to §66.01(4), Wis. Stats., that §62.23(1), Wis. Stats., shall not apply within the City of Green Bay; and repeals and recreates §12.01, Code of Ordinances of the City of Green Bay, in the place and stead of §62.23(1) to read as follows:

12.01 CITY PLAN COMMISSION. APPOINTMENT. The Plan Commission shall consist of seven members; two Aldermen and five citizens. The members shall be persons whose experience and qualifications are of such kind and nature as to prepare them to discharge the duties required of them.

One Alderman member shall be appointed by the Mayor, and one shall be elected from the membership of the Common Council. The aldermen shall be selected at the first meeting of the Common Council held after its spring election, and shall serve for the balance of their current term in office.

Five citizen members shall be appointed by the Mayor. The first terms shall be staggered, one for one year, two for two years, and one for three years, respectively, from the succeeding first day of May. Thereafter annually, during April, members shall be appointed for a term of three years.

The City Plan Commission shall, subject to the usual contractual and employment practices of the City, have the power and authority to employ experts and staff, pay for their services, and pay such other expenses as may be necessary and proper, from the appropriation made for such Commission by the Common Council, or from other monies placed at is disposal by gift, grant, or otherwise. The Common Council may, however, adopt rules for the expenditures of such funds.
Editor's note—Section 12.01 was repealed by Ord. No. 36-05.

SECTION 2. The Common Council elects, pursuant to §66.01, Wis. Stats., that §27.09(4), Wis. Stats., shall not apply within the City of Green Bay, and repeals and recreates §25.09, Code of Ordinances, in its place and stead to read as follows:

25.09 JURISDICTION OF PARK COMMITTEE. The Park Committee shall determine the method by which street, boulevard, and parkway trees are selected, placed, planted, and removed.

SECTION 3. The Common Council elects, pursuant to §66.01, Wis. Stats., that §62.14(1), Wis. Stats., that specifically applies to cities of the 2nd class shall not apply within the City of Green Bay.

SECTION 4. That Charter Ordinance adopted at a meeting of the Common Council held December 15, 1981, effective February 16, 1982, is hereby repealed.

SECTION 5. This is a charter ordinance and shall not take effect until 60 days after its passage and publication.

Dated at Green Bay, Wisconsin, this 7th day of April, 1982.

A CHARTER ORDINANCE 14

REPEALING A PREVIOUS CHARTER ORDINANCE

ADOPTED SEPTEMBER 21, 1965, COMBINING

THE OFFICES OF ALDERMAN AND SUPERVISOR

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

SECTION 1. A certain Charter Ordinance, adopted September 21, 1965, combining the offices of Alderman and Supervisor is hereby repealed.

SECTION 2. Pursuant to Section 62.09(1)(b), Wisconsin Statutes, there shall be one Alderman from each aldermanic district.

SECTION 3. This ordinance shall become effective pursuant to the provisions of Sections 66.01(3) and 66.01(5), Wisconsin Statutes.

Dated at Green Bay, Wisconsin, this 20th day of August, 1991. A CHARTER ORDINANCE ESTABLISHING TERM LIMITS FOR THE OFFICE OF MAYOR, ALDERMAN AND MUNICIPAL JUDGE THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS: SECTION 1. This is a charter ordinance enacted pursuant to § 66.0101 Wis. Stats. SECTION 2. Term limits for the office of Mayor, Alderman and Municipal Judge shall be as follows:

(1) Mayor. No person shall be elected to consecutive terms totaling more than twelve (12) years in the mayoral position.

(2) Alderman. No person shall be elected to consecutive terms totaling more than twelve (12) years in the aldermanic position.

(3) Municipal Judge. No person shall be elected to consecutive terms totaling more than twelve (12) years in the position of municipal judge.

SECTION 3. These provisions shall only apply to terms of office beginning on or after April 21, 2019.

SECTION 4. This is a charter ordinance and shall not take effect until 60 days after its passage and publication as provided by § 66.0101(5), Wis. Stats.

Dated at Green Bay, Wisconsin, this 12th day of November, 2018.

CODE COMPARATIVE TABLE

1984 CODE

This table gives the location within this Code of those sections of the 1984 Code, as supplemented through February 18, 2018, which are included herein. Sections of the 1984 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances and other legislation adopted subsequent thereto, see the table immediately following this table.

1984 Code Section	Section this Code	1984 Code Section	Section this Code
1.01	2-1	1.90(6)	2-326
1.02	2-21	1.90(7)	2-327
1.03	2-78	1.90(8)	2-328
1.04	2-79	1.90(9)	2-329
1.045	2-80	1.90(10)	2-330
1.05	2-81	2.01	2-22
1.06	2-82	2.02	2-23
1.07	2-83	2.03	2-24
1.08	14-39	2.04	2-25
1.15	2-84	2.05	2-26
1.16	2-107	2.06	2-27
1.17	2-108	2.07	2-28
1.18	2-109	2.08	2-29
1.19	2-110	2.09	2-30
1.20	2-111	2.10	2-31
1.21	2-112	3.01	2-287
1.22	2-113	3.03	2-289
1.23	2-114	3.04	2-290
1.24	2-115	4.01	2-205
1.25	2-116	4.02	2-206
1.26	2-117	4.03	2-207
1.27	2-118	4.04	2-208
1.28	2-119	4.05	2-209
1.29	2-120	4.06	2-210
1.31	2-121	4.07	2-211
1.32	2-122	4.08	2-212
1.35	2-123	4.09	2-213
1.36	2-124	4.10	2-214
1.40	2-269	4.11	2-85
1.50	2-175	4.12	2-86
1.51	2-176	4.13	2-87
1.52	2-177	4.14	2-88
1.53	2-179	4.16	2-215
1.54	2-180	4.17	2-216
1.65	2-181	5.01	2-178
1.66	2-182	5.02	22-1
1.75	2-51	5.03	22-2
1.76	2-52	5.04	18-19
1.90(1)	2-321	5.05	2-125
1.90(2)	2-322	5.06	2-126
1.90(3)	2-323	6.01	10-19
1.90(4)	2-324	6.02	10-20
1.90(5)	2-325	6.025(1)	10-52

1984 Code Section	Section this Code	1984 Code Section	Section this Code
6.025(2)	10-53	6.16(9)	38-27
6.025(3)	10-54	6.16(10)	38-28
6.025(4)	10-55	6.201	10-269
6.025(5)	10-56	6.202	10-270
6.025(6)	10-57	6.203	10-271
6.03(1)	10-138	6.204	10-272
6.03(2)	10-139	6.205	10-273
6.03(3)	10-140	6.206	10-274
6.03(4)	10-141	6.207	10-275
6.03(5)	10-142	6.208	10-276
6.03(6)	10-143	6.209	10-277
6.03(7)	10-144	6.210	10-278
6.03(8)	10-145	6.21(1)	10-456
6.03(9)	10-146	6.21(2)	10-457
6.03(10)	10-147	6.21(3)	10-458
6.03(11)	10-148	6.21(4)	10-459
6.06	10-1	6.21(5)	10-460
6.07(1)	10-337	6.21(6)	10-461
6.07(2)	10-338	6.211	10-279
6.07(3)	10-339	6.212	10-280
6.07(5)	10-341	6.215(1)	10-491
6.07(6)	10-342	6.215(2)	10-492
6.07(7)	10-343	6.215(3)	10-493
6.07(8)	10-344	6.215(4)	10-494
6.07(9)	10-345	6.215(5)	10-495
6.07(10)	10-346	6.22	10-92
6.07(11)	10-347	6.27	10-21
6.07(12)	10-348	6.28	10-22
6.075(1)	10-370	6.30	10-23
6.075(2)	10-371	6.31	10-24
6.075(3)	10-372	6.32	28-7
6.075(4)	10-373	6.33	6-2
6.075(5)	10-374	6.335	6-3
6.075(6)	10-375	6.34(1)	10-197
6.075(7)	10-376	6.34(1.5)	10-198
6.075(8)	10-377	6.34(2)	10-199
6.075(9)	10-378	6.34(3)	10-200
6.075(10)	10-379	6.34(4)	10-201
6.08	10-90	6.34(5)	10-202
6.10	10-88	6.34(6)	10-203
6.11	10-89	6.34(7)	10-204
6.12	10-406	6.34(8)	10-205
6.12(1)	10-402	6.34(9)	10-206
6.12(2)	10-403	6.34(10)	10-207
6.12(3)	10-404	6.34(11)	10-208
6.12(4)	10-405	6.34(12)	10-209
6.13	18-93	6.34(13)	10-210
6.155	10-91	6.34(14)	10-211
6.16(1)	38-19	6.34(15)	10-212
6.16(2)	38-20	6.35(1)	10-514
6.16(3)	38-21	6.35(2)	10-515
6.16(4)	38-22	6.35(3)	10-516
6.16(5)	38-23	6.35(4)	10-517
6.16(6)	38-24	6.36(1)	10-233
6.16(7)	38-25	6.36(2)	10-234
6.16(8)	38-26	6.36(3)	10-235

1984 Code Section	Section this Code	1984 Code Section	Section this Code
6.36(4)	10-236	9.05	32-5
6.36(5)	10-237	9.06	32-6
6.36(6)	10-238	9.07	32-7
6.36(7)	10-239	9.10	32-8
6.36(8)	10-240	9.11	32-9
6.36(9)	10-241	9.15	42-1
6.36(10)	10-242	9.16	42-2
6.36(11)	10-243	9.20(1)	10-598
6.36(12)	10-244	9.20(2)	10-599
6.36(13)	10-245	9.20(3)	10-600
6.37	6-1	9.20(4)	10-601
6.38(1)	10-543	9.20(5)	10-602
6.38(2)	10-544	9.20(6)	10-603
6.38(3)	10-545	9.20(7)	10-604
6.38(4)	10-546	9.21	34-5
6.38(5)	10-547	9.22	34-6
6.39(1)	10-573	9.24	34-7
6.39(2)	10-574	9.25	34-8
6.39(3)	10-575	9.26	34-9
6.39(4)	10-576	9.265	34-10
6.39(6)	10-577	9.27	34-11
6.39(7)	10-578	9.28	34-12
6.39(8)	10-579	9.29	34-13
6.39(Exh. A)	10-580	9.30	34-14
7.01	2-366	9.31	34-15
7.03	2-367	9.32	34-16
7.04	2-368	9.33	34-17
8.02	8-303	9.40	34-40
8.03	24-82	9.41	34-41
8.04	6-4	9.42	34-42
8.05	6-5	9.43	34-43
8.06	6-6	9.44	34-44
8.07	6-7	9.50	34-63
8.08	6-8	9.52	34-64
8.09	6-9	12.02	34-1
8.095	6-10	12.03	34-2
8.097	6-11	12.04	34-3
8.10	6-12	12.05	34-4
8.105	6-13	13.101	44-1
8.11	24-84	13.102	44-2
8.12(1)	32-37	13.103	44-3
8.12(2)	32-38	13.104	44-4
8.12(3)	32-39	13.105	44-5
8.12(4)	32-40	13.108	44-29
8.12(5)	32-41	13.109	44-30
8.12(6)	32-42	13.110	44-31
8.12(7)	32-43	13.111	44-32
8.12(8)	32-44	13.201	44-53
8.12(9)	32-45	13.202	44-80
8.14	6-14	13.203	44-81
8.15	24-123	13.204	44-82
8.20	24-83	13.205	44-83
9.01	32-1	13.206	44-110
9.02	32-2	13.207	44-111
9.03	32-3	13.208	44-112
9.04	32-4	13.209	44-138

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13.210	44-139	13-535	24-178
13.211	44-140	13-536	24-179
13.212	44-141	13-537	24-180
13.213	44-142	13-538	24-181
13.214	44-168	13-539	24-182
13.215	44-169	13-540	24-183
13.216	44-170	13-541	24-184
13.217	44-171	13-542	24-185
13.218	44-196	13-543	24-186
13.219	44-197	13-544	24-187
13.220	44-198	13.601	44-551
13.301	44-220	13.602	44-552
13.302	44-249	13.603	44-553
13.303	44-250	13.604	44-554
13.304	30-3	13.605	44-555
13.401	44-279	13.606	44-556
13.402	44-280	13.607	44-557
13.403	44-281	13.608	44-558
13.404	44-282	13.609	44-559
13.405	44-283	13.610	44-560
13.406	44-284	13.611	44-561
13.407	44-285	13.612	44-562
13.501	44-304	13.613	44-588
13.502	44-305	13.614	44-589
13.503	44-306	13.615	44-590
13.504	44-331	13.701	44-614
13.505	44-332	13.702	44-615
13.506	44-333	13.703	44-616
13.507	44-334	13.704	44-617
13.508	44-357	13.705	44-618
13.509	44-358	13.706	44-619
13.510	44-359	13.707	44-620
13.511	44-335	13.708	44-621
13.512	44-336	13.709	44-622
13.513	44-360	13.710	44-623
13.514	44-361	13.711	44-650
13.515	44-385	13.712	44-651
13.516	44-414	13.713	44-652
13.517	44-415	13.714	44-653
13.518	44-416	13.801	44-680
13.519	44-417	13.802	44-681
13.520	44-418	13.803	44-682
13.521	44-450	13.804	44-683
13.522	44-469	13.805	44-684
13.523	44-492	13.806	44-685
13.524	44-493	13.807	44-686
13.525	44-494	13.808	44-687
13.526	44-495	13.809	44-688
13.527	44-496	13.810	44-720
13.528	44-497	13.811	44-739
13.529	44-518	13.812	44-740
13.530	44-519	13.813	44-741
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13.532	44-521	13.901	44-768
13-533	24-176	13.902	44-769
13-534	24-177	13.903	44-770

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13.906	44-773	13.1330	44-1193
13.907	44-774	13.1331	44-1220
13.908	44-802	13.1332	44-1221
13.909	44-828	13.1333	44-1222
13.910	44-829	13.1334	44-1223
13.911	44-830	13.1335	44-1250
13.1001	44-854	13.1336	44-1251
13.1002	44-855	13.1337	44-1252
13.1003	44-856	13.1338	44-1278
13.1004	44-857	13.1339	44-1279
13.1005	44-858	13.1340	44-1280
13.1006	44-859	13.1341	44-1281
13.1007	44-882	13.1342	44-1282
13.1008	44-883	13.1343	44-1283
13.1009	44-884	13.1344	44-1284
13.1101	44-902	ch. 13.1300, div. 10, intro. ¶	44-1312
13.1102	44-903	13.1345	44-1313
13.1103	44-904	13.1346	44-1314
13.1104	44-927	13.1347	44-1342
13.1105	44-928	13.1402	44-1369
13.1106	44-929	13.1403	44-1370
13.1201	44-947	13.1404	44-1371
13.1202	44-948	13.1405	44-1396
13.1203	44-949	13.1406	44-1397
13.1204	44-950	13.1408	44-1399
13.1206	44-975	13.1409	44-1400
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13.1208	44-995	13.1411	44-1402
13.1209	44-996	13.1412	44-1403
13.1210	44-1021	13.1413	44-1404
13.1301	44-1041	13.1414	44-1432
13.1302	44-1042	13.1415	44-1433
13.1303	44-1043	13.1416	44-1434
13.1305	44-1044	13.1417	44-1435
13.1306	44-1074	13.1418	44-1436
13.1307	44-1075	13.1419	44-1437
13.1309	44-1104	13.1420	44-1468
13.1310	44-1105	13.1421	44-1469
13.1311	44-1106	13.1422	44-1470
13.1312	44-1107	13.1423	44-1471
13.1313	44-1108	13.1424	44-1472
13.1314	44-1109	13.1425	44-1473
13.1315	44-1110	13.1426	44-1474
13.1316	44-1111	13.1427	44-1497
13.1318	44-1112	13.1428	44-1498
13.1319	44-1133	13.1429	44-1499
13.1320	44-1134	13.1430	44-1517
13.1321	44-1135	13.1431	44-1518
13.1322	44-1136	13.1432	44-1519
13.1323	44-1137	13.1433	44-1520
13.1324	44-1168	13.1434	44-1521
13.1325	44-1169	13.1501	44-1546
13.1326	44-1170	13.1502	44-1547
13.1327	44-1171	13.1503	44-1548

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13.1505	44-1550	13.1903	44-2025
13.1506	44-1551	13.1904	44-2026
13.1507	44-1553	13.1905	44-2027
13.1508	44-1554	13.1906	44-2028
13.1509	44-1555	13.1907	44-2050
13.1510	44-1556	13.1908	44-2051
13.1511	44-1557	13.1909	44-2052
13.1512	44-1558	13.1910	44-2053
13.1601	44-1579	13.1911	44-2054
13.1602	44-1580	13.1912	44-2055
13.1603	44-1581	13.2001	30-1
13.1604	44-1582	13.2002	30-2
13.1605	44-1583	13.2003	30-4
13.1606	44-1584	13.2004	30-5
13.1607	44-1585	13.2005	30-6
13.1608	44-1586	13.2006	30-7
13.1609	44-1587	13.2007	30-33
13.1610(a)	44-1626	13.2008	30-34
13.1610(b)	44-1627	13.2009	30-35
13.1610(c)	44-1628	13.2010	30-36
13.1611(a)	44-1655	13.2011	30-37
13.1611(b)	44-1656	13.2012	30-38
13.1611(c)	44-1657	13.2013(a)	30-55
13.1611(d)	44-1658	13.2013(b)	30-56
13.1611(e)	44-1659	13.2013(c)	30-57
13.1611(f)	44-1660	13.2013(d)	30-58
13.1612	44-1588	13.2013(e)	30-59
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13.1805	44-1909	13.2013(k)	30-65
13.1806	44-1910	13.2013(l)	30-66
13.1807	44-1911	13.2014	30-89
13.1808	44-1912	13.2015	30-90
13.1809	44-1913	13.2016	30-91
13.1810	44-1914	13.2017	30-92
13.1811	44-1915	13.2018	30-93
13.1812	44-1916	13.2019	30-94
13.1813	44-1917	13.2020	30-95
13.1814	44-1918	13.2021	30-96
13.1815	44-1919	13.2022	30-97
13.1816	44-1937	13.2101	44-2074
13.1817	44-1938	13.2102	44-2075
13.1818	44-1939	13.2103	44-2076
13.1819	44-1940	13.2104	44-2077
13.1820	44-1964	13.2105	44-2078
13.1821	44-1965	13.2106	44-2079
13.1822	44-1966	13.2107	44-2080
13.1823	44-1967	13.2108	44-2081
13.1824	44-1968	13.2109	44-2082
13.1825	44-1969	13.2110	44-2113
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CODE COMPARATIVE TABLE

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14-204	36-34	14-710	36-418
14-205	36-35	14-711	36-419
14-206	36-36	14-712	36-420
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GENERAL ORDINANCE NO. 12-21

AN ORDINANCE CREATING CHAPTER 10, ARTICLE XIX, GREEN BAY MUNICIPAL CODE, RELATING TO VIDEO SERVICE PROVIDER FEES

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

SECTION 1. Former section 32.04(7), Green Bay Municipal Code, is hereby recreated as Chapter 10, Article XIX, Green Bay Municipal Code, as follows:

ARTICLE XIX. VIDEO SERVICE PROVIDER FEES

Sec. 10-200. Video Service Provider Fees.

(a) DEFINITIONS. Terms used in this section have the meaning ascribed to them in Wis. Stat. § 66.0420(2), as amended from time to time.

(b) FEE REQUIRED. Any video service provider that provides video service within the City shall, on a quarterly calendar basis, pay to the City a video service provider fee equal to the five percent (5%) of its gross receipts, or the maximum as may be allowed under controlling federal or state law, if such maximum is less than five percent (5%).

(1) The video service provider fee shall be paid no later than 45 days after the end of each quarter.

(2) Upon reasonable written request, the City may, for the purpose of ensuring proper and accurate payment of a video service provider fee, review the business records of a video service provider that is required to pay such a fee. The City shall notify the video service provider of any additional amount due following an audit of such records, which notice shall include a copy of the audit report. Any additional amount due shall be paid within 30 days of such notification.

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

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

Dated at Green Bay, Wisconsin, this _____day of _____, 2021.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

ljm
6/1/2021

CITY OF GREEN BAY

FEE SCHEDULE

Code Section	*Description*	*Fee*
	Chapter 2--Administration	
2-217	Municipal vehicle registration fee	$20.00
	Exemption from the municipal vehicle registration fee for vehicles registered by the State of Wisconsin under Wis. Stats. § 341.26	$5.00
	Chapter 4--Alcohol Beverages	
4-6	License fees	
	Class "A" (beer)	$400.00
	Class "B" (beer)	$100.00
	Special event or picnic license	$10.00
	"Class A" (liquor)	$400.00
	"Class B" (liquor)	$400.00
	Wholesaler's beer license	$0.00
	Operator's license (two-year license)	$50.00
	Initial issuance of a reserve "Class B" (liquor) license	$10,000.00
	"Class C" (wine)	$100.00
	Provisional retail license	$15.00
	Publication fee	$25.00
	Chapter 6--Animals	
6-1	Animal establishment license fee	$100.00
	Breeding service registration fee	
	For each male breeding dog	$300.00
	For each female breeding dog	$250.00
6-2	Dog and cat license tax	
	For a neutered male dog or cat	$5.00
	For a spayed female dog or cat	$5.00
	For an unneutered male dog or cat	$25.00
	For an unspayed female dog or cat	$25.00
	Late fee	$5.00
	Duplicate collar tag fee	$0.50
6-3	License fee to keep hens	$5.00
	Late fee	$5.00
6-11	Beekeeping permit fee	$10.00
	Chapter 8—Buildings and construction	
8-47	Building permit fees*	
8-360	Plumbing permit fees*	
8-369	Private well operation permit fee	$100.00
8-477	Heating and cooling license fees*	
8-478	Heating and cooling permit fees*	
8-449	Re-inspections of electrical wiring	$50.00
8-629	Roominghouse/shelter facility permit fee	$30.00
	Additional fee per dwelling unit or rooming unit	$10.00
8-671	Penalty fee for renewal mobile home park license applications postmarked after June 30	$25.00

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

Chapter 10—Businesses				
10-19	License fees for the sale of each of the following or the conduct of the business or activity			
		Ambulances		
			Per vehicle for first vehicle licensed by any person	$50.00
			Per additional vehicle	$25.00
		Auto salvage		$100.00
		Bakeries and confectioneries		
			Annual sales less than $50,000.00	$0.00
			Annual sales $50,000.00 to $150,000.00	$0.00
			Annual sales over $150,000.00	$0.00
		Billiard and pool tables, gamerooms, per table or gameroom		$5.00
		Canvasser, solicitor, peddler and transient merchants, and direct seller's investigation fee		$5.00
		Cigarettes		$100.00
		Closing out sales		$0.00
		Restaurants		
			Soft drink stands, frozen confections	$0.00
			Taverns not serving food	$0.00
			Prepackaged food only	$0.00
			Temporary restaurants	$0.00
			All others	$0.00
		Fermented malt beverages		
			Retail Class "A" license	$0.00
			Retail Class "B" license	$0.00
			Picnic Class "B" license	$0.00
			Wholesaler's license	$0.00
			Operator's license	$0.00
		Hotels and motels, as defined in Ch. 38, Art. II, and Wis. Adm. Code Ch. DHS 195		
			30 rooms or less	$0.00
			31--99 rooms	$0.00
			100 rooms or more	$0.00
		Intoxicating liquor		
			Retail Class "A" license	$0.00
			Retail Class "B" license	$0.00
			Pharmacist permit	$0.00
		Junk and secondhand dealers		
			For maintaining a building, warehouse, or yard	$50.00
			For each hand-drawn vehicle used for junk dealing	$1.00
			For each vehicle other than hand drawn	$3.00
			Secondhand article dealer permit	$27.50
			Secondhand jewelry dealer permit	$30.00
			Secondhand article dealer: mall/flea market permit	$165.00
		Parades		$0.00
		Pawn brokers		$210.00

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

10-19		Residential building contractors	
		Initial	$25.00
		Renewal	$10.00
		Temporary permit	$0.00
		Retail food markets	
		No food processing on site	$0.00
		Food processing on site	
		Annual sales less than $100,000.00	$0.00
		Annual sales $100,000.00 to $250,000.00	$0.00
		Annual sales more than $250,000.00	$0.00
		Sales at City stadium	$0.00
		Taxicab business licenses	
		For an organization which is exempt from federal income tax under IRC § 501(c)(3)	$0.00
		For a nonprofit corporation under Wis. Stats. Ch. 181	$0.00
		For any other person	
		For each taxicab with a capacity of seven or fewer passengers, not including the driver	$25.00
		For each taxicab with a capacity of eight to 15 passengers, not including the driver	$50.00
		Taxicab operator’s licenses	
		For an operator employed by an organization which is exempt from federal income tax under IRC § 501(c)(3)	$0.00
		For an operator employed by a nonprofit corporation under Wis. Stats. Ch. 181	$0.00
		For any other person	$50.00
		Circuses and carnivals	$0.00
		Advisory inspections, as defined in Section 10-21, Green Bay Municipal Code	$75.00
		Pre-inspections, as defined in Section 10-22, Green Bay Municipal Code	$60.00
10-88	Circus and carnival permit fee		$0.00
10-90	Auto salvage storage permit fee		$100.00
10-92	Newspaper vending machine permit fee		$50.00
10-93	Parklet permit fee		$200.00
10-140	Temporary facility license fee		$25.00
10-142	Facility license fee		
		If the premises is not also licensed under Ch. 4, GBMC	$75.00
		If the premises is also licensed under Ch. 4, GBMC	$25.00
10-143	Facility operator's license fee		$10.00
10-203	Sexually-oriented adult entertainment establishment license fee		$750.00
10-205	Sexually-oriented adult entertainment establishment license renewal fee		$250.00
10-210	Sexually-oriented adult entertainment establishment employee registration fee		$30.00
10-238	Escort service application fee		$500.00
	Escort service license fee		$500.00

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

10-240	Escort service license renewal fee			$500.00
10-243	Escort registration fee			$25.00
10-274	Direct sales permit fee			
		Temporary (30-day)		$100.00
		Annual		$350.00
		Request for additional locations beyond three		$50.00
		Request for change of location		$10.00
	Solicitor's permit fee			
		Temporary (30-day)		$25.00
		Annual		$100.00
10-342	Junk dealer annual fee			$50.00
10-344	Junk dealer daily reporting failure fee			$10.00
10-374	Junk collector annual fee			$3.00
10-428	Special event fee – Simple event			
		Small non-profit park event fee		
			Resident application fee	$25.00
			Late application fee	$25.00
			First time event additional fee	$50.00
			Event location change fee	$0.00
			Event cancellation fee	$10.00
		Small non-profit block party		
			Resident application fee	$25.00
			Late application fee	$25.00
			First time event additional fee	$50.00
			Event location change fee	$0.00
			Event cancellation fee	$10.00
	Special event fee – Small events			
		Athletic Event		
			Resident application fee	$100.00
			Non-resident application fee	$150.00
			Late application fee	$50.00
			First time event additional fee	$175.00
			Event location change fee	$25.00
			Event cancellation fee	$25.00
		All other small events		
			Resident application fee	$50.00
			Non-resident application fee	$75.00
			Late application fee	$25.00
			First time event additional fee	$88.00
			Event location change fee	$13.00
			Event cancellation fee	$13.00
	Special event fee – Medium events			
		Athletic Event		
			Resident application fee	$200.00
			Non-resident application fee	$300.00
			Late application fee	$100.00

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

10-428			First time event additional fee	$350.00
			Event location change fee	$50.00
			Event cancellation fee	$50.00
		All other medium events		
			Resident application fee	$175.00
			Non-resident application fee	$263.00
			Late application fee	$88.00
			First time event additional fee	$306.00
			Event location change fee	$44.00
			Event cancellation fee	$44.00
	Special event fee – Large events			
		Athletic Event		
			Resident application fee	$300.00
			Non-resident application fee	$450.00
			Late application fee	$150.00
			First time event additional fee	$525.00
			Event location change fee	$75.00
			Event cancellation fee	$75.00
		All other large events		
			Resident application fee	$275.00
			Non-resident application fee	$413.00
			Late application fee	$138.00
			First time event additional fee	$481.00
			Event location change fee	$69.00
			Event cancellation fee	$69.00
		Special event fee - Small budget film/photography		
			Resident application fee	$25.00
			Non-resident application fee	$38.00
			Late application fee	$13.00
			Event location change fee	$6.00
			Event cancellation fee	$6.00
		Special event fee - Special hazard event		
			Resident application fee	$500.00
			Non-resident application fee	$750.00
			Late application fee	$250.00
			First time event additional fee	$875.00
			Event location change fee	$125.00
			Event cancellation fee	$125.00
10-458	Public vehicle business license fee			$25.00
	Public vehicle business motor vehicle inspection fee			$25.00
10-459	Public vehicle business operator’s license fee			$50.00
10-493	Commercial quadricycle business license fee			$25.00
	Commercial quadricycle inspection fee			$25.00
10-494	Commercial quadricycle operator’s license fee			$50.00
10-514	Underground sprinkler license fee			$25.00
10-517	Lawn sprinkler permit fee*			

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

10-544	Lobbyist registration fee			$20.00
10-574	Mobile food establishment license to operate fee			
		If the license is not in connection with an existing City-based business that sells food-based products		$500.00
		If the license is in connection with an existing City-based business that sells food-based products		$300.00
	Mobile food establishment license to operate renewal fee			
		If the license is not in connection with an existing City-based business that sells food-based products		$500.00
		If the license is in connection with an existing City-based business that sells food-based products		$300.00
10-599	Tree and brush trimmer license fee			$25.00
10-634	City sealer assessment fees*			
10-740	Alarm business permit fee			$50.00
10-741	Alarm user permit fee			
		For an alarm user who is residential obtaining a hold-up alarm or other burglar alarm system		$20.00
		For an alarm user who is not residential obtaining a hold-up alarm system or burglar alarm system, a fire alarm system, or both		$40.00
10-742	False alarm on hold-up alarms			
		Premises holding a permit		
			Second false hold-up alarm	$100.00
			Third false hold-up alarm	$200.00
			Fourth and subsequent false hold-up alarms	$350.00
		Premises without a permit		
			First false hold-up alarm	$100.00
			Second false hold-up alarm	$200.00
			Third and subsequent false hold-up alarms	$350.00
	False alarm on alarm systems other than hold-up alarms			
		Premises holding a permit		
			Second false alarm	$50.00
			Third false alarm	$75.00
			Fourth false alarm	$125.00
			Fifth and subsequent false alarms	$225.00
		Premises without a permit		
			First false alarm	$50.00
			Second false alarm	$75.00
			Third false alarm	$125.00
			Fourth and subsequent false alarms	$225.00
Chapter 16-Enviroment				
16-40	Erosion Control Permit*			
16-82	Storm water management plan permit fee			$0.00
Chapter 18—Fire Prevention and Control				
18-66	Re-inspections for compliance with Ch. 18, Art. II, GBMC			$50.00
18-93	Permit fee for the purchase and use within the City of those classes of fireworks or pyrotechnics authorized by said statute			$200.00

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

	Permit fee for the sale of fireworks within the City of those classes of fireworks authorized by statute		$600.00
	Chapter 28-Parks and Recreation		
28-7	Metro Boat Daily Launch Fee		$6.00
	Chapter 32—Solid Waste		
32-2	Bulky waste collector's fee		$3.00
		Garbage tipper cart – 64 gallon	$60.00
		Garbage tipper cart – 96 gallon	$95.00
		Recycling tipper cart – 64 gallon	$60.00
		Recycling tipper cart – 96 gallon	$95.00
32-3	Private collector's license fee		
		Per vehicle for first vehicle licensed by any person	$25.00
		Per additional vehicle	$5.00
	Chapter 34—Streets, Sidewalks, and Other Public Places		
34-5	Excavation permit fee		$50.00
		First 100 square feet of excavation	$37.80
		Each additional 100 square feet of excavation	$7.60
34-8	Sidewalk builder's license fee		$25.00
34-64	Vessel docking alongside city property		$0.00
	Leicht Park Cruise Ship Docking Fee (per day)		$1,500.00
	Leicht Park Cruise Ship Overnight Docking Fee		$2,000.00
	Chapter 36--Subdivisions		
36-34	Review fees		
		Preliminary city/extraterritorial subdivision plat	$150.00
		Additional fee per lot/outlot	$35.00
		Preliminary city/extraterritorial certified survey map	$150.00
		Final city/extraterritorial subdivision plat	$100.00
		City/extraterritorial subdivision/CSM variance	$100.00
36-558	Parkland development fee		$275.00
	Chapter 44--Zoning		
44-82	Zoning amendment fee		$300.00
44-83	Conditional use permit fee		$300.00
44-112	Homebased occupation fee		$0.00
44-1552	Work done without Certificate of Appropriateness (per day)		$50.00
44-1580	Short-term rental application/review fee		$100.00
	Short-term rental renewal fee		$100.00
	Miscellaneous		
	Other miscellaneous fees may also be established by policy approved by the Council from time to time		

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

www.greenbaywi.gov

CURRENT PERMIT FEE SCHEDULE

Department of Community and Economic Development
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3300 - phone
(920) 448-3426 - fax
inspmail@greenbaywi.gov

ONE & TWO-FAMILY RESIDENTIAL — *PLAN APPROVALS*

1. Site Plan Approval (each category applied separately) ***(fees collected at plan submission)***

A. Zoning Code and Municipal Standards Approval

- Principal-Use Building and Site Development: New Construction, Addition, Change-of-Use, Foundation ..... **$50 ($25 for developed area less than 1,000 sq. ft.)**
- Accessory-Use Building: New Construction, Addition, Foundation Reconstruction (detached garage or yard building) ..... **$25 (developed area of 150 sq. ft. or larger only)**
- Fencing: New Construction (site plan not required for repair of existing fencing) **$0**
- Landscaping: Land-disturbing activity (1,000 sq. ft. or larger) or New Structure (wall berm 6' or more above grade) **$25**
- Tower Structure: New Construction (ham radio, antenna, etc.) **$25**
- Vehicular: New Construction, Replacement (driveway, curb cut, culvert, apron, parking lot/spaces) **$25**
- Water Structure: New Construction, Addition, Alteration (swimming pool, hot tub, pond not part of stormwater management) **$25**
- Signage: New or Reconstructed Subdivision or Neighborhood Identification **$25**

B. Special Land-Use Approval

- Floodplain Land-Use (includes erosion control plan, flood proofing certificate and elevation certificate for NFIP) **$50**
- Shoreland/Wetland Land-Use (includes erosion control plan, floodproofing certificate and elevation certificate for NFIP) **$50**
- Erosion Control (land-disturbance of 4,000 sq. ft. or more, filling/excavating of 400 cu. ft. or more, trenching of 300 Lft. or more) **$25**

C. Common Council Approval (when required)

- Conditional-Use ..... Complete and submit application form
- Planned Unit Development ..... "Request For City Action-Plan Commission"
- Rezone Property ..... Request for City Action (PDF)

D. Board of Appeals (when required)

- Application and Hearing Fee **$75**
- Deadline for materials is the first Tuesday of the month at 12 noon. The meeting is the third Monday of the month.

2. Construction Plan Approval

A. Building Approval [Ch. Comm. 20-22, Wis. Admin. Code]

- Principal-Use Building Plan: New Construction, Addition, Foundation Reconstruction ..... **$50 ($25 for building area less than 1,000 sq. ft.)**
- Accessory-Use Building Plan: New Construction, Addition, Foundation Reconstruction (detached garage or yard building) ..... **$25 (building area of 150 sq. ft. or larger only)**

B. Heating Ventilating and Air Conditioning Plan Approval [Ch. Comm. 23, Wis. Admin. Code]

- Energy (Heat Loss) Calculations (new or additions to existing system) **$0**

C. Plumbing Plan Approval [Ch's. Comm. 24 and 81 through 87, Wis. Admin. Code]

- Fixture List (new, addition or modifications to existing system) **$0**

1. **Erosion Control Permits (land-disturbing activity of 4,000 sq. ft. or more, filling or excavating of 100 cu. yd. or more, trenching of 300 Lft. or more) (§16-40, GBMC)**
   - Single Parcel ..... **$50 each project**
   - Multi-Parcel or Subdivision ..... **$20 per parcel, $50 min., $250 max.**
2. **Building Permits (§8-47, GBMC)**
   A. Principal or Accessory Building:
      - New Construction, Addition, Alteration, Foundation (including decks, porches, stoops, etc.) ..... **$0.095/sq. ft., $50 min.**
      - Windows/Doors (only creating an opening or changing opening size) **$50**
      - Move Building (must obtain new foundation permit at new building site, if in City) **$50**
      - Raze/Demolish Building (buildings of 150 sq. ft. or more only) **$50**

   B. Accessory Structures:
      - Curb Cut, Culvert, Driveway **$50**
      - Landscape Structures, such as berm, retaining wall, etc. (6' above average grade) **$50**
      - Fencing **$50**
      - Hot Tub, Swimming Pool (outdoor installation only) **$50**
      - Pond (when not part of stormwater management system) **$50**
      - Satellite Receiver (greater than 1 meter or 39 inches in diameter only) **$50**
      - Tower Structure (ham radio, antenna, etc.) **$50**
      - Subdivision or Neighborhood Identification Signage ..... **$30 plus $0.30/sq. ft.**
3. **Electrical Permits**
   - General Electrical System: New Construction, Addition, Alteration ..... **$0.045/sq. ft., $50 min.**
   - Electrical Service: New Service, Service Change, Repair, or Temporary (when not part of general system work) ..... **$50 each**
   - Air Conditioning Addition (when not part of general system only) ..... **$50 each**
   - Sign (internally or externally illuminated) ..... **$50 each**
4. **Mechanical (HVAC) Permits (§8-478, GBMC)**
   - General HVAC system: New Construction, Addition, Alteration ..... **$0.045/sq. ft., $50 min.**
   - Heating Unit Replacement (unit-for-unit replacement when not part of general system work) **$50**
   - Air Conditioning Addition (addition to existing system when not part of general system work) ..... **$50 each unit**
5. **Plumbing Permits (§8-360, GBMC)**
   - General Plumbing: New System, Addition, or Alteration (include lawn sprinkler and water heater when done with general plumbing) (§10-517, GBMC) ..... **$7 per fixture, $50 min.**
   - Water Service Connection Permit (municipal or private well service, water meter fee assessed by Water Utility) ..... **$30 each**
   - Sanitary Sewer Connection (municipal or private sanitary sewer) ..... **$30 each**
   - Storm Sewer Connection (municipal storm sewer only) ..... **$30 each plus assessment fee (if req.)**
   - Sewer Cap (municipal sewer only) ..... **$50 each**
   - Fire Suppression System: New, Addition, Alteration ..... **$2.50 per head, $50 min., $200 max.**
   - Lawn Sprinkler System-Reduced Pressure Valve (counted as fixture for new construction) **$50**
   - Water Heater Replacement (unit for unit) **$30**
   - Palmer Valve **$50**
   - Back Water Valve **$30**

ONE & TWO-FAMILY RESIDENTIAL ***OTHER SERVICES***

- Certificate of Occupancy (temporary and final certificates of habitable space) ..... **$30 each**
- Floodplain Certificate (floodplain determination letter) **$10**
- Property Compliance Letter (clearwater separation, backwater protection and storm sewer connection at property sale) **$30**
- Reinspection Fee (initial and follow-up inspection are at no charge) **$50**
- Uniform Dwelling Code Seal (new residential building construction only) **$30**
- Zoning Certificate (initial letter requires research and/or field inspection) **$30**
- Zoning Certificate (reprinted and resending previously prepared letters) **$10**

1. Site Plan Approval (each category applied separately) ***(fees collected at plan submission)***

A. Zoning Code and Municipal Standards Approval

- Principal-Use Building and Site Development: New Construction, Addition, Change-of-Use, Foundation ..... **$50 plus $5/1,000 sq. ft. developed area**
- Accessory-Use Building: New Construction, Addition, Foundation Reconstruction (detached garage or yard building) ..... **$50 plus $5/1,000 sq. ft. developed area**
- Fencing: New Construction (site plan approval not required for repair of existing fencing) **$50**
- Landscaping: Land-disturbing activity (1,000 sq. ft. or larger) or New Structure (wall berm 6' or more above grade) **$50**
- Tower Structure: New Construction (ham radio, antenna, etc.) **$50**
- Vehicular: New Construction, Replacement (driveway, curb cut, culvert, apron, parking lot/spaces) ..... **$50 plus $5/1,000 sq. ft. developed area**
- Water Structure: New Construction, Addition, Alteration (swimming pool, hot tub, pond not part of stormwater management) ..... **$50 plus $5/1,000 sq. ft. developed area**
- Signage: New or Reconstructed Subdivision or Neighborhood Identification **$25**

B. Special Land-Use Approval

- Floodplain Land-Use (includes erosion control plan, floodproofing certificate and elevation certificate for NFIP) **$50**
- Shoreland/Wetland Land-Use (includes erosion control plan, floodproofing certificate and elevation certificate for NFIP) **$50**
- Erosion Control (land-disturbance of 4,000 sq. ft. or more, filling/excavating of 400 cu. ft. or more, trenching of 300 Lft. or more) **$50**

C. Common Council Approval (when required)

- Conditional-Use ..... Complete and submit application form
- Planned Unit Development ..... "Request For City Action-Plan Commission"
- Rezone Property ..... Request for City Action (PDF)

D. Board of Appeals (when required)

- Application and Hearing Fee **$150**
- Deadline for materials is the first Tuesday of the month at 12 noon. The meeting is the third Monday of the month.

2. Construction Plan Approval

A. Building Code Compliance [Comm. 61 through 65, Wis. Admin. Code]

- Principal-Use Building Plan: New Construction, Addition, Foundation Reconstruction ..... **$100 (if approved by State) or per SBD-118**
- Accessory-Use Building Plan: New Construction, Addition, Foundation Reconstruction (detached garage or yard building) ..... **$100 (if approved by State) or per SBD-118**
- Sign Structural Plan (ground mounted pylon type) ..... **$50 (sign area of 150 sq. ft. or larger)**

B. Heating Ventilating and Air Conditioning Code Compliance [Comm. 63 & 64, Wis. Admin. Code]

- Mechanical Systems Plan ..... **$100 (if approved by State) or per SBD-118**

C. Plumbing Code Compliance [Ch's. Comm. 81 through 87, Wis. Admin. Code]

- Plumbing System Plan ..... **$100 (if approved by State) or per SBD-6154**
- Fire Sprinkler System Plan ..... **SBD-118, submit to Safety & Buildings Division**

1. Erosion Control Permits (land-disturbing activity of 4,000 sq. ft. or more, filling or excavating of 400 cu. ft. or more, trenching of 300 Lft. or more) (§16-40, GBMC)
- Single Parcel ..... **$50 each project**
- Multi-Parcel or Subdivision ..... **$20 per parcel, $100 min., $250 max.**

2. Building Permits (§8-47, GBMC)

A. Principal or Accessory Building:
- General Construction:
  New Building, Addition, Alteration, Foundation ..... **$0.105/sq. ft., $70 min.**
- Roofing Replacement: • Asphalt Shingle **$70**
  • Built-up or Membrane, Metal, Tile ..... **$0.01/sq. ft., $70 min.**
- Siding; Replacement Siding: • Aluminum, Vinyl, Wood **$70**
  • Brick Veneer, Masonry, Stone, Stucco, EIFS ..... **$0.01/sq. ft., $70 min.**
- Move Building (150 sq. ft. or larger) ..... **$70 plus $0.105/sq. ft. foundation area**
- Raze/Demolish Building (150 sq. ft. or larger) **$70**

B. Accessory Structures:
- Curb Cut, Culvert, and/or Driveway Widening **$70**
- Landscape Structures, such as berm, retaining wall, etc. (6' above average grade) **$70**
- Fencing **$70**
- Hot Tub, Swimming Pool (outdoor installation only) **$70**
- Pond (when not part of stormwater management system) **$70**
- Satellite Receiver **$70**
- Tower Structure (ham radio, antenna, etc.) **$70**
- Sign (Subdivision or Neighborhood Identification Signage ..... **$30 plus $0.30/sq. ft.**

3. Electrical Permits
- General Electrical: New System, Addition, Alteration
  (based on system service area) ..... **$0.055/sq. ft., $70 min.**
- Electrical Service: New Service, Service Change, Repair, or Temporary (include in general electrical when done at the same time) ..... **$70 each initial inspection/$30 each additional**
- Air Conditioning Addition (new connections only, include in general electrical when done at same time) ..... **$70 each unit**
- Sign (internally or externally illuminated, include in general electrical when done at same time) **$70**

4. Mechanical (HVAC) Permits (§8-478, GBMC)
- General HVAC: New System, Addition, Alteration
  (based on area serviced by system) ..... **$0.055/sq. ft., $70 min.**
- Heating Unit Replacement (unit-for-unit with no duct work involved, include in general HVAC when done at same time) ..... **$70 each unit**
- Air Conditioning Addition or Replacement (unit-for-unit with no duct work involved, include in general HVAC when done at same time) ..... **$70 each unit**

5. Plumbing Permits (§8-360, GBMC)
- General Plumbing: New System, Addition, or Alteration (include lawn sprinkler and water heater when done with general plumbing) (§10-517, GBMC) ..... **$7 per fixture, $70 min.**
- Water Service Connection Permit (municipal or private well service, water meter fee assessed by Water Utility) ..... **$30 each**
- Sanitary Sewer Connection (municipal or private sanitary sewer) ..... **$30 each**
- Storm Sewer Connection (municipal storm sewer only) ..... **$30 each plus assessment fee (if req.)**
- Sewer Cap (when building is razed or removed) ..... **$70 each**
- Fire Suppression System: New, Addition, Alteration ..... **$2.50 per head, $70 min., $200 max.**
- Lawn Sprinkler System-Reduced Pressure Valve (include in general plumbing when done at same time) **$70**
- Water Heater Replacement (unit for unit with no other plumbing, include in general plumbing when done at the same time) **$70**

MULTI-FAMILY RESIDENTIAL (3-unit or more) ***OTHER SERVICES***

- Certificate of Occupancy (temporary and final certificates)..... **$30 each**
- Floodplain Certificate (floodplain determination letter) **$10**
- Property Compliance Letter (Clearwater separation, backwater protection and storm sewer connection at property sale)..... **$30**
- Reinspection Fee (initial and follow-up inspection are at no charge)..... **$50**
- Zoning Certificate (initial letter requires research and/or field inspection)..... **$30**
- Zoning Certificate (reprinted and resending previously prepared letters)..... **$10**

COMMERCIAL, EDUCATION, INSTITUTION, INDUSTRIAL USES ***PLAN APPROVALS***

1. **Site Plan Approval (each category applied separately)** ***(fees collected at plan submission)***

A. Zoning Code & Municipal Standards Approval

- Principal-Use Building & Site Development: New Construction, Addition, Change-of-Use, Foundation..... **$50 plus $5/1,000 sq. ft. developed area**
- Accessory-Use Building: New Construction, Addition, Foundation Reconstruction (detached garage or yard building) ..... **$50 plus $5/1,000 sq. ft. developed area**
- Fencing: New Construction (site plan approval not required for repair of existing fencing)..... **$50**
- Landscaping: Land-disturbing activity (1,000 sq. ft. or larger) or New Structure (wall or berm 6' or more above grade)..... **$50**
- Tower Structure: New Construction (ham radio, antenna, etc.)..... **$50**
- Vehicular: New Construction, Replacement (driveway, curb cut, culvert, apron, parking lot/spaces) ..... **$50 plus $5/1,000 sq. ft. developed area**
- Water Structure: New Construction, Addition, Alteration (swimming pool, hot tub, pond not part of stormwater management)..... **$50 plus $5/1,000 sq. ft. developed area**
- Signage: New or Reconstructed Subdivision or Neighborhood Identification..... **$50**

B. Special Land-Use Approval

- Floodplain Land-Use (includes erosion control plan, floodproofing certificate and elevation certificate for NFIP)..... **$50**
- Shoreland/Wetland Land-Use (includes erosion control plan, floodproofing certificate and elevation certificate for NFIP)..... **$50**
- Erosion Control (land-disturbance of 4,000 sq. ft. or more, filling/excavating of 400 cu. ft. or more, trenching of 300 Lft. or more)..... **$50**

C. Common Council Approval (when required)

- Conditional-Use..... Complete and submit application form
- Planned Unit Development..... "Request For City Action-Plan Commission"
- Rezone Property ..... Request for City Action (PDF)

D. Board of Appeals (when required)

- Application & Hearing Fee **$150**
- Deadline for materials is the first Tuesday of the month at 12 noon. The meeting is the third Monday of the month.

2. Construction Plan Approval

A. Building Code Compliance [Comm. 61 through 65, Wis. Admin. Code]

- Principal-Use Building Plan: New Construction, Addition, Foundation Reconstruction ..... **$100 (if approved by State) or per SBD-118**
- Accessory-Use Building Plan: New Construction, Addition, Foundation Reconstruction ..... **$100 (if approved by State) or per SBD-118**
- Sign Structural Plan (ground mounted pylon type)..... **$50**

B. Heating Ventilating and Air Conditioning Code Compliance [Comm. 63 & 64, Wis. Admin. Code]

- Mechanical Systems Plan..... **$100 (if approved by State) or per SBD-118**

C. Plumbing Code Compliance [Ch's. Comm. 81 through 87, Wis. Admin. Code]

- Plumbing System Plan..... **$100 (if approved by State) or per SBD-6154**
- Fire Sprinkler System Plan..... **SBD-118, submit to Safety & Buildings Division**

Building Group 1: Warehouse, freight terminals, storage buildings or garages, factory, machine shop, substation, sewage plan, vault and all other uses not included in Building Group 2 or Residential uses.

Building Group 2: Office, bank, barber shops, beauty, bowling, dry cleaning, clinic, natatorium, hotels, motels, tavern, restaurant, cafeteria, retail, repair or service garage, church, assembly halls, theaters, exhibit building, educational institution, hospitals, nursing home, places of detention, gym, arenas, labs, halls, funeral homes, libraries, skating rinks, dance hall and armories.

1. **Erosion Control Permits (land-disturbing activity or 4,000 sq. ft. or more, filling or excavating of 400 cu. ft. or more, trenching of 300 Lft. or more) (§16-40, GBMC)**
   - Single Parcel ..... **$50 each project**
   - Multi-Parcel or Subdivision ..... **$20 per parcel, $100 min., $250 max.**
2. **Building Permits (§8-47, GBMC)**

   A. Principal or Accessory Building:
   - General Construction-Building Group 1: New Building, Addition, Alteration, Foundation ..... **$0.065/sq. ft, $70 min.**
   - General Construction-Building Group 2: New Building, Addition, Alteration, Foundation ..... **$0.135/sq. ft, $70 min.**
   - Roofing Replacement-Building Group 1 & 2 • Asphalt Shingle **$70**
     • Built-up or Membrane, Metal, Tile ..... **$0.01/sq. ft., $70 min.**
   - New Siding; Replacement Siding/Building Group 1 & 2 • Aluminum, Vinyl, Wood **$70**
     • Brick Veneer, Masonry, Stone, Stucco, EIFS ..... **$0.01/sq. ft., $70 min.**
   - Move Building-Building Group 1 & 2 (150 sq. ft. or larger) ..... **$70 plus foundation for Group 1 or 2**
   - Raze/Demolish Building-Building Group 1 & 2 (150 sq. ft. or larger) **$70**

   B. Accessory Structures:
   - Curb Cut, Culvert, and/or Driveway Widening **$70**
   - Landscape Structures, such as berm, retaining wall, etc. (6' above average grade) **$70**
   - Fencing **$70**
   - Hot Tub, Swimming Pool (outdoor installation only) **$70**
   - Pond (when not part of stormwater management system) **$70**
   - Satellite Receiver **$70**
   - Tower Structure (ham radio, antenna, etc.) **$70**
   - Sign (permanent ground or building mounted) ..... **$30 plus $0.30/sq. ft.**
   - Sign (temporary or mobile signs) ..... **$30 each period of time**
3. **Electrical Permits**
   - General Electrical-Building Group 1: New System, Addition, Alteration ..... **$0.045/sq. ft., $70 min.**
   - General Electrical-Building Group 2: New System, Addition, Alteration ..... **$0.085/sq. ft., $70 min.**
   - Misc. Electrical Work

Project Cost	Fee
$0-$10,000	$70.00
$10,001-$50,000	$140.00
$50,001-$100,000	$210.00
$100,001-$200,000	$300.00
$200,001-$300,000	$400.00
Greater than $300,000	$500 + $100 for every $100,000 over $300,000

   - Sign (internally or externally illuminated) **$70**
4. **Mechanical (HVAC) Permits (§8-478, GBMC)** (Applicable to Building Group 1 & 2)
   - General HVAC: New System, Addition, Alteration (ductless unit-heater systems only) ..... **$0.045/sq ft,$70 min.**
   - General HVAC: New System, Addition, Alteration (ducted or hydronic system) ..... **$0.085/sq ft,$70 min.**
   - Heating Unit Replacement (unit-for-unit with no ductwork involved, including in general heating work) ..... **$70 each unit**
   - Air Conditioning Addition or Replacement (unit-for-unit with no ductwork involved, including in general heating work) ..... **$70 each unit**

5. Plumbing Permits (§8-360, GBMC)

- General Plumbing: New System, Addition, or Alteration (include lawn sprinkler and water heater when done with general plumbing) (§10-517, GBMC)..... **$8 per fixture, $70 min.**
- Fire Suppression System: New, Addition, Alteration..... **$2.50 per head, $70 min., $200 max.**
- Water Service Connection Permit (municipal or private well service, water meter fee assessed by Water Utility)..... **$30 each**
- Sanitary Sewer Connection (municipal or private sanitary sewer)..... **$30 each**
- Storm Sewer Connection (municipal storm sewer only)..... **$30 each plus assessment fee (if req.)**
- Sewer Cap (when building is razed or removed) ..... **$70 each**
- Lawn Sprinkler System-Reduced Pressure Valve **$70**
- Water Heater Replacement (unit for unit) **$70**

COMMERCIAL, EDUCATION, INSTITUTION, INDUSTRIAL USES OTHER SERVICES

- Certificate of Occupancy (required for all construction of habitable or occupied spaces)..... **$50 each**
- Business License Compliance (new and renewal business license)..... **$50**
- Floodplain Certificate (floodplain determination letter) **$10**
- Property Compliance Letter (Clearwater separation, backwater protection and storm sewer connection) **$30**
- Reinspection Fee (initial and follow-up inspection are at no charge)..... **$50**
- Zoning Certificate (initial letter requires research and/or field inspection)..... **$50**
- Zoning Certificate (reprinted and resending previously prepared letters)..... **$10**

WEIGHTS AND MEASURES

Inspection Services* (§10-634, GBMC)** ***(fees collected by invoice)

- Annual Processing Fee ..... **$30 per establishment**
- Product Look-up (PLU) or Scanner System ..... **$100 Per establishment**
- Electronic Cash Register (ECR) interfaced with other devices ..... **$30 per register**
- Scales (1-50 lbs.) ..... **$35 per device**
- Scales (over 50 lbs., up to 1,000 lbs.) ..... **$30 per device**
- Sensitive Scale (Prescription, Jewelry, Precious Metal) ..... **$60 per device**
- Vehicle Scales ..... **$100 per device**
- Livestock Scales ..... **$100 per device**
- Auto Recycling Machine ..... **$100 per device**
- Vehicle Tank Meters, Petroleum Products ..... **$35 per device**
- Vehicle Tank Meters, Lubricant Products ..... **$35 per device**
- LMD's (per device or grade listed on dispenser) ..... **$30 per device**
- LMD's High Output Device (per device) ..... **$35 per device**
- LMD's Marina Fuel Dispenser (per device) ..... **$30 per device**
- Coin Operated Timer ..... **$5 per device**
- Taxi Cab Meter ..... **$25 per device**
- Miscellaneous Device ..... **$50 per hour**
- Re-inspection (after follow-up compliance inspection) ..... **$50 per reinspection**

RESOLUTION ADOPTING
CITY OF GREEN BAY FEE SCHEDULE

March 2, 2021

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City of Green Bay Fee Schedule, attached hereto as Exhibit A, is hereby adopted.

Adopted _____

Approved _____

_____
Mayor

_____
Clerk

ljm

6/1/2021

Attachment – Exhibit A, City of Green Bay Fee Schedule

Exhibit A

CITY OF GREEN BAY

FEE SCHEDULE

Code Section	*Description*	*Fee*
	Chapter 2--Administration	
2-217	Municipal vehicle registration fee	$20.00
	Exemption from the municipal vehicle registration fee for vehicles registered by the State of Wisconsin under Wis. Stats. § 341.26	$5.00
	Chapter 4--Alcohol Beverages	
4-6	License fees	
	Class "A" (beer)	$400.00
	Class "B" (beer)	$100.00
	Special event or picnic license	$10.00
	"Class A" (liquor)	$400.00
	"Class B" (liquor)	$400.00
	Wholesaler's beer license	$0.00
	Operator's license (two-year license)	$50.00
	Initial issuance of a reserve "Class B" (liquor) license	$10,000.00
	"Class C" (wine)	$100.00
	Provisional retail license	$15.00
	Publication fee	$25.00
	Chapter 6--Animals	
6-1	Animal establishment license fee	$100.00
	Breeding service registration fee	
	For each male breeding dog	$300.00
	For each female breeding dog	$250.00
6-2	Dog and cat license tax	
	For a neutered male dog or cat	$5.00
	For a spayed female dog or cat	$5.00
	For an unneutered male dog or cat	$25.00
	For an unspayed female dog or cat	$25.00
	Late fee	$5.00
	Duplicate collar tag fee	$0.50
6-3	License fee to keep hens	$5.00
	Late fee	$5.00
6-11	Beekeeping permit fee	$10.00
	Chapter 8—Buildings and construction	
8-47	Building permit fees*	
8-360	Plumbing permit fees*	
8-369	Private well operation permit fee	$100.00
8-477	Heating and cooling license fees*	
8-478	Heating and cooling permit fees*	
8-449	Re-inspections of electrical wiring	$50.00
8-629	Roominghouse/shelter facility permit fee	$30.00
	Additional fee per dwelling unit or rooming unit	$10.00
8-671	Penalty fee for renewal mobile home park license applications postmarked after June 30	$25.00

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

Chapter 10—Businesses				
10-19	License fees for the sale of each of the following or the conduct of the business or activity			
		Ambulances		
			Per vehicle for first vehicle licensed by any person	$50.00
			Per additional vehicle	$25.00
		Auto salvage		$100.00
		Bakeries and confectioneries		
			Annual sales less than $50,000.00	$0.00
			Annual sales $50,000.00 to $150,000.00	$0.00
			Annual sales over $150,000.00	$0.00
		Billiard and pool tables, gamerooms, per table or gameroom		$5.00
		Canvasser, solicitor, peddler and transient merchants, and direct seller's investigation fee		$5.00
		Cigarettes		$100.00
		Closing out sales		$0.00
		Restaurants		
			Soft drink stands, frozen confections	$0.00
			Taverns not serving food	$0.00
			Prepackaged food only	$0.00
			Temporary restaurants	$0.00
			All others	$0.00
		Fermented malt beverages		
			Retail Class "A" license	$0.00
			Retail Class "B" license	$0.00
			Picnic Class "B" license	$0.00
			Wholesaler's license	$0.00
			Operator's license	$0.00
		Hotels and motels, as defined in Ch. 38, Art. II, and Wis. Adm. Code Ch. DHS 195		
			30 rooms or less	$0.00
			31--99 rooms	$0.00
			100 rooms or more	$0.00
		Intoxicating liquor		
			Retail Class "A" license	$0.00
			Retail Class "B" license	$0.00
			Pharmacist permit	$0.00
		Junk and secondhand dealers		
			For maintaining a building, warehouse, or yard	$50.00
			For each hand-drawn vehicle used for junk dealing	$1.00
			For each vehicle other than hand drawn	$3.00
			Secondhand article dealer permit	$27.50
			Secondhand jewelry dealer permit	$30.00
			Secondhand article dealer: mall/flea market permit	$165.00
		Parades		$0.00
		Pawn brokers		$210.00

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

10-19		Residential building contractors	
		Initial	$25.00
		Renewal	$10.00
		Temporary permit	$0.00
		Retail food markets	
		No food processing on site	$0.00
		Food processing on site	
		Annual sales less than $100,000.00	$0.00
		Annual sales $100,000.00 to $250,000.00	$0.00
		Annual sales more than $250,000.00	$0.00
		Sales at City stadium	$0.00
		Taxicab business licenses	
		For an organization which is exempt from federal income tax under IRC § 501(c)(3)	$0.00
		For a nonprofit corporation under Wis. Stats. Ch. 181	$0.00
		For any other person	
		For each taxicab with a capacity of seven or fewer passengers, not including the driver	$25.00
		For each taxicab with a capacity of eight to 15 passengers, not including the driver	$50.00
		Taxicab operator’s licenses	
		For an operator employed by an organization which is exempt from federal income tax under IRC § 501(c)(3)	$0.00
		For an operator employed by a nonprofit corporation under Wis. Stats. Ch. 181	$0.00
		For any other person	$50.00
		Circuses and carnivals	$0.00
		Advisory inspections, as defined in Section 10-21, Green Bay Municipal Code	$75.00
		Pre-inspections, as defined in Section 10-22, Green Bay Municipal Code	$60.00
10-88	Circus and carnival permit fee		$0.00
10-90	Auto salvage storage permit fee		$100.00
10-92	Newspaper vending machine permit fee		$50.00
10-93	Parklet permit fee		$200.00
10-140	Temporary facility license fee		$25.00
10-142	Facility license fee		
		If the premises is not also licensed under Ch. 4, GBMC	$75.00
		If the premises is also licensed under Ch. 4, GBMC	$25.00
10-143	Facility operator's license fee		$10.00
10-203	Sexually-oriented adult entertainment establishment license fee		$750.00
10-205	Sexually-oriented adult entertainment establishment license renewal fee		$250.00
10-210	Sexually-oriented adult entertainment establishment employee registration fee		$30.00
10-238	Escort service application fee		$500.00
	Escort service license fee		$500.00

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

10-240	Escort service license renewal fee			$500.00
10-243	Escort registration fee			$25.00
10-274	Direct sales permit fee			
		Temporary (30-day)		$100.00
		Annual		$350.00
		Request for additional locations beyond three		$50.00
		Request for change of location		$10.00
	Solicitor's permit fee			
		Temporary (30-day)		$25.00
		Annual		$100.00
10-342	Junk dealer annual fee			$50.00
10-344	Junk dealer daily reporting failure fee			$10.00
10-374	Junk collector annual fee			$3.00
10-428	Special event fee – Simple event			
		Small non-profit park event fee		
			Resident application fee	$25.00
			Late application fee	$25.00
			First time event additional fee	$50.00
			Event location change fee	$0.00
			Event cancellation fee	$10.00
		Small non-profit block party		
			Resident application fee	$25.00
			Late application fee	$25.00
			First time event additional fee	$50.00
			Event location change fee	$0.00
			Event cancellation fee	$10.00
	Special event fee – Small events			
		Athletic Event		
			Resident application fee	$100.00
			Non-resident application fee	$150.00
			Late application fee	$50.00
			First time event additional fee	$175.00
			Event location change fee	$25.00
			Event cancellation fee	$25.00
		All other small events		
			Resident application fee	$50.00
			Non-resident application fee	$75.00
			Late application fee	$25.00
			First time event additional fee	$88.00
			Event location change fee	$13.00
			Event cancellation fee	$13.00
	Special event fee – Medium events			
		Athletic Event		
			Resident application fee	$200.00
			Non-resident application fee	$300.00
			Late application fee	$100.00

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

10-428			First time event additional fee	$350.00
			Event location change fee	$50.00
			Event cancellation fee	$50.00
		All other medium events		
			Resident application fee	$175.00
			Non-resident application fee	$263.00
			Late application fee	$88.00
			First time event additional fee	$306.00
			Event location change fee	$44.00
			Event cancellation fee	$44.00
	Special event fee – Large events			
		Athletic Event		
			Resident application fee	$300.00
			Non-resident application fee	$450.00
			Late application fee	$150.00
			First time event additional fee	$525.00
			Event location change fee	$75.00
			Event cancellation fee	$75.00
		All other large events		
			Resident application fee	$275.00
			Non-resident application fee	$413.00
			Late application fee	$138.00
			First time event additional fee	$481.00
			Event location change fee	$69.00
			Event cancellation fee	$69.00
		Special event fee - Small budget film/photography		
			Resident application fee	$25.00
			Non-resident application fee	$38.00
			Late application fee	$13.00
			Event location change fee	$6.00
			Event cancellation fee	$6.00
		Special event fee - Special hazard event		
			Resident application fee	$500.00
			Non-resident application fee	$750.00
			Late application fee	$250.00
			First time event additional fee	$875.00
			Event location change fee	$125.00
			Event cancellation fee	$125.00
10-458	Public vehicle business license fee			$25.00
	Public vehicle business motor vehicle inspection fee			$25.00
10-459	Public vehicle business operator’s license fee			$50.00
10-493	Commercial quadricycle business license fee			$25.00
	Commercial quadricycle inspection fee			$25.00
10-494	Commercial quadricycle operator’s license fee			$50.00
10-514	Underground sprinkler license fee			$25.00
10-517	Lawn sprinkler permit fee*			

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

10-544	Lobbyist registration fee			$20.00
10-574	Mobile food establishment license to operate fee			
		If the license is not in connection with an existing City-based business that sells food-based products		$500.00
		If the license is in connection with an existing City-based business that sells food-based products		$300.00
	Mobile food establishment license to operate renewal fee			
		If the license is not in connection with an existing City-based business that sells food-based products		$500.00
		If the license is in connection with an existing City-based business that sells food-based products		$300.00
10-599	Tree and brush trimmer license fee			$25.00
10-634	City sealer assessment fees*			
10-740	Alarm business permit fee			$50.00
10-741	Alarm user permit fee			
		For an alarm user who is residential obtaining a hold-up alarm or other burglar alarm system		$20.00
		For an alarm user who is not residential obtaining a hold-up alarm system or burglar alarm system, a fire alarm system, or both		$40.00
10-742	False alarm on hold-up alarms			
		Premises holding a permit		
			Second false hold-up alarm	$100.00
			Third false hold-up alarm	$200.00
			Fourth and subsequent false hold-up alarms	$350.00
		Premises without a permit		
			First false hold-up alarm	$100.00
			Second false hold-up alarm	$200.00
			Third and subsequent false hold-up alarms	$350.00
	False alarm on alarm systems other than hold-up alarms			
		Premises holding a permit		
			Second false alarm	$50.00
			Third false alarm	$75.00
			Fourth false alarm	$125.00
			Fifth and subsequent false alarms	$225.00
		Premises without a permit		
			First false alarm	$50.00
			Second false alarm	$75.00
			Third false alarm	$125.00
			Fourth and subsequent false alarms	$225.00
Chapter 16-Enviroment				
16-40	Erosion Control Permit*			
16-82	Storm water management plan permit fee			$0.00
Chapter 18—Fire Prevention and Control				
18-66	Re-inspections for compliance with Ch. 18, Art. II, GBMC			$50.00
18-93	Permit fee for the purchase and use within the City of those classes of fireworks or pyrotechnics authorized by said statute			$200.00

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

	Permit fee for the sale of fireworks within the City of those classes of fireworks authorized by statute		$600.00
	Chapter 28-Parks and Recreation		
28-7	Metro Boat Daily Launch Fee		$6.00
	Chapter 32—Solid Waste		
32-2	Bulky waste collector's fee		$3.00
		Garbage tipper cart – 64 gallon	$60.00
		Garbage tipper cart – 96 gallon	$95.00
		Recycling tipper cart – 64 gallon	$60.00
		Recycling tipper cart – 96 gallon	$95.00
32-3	Private collector's license fee		
		Per vehicle for first vehicle licensed by any person	$25.00
		Per additional vehicle	$5.00
	Chapter 34—Streets, Sidewalks, and Other Public Places		
34-5	Excavation permit fee		$50.00
		First 100 square feet of excavation	$37.80
		Each additional 100 square feet of excavation	$7.60
34-8	Sidewalk builder's license fee		$25.00
34-64	Vessel docking alongside city property		$0.00
	Leicht Park Cruise Ship Docking Fee (per day)		$1,500.00
	Leicht Park Cruise Ship Overnight Docking Fee		$2,000.00
	Chapter 36--Subdivisions		
36-34	Review fees		
		Preliminary city/extraterritorial subdivision plat	$150.00
		Additional fee per lot/outlot	$35.00
		Preliminary city/extraterritorial certified survey map	$150.00
		Final city/extraterritorial subdivision plat	$100.00
		City/extraterritorial subdivision/CSM variance	$100.00
36-558	Parkland development fee		$275.00
	Chapter 44--Zoning		
44-82	Zoning amendment fee		$300.00
44-83	Conditional use permit fee		$300.00
44-112	Homebased occupation fee		$0.00
44-1552	Work done without Certificate of Appropriateness (per day)		$50.00
44-1580	Short-term rental application/review fee		$100.00
	Short-term rental renewal fee		$100.00
	Miscellaneous		
	Other miscellaneous fees may also be established by policy approved by the Council from time to time		

*Amounts of these fees can be found in the Current Permit Fee Schedule from the Department of Community and Economic Development attached to this Schedule.

www.greenbaywi.gov

CURRENT PERMIT FEE SCHEDULE

Department of Community
and Economic Development
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3300 - phone
(920) 448-3426 - fax
inspmail@greenbaywi.gov

ONE & TWO-FAMILY RESIDENTIAL — *PLAN APPROVALS*

1. Site Plan Approval (each category applied separately) ***(fees collected at plan submission)***

A. Zoning Code and Municipal Standards Approval

- Principal-Use Building and Site Development: New Construction, Addition, Change-of-Use, Foundation ..... **$50 ($25 for developed area less than 1,000 sq. ft.)**
- Accessory-Use Building: New Construction, Addition, Foundation Reconstruction (detached garage or yard building) ..... **$25 (developed area of 150 sq. ft. or larger only)**
- Fencing: New Construction (site plan not required for repair of existing fencing) **$0**
- Landscaping: Land-disturbing activity (1,000 sq. ft. or larger) or New Structure (wall berm 6' or more above grade) **$25**
- Tower Structure: New Construction (ham radio, antenna, etc.) **$25**
- Vehicular: New Construction, Replacement (driveway, curb cut, culvert, apron, parking lot/spaces) **$25**
- Water Structure: New Construction, Addition, Alteration (swimming pool, hot tub, pond not part of stormwater management) **$25**
- Signage: New or Reconstructed Subdivision or Neighborhood Identification **$25**

B. Special Land-Use Approval

- Floodplain Land-Use (includes erosion control plan, flood proofing certificate and elevation certificate for NFIP) **$50**
- Shoreland/Wetland Land-Use (includes erosion control plan, floodproofing certificate and elevation certificate for NFIP) **$50**
- Erosion Control (land-disturbance of 4,000 sq. ft. or more, filling/excavating of 400 cu. ft. or more, trenching of 300 Lft. or more) **$25**

C. Common Council Approval (when required)

- Conditional-Use ..... Complete and submit application form
- Planned Unit Development ..... "Request For City Action-Plan Commission"
- Rezone Property ..... Request for City Action (PDF)

D. Board of Appeals (when required)

- Application and Hearing Fee **$75**
- Deadline for materials is the first Tuesday of the month at 12 noon. The meeting is the third Monday of the month.

2. Construction Plan Approval

A. Building Approval [Ch. Comm. 20-22, Wis. Admin. Code]

- Principal-Use Building Plan: New Construction, Addition, Foundation Reconstruction ..... **$50 ($25 for building area less than 1,000 sq. ft.)**
- Accessory-Use Building Plan: New Construction, Addition, Foundation Reconstruction (detached garage or yard building) ..... **$25 (building area of 150 sq. ft. or larger only)**

B. Heating Ventilating and Air Conditioning Plan Approval [Ch. Comm. 23, Wis. Admin. Code]

- Energy (Heat Loss) Calculations (new or additions to existing system) **$0**

C. Plumbing Plan Approval [Ch's. Comm. 24 and 81 through 87, Wis. Admin. Code]

- Fixture List (new, addition or modifications to existing system) **$0**

1. **Erosion Control Permits (land-disturbing activity of 4,000 sq. ft. or more, filling or excavating of 100 cu. yd. or more, trenching of 300 Lft. or more) (§16-40, GBMC)**
   - Single Parcel ..... **$50 each project**
   - Multi-Parcel or Subdivision ..... **$20 per parcel, $50 min., $250 max.**
2. **Building Permits (§8-47, GBMC)**

   A. Principal or Accessory Building:
   - New Construction, Addition, Alteration, Foundation (including decks, porches, stoops, etc.) ..... **$0.095/sq. ft., $50 min.**
   - Windows/Doors (only creating an opening or changing opening size) **$50**
   - Move Building (must obtain new foundation permit at new building site, if in City) **$50**
   - Raze/Demolish Building (buildings of 150 sq. ft. or more only) **$50**

   B. Accessory Structures:
   - Curb Cut, Culvert, Driveway **$50**
   - Landscape Structures, such as berm, retaining wall, etc. (6' above average grade) **$50**
   - Fencing **$50**
   - Hot Tub, Swimming Pool (outdoor installation only) **$50**
   - Pond (when not part of stormwater management system) **$50**
   - Satellite Receiver (greater than 1 meter or 39 inches in diameter only) **$50**
   - Tower Structure (ham radio, antenna, etc.) **$50**
   - Subdivision or Neighborhood Identification Signage ..... **$30 plus $0.30/sq. ft.**
3. **Electrical Permits**
   - General Electrical System: New Construction, Addition, Alteration ..... **$0.045/sq. ft., $50 min.**
   - Electrical Service: New Service, Service Change, Repair, or Temporary (when not part of general system work) ..... **$50 each**
   - Air Conditioning Addition (when not part of general system only) ..... **$50 each**
   - Sign (internally or externally illuminated) ..... **$50 each**
4. **Mechanical (HVAC) Permits (§8-478, GBMC)**
   - General HVAC system: New Construction, Addition, Alteration ..... **$0.045/sq. ft., $50 min.**
   - Heating Unit Replacement (unit-for-unit replacement when not part of general system work) **$50**
   - Air Conditioning Addition (addition to existing system when not part of general system work) ..... **$50 each unit**
5. **Plumbing Permits (§8-360, GBMC)**
   - General Plumbing: New System, Addition, or Alteration (include lawn sprinkler and water heater when done with general plumbing) (§10-517, GBMC) ..... **$7 per fixture, $50 min.**
   - Water Service Connection Permit (municipal or private well service, water meter fee assessed by Water Utility) ..... **$30 each**
   - Sanitary Sewer Connection (municipal or private sanitary sewer) ..... **$30 each**
   - Storm Sewer Connection (municipal storm sewer only) ..... **$30 each plus assessment fee (if req.)**
   - Sewer Cap (municipal sewer only) ..... **$50 each**
   - Fire Suppression System: New, Addition, Alteration ..... **$2.50 per head, $50 min., $200 max.**
   - Lawn Sprinkler System-Reduced Pressure Valve (counted as fixture for new construction) **$50**
   - Water Heater Replacement (unit for unit) **$30**
   - Palmer Valve **$50**
   - Back Water Valve **$30**

ONE & TWO-FAMILY RESIDENTIAL ***OTHER SERVICES***

- Certificate of Occupancy (temporary and final certificates of habitable space) ..... **$30 each**
- Floodplain Certificate (floodplain determination letter) **$10**
- Property Compliance Letter (clearwater separation, backwater protection and storm sewer connection at property sale) **$30**
- Reinspection Fee (initial and follow-up inspection are at no charge) **$50**
- Uniform Dwelling Code Seal (new residential building construction only) **$30**
- Zoning Certificate (initial letter requires research and/or field inspection) **$30**
- Zoning Certificate (reprinted and resending previously prepared letters) **$10**

1. Site Plan Approval (each category applied separately) ***(fees collected at plan submission)***

A. Zoning Code and Municipal Standards Approval

- Principal-Use Building and Site Development: New Construction, Addition, Change-of-Use, Foundation ..... **$50 plus $5/1,000 sq. ft. developed area**
- Accessory-Use Building: New Construction, Addition, Foundation Reconstruction (detached garage or yard building) ..... **$50 plus $5/1,000 sq. ft. developed area**
- Fencing: New Construction (site plan approval not required for repair of existing fencing) **$50**
- Landscaping: Land-disturbing activity (1,000 sq. ft. or larger) or New Structure (wall berm 6' or more above grade) **$50**
- Tower Structure: New Construction (ham radio, antenna, etc.) **$50**
- Vehicular: New Construction, Replacement (driveway, curb cut, culvert, apron, parking lot/spaces) ..... **$50 plus $5/1,000 sq. ft. developed area**
- Water Structure: New Construction, Addition, Alteration (swimming pool, hot tub, pond not part of stormwater management) ..... **$50 plus $5/1,000 sq. ft. developed area**
- Signage: New or Reconstructed Subdivision or Neighborhood Identification **$25**

B. Special Land-Use Approval

- Floodplain Land-Use (includes erosion control plan, floodproofing certificate and elevation certificate for NFIP) **$50**
- Shoreland/Wetland Land-Use (includes erosion control plan, floodproofing certificate and elevation certificate for NFIP) **$50**
- Erosion Control (land-disturbance of 4,000 sq. ft. or more, filling/excavating of 400 cu. ft. or more, trenching of 300 Lft. or more) **$50**

C. Common Council Approval (when required)

- Conditional-Use ..... Complete and submit application form
- Planned Unit Development ..... "Request For City Action-Plan Commission"
- Rezone Property ..... Request for City Action (PDF)

D. Board of Appeals (when required)

- Application and Hearing Fee **$150**
- Deadline for materials is the first Tuesday of the month at 12 noon. The meeting is the third Monday of the month.

2. Construction Plan Approval

A. Building Code Compliance [Comm. 61 through 65, Wis. Admin. Code]

- Principal-Use Building Plan: New Construction, Addition, Foundation Reconstruction ..... **$100 (if approved by State) or per SBD-118**
- Accessory-Use Building Plan: New Construction, Addition, Foundation Reconstruction (detached garage or yard building) ..... **$100 (if approved by State) or per SBD-118**
- Sign Structural Plan (ground mounted pylon type) ..... **$50 (sign area of 150 sq. ft. or larger)**

B. Heating Ventilating and Air Conditioning Code Compliance [Comm. 63 & 64, Wis. Admin. Code]

- Mechanical Systems Plan ..... **$100 (if approved by State) or per SBD-118**

C. Plumbing Code Compliance [Ch's. Comm. 81 through 87, Wis. Admin. Code]

- Plumbing System Plan ..... **$100 (if approved by State) or per SBD-6154**
- Fire Sprinkler System Plan ..... **SBD-118, submit to Safety & Buildings Division**

1. Erosion Control Permits (land-disturbing activity of 4,000 sq. ft. or more, filling or excavating of 400 cu. ft. or more, trenching of 300 Lft. or more) (§16-40, GBMC)
- Single Parcel ..... **$50 each project**
- Multi-Parcel or Subdivision ..... **$20 per parcel, $100 min., $250 max.**

2. Building Permits (§8-47, GBMC)

A. Principal or Accessory Building:
- General Construction:
  New Building, Addition, Alteration, Foundation ..... **$0.105/sq. ft., $70 min.**
- Roofing Replacement: • Asphalt Shingle **$70**
  • Built-up or Membrane, Metal, Tile ..... **$0.01/sq. ft., $70 min.**
- Siding; Replacement Siding: • Aluminum, Vinyl, Wood **$70**
  • Brick Veneer, Masonry, Stone, Stucco, EIFS ..... **$0.01/sq. ft., $70 min.**
- Move Building (150 sq. ft. or larger) ..... **$70 plus $0.105/sq. ft. foundation area**
- Raze/Demolish Building (150 sq. ft. or larger) **$70**

B. Accessory Structures:
- Curb Cut, Culvert, and/or Driveway Widening **$70**
- Landscape Structures, such as berm, retaining wall, etc. (6' above average grade) **$70**
- Fencing **$70**
- Hot Tub, Swimming Pool (outdoor installation only) **$70**
- Pond (when not part of stormwater management system) **$70**
- Satellite Receiver **$70**
- Tower Structure (ham radio, antenna, etc.) **$70**
- Sign (Subdivision or Neighborhood Identification Signage ..... **$30 plus $0.30/sq. ft.**

3. Electrical Permits
- General Electrical: New System, Addition, Alteration
  (based on system service area) ..... **$0.055/sq. ft., $70 min.**
- Electrical Service: New Service, Service Change, Repair, or Temporary (include in general electrical when done at the same time) ..... **$70 each initial inspection/$30 each additional**
- Air Conditioning Addition (new connections only, include in general electrical when done at same time) ..... **$70 each unit**
- Sign (internally or externally illuminated, include in general electrical when done at same time) **$70**

4. Mechanical (HVAC) Permits (§8-478, GBMC)
- General HVAC: New System, Addition, Alteration
  (based on area serviced by system) ..... **$0.055/sq. ft., $70 min.**
- Heating Unit Replacement (unit-for-unit with no duct work involved, include in general HVAC when done at same time) ..... **$70 each unit**
- Air Conditioning Addition or Replacement (unit-for-unit with no duct work involved, include in general HVAC when done at same time) ..... **$70 each unit**

5. Plumbing Permits (§8-360, GBMC)
- General Plumbing: New System, Addition, or Alteration (include lawn sprinkler and water heater when done with general plumbing) (§10-517, GBMC) ..... **$7 per fixture, $70 min.**
- Water Service Connection Permit (municipal or private well service, water meter fee assessed by Water Utility) ..... **$30 each**
- Sanitary Sewer Connection (municipal or private sanitary sewer) ..... **$30 each**
- Storm Sewer Connection (municipal storm sewer only) ..... **$30 each plus assessment fee (if req.)**
- Sewer Cap (when building is razed or removed) ..... **$70 each**
- Fire Suppression System: New, Addition, Alteration ..... **$2.50 per head, $70 min., $200 max.**
- Lawn Sprinkler System-Reduced Pressure Valve (include in general plumbing when done at same time) **$70**
- Water Heater Replacement (unit for unit with no other plumbing, include in general plumbing when done at the same time) **$70**

MULTI-FAMILY RESIDENTIAL (3-unit or more) ***OTHER SERVICES***

- Certificate of Occupancy (temporary and final certificates) ..... **$30 each**
- Floodplain Certificate (floodplain determination letter) **$10**
- Property Compliance Letter (Clearwater separation, backwater protection and storm sewer connection at property sale) **$30**
- Reinspection Fee (initial and follow-up inspection are at no charge) **$50**
- Zoning Certificate (initial letter requires research and/or field inspection) **$30**
- Zoning Certificate (reprinted and resending previously prepared letters) **$10**

COMMERCIAL, EDUCATION, INSTITUTION, INDUSTRIAL USES ***PLAN APPROVALS***

1. Site Plan Approval (each category applied separately) ***(fees collected at plan submission)***

A. Zoning Code & Municipal Standards Approval

- Principal-Use Building & Site Development: New Construction, Addition, Change-of-Use, Foundation ..... **$50 plus $5/1,000 sq. ft. developed area**
- Accessory-Use Building: New Construction, Addition, Foundation Reconstruction (detached garage or yard building) ..... **$50 plus $5/1,000 sq. ft. developed area**
- Fencing: New Construction (site plan approval not required for repair of existing fencing) **$50**
- Landscaping: Land-disturbing activity (1,000 sq. ft. or larger) or New Structure (wall or berm 6' or more above grade) **$50**
- Tower Structure: New Construction (ham radio, antenna, etc.) **$50**
- Vehicular: New Construction, Replacement (driveway, curb cut, culvert, apron, parking lot/spaces) ..... **$50 plus $5/1,000 sq. ft. developed area**
- Water Structure: New Construction, Addition, Alteration (swimming pool, hot tub, pond not part of stormwater management) ..... **$50 plus $5/1,000 sq. ft. developed area**
- Signage: New or Reconstructed Subdivision or Neighborhood Identification **$50**

B. Special Land-Use Approval

- Floodplain Land-Use (includes erosion control plan, floodproofing certificate and elevation certificate for NFIP) **$50**
- Shoreland/Wetland Land-Use (includes erosion control plan, floodproofing certificate and elevation certificate for NFIP) **$50**
- Erosion Control (land-disturbance of 4,000 sq. ft. or more, filling/excavating of 400 cu. ft. or more, trenching of 300 Lft. or more) **$50**

C. Common Council Approval (when required)

- Conditional-Use ..... Complete and submit application form
- Planned Unit Development ..... "Request For City Action-Plan Commission"
- Rezone Property ..... Request for City Action (PDF)

D. Board of Appeals (when required)

- Application & Hearing Fee **$150**
- Deadline for materials is the first Tuesday of the month at 12 noon. The meeting is the third Monday of the month.

2. Construction Plan Approval

A. Building Code Compliance [Comm. 61 through 65, Wis. Admin. Code]

- Principal-Use Building Plan: New Construction, Addition, Foundation Reconstruction ..... **$100 (if approved by State) or per SBD-118**
- Accessory-Use Building Plan: New Construction, Addition, Foundation Reconstruction ..... **$100 (if approved by State) or per SBD-118**
- Sign Structural Plan (ground mounted pylon type) **$50**

B. Heating Ventilating and Air Conditioning Code Compliance [Comm. 63 & 64, Wis. Admin. Code]

- Mechanical Systems Plan ..... **$100 (if approved by State) or per SBD-118**

C. Plumbing Code Compliance [Ch's. Comm. 81 through 87, Wis. Admin. Code]

- Plumbing System Plan ..... **$100 (if approved by State) or per SBD-6154**
- Fire Sprinkler System Plan ..... **SBD-118, submit to Safety & Buildings Division**

Building Group 1: Warehouse, freight terminals, storage buildings or garages, factory, machine shop, substation, sewage plan, vault and all other uses not included in Building Group 2 or Residential uses.

Building Group 2: Office, bank, barber shops, beauty, bowling, dry cleaning, clinic, natatorium, hotels, motels, tavern, restaurant, cafeteria, retail, repair or service garage, church, assembly halls, theaters, exhibit building, educational institution, hospitals, nursing home, places of detention, gym, arenas, labs, halls, funeral homes, libraries, skating rinks, dance hall and armories.

1. **Erosion Control Permits (land-disturbing activity or 4,000 sq. ft. or more, filling or excavating of 400 cu. ft. or more, trenching of 300 Lft. or more) (§16-40, GBMC)**
   - Single Parcel ..... **$50 each project**
   - Multi-Parcel or Subdivision ..... **$20 per parcel, $100 min., $250 max.**
2. **Building Permits (§8-47, GBMC)**

   A. Principal or Accessory Building:
   - General Construction-Building Group 1: New Building, Addition, Alteration, Foundation ..... **$0.065/sq. ft, $70 min.**
   - General Construction-Building Group 2: New Building, Addition, Alteration, Foundation ..... **$0.135/sq. ft, $70 min.**
   - Roofing Replacement-Building Group 1 & 2 • Asphalt Shingle **$70**
     • Built-up or Membrane, Metal, Tile ..... **$0.01/sq. ft., $70 min.**
   - New Siding; Replacement Siding/Building Group 1 & 2 • Aluminum, Vinyl, Wood **$70**
     • Brick Veneer, Masonry, Stone, Stucco, EIFS ..... **$0.01/sq. ft., $70 min.**
   - Move Building-Building Group 1 & 2 (150 sq. ft. or larger) ..... **$70 plus foundation for Group 1 or 2**
   - Raze/Demolish Building-Building Group 1 & 2 (150 sq. ft. or larger) **$70**

   B. Accessory Structures:
   - Curb Cut, Culvert, and/or Driveway Widening **$70**
   - Landscape Structures, such as berm, retaining wall, etc. (6' above average grade) **$70**
   - Fencing **$70**
   - Hot Tub, Swimming Pool (outdoor installation only) **$70**
   - Pond (when not part of stormwater management system) **$70**
   - Satellite Receiver **$70**
   - Tower Structure (ham radio, antenna, etc.) **$70**
   - Sign (permanent ground or building mounted) ..... **$30 plus $0.30/sq. ft.**
   - Sign (temporary or mobile signs) ..... **$30 each period of time**
3. **Electrical Permits**
   - General Electrical-Building Group 1: New System, Addition, Alteration ..... **$0.045/sq. ft., $70 min.**
   - General Electrical-Building Group 2: New System, Addition, Alteration ..... **$0.085/sq. ft., $70 min.**
   - Misc. Electrical Work

Project Cost	Fee
$0-$10,000	$70.00
$10,001-$50,000	$140.00
$50,001-$100,000	$210.00
$100,001-$200,000	$300.00
$200,001-$300,000	$400.00
Greater than $300,000	$500 + $100 for every $100,000 over $300,000

   - Sign (internally or externally illuminated) **$70**
4. **Mechanical (HVAC) Permits (§8-478, GBMC)** (Applicable to Building Group 1 & 2)
   - General HVAC: New System, Addition, Alteration (ductless unit-heater systems only) ..... **$0.045/sq ft,$70 min.**
   - General HVAC: New System, Addition, Alteration (ducted or hydronic system) ..... **$0.085/sq ft,$70 min.**
   - Heating Unit Replacement (unit-for-unit with no ductwork involved, including in general heating work) ..... **$70 each unit**
   - Air Conditioning Addition or Replacement (unit-for-unit with no ductwork involved, including in general heating work) ..... **$70 each unit**

5. Plumbing Permits (§8-360, GBMC)

- General Plumbing: New System, Addition, or Alteration (include lawn sprinkler and water heater when done with general plumbing) (§10-517, GBMC)..... **$8 per fixture, $70 min.**
- Fire Suppression System: New, Addition, Alteration..... **$2.50 per head, $70 min., $200 max.**
- Water Service Connection Permit (municipal or private well service, water meter fee assessed by Water Utility)..... **$30 each**
- Sanitary Sewer Connection (municipal or private sanitary sewer)..... **$30 each**
- Storm Sewer Connection (municipal storm sewer only)..... **$30 each plus assessment fee (if req.)**
- Sewer Cap (when building is razed or removed) ..... **$70 each**
- Lawn Sprinkler System-Reduced Pressure Valve **$70**
- Water Heater Replacement (unit for unit) **$70**

COMMERCIAL, EDUCATION, INSTITUTION, INDUSTRIAL USES OTHER SERVICES

- Certificate of Occupancy (required for all construction of habitable or occupied spaces)..... **$50 each**
- Business License Compliance (new and renewal business license)..... **$50**
- Floodplain Certificate (floodplain determination letter) **$10**
- Property Compliance Letter (Clearwater separation, backwater protection and storm sewer connection) **$30**
- Reinspection Fee (initial and follow-up inspection are at no charge)..... **$50**
- Zoning Certificate (initial letter requires research and/or field inspection)..... **$50**
- Zoning Certificate (reprinted and resending previously prepared letters)..... **$10**

WEIGHTS AND MEASURES

Inspection Services* (§10-634, GBMC)** ***(fees collected by invoice)

- Annual Processing Fee ..... **$30 per establishment**
- Product Look-up (PLU) or Scanner System ..... **$100 Per establishment**
- Electronic Cash Register (ECR) interfaced with other devices ..... **$30 per register**
- Scales (1-50 lbs.) ..... **$35 per device**
- Scales (over 50 lbs., up to 1,000 lbs.) ..... **$30 per device**
- Sensitive Scale (Prescription, Jewelry, Precious Metal) ..... **$60 per device**
- Vehicle Scales ..... **$100 per device**
- Livestock Scales ..... **$100 per device**
- Auto Recycling Machine ..... **$100 per device**
- Vehicle Tank Meters, Petroleum Products ..... **$35 per device**
- Vehicle Tank Meters, Lubricant Products ..... **$35 per device**
- LMD's (per device or grade listed on dispenser) ..... **$30 per device**
- LMD's High Output Device (per device) ..... **$35 per device**
- LMD's Marina Fuel Dispenser (per device) ..... **$30 per device**
- Coin Operated Timer ..... **$5 per device**
- Taxi Cab Meter ..... **$25 per device**
- Miscellaneous Device ..... **$50 per hour**
- Re-inspection (after follow-up compliance inspection) ..... **$50 per reinspection**

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

MEETING DATE	PREPARED BY
May 24, 2021	

AGENDA ITEM # E.14

Consideration with possible action on General Ordinance No. 13-21, creating Section 2-32, Green Bay Municipal Code, relating to Remote Attendance at Meetings.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. DRAFT GO 13-21 - Create 2-32 - Remote Meeting Attendance

GENERAL ORDINANCE NO. 13-21

**AN ORDINANCE CREATING SECTION 2-32,
GREEN BAY MUNICIPAL CODE,
RELATING TO REMOTE ATTENDANCE AT MEETINGS**

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

SECTION 1. Section 2-32, Green Bay Municipal Code, is hereby created to read:

Sec. 2-32. Remote attendance at meetings.

(a) *Remote attendance permitted.* Any City employee, member of a governmental body, or any other person may appear at any meeting, as defined in Wis. Stats. § 19.82, by telephone, video conference, or other remote method of participation.

(b) *Remote attendance by members.* Any member of a City governmental body desiring to attend a meeting remotely shall be entitled to participate and vote to the fullest extent possible.

(1) *Exception.* No member shall participate or vote on any matter that requires the visual assessment of physical evidence or exhibits that have not been previously reviewed by the member.

(2) *Quorum.* A member who appears remotely under this section shall count toward a quorum during said appearance.

(3) *Proper equipment.* Appropriate equipment shall be used so that the attending public can readily observe or hear such person's participation in the meeting.

(c) *Notice.* The agenda for any meeting of a governmental body shall specifically and conspicuously provide information concerning all available methods of attendance.

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

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

SECTION 4. Sunset provision. This ordinance is hereby repealed effective December 31, 2021.

Dated at Green Bay, Wisconsin, this _____day of _____, 2021.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

ljm

6/1/2021

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

MEETING DATE	PREPARED BY
May 24, 2021	

AGENDA ITEM # E.15

For consideration and possible action on the adoption of an updated Public Records Notice in accordance with Wis. Stat. § 19.34(1) to reflect current reproduction and copy costs as well as designated record custodians.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Public Records Policy Approved by Council-2021

PUBLIC RECORDS NOTICE

Pursuant to Wis. Stat. § 19.34(1), the following notice describes the organization of the City of Green Bay, the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in the custody of the City, make requests for records, or obtain copies of records, and the costs thereof.

Local public offices:

Police Chief	307 S. Adams Street
Fire Chief	501 S. Washington Street
City Assessor	100 N. Jefferson Street, Room 102
City Attorney	100 N. Jefferson Street, Room 200
City Clerk	100 N. Jefferson Street, Room 106
City Treasurer	100 N. Jefferson Street, Room 105
Director of Community & Economic Development	100 N. Jefferson Street, Room 604
Director of Finance/Comptroller	100 N. Jefferson Street, Room 105
Director of Human Resources	100 N. Jefferson Street, Room 500
Director of Parks, Recreation & Forestry	100 N. Jefferson Street, Room 510
Director of Public Works	100 N. Jefferson Street, Room 300
Water Utility General Manager	631 S. Adams Street
Transit Director	901 University Avenue

Established times and places

The public may obtain access to public records, make requests for records, or obtain copies of records, and pay the costs thereof, at the address of the particular local public office above during regular business hours (Monday - Friday, 8:00 a.m. - 4:30 p.m., exclusive of legal holidays).

Methods for requesting and obtaining records

1. Requests for access to a public record may be made orally or in writing, and directed to the legal custodian of the record. Each legal custodian is vested with full legal power to render decisions and carry out the duties prescribed under Ch. 19, Wis. Stats. Local public officers may designate deputies to receive and process public records requests. All legal custodians of the City's public records are listed above. Please direct any requests for access to an elected official's public record to the particular elected official.

2. A request for access to public records must reasonably describe the record sought and be reasonably limited as to the subject matter and/or length of time represented by the record. A request may be denied if the particular document is not on file with the local public office or is exempted from disclosure by state law.

3. No request will be denied for any refusal to be identified or to state the purpose of the request. However, reasonable restrictions may be imposed on the manner of access to an original record if the record is irreplaceable or easily damaged.

4. Requesters may be charged the **minimum** fees below for receiving the following records:
   - Black-and-white paper documents (per page) $0.08
   - Color paper documents (per page) $0.16
   - USB/Digital Flash Drives for 4GB $2.47

   **cost of medium may vary depending on size and type*

5. For unique or voluminous requests or copies of records other than records described above, requesters may be charged the actual, necessary and direct costs of reproduction. Requesters also may be charged the actual costs of mailing or shipping any requested copies or reproductions. If the actual, necessary and direct cost of locating records responsive to a request exceeds $50.00, the requester also may be charged that location cost. Prepayment may be required if total costs of responding to a request exceed $5.00.

Released: **May 18th, 2021**

Green Bay Police Department

Crime Analysis Unit

Produced by: Crime Analyst Melissa Warych

SHELTER INAPPROPRIATE/CHRONIC RESOURCES REPORT

This document is being produced per request of Alderman Galvin to be issued to the Protection and Policy Committee. This report will attempt to quantify the amount of resources utilized by persons who are "shelter inappropriate" and those who chronically consume community resources. Shelter Inappropriate is described as, '*people who are unsheltered and not accepted in the current shelters that Green Bay offers. These persons are not engaging in, or able to engage in, placement in a standard shelter setting at the present time due to either the inability to provide adequate self care or because of high barrier needs like mental health and/or AODA.'* Information that will be tracked will include: # of police contacts, # of time spent on calls, whether or not the subject needed Fire/Rescue, ER, or went to Jail, public/private or park property and disposition. Note: if more than one officer was on a call, police time will be doubled. To simplify this report, if two subjects were on the same call, the number of police minutes will be doubled as well.

This report will be continuous until the end of summer and the goal is to deliver an updated report to the committee for each meeting. Individuals will be tracked by a number and no personal information will be given. The information that will be tracked will allow stakeholders to assess long term solutions to lower the amount of community resources utilized by this group of individuals. It is important to note that these num-

CUMULATIVE TOTALS APRIL 1ST, 2021-May 17th, 2021

$1.16 Per Minute	$ Value	# Minutes	Total # of Calls	Total People
	$6364.52	5353	72	17

CONTACTS FROM APRIL 1ST, 2021 —APRIL 19TH, 2021

Subject	$ Value	# Minutes	# of Calls	Outside Resources (Fire, ER, JAIL)	Notes
1	$117.16	101	1	Yes	No addit. calls since last rpt
2	——	——	——	——	Not utilizing resources
3	——	——	——	——	Not utilizing resources
4	$176.68	152	7	No	
5	$609.00	525	10	Yes	
6	$2496.32	2152	23	Yes	Alcohol
7	$151.96	131	4	No	
8	$5.80	5	1	No	
9	$320.16	276	8	No	
10	$40.60	35	1		

Green Bay Police Department

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SHELTER INAPPROPRIATE/CHRONIC RESOURCES REPORT

Continued from Page 1

Subject	$ Value	# Minutes	# of Calls	Outside Resources (Fire, ER, JAIL)	Notes
11	$206.48	178	5	No	
12	$789.64	678	5	Yes	Left City of Green Bay
13	$462.40	399	4	Yes	
14	$836.36	721	3	Yes	
15	—	—	—	—	Not utilizing resources
16	—	—	—	—	Not utilizing resources
17	—	—	—	—	Not utilizing resources