ARTICLE I. IN GENERAL
Destruction of public records ........................................................................................................ 2-1
Financial records.......................................................................................................................... 2-1(a)
Utility records ............................................................................................................................ 2-1(b)
Police records ............................................................................................................................ 2-1(c)
Other records ............................................................................................................................ 2-1(d)
Notice to Historical Society ...................................................................................................... 2-1(e)
Limitation .................................................................................................................................. 2-1(f)
Microfilm and similar devices .................................................................................................... 2-1(g)
Reserved ....................................................................................................................................... 2-1(h)
ARTICLE II. COMMON COUNCIL
Form of government ...................................................................................................................... 2-26
Succession of office of the Mayor ............................................................................................... 2-27
Adoption of ordinances .............................................................................................................. 2-28
Alderman absence; participation electronically ......................................................................... 2-29
Reserved ....................................................................................................................................... 2-30
ARTICLE III. BOARDS, COMMITTEES, COMMISSIONS
DIVISION 1. GENERALLY
Reserved ....................................................................................................................................... 2-51 – 2-75
DIVISION 2. BOARD OF HEALTH
Created .......................................................................................................................................... 2-76
Membership; term of members ................................................................................................. 2-77
Acceptance of office by members; organization ......................................................................... 2-78
Meetings ........................................................................................................................................ 2-79
Compensation of members ........................................................................................................ 2-80
Reserved ....................................................................................................................................... 2-81 – 2-120
DIVISION 3. BOARD OF ZONING APPEALS
Created .......................................................................................................................................... 2-121
Membership; compensation of members .................................................................................. 2-122
Reserved ....................................................................................................................................... 2-123 – 2-135
DIVISION 4. POLICE AND FIRE COMMISSION
Created .......................................................................................................................................... 2-136
Membership; appointment; compensation of members ............................................................... 2-137
Records .......................................................................................................................................... 2-138
Appointments to Police and Fire Departments ......................................................................... 2-139
Reserved ....................................................................................................................................... 2-140 – 2-150
DIVISION 5. LIBRARY BOARD
Created .......................................................................................................................................... 2-151
Membership; terms of members; compensation of members ..................................................... 2-152
Powers and duties; appointment of librarian .............................................................................. 2-153
Public library .............................................................................................................................. 2-154
Reserved ....................................................................................................................................... 2-155 – 2-165
DIVISION 6. TRANSIT COMMISSION
Created .......................................................................................................................................... 2-166
Membership; terms of members ............................................................................................... 2-167
Officers ....................................................................................................................................... 2-168
Powers and duties ....................................................................................................................... 2-169
Finances ....................................................................................................................................... 2-170
Personnel of transit system .......................................................................................................... 2-171
Service area of municipally-owned transit system .................................................................... 2-172
Reserved ....................................................................................................................................... 2-173 – 2-215
ARTICLE IV. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY
Residency policy ................................................................. 2-216
Compensation ................................................................. 2-217
  Generally ................................................................. 2-217(a)
  Mayor ................................................................. 2-217(b)
Directors generally ........................................................ 2-218
Reserved ................................................................ 2-219 – 2-230

DIVISION 2. DIRECTOR OF HUMAN RESOURCES
Office created ................................................................. 2-231
Duties ........................................................................ 2-232
Reserved ................................................................ 2-233 – 2-239

DIVISION 3. DIRECTOR OF FINANCE
Office created ................................................................. 2-240
Duties ........................................................................ 2-241
Term; removal from office ........................................... 2-242
Reserved ................................................................ 2-243 – 2-249

DIVISION 4. HEALTH OFFICER
Office Created ................................................................. 2-250
Qualifications ................................................................. 2-251
Term of office; removal from office ................................ 2-252
Duties ........................................................................ 2-253
Badge ........................................................................ 2-254
Acting Health Officer ...................................................... 2-255
Reserved ................................................................ 2-256 – 2-259

DIVISION 5. DIRECTOR OF PUBLIC WORKS
Office created ................................................................. 2-260
Duties ........................................................................ 2-261
Reserved ................................................................ 2-262 – 2-269

DIVISION 6. DIRECTOR OF PARKS, RECREATION AND FACILITIES MANAGEMENT
Office Created ................................................................. 2-270
Duties ........................................................................ 2-271
Reserved ................................................................ 2-272 – 2-279

DIVISION 7. DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT
Office created ................................................................. 2-280
Duties ........................................................................ 2-281
Reserved ................................................................ 2-282 – 2-289

DIVISION 8. DIRECTOR OF UTILITIES
Office created ................................................................. 2-290
Duties ........................................................................ 2-291
Reserved ................................................................ 2-292 – 2-299

DIVISION 9. GENERAL MANAGER OF VALLEY TRANSIT
Office created ................................................................. 2-300
Duties ........................................................................ 2-301
Reserved ................................................................ 2-302 – 2-309

DIVISION 10. DIRECTOR OF TECHNOLOGY SERVICES
Office created ................................................................. 2-310
Duties ........................................................................ 2-311
Reserved ................................................................ 2-312 – 2-319

DIVISION 11. CHIEF OF POLICE
Office created ................................................................. 2-320
Terms, removal from office ........................................... 2-321
Duties ........................................................................ 2-322
Reserved ................................................................ 2-323 – 2-329
DIVISION 12. CHIEF OF THE FIRE DEPARTMENT
Appointment................................................................. 2-330
Term; removal from office .................................................. 2-331
Duties ........................................................................ 2-332
Reserved ..................................................................... 2-333 – 2-339

DIVISION 13. LIBRARY DIRECTOR
Appointment................................................................. 2-340
Term; removal from office .................................................. 2-341
Duties ........................................................................ 2-342
Reserved ..................................................................... 2-343 – 2-349

DIVISION 14. CITY ASSESSOR
Appointment................................................................. 2-350
Term; removal from office .................................................. 2-351
Duties ........................................................................ 2-352
Reserved ..................................................................... 2-353 – 2-359

DIVISION 15. CITY ATTORNEY
Election ......................................................................... 2-360
Duties ........................................................................ 2-361
Reserved ..................................................................... 2-362 – 2-369

DIVISION 16. CITY CLERK
Appointment................................................................. 2-370
Term of office; removal from office................................. 2-371
Duties ........................................................................ 2-372
Reserved ..................................................................... 2-373 – 2-399

ARTICLE V. DEPARTMENTS
DIVISION 1. GENERALLY
Reserved ..................................................................... 2-400 – 2-419

DIVISION 2. DIRECTOR OF HUMAN RESOURCES
Created........................................................................ 2-420
Reserved ..................................................................... 2-421 – 2-429

DIVISION 3. DEPARTMENT OF FINANCE
Created........................................................................ 2-430
Reserved ..................................................................... 2-431 – 2-439

DIVISION 4. DEPARTMENT OF HEALTH
Created........................................................................ 2-440
Reserved ..................................................................... 2-441 – 2-449

DIVISION 5. PUBLIC WORKS DEPARTMENT
Divisions ....................................................................... 2-450
Central Equipment Agency ............................................. 2-452
Reserved ..................................................................... 2-453 – 2-459

DIVISION 6. DEPARTMENT OF PARKS, RECREATION AND FACILITIES MANAGEMENT
Created........................................................................ 2-460
Reserved ..................................................................... 2-461 – 2-469

DIVISION 7. DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Created........................................................................ 2-470
Reserved ..................................................................... 2-471 – 2-479

DIVISION 8. DEPARTMENT OF UTILITIES
Created........................................................................ 2-480
Reserved ..................................................................... 2-481 – 2-489

DIVISION 9. VALLEY TRANSIT
Created........................................................................ 2-490
Reserved ..................................................................... 2-491 – 2-499

DIVISION 10. DEPARTMENT OF TECHNOLOGY SERVICES
Created ....................................................................... 2-500
Reserved ..................................................................... 2-501 – 2-509
DIVISION 11. POLICE DEPARTMENT

Created ............................................................................................................................... 2-510
Powers and duties .............................................................................................................. 2-511
Report to Council ............................................................................................................. 2-512
Police officers to wear name tag and badge ..................................................................... 2-513
Police officers not to be bail ............................................................................................. 2-514
Police officer to attend Council meetings ......................................................................... 2-515
Reserved ........................................................................................................................... 2-516 – 2-519

DIVISION 12. FIRE DEPARTMENT

Created ............................................................................................................................... 2-520
Reserved ........................................................................................................................... 2-521 – 529

DIVISION 13. PUBLIC LIBRARY

Created ............................................................................................................................... 2-530
Reserved ........................................................................................................................... 2-531 – 2-539

DIVISION 14. DEPARTMENT OF THE ASSESSOR

Created ............................................................................................................................... 2-540
Reserved ........................................................................................................................... 2-541 – 2-549

DIVISION 15. DEPARTMENT OF LEGAL SERVICES

Created ............................................................................................................................... 2-550
Reserved ........................................................................................................................... 2-551 – 2-559

ARTICLE VI. ELECTIONS

Opening and closing of polls ............................................................................................. 2-560
Authority of City Clerk regarding elections ......................................................................... 2-561
Municipal Board of Absentee Canvassers ........................................................................ 2-562

*Cross reference(s)—Administration and enforcement of the buildings and building regulations chapter, §4-21 et seq.; administration of the health and sanitation provisions, §7-26 et seq.; administration of the parks and recreation areas, §13-26 et seq.

State law reference(s)—Classes of cities, W.S.A. §62.05.

Editor’s Note: Chapter 2 – Administration was repealed and recreated by Ordinance No. 44-12, adopted by the Appleton Common Council on June 6, 2012, published on June 11, 2012 and becoming effective on June 12, 2012.
ARTICLE I. IN GENERAL

Sec. 2-1. Destruction of public records.

(a) Financial records. The Director of Finance is empowered to destroy the following nonutility records under their jurisdiction after the completion of any audit by the Department of State Audit or an auditor licensed under state law; but not less than seven (7) years after payment or receipt of the sum involved in the applicable transaction:

1. Bank statements, deposit books, slips and stubs.
2. Bonds and coupons, after maturity.
3. Canceled checks, duplicates and check stubs.
4. License and permit applications, stubs and duplicates.
5. Payroll and other time and employment records of personnel included under the state retirement fund.
6. Receipt forms.
7. Special assessment records.
8. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(b) Utility records. The Director of Finance is empowered to destroy the following records of municipal utilities subject to regulation by the State Public Service Commission and after an audit as provided in subsection (a) of this section, but not less than two (2) years after payment or receipt of the sum involved in the applicable transaction:

1. Water, sewer, electrical stubs and receipts of current billings.
2. Customer's ledgers.
3. Vouchers and supporting documents pertaining to charges not included in plant accounts.

Other utility records may be destroyed after seven (7) years with the written approval of the State Public Service Commission.

(c) Police records. The Police Department may destroy the following records of which they are the legal custodian and which are deemed obsolete by the Police Department, but not less than seven (7) years after the record was effective unless another period has been set by statute or by the State Public Records Board, then after such a shorter period. In addition, the Wisconsin Historical Society has waived the sixty- (60-) day notification period specified in Wisconsin State Statute §19.21 for the following types of police records:

1. Traffic accident reports.
2. Citizen contact warning tickets.
3. Telephone line recordings.
4. City of Appleton summonses for violation of city ordinances and all other supporting records pertaining thereto.
5. In-car video recordings and personal recording devices.
7. Ride-along records.
8. False alarm records.
9. Fingerprint records and mug shots.
10. Overtime vouchers.
11. Daily roster/schedule.
14. Offense reports/investigations.
15. State uniform traffic citations and all other supporting records pertaining thereto.
17. Surveillance recordings from any booking room(s) or interview room(s).
18. Monitoring and surveillance recordings (includes traffic camera footage).

(d) Other records. Officers are empowered to destroy the following records, but not less than seven (7) years after the record was effective:

1. Assessment rolls and related records, including record of review minutes.
(2) Contracts and papers relating thereto.

(3) Correspondence and communications.

(4) Financial reports other than annual financial reports.

(5) Insurance policies.

(6) Justice dockets.

(7) Oaths of office.

(8) Reports of boards, commissions, committees and officials duplicated in the official minutes.

(9) Resolutions and petitions.

(10) Voter record cards.

(e) Notice to Historical Society. Prior to the destruction of any public record described in this section, at least sixty (60) days’ notice shall be given the State Historical Society, unless otherwise indicated.

(f) Limitation. This section does not authorize destruction of any public record after a period less than that prescribed by statute or state administrative regulations.

(g) Microfilm and similar devices. Any public record may be kept and preserved by the use of microfilm or other reproductive device. Any photographic reproduction shall be deemed an original record for all purposes if it meets the applicable standards of W.S.A. §16.61(7). Once reproduced by photographic reproduction, the original document may be destroyed or otherwise disposed of.

Sec. 2-26. Form of government.

The City operates under the Mayor-Alderperson form of government.

*Charter ordinance references – Elected officers enumerates. §2-1; Wards. §2-3

Cross reference(s) – Elections –2-411, et seq.

State law reference(s) – Common Council. W.S.A. §62.11.

Sec. 2-27. Succession of office of the Mayor.

The Council at its first meeting subsequent to the regular election and qualification of new members, shall choose from its members a Vice President, who in the absence of the Mayor and Council President, shall have the duties and responsibilities as indicated in §62.09(8)(e) of the Wisconsin Statutes.

Editor’s notes. Ord 70-93, §1, adopted April 21, 1993, repealed §2-27, which pertained to aldermanic districts. Ord 61-09, effective May 12, 2009 created a new section outlining succession.

Sec. 2-28. Adoption of ordinances.

Every proposed ordinance, on being introduced at a meeting of the Common Council, shall be referred to an appropriate committee for examination, amendment and report. The committee shall review the proposal and report the ordinance to the Common Council for its consideration. Upon approval of the proposed ordinance for adoption by the Council, the City Attorney shall draft the ordinance in appropriate language. Said ordinance shall then be submitted to and given final approval by the Common Council.

Cross reference(s) – Licenses, permits and business regulations. ch. 9: utilities. ch. 20.

Secs. 2-28 – 2-29. Reserved.

Sec. 2-29. Alderperson absence; participation electronically.

(a) An alderperson, who is a qualified individual with a disability as defined in s. 35.104, Code of Federal Regulations, Title 28, Chapter 1, Section 3, unable to appear in person at a meeting of the Common Council may request in writing or by email at least twenty-four (24) hours in advance of the meeting the written or emailed permission from the President of the Common Council to participate in the meeting electronically. The participation by an alderperson electronically shall be permitted in cases where extreme temperatures would negatively impact adaptive equipment used by the person either on their person or as a mode of transportation. An alderperson’s appearance electronically must be noted in the meeting.
minutes. Electronic participation must occur in the meeting room so that the physically absent member can hear and can be heard by all those who are present. An alderperson appearing electronically shall be entitled to participate and vote to the fullest extent possible.

(b) Notwithstanding paragraph (a) above, an alderperson participating electronically in a fact finding hearing shall not vote on any matter that may require observation of any part of the proceeding, including the demeanor of a witness or viewing exhibits not previously provided.

(c) An alderperson participating electronically shall not count towards a quorum.
(Ord 22-17, §1, 2-21-17)

Secs. 2-30 – 2-50. Reserved.

(Ord 44-12, §1, 6-6-12)

**Charter ordinance references** – Plan commission, §3-100 et seq; board of review, §3-131 et seq.; board of public works, §3-161 et seq.

**Cross reference(s)** – Board of building inspection, §4-21; emergency government committee, §5-3; board of health, §2-76 et seq; Parks and Recreation Committee, §13-11 et seq.

**Editor’s Note** – Ordinance #237-02, adopted on 11-6-02 deleted Division 2 – Alcohol, Tobacco and Other Drug Abuse Prevention Committee.
DIVISION 2. BOARD OF HEALTH*

Sec. 2-76. Created.

(a) There is hereby created a Board of Health pursuant to W.S.A. §251.03.

(b) That in addition to the responsibilities outlined in (a), the Board shall take such steps as it determines to educate the public regarding the problems of alcohol, tobacco and other drug abuse, and to develop such public information programs as it deems necessary in relation thereto.

(Ord 1-97, 1, 1-8-97; Ord 44-12, §1, 6-6-12)

Sec. 2-77. Membership; term of members.

The Board of Health shall consist of eight (8) members who shall be the Mayor and seven (7) members appointed by the Mayor subject to confirmation by the Common Council. Two (2) of the seven (7) members of the Board shall be a member of the Common Council. Members of the Board shall have a demonstrated interest or competence in the field of public health or community health, and a good faith effort shall be made to appoint a registered nurse and physician. Members of the Board shall hold office for terms of two (2) years.

(Code 1965, 1.04(5); Ord 101-95, 11-15-95, §1, 11-15-95, Ord 237-02, §1, 11-6-02, Ord 12-05, §1, 2-22-05; Ord 44-12, §1, 6-6-12; Ord 36-15, §1, 5-12-15)

Sec. 2-78. Acceptance of office by members; organization.

(a) Immediately on the appointment of a person to the Board of Health, the City Clerk shall notify the member of his or her appointment by mail. Within one (1) week after the appointment, each member shall file with the City Clerk a written acceptance of this office.

(b) Within ten (10) days after the appointment of members, at a time and place to be designated by the Mayor by written notice timely mailed to each member, the Board of Health shall organize by the election of a president and a secretary, who shall hold their respective offices for a term of one (1) year or until their successors are elected. The secretary shall keep full minutes of the proceedings of the Board of Health in proper books.

(Code 1965, 7.01(1); Ord 44-12, §1, 6-6-12)

*Cross reference(s) - Health officer, §2-261 et seq.; administration of the health regulations, §7-26 et seq.; food and food services, §9-186 et seq.; nuisances, ch. 12; the Board of Health may grant specific variances from the noise control ordinance. §12-83.

State law reference(s) - Board of Health, W.S.A. §251.03; health officer, W.S.A. §251.06

Sec. 2-79. Meetings.

The annual meeting of the Board of Health for the election of officers and for the transaction of other business shall be held between April 15 and May 1, succeeding, in each year, at such time and place as the Board of Health may have fixed by a recorded vote. Regular meetings shall be held once a month and special meetings may be called by the Mayor and Health Officer.

(Code 1965, §7.01(2))

Sec. 2-80. Compensation of members.

The members of the Board of Health shall receive no compensation.

(Code 1965, §7.01(3))

Sec. 2-81 – 2-120. Reserved.
DIVISION 3. BOARD OF ZONING APPEALS**

Sec. 2-121. Created.

There is hereby created a Board of Zoning Appeals.

Sec. 2-122. Membership; compensation of members.

The Board of Zoning Appeals shall consist of five (5) members, to be appointed by the Mayor for terms of three (3) years. One (1) of the members shall be an architect or structural engineer of not less than ten (10) years practical experience. The Mayor shall designate one (1) of the members as chairman. The Mayor shall appoint two (2) alternate members of said board, who shall serve for terms of three (3) years, as required by Wisconsin Statutes. The board members shall serve without compensation.

(Code 1965, §1.04(8); Ord 105-08, §1, 6-10-08)

**State law reference(s) - Board of Appeals, W.S.A. §62.23(7)(e).

Secs. 2-123 – 2-135. Reserved.

DIVISION 4. POLICE AND FIRE COMMISSION**

Sec. 2-136. Created.

There is hereby a created a Police and Fire Commission.

Sec. 2-137. Membership; appointment; compensation of members.

The Police and Fire Commission shall consist of five (5) citizens. Annually, between the last Monday of April and the first Monday of May, the Mayor shall appoint a member of the Commission for a term of five (5) years. The appointment shall be in writing and filed with the secretary of the Commission. No appointment shall be made which will result in more than three (3) members of the Commission belonging to the same political party. The members of the Commission shall receive no compensation.

(Code 1965, §1.04(9))

**Cross reference(s) – Police Department, §2-346 et seq.; Fire Department §6-31.

**State law reference(s) – Police and Fire Commission, W.S.A. §62.13(1)

Sec. 2-138. Records.

The Police and Fire Commission shall keep a record of its proceedings.

(Code 1965, §1.04(9))

Sec. 2-139. Appointments to police and fire departments.

(a) The Police and Fire Commission shall appoint the Chief of Police and the Chief of the Fire Department, who shall hold their offices for an indefinite term subject to suspension or removal for cause by the Police and Fire Commission.

(b) The Chief of Police and the Chief of the Fire Department shall appoint subordinates, subject to approval by the Commission. Such appointments shall be made by promotion when this can be done with advantage; otherwise appointments shall be made from an eligible list provided by examination and approval by the Commission.

(Code 1965, §§1.03(6), (7), 4.01, Ord 237-02, §1, 11-6-02)

Secs. 2-140 – 2-150. Reserved.
DIVISION 5. LIBRARY BOARD**

Sec. 2-151. Created.

There is hereby created a Library Board pursuant to W.S.A. §43.54.

Sec. 2-152. Membership; term of members; compensation of members.

The Library Board shall consist of eight (8) members appointed by the Mayor with the approval of the Common Council for terms of three (3) years beginning on July 1 in the year of appointment. The Superintendent of Schools or his representative shall be an additional member of the Board. Not more than one (1) member of the Common Council shall at any time be a member of the Library Board. No compensation or expenses shall be paid to the members of the Library Board.

(Code 1965, §1.04(4), Ord 44-12, §1, 6-6-12)

Cross reference(s) – Streets, sidewalks and other public places ch. 16.

State law reference(s) – Library Board, W.S.A. §§43.54, 43.60

Sec. 2-153. Powers and duties; appointment of librarian.

(a) The powers and duties of the Library Board shall be as provided in W.S.A. §43.01 et seq., which is adopted as part of this section by reference.

(b) The Library Director shall be appointed by the Library Board.

(Code 1965, §1.03(8), Ord 237-02, §1, 11-6-02)

Sec. 2-154. Public Library.

There is hereby established in the city a public library pursuant to W.S.A. §43.52. The library is authorized, under W.S.A. ch. 43, to participate in a public library system.

Secs. 2-155 – 2-165. Reserved.
DIVISION 6. TRANSIT COMMISSION

Sec. 2-166. Created.

There is hereby created the Fox Cities Transit Commission.
(Code 1965, §22.03; Ord 81-93, §1, 4-21-93; Ord 76-98, §1, 8-5-98; Ord 44-12, §1, 6-6-12)

Sec. 2-167. Membership; terms of members.

(a) The Fox Cities Transit Commission shall consist of thirteen (13) members as follows:

(1) Four (4) members from the City of Appleton consisting of two (2) citizens and two (2) alderpersons, to be appointed by the Mayor subject to confirmation by the Common Council. The Common Council members shall be appointed annually for one (1)-year terms and the other Appleton representatives shall serve three (3) year terms which shall expire on April 30.

(2) The other nine (9) members shall be made up of representatives of municipalities that provide local funding for Valley Transit. These shall include the following:

a. City of Neenah – two (2);
b. Town of Grand Chute – two (2);
c. City of Menasha – one (1);
d. Village of Fox Crossing – one (1);
e. City of Kaukauna – one (1);
f. Village of Kimberly – one (1);
g. Town of Buchanan – one (1); and

(3) The members listed in (2) shall serve three (3) year terms which shall expire on April 30 of the third year.

(b) The Commission shall report to the Common Council and be part of the City of Appleton’s organizational structure.

(c) Any vacancies occurring during office shall be filled in the same manner for the balance of the unexpired term.
(Ord 10-99, §1, 2-20-99, Ord 48-00, §1, 7-22-00, Ord 34-03, §1, 2-25-03, Ord 148-05, §1, 12-27-05; Ord 23-06, §1, 3-21-06; Ord 191-11, §1, 9-13-11; Ord 52-14, §1, 8-7-14; Ord 52-17, §1, 8-8-17)

Sec. 2-168. Officers.

The Fox Cities Transit Commission shall elect such officers as it deems necessary for the proper functioning of the Commission. The General Manager of the transit system shall serve as secretary to the Commission.
(Code 1965, §22.03(2); Ord 79-93, §1, 4-21-93 ; Ord 44-12, §1, 6-6-12)

Sec. 2-169. Powers and duties.

The Fox Cities Transit Commission shall have the following powers and duties.

(a) Transit system.

(1) The Commission shall have the power and duty to provide overall supervision of the operation and maintenance of the Transit System. The supervision shall include establishing policy for the efficient operation of the bus transit system, service agreements, contracts, routes, fares, hours of service, purchase and maintenance of transit vehicles and transit-related items and all items which concern the physical and operational aspect of bus transit management. Actions of the Commission under this subsection shall be consistent with approved Common Council policies or, in the absence of such policies, shall be approved by the Common Council. The General Manager of the Transit System shall be responsible for the operation and administration of the Transit System.

(2) The Transit Commission shall award all contracts relating to the Transit System, pursuant to the policies adopted by the Commission. Said policies shall be on file in the Office of the General Manager of Valley Transit. Set aside contracts shall not be used.
(Code 1965, §22.03(3); Ord 78-93, §1, 4-21-93; Ord 41-94 §1, 3-2-94)

Sec. 2-170. Finances.

The Commission shall be subject to the same financial, budgetary and purchasing procedures as other City departments.
(Code 1965, §22.03(4); Ord 78-93, §1, 1-6-93; Ord 77-93, §1, 4-21-93)

Sec. 2-171. Personnel of transit system

(a) General manager.

(1) Appointment. The General Manager of the
Transit System (Valley Transit) shall be appointed by the Mayor subject to confirmation by the Common Council.

(2) **Term.** The General Manager of the Transit System shall hold office for an indefinite period of time, subject to removal for cause by a majority vote of all members of the Common Council.

(b) All other employees of the Transit System shall be City employees administered by the Department of Human Resources. Contractual service may be utilized in lieu of appointment of a general manager if authorized by the Common Council.

(Code 1965, §22.03(5), Ord 237-02, §1, 11-6-02 ; Ord 44-12, §1, 6-6-12)

Sec. 2-172. Service area of municipally-owned transit system.

The public Transit System, owned and operated by the City shall be comprised of the fixed route service (“Valley Transit”) and its complementary paratransit service (“Valley Transit – II”) for persons who, because of age or disability, are deemed unable to use the fixed route service. The transit service area shall include, in addition to the City, those neighboring municipalities which contract with the City for fixed route service and which agree to share in paying the cost of the system. These costs shall be apportioned among the participating municipalities to be based on the total miles of fixed route service within its municipal boundaries. The complementary paratransit service shall be operated to and within only those municipalities that contract for the fixed route service.

The exception to the above for Valley Transit – II service will be when another funding entity, such as a county, pays a local share of that service. In such a case, with approval from the funding entity, the complementary paratransit service shall be operated within the full 3/4 mile from the fixed-route service as required by the Americans With Disabilities Act and allowed by W.S.A. §66.1021.

(Ord 136-92, §1, 12-16-92; Ord 49-00, §1, 7-22-00; Ord 44-12, §1, 6-6-12)

ARTICLE IV. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-216. Residency policy.

Members of boards or commissions shall be residents of the City at the time of appointment and all department heads shall be residents of the City within twelve (12) months of the date of their hiring or appointment and maintain residency in the City while under the employment or service of the City. If any such City department head or member of a board or commission does not meet this requirement, his office or position shall be vacated and such vacancy shall be filled in the manner prescribed by law or ordinance. The residency deadline may be extended with the recommendation of the Mayor and approval of the Common Council. This section does not apply to the physician members of the Board of Health, the Director of Parks, Recreation and Facilities Management or non-City members of the Fox Cities Transit Commission. Changes in the names of departments or titles of department heads shall not affect the requirements of this section.

(Code 1965, §1.10; Ord 130-95, §1, 12-20-95; Ord 237-02, §1, 11-6-02; Ord 124-04, §1, 9-21-04; Ord 55-10, §1, 3-23-10; Ord 44-12, §1, 6-6-12)

Sec. 2-217. Compensation.

(a) Generally. Salaries and compensation of officials and employees shall be determined by the Council.

(b) Mayor. The salary of the Mayor shall be as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020 – 2021</td>
<td>$102,003</td>
</tr>
<tr>
<td>2021 – 2022</td>
<td>$103,533</td>
</tr>
<tr>
<td>2022 – 2023</td>
<td>$105,086</td>
</tr>
<tr>
<td>2023 – 2024</td>
<td>$106,662</td>
</tr>
</tbody>
</table>

(Code 1965, §1.05; Ord 1-92, §1, 1-22-92; Ord 47-97, §6-4-97; Ord 125-00, §1, 12-23-00; Ord 28-04, §1, 2-24-04; Ord 97-07, §1, 6-12-07; Ord 161-11, §1, 8-9-11; Ord 95-19, §1, 11-12-19)

Sec. 2-218. Directors generally.

(a) Appointment. All non-elected directors, except those subject to extraordinary statutory provisions, shall be appointed by the Mayor and subject to confirmation by the Common Council.

(b) Selection. Selection shall be made on the basis of merit, experience and administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.

(c) Term; removal from office. Directors shall hold office for an indefinite period of time subject to removal for
DIVISION 2. DIRECTOR OF HUMAN RESOURCES

Sec. 2-231. Office created.

The office of the Director of Human Resources is hereby created pursuant to W.S.A. §62.09(1)(a). The manner of selection of the Director of Human Resources shall be as provided in Charter Ordinance §4-100 et seq. (Code 1965, §1.09(3), (4); Ord. 3-93, §1, 1-6-93, Ord 237-02, §1, 11-6-02; Ord 44-12, §1, 6-6-12)

Sec. 2-232. Duties.

The Director of Human Resources shall be under the jurisdiction of the Human Resources Committee and shall perform such duties as the job classification specifies or as the Council directs. (Code 1965, §1.09(5); Ord. 4-93, §1, 1-6-93, Ord 237-02, §1, 11-6-02; Ord 70-10; §1, 5-11-10, Ord 125-11, §1, 5-10-11; Ord 44-12, §1, 6-6-12)

Secs. 2-233 – 2-239. Reserved.

DIVISION 3. DIRECTOR OF FINANCE

Sec. 2-240. Office created.

The office of the Director of Finance is hereby created. (Code 1965, §2.01(2); Ord. 4-93, §1-6-93; Ord 44-12, §1, 6-6-12)

Sec. 2-241. Duties.

The Director of Finance shall be those set forth in W.S.A. §62.09(10) for controllers: all duties involving financial matters as set forth in the ordinances of the city; and all duties set forth in W.S.A. §62.09(9) and the ordinances of the City for City Treasurer. These duties shall include budget preparation, accounting, internal auditing, payroll, assessments, maintenance of all financial and accounting records, utility billing, collection, and the provision of such reports as are necessary or requested by the Common Council. The Director of Finance shall also be the purchasing agent for the City. (Code 1965, §2.01(3); Ord. 6-93, §1, 1-6-93, Ord 237-02, §1, 11-6-02; Ord 44-12, §1, 6-6-12)

Sec. 2-242. Term; removal from office.

The Director of Finance shall hold office for an indefinite period of time, subject to removal for cause by a three-quarter (3/4) vote of all members of the Common Council. (Ord 115-93, §1, 7-21-96, §1, 9-4-96; Ord 44-12, §1, 6-6-12)

Secs. 2-243 – 2-249. Reserved.
DIVISION 4. HEALTH OFFICER

Sec. 2-250. Office created.

The office of the City Health Officer is hereby created. (Code 1965, §1.03(2)(a), Ord 237-02, §1, 11-6-02 ; Ord 44-12, §1, 6-6-12)

Sec. 2-251. Qualifications.

To be eligible for appointment, an applicant for Health Officer shall meet the training and experience requirements as set forth in W.S.A. §251.06. (Code 1965, §1.03(2)(c) ; Ord 44-12, §1, 6-6-12)

Sec. 2-252. Term of office; removal from office.

The City Health Officer shall hold office for an indefinite term, subject to removal for cause by a three-quarter (3/4) vote of all members of the Common Council. (Code 1965, §1.03(2)(b); Ord 20-97, §1, 4-2-97 ; Ord 44-12, §1, 6-6-12)

Sec. 2-253. Duties.

The duties of the Health Officer shall be those set forth in W.S.A. §251.06. (Ord 44-12, §1, 6-6-12)

Sec. 2-254. Badge.

The Health Officer shall have a suitable badge or insignia of the office to be displayed as occasion may require. (Code 1965, §4.04; Ord 44-12, §1, 6-6-12)

Sec. 2-255. Acting Health Officer.

The Health Officer shall designate a person as Acting Health Officer in the event the Health Officer is absent from the City. (Ord 143-94, §1, 12-7-94; Ord 44-12, §1, 6-6-12)

Secs. 2-256 – 2-259. Reserved.

DIVISION 5. DIRECTOR OF PUBLIC WORKS

Sec. 2-260. Office created.

The office of the Director of Public Works is hereby created. (Code 1965, §1.03(1)(a), Ord 237-02, §1, 11-6-02; Ord 44-12, §1, 6-6-12)

Sec. 2-261. Duties.

The Director of Public Works shall have the following duties:

(a) Subject to the direction of the Common Council or the Mayor, the Director shall be responsible for the administration of all public works and of the construction, maintenance, and repair of streets, alleys, curbs and gutters, sidewalks, bridges, parking areas, sewers, water mains, stormwater facilities and parking structures, and all machinery, equipment and property used in any activity under his/her control. (Code 1965, §1.03(1)(d)(1) – (10), Ord 237-02, §1, 11-6-02 ; Ord 44-12, §1, 6-6-12)

Charter ordinance reference – Board of public works, §3-161.

Cross reference(s) – Parks and recreation, ch. 13; streets, sidewalks & other public places, ch. 16; parking facilities, §19-106 et. seq.; utilities, ch. 20.

Secs. 2-262 – 2-269. Reserved.
DIVISION 6. DIRECTOR OF PARKS, RECREATION AND FACILITIES MANAGEMENT

Sec. 2-270. Office created.

The office of the Director of Parks, Recreation and Facilities Management is hereby created.
(Ord 237-02, §1, 11-6-02; Ord 44-12, §1, 6-6-12)

Sec. 2-271. Duties.

All duties associated with public buildings and grounds shall be under the jurisdiction of the Finance Committee. For matters involving Parks and Recreation programs the Director shall report to the Parks and Recreation Committee and shall perform such duties as the job classification specifies or as the Council directs.
(Ord 51-96, §1, 6-5-96; Ord 44-12, §1, 6-6-12; Ord 14-13, §1, 7-8-13)

Secs. 2-272 – 2-279. Reserved.

DIVISION 7. DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

Sec. 2-280. Office created.

The office of the Director of Community and Economic Development is hereby created.
(Ord 44-12, §1, 6-6-12)

Sec. 2-281. Duties.

The Director of Community and Economic Development shall act in an advisory capacity to the Plan Commission on matters relating to planning and planning activities. He/She shall be responsible for the maintaining of the original of the zoning district map and for the preparation of oral or written reports on all zoning petitions referred to the Plan Commission by the Common Council. The Director shall be under the jurisdiction of the Community and Economic Development Committee regarding matters of economic development and shall perform such duties as the job classification specifies or as the Council directs.
(Ord 44-12, §1, 6-6-12)

Secs. 2-282 – 2-289. Reserved.

(Ord 237-02, §1, 11-6-02; Ord 139-05, §1, 12-13-05; Ord 141-05, §1, 12-13-05; Ord 142-05, §1, 12-13-05)

*Editor’s Note: The Departments of Planning and Economic Development were combined and renamed the Community Development Department. Ordinances 139-05, 141-05 and 142-05 reflect these changes.
DIVISION 8. DIRECTOR OF UTILITIES

Sec. 2-290. Office created.

The office of the Director of Utilities is hereby created.
(Ord 44-12, §1, 6-6-12)

Sec. 2-291. Duties.

The Director of Utilities shall be responsible for the operation of the Water Utility and the Wastewater Utility. He/She shall be under the jurisdiction of the Utilities Committee and shall perform such duties as the job classification specifies or as the Council directs.
(Ord 44-12, §1, 6-6-12)

Secs. 2-292 – 2-299. Reserved.

DIVISION 9. GENERAL MANAGER OF VALLEY TRANSIT

Sec. 2-300. Office created.

The office of the General Manager of Valley Transit is hereby created.
(Ord 44-12, §1, 6-6-12)

Sec. 2-301. Duties.

The General Manager of Valley Transit shall be under the jurisdiction of the Fox Cities Transit Commission and shall be responsible for the operation and administration of the Transit System, and shall perform such duties as the job classification specifies or as the Commission directs.
(Ord 44-12, §1, 6-6-12)

Secs. 2-302 – 2-309. Reserved.
(Ord 237-02, §1, 11-6-02)
DIVISION 10. DIRECTOR OF TECHNOLOGY SERVICES

Sec. 2-310. Office created.

The office of the Director of Technology Services is hereby created.
(Ord 44-12, §1, 6-6-12)

Sec. 2-311. Duties.

The Director of Technology Services shall be under the jurisdiction of the Finance Committee, and shall be responsible for the long-range planning, operation and administration of the City's technology systems and services, and shall perform such duties as the job classification specifies or as the Council directs.
(Ord 44-12, §1, 6-6-12)

Secs. 2-312 – 2-319. Reserved.

DIVISION 11. CHIEF OF POLICE

Sec. 2-320. Appointment.

The Chief of Police shall be appointed by the Police and Fire Commission, pursuant to W.S.A §62.13.
(Ord 44-12, §1, 6-6-12)

Sec. 2-321. Term; removal from office.

The Chief of Police shall hold office for an indefinite term, subject to suspension or removal for cause by the Police and Fire Commission, pursuant to W.S.A. §62.13.
(Ord 44-12, §1, 6-6-12)

Sec. 2-322. Duties.

The Chief of Police shall be under the jurisdiction of the Safety and Licensing Committee, and shall be responsible for the long-range planning, operation, administration, control, and representation of the City's Police Department and its employees, and shall perform such duties as the job classification specifies or as the Council directs.
(Ord 44-12, §1, 6-6-12)

Secs. 2-323 – 2-329. Reserved.
DIVISION 12. CHIEF OF THE FIRE DEPARTMENT

Sec. 2-330. Appointment.

The Chief of the Fire Department shall be appointed by the Police and Fire Commission, pursuant to W.S.A. §62.13.
(Ord 44-12, §1, 6-6-12)

Sec. 2-331. Term; removal from office.

The Chief of the Fire Department shall hold office for an indefinite term, subject to suspension or removal for cause by the Police and Fire Commission, pursuant to W.S.A. §62.13.
(Ord 44-12, §1, 6-6-12)

Sec. 2-332. Duties.

The Chief of the Fire Department shall be under the jurisdiction of the Safety and Licensing Committee, and shall be responsible for the long-range planning, operation, administration, control, and representation of the City's Fire Department and its employees, and shall perform such duties as the job classification specifies or as the Council directs.
(Ord 44-12, §1, 6-6-12)

Secs. 2-333 – 2-339. Reserved.

DIVISION 13. LIBRARY DIRECTOR

Sec. 2-340. Appointment.

The Library Director shall be appointed by the Library Board, pursuant to W.S.A. §43.58.
(Ord 44-12, §1, 6-6-12)

Sec. 2-341. Term; removal from office.

The Library Director shall hold office for an indefinite term, subject to removal for cause by the Library Board.
(Ord 44-12, §1, 6-6-12)

Sec. 2-342. Duties.

The Library Director shall be under the jurisdiction of the Library Board, and shall be responsible for the long-range planning, operation and administration of the Library, and shall perform such duties as the job classification specifies or as the Library Board directs.
(Ord 44-12, §1, 6-6-12)

Secs. 2-343 – 2-349. Reserved.
DIVISION 14. CITY ASSESSOR

Secs. 2-350 – 2-359. Reserved.

The City Assessor shall be appointed by the Mayor subject to confirmation by the Common Council as prescribed by Charter Ordinance §2-1(d).
(Ord 44-12, §1, 6-6-12)

Sec. 2-351. Term of office; removal from office.

The City Assessor shall hold office for an indefinite term, subject to removal for cause by a three-quarter (3/4) vote of all members of the Common Council.
(Ord 44-12, §1, 6-6-12)

Sec. 2-352. Duties.

The City Assessor shall supervise the Division of the City Assessor of the Department of Community and Economic Development. The City Assessor shall be under the jurisdiction of the Finance Committee, and shall perform all duties prescribed in W.S.A §62.09, or as the Council directs.
(Ord 44-12, §1, 6-6-12; Ord 75-12, §1, 8-21-12)

Secs. 2-353 – 2-359. Reserved.

DIVISION 15. CITY ATTORNEY

Sec. 2-360. Election.

The City Attorney shall be elected as prescribed by Charter Ordinance §2-1.
(Ord 44-12, §1, 6-6-12)

Sec. 2-361. Duties.

The City Attorney shall be under the jurisdiction of the Finance Committee, and shall perform all duties prescribed by W.S.A. §62.09(12), as well as being responsible for the long-range planning, operation and administration of the City’s Legal Services Department.
(Ord 44-12, §1, 6-6-12)

Secs. 2-362 – 2-369. Reserved.
DIVISION 16. CITY CLERK

Sec. 2-370. Appointment.

The City Clerk shall be appointed by the Mayor subject to confirmation by the Common Council as prescribed by Charter Ordinance §2-1(e).
(Ord 44-12, §1, 6-6-12)

Sec. 2-371. Term of office; removal from office.

The City Clerk shall hold office for an indefinite term, subject to removal for cause by a three-quarter (3/4) vote of all members of the Common Council.
(Ord 44-12, §1, 6-6-12)

Sec. 2-372. Duties.

The City Clerk shall supervise the Division of the City Clerk of the Legal Services Department, working under the supervision of the City Attorney. The City Clerk shall perform all duties prescribed in W.S.A §62.09, or as the Council directs.
(Ord 237-02, §1, 11-6-02; Ord 140-05, §1, 12-13-05, Ord 44-12, §1, 6-6-12)

Secs. 2-373 – 2-399. Reserved.

*Editor's note – Ord 75-93, §1, 4-21-93, repealed Div. 2, §§2-331 – 2-335, which pertained to administrative services.
DIVISION 2. DEPARTMENT OF HUMAN RESOURCES.

Sec. 2-420. Created.

There is hereby created a Department of Human Resources in the City, to be under the supervision of the Director of Human Resources, with such other personnel as is needed to fulfill the functions of the Department.
(Ord 71-93, §1, 4-21-93; Ord 44-12, §1, 6-6-12)

Secs. 2-421 – 2-429. Reserved.

DIVISION 3. DEPARTMENT OF FINANCE.

Sec. 2-430. Created.

There is hereby created a Department of Finance in the City, to be under the supervision of the Director of Finance, with such other personnel as is needed to fulfill the functions of the Department.
(Ord 72-93, §1, 4-21-93; Ord 44-12, §1, 6-6-12)

Secs. 2-431 – 2-439. Reserved.

DIVISION 4. DEPARTMENT OF HEALTH.

Sec. 2-440. Created.

There is hereby created a Department of Health in the City, to be under the supervision of the Health Officer, with such other personnel as is needed to fulfill the functions of the Department.
(Ord 44-12, §1, 6-6-12)

Secs. 2-441 – 2-449. Reserved.
DIVISION 5. PUBLIC WORKS DEPARTMENT.

Sec. 2-450. Divisions.

There is hereby created a Department of Public Works, to be under the supervision of the Director of Public Works, with such other personnel as is needed to fulfill the functions of the Department. The Department of Public Works shall consist of the Engineering Division and Operations Division.
(Code 1965, §1.03(1)(d)(11); Ord 44-12, §1, 6-6-12)

Sec. 2-452. Central Equipment Agency.

The Central Equipment Agency of the Department of Public Works is hereby created and established. The purpose of the agency is to provide a sound and accurate guide to the efficiency and ultimate cost to the City of its rolling, mobile, vehicular and other equipment and services. It shall be the function of such agency to acquire, maintain and furnish rolling, mobile, vehicular and other equipment to City departments, as authorized by council.
(Ord 83-76, §1, 12-15-78; Ord 4-93, §1, 1-6-93; Ord 18-97 §1, 3-19-97; Ord 44-12, §1, 6-6-12)
*Cross reference(s) – Solid waste, ch. 15; streets, sidewalks and other public places, ch. 16; utilities, ch 20.

Secs. 2-453 – 2-459. Reserved.

DIVISION 6. DEPARTMENT OF PARKS, RECREATION AND FACILITIES MANAGEMENT.

Sec. 2-460. Created.

There is hereby created a Department of Parks, Recreation and Facilities Management in the City, to be under the supervision of a Director of Parks, Recreation and Facilities Management, with such other personnel as is needed to fulfill the functions of the Department.
(Ord 44-12, §1, 6-6-12)

Secs. 2-461 – 2-469. Reserved.
DIVISION 7. DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

Sec. 2-470. Created.

(a) There is hereby created a Department of Community and Economic Development in the City, to be under the supervision of the Director of Community and Economic Development, with such other personnel as is needed to fulfill the functions of the Department.

(b) There is hereby created within the Department of Community and Economic Development the Division of the City Assessor, to be under the immediate supervision of the City Assessor, with such other personnel as required to fulfill the functions of the Division.

(c) Whenever the Assessor, in the performance of the Assessor’s duties, requests or obtains income and expense information pursuant to §70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor’s office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under §70.47(7)(af), unless a court determines that it is inaccurate, is, per §70.47(7)(af), not subject to the right of inspection and copying under §19.35(1), Wis. Stats.

(Ord 44-12, §1, 6-6-12; Ord 76-12, §1, 8-21-12)

Secs. 2-471 – 2-479. Reserved.

DIVISION 8. DEPARTMENT OF UTILITIES.

Sec. 2-480. Created.

There is hereby created a Department of Utilities in the City, to be under the supervision of the Director of Utilities, with such other personnel as is needed to fulfill the functions of the Department.

(Ord 44-12, §1, 6-6-12)

Secs. 2-481 – 2-489. Reserved.

DIVISION 9. VALLEY TRANSIT.

Sec. 2-490. Created.

There is hereby created the Valley Transit System in the City, to be under the supervision of the General Manager and the Fox Cities Transit Commission, with such other personnel as is needed to fulfill the functions of the Transit System.

(Ord 44-12, §1, 6-6-12)

Secs. 2-491 – 2-499. Reserved.
DIVISION 10. DEPARTMENT OF TECHNOLOGY SERVICES.

Sec. 2-500. Created.

There is hereby created a Department of Technology Services in the City, to be under the supervision of the Director of Technology Services, with such other personnel as is needed to fulfill the functions of the Department.

(Ord 44-12, §1, 6-6-12)

Secs. 2-501 – 2-509. Reserved.

DIVISION 11. POLICE DEPARTMENT **

Sec. 2-510. Created.

There is hereby created a Police Department.

Sec. 2-511. Powers and Duties.

(a) The Chief of Police shall have general supervision over the Police Department and shall obey all lawful written orders of the Mayor or Common Council.

(b) The Chief of Police and officers of the Police Department shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables; and shall arrest with or without process and, with reasonable diligence, take before the proper court every person found in the City violating any law of the State, of Ordinance, of the City, of County and may command all persons present in such case to assist them therein. If any person being so commanded shall refuse or neglect to render such assistance, he shall be subject to the penalty imposed by §1-16. Police officers shall collect the same fees allowed to constables for similar services.

(c) The Chief of Police or any other officer directed by him shall proceed to the scene of fires, riots and tumultuous assemblages and take charge of the police present, and exert his best efforts to save and protect property, disperse mobs and arrest such persons as he may find engaged in disturbing the peace or aiding and abetting others in doing so.

Sec. 2-512. Report to Council.

The Chief of Police shall make an annual report on or before the second Council meeting in February of each year of all arrests made by the police of the City, and the disposition of the cases, before what court they were taken, and all forfeitures and fines imposed, and on all other matters pertaining to his office, when required by the Common Council.

(Code 1965, §4.07)

Sec. 2-513. Police officers to wear name tag and badge.

Police officers of the City, when on duty, shall wear the badge or insignia and name tag of their office on the outside of the outermost garment, conspicuously displaying the badge and name tag to the entire surface thereof may be seen, except when caution may dictate that the badge and name tag should not be so exposed.

Sec. 2-514. Police officers not to be bail.

The Chief of Police or other police officer shall not be bail for any person arrested, and shall in no case become
bail for any person under arrest.
(Code 1965, §4.05)

Sec. 2-515. Police officer to attend Council meetings.

The Chief of Police or other police officer appointed by him shall attend all meetings of the Council and, under the direction of the presiding officer of the Council, shall preserve order and decorum.
(Code 1965, §4.06)

Secs. 2-516 – 2-519. Reserved.
(Code 1965, §4.02; Ord 44-12, §1, 6-6-12)

**Cross reference(s)** – Police & Fire Commission, 2-136 et seq; animals, §3-1, et seq; alarm systems, §12-121 et seq.

DIVISION 12. FIRE DEPARTMENT.

Sec. 2-520. Created.

There is hereby created a Fire Department in the City, to be under the supervision of the Fire Chief, with such other personnel as is needed to fulfill the functions of the Department.
(Ord 44-12, §1, 6-6-12)

Secs. 2-521 – 2-529. Reserved.

DIVISION 13. PUBLIC LIBRARY.

Sec. 2-530. Created.

There is hereby created a Public Library in the City, to be under the supervision of the Library Director and the Library Board, with such other personnel as is needed to fulfill the functions of the Library.
(Ord 44-12, §1, 6-6-12)

Sec. 2-531 – 2-539. Reserved.
DIVISION 14. RESERVED.

Secs. 2-540 – 2-549. Reserved.

Editor's Note: Division 14, Department of the Assessor, was repealed and reserved pursuant Ordinance 77-12 adopted by the Common Council on August 15, 2012, published on August 20, 2012 and effective on August 21, 2012. The Department of the City Assessor was moved to become the Division of the City Assessor under the Department of Community and Economic Development. (Ord 75-99, §1, 10-6-99; Ord 44-12, §1, 6-6-12; Ord 77-12, §1, 8-21-12)

DIVISION 15. DEPARTMENT OF LEGAL SERVICES.

Sec. 2-550. Created.

There is hereby created a Department of Legal Services in the City, to be under the supervision of the City Attorney. The Department of Legal Services shall consist of two (2) divisions: the Division of the City Attorney and the Division of the City Clerk, with such other personnel as is needed to fulfill the functions of the Department. The Department shall fulfill the duties prescribed for the City Clerk under Wis. Stat. §62.09(11) and the City Attorney under Wis. Stat. §62.09(12). The personnel in the Division of the City Attorney shall be directly supervised by the Deputy City Attorney and the personnel in the Division of the City Clerk shall be directly supervised by the City Clerk. (Ord 44-12, §1, 6-6-12)

Secs. 2-551 – 2-559. Reserved.
ARTICLE VI. ELECTIONS.*

Sec. 2-560. Opening and closing of polls.

Pursuant to W.S.A. §6.35, the polls in the City shall remain open on election days from 7:00 a.m. to 8:00 p.m. (Code 1965, §1.07)

Sec. 2-561. Authority of City Clerk regarding elections.

That the City Clerk be authorized to take all necessary actions regarding the preparation for, and conduct of, elections as authorized by Wisconsin Statutes Chapters Five (5) through Twelve (12).

(Code 1965, §1.08; Ord 4-08, §1, 2-12-08)

*Charter ordinance references – Elected officials, §2-1; wards, §2-3.

Cross reference(s) – Common Council, §2-26 et seq.; political sign regulations, §23-508(c)(16).

Editor's Note: §2-413 was repealed by the Common Council effective January 13, 2009 pursuant to Ord 1-09.

Sec. 2-562. Municipal Board of Absentee Canvassers.

(a) The Board of Absentee Canvassers shall be composed of the City Clerk or a qualified elector of the City designated by the City Clerk, and two other qualified electors of the City appointed by the City Clerk for a term of two years commencing on January 1 of each odd-numbered year. The initial terms of appointment shall expire on January 1, 2019, unless reappointed. All appointments shall comply with Wis. Stats. §§7.52 and 7.53.

(b) The Board of Absentee Ballot Canvassers shall operate pursuant to the provisions of Wis. Stats. §§7.52 and 7.53, as applicable.

(c) Pursuant to Wis. Stats. §7.52(1)(b), the City Clerk may appoint additional inspectors to assist the Absentee Ballot Board of Canvassers in canvassing absentee ballots under this section.

(d) The Common Council, in lieu of canvassing absentee ballots at polling places, hereby provides for the canvassing of absentee ballots by the Board of Absentee Ballot Canvassers, which shall canvass all absentee ballots at all elections held in the city pursuant to procedures established by the state division governing elections.

(e) The City Clerk shall give at least 48 hours notice of any meeting of the Board of Absentee Canvassers under this section.

(f) The City Clerk, no later than the closing hour of the polls, shall post at the City Clerk’s Office and on the City of Appleton website, and shall make available to any person upon request, a statement of the number of absentee ballots that the City Clerk has mailed or transmitted to electors and that have been returned by 8:00 p.m. on Election Day.

(Ord 66-18, §1, 7-24-18)
Chapter 4

Buildings

ARTICLE I. IN GENERAL
Maintenance of buildings.................................................................................................... ................................ 4-1
Alterations and repairs ........................................................................................................ 4-2
Building numbering........................................................................................................... 4-3
Reserved................................................................................................................................ 4-4 – 4-20

ARTICLE II. ADMINISTRATION AND ENFORCEMENT
DIVISION 1. GENERALLY
Board of Building Inspection ............................................................................................... 4-21
Authority to prescribe additional rules and regulations .................................................. 4-22
Modification of regulations ............................................................................................... 4-23
Violations generally; penalty ............................................................................................. 4-24
Notice of violation ............................................................................................................. 4-24(a)
Prosecution of violations ................................................................................................. 4-24(b)
Penalty .............................................................................................................................. 4-24(c)
Abatement of violation .................................................................................................... 4-24(d)
Stop work order ............................................................................................................... 4-25
Notice ............................................................................................................................... 4-25(a)
Unlawful continuance of work ......................................................................................... 4-25(b)
Appeals .............................................................................................................................. 4-26
Reserved ............................................................................................................................. 4-27 – 4-45

DIVISION 2. INSPECTIONS DIVISION
Generally............................................................................................................................... 4-46
Reserved ............................................................................................................................. 4-47
Inspections Supervisor ...................................................................................................... 4-48
Assistants to Inspection Supervisor ................................................................................ 4-49
Appointment ...................................................................................................................... 4-49(a)
Qualifications .................................................................................................................... 4-49(b)
Reserved ............................................................................................................................. 4-50 – 4-65

DIVISION 3. PERMITS
Required; exception .......................................................................................................... 4-66
Application; generally ...................................................................................................... 4-67
Submission ......................................................................................................................... 4-67(a)
Description of work ......................................................................................................... 4-67(b)
Plans and specifications ................................................................................................. 4-67(c)
Plot diagram ...................................................................................................................... 6-67(d)
Amendments to application ............................................................................................ 4-68
Time limitation on application ........................................................................................ 4-69
Action on application ....................................................................................................... 4-70
Approval of work in part ................................................................................................. 4-71
Payment of fees ................................................................................................................ 4-72
Signing of permit; approved plans .................................................................................. 4-73
Posting ............................................................................................................................... 4-74
Suspension or abandonment of work .............................................................................. 4-75
Compliance ....................................................................................................................... 4-76
Making false application ................................................................................................. 4-77
Eligibility for permit when order pending against applicant ........................................... 4-78
Reserved ............................................................................................................................. 4-79 – 4-95
ARTICLE III. BUILDINGS

DIVISION 1. GENERALLY
State building code, existing buildings regulations adopted .......................................................... 4-136
Fire limits designated .......................................................................................................................... 4-137
Construction in fire limits – certain remodeling, repairs prohibited ........................................... 4-138
Same – construction standards generally ....................................................................................... 4-139
Restrictions .................................................................................................................................... 4-139(a)
Waiver of requirements ..................................................................................................................... 4-139(b)
Uniform Dwelling Code .................................................................................................................... 4-140
Adoption of State code ..................................................................................................................... 4-140(a)
Enforcement ..................................................................................................................................... 4-140(b)
Applicability ..................................................................................................................................... 4-140(c)
Garages and accessory buildings ...................................................................................................... 4-141
Unattached ....................................................................................................................................... 4-141(a)
Attached ......................................................................................................................................... 4-141(b)
Construction time frame ................................................................................................................. 4-141(c)
Garage door required ....................................................................................................................... 4-141(d)
Boarding of vacant buildings .......................................................................................................... 4-142
Vacant structures ............................................................................................................................. 4-142(a)
Maintenance generally .................................................................................................................... 4-143
Reserved ......................................................................................................................................... 4-144 – 4-160

DIVISION 2. PERMITS
Permit fees ........................................................................................................................................ 4-161
Generally .......................................................................................................................................... 4-161(a)
One- (1-) and Two- (2-) family dwellings ....................................................................................... 4-161(a)(1)
Multifamily dwellings ....................................................................................................................... 4-161(a)(2)
Offices and mercantile buildings .................................................................................................... 4-161(a)(3)
Factories; warehouses ..................................................................................................................... 4-161(a)(4)
Alterations ....................................................................................................................................... 4-161(a)(5)
Demolition ....................................................................................................................................... 4-161(a)(6)
Moving of buildings ........................................................................................................................ 4-161(a)(7)
Swimming pools ............................................................................................................................... 4-161(a)(8)
Fences ........................................................................................................................................... 4-161(a)(9)
Penalty for commencing work without permit ............................................................................... 4-161(b)
Miscellaneous fees ............................................................................................................................ 4-162
Submission of plans to State Department of Safety and Professional Services .................................. 4-163
Restrictions on permit issuance – location of lot; platting ................................................................. 4-164
Same – requirements for utilities and street improvements ............................................................. 4-165
Reserved ......................................................................................................................................... 4-166 – 4-180

Div. 4. INSPECTIONS
Generally ............................................................................................................................................ 4-96
Time of inspections; notification of department ............................................................................... 4-97
Final inspection .................................................................................................................................. 4-98
Right of entry .................................................................................................................................... 4-99
Reserved ........................................................................................................................................... 4-100 – 4-115

DIVISION 5. CERTIFICATE OF USE AND OCCUPANCY
Required ............................................................................................................................................ 4-116
New buildings .................................................................................................................................... 4-116(a)
Alteration of building ....................................................................................................................... 4-116(b)
Issuance – generally ......................................................................................................................... 4-117
Same – existing buildings ................................................................................................................. 4-118
Changes in use and occupancy ......................................................................................................... 4-119
Temporary certificate of occupancy ................................................................................................ 4-120
Reserved ........................................................................................................................................... 4-121 – 4-135
DIVISION 3. UNSAFE BUILDINGS
Right of condemnation ............................................................................................................. 4-181
Examination and record when building reported as unsafe ..................................................... 4-182
Notice of unsafe conditions ........................................................................................................ 4-183
Contents; time limits .................................................................................................................. 4-183(a)
Service by mail or posting ......................................................................................................... 4-183(b)
Restoration of building .............................................................................................................. 4-184
Failure to comply with order ...................................................................................................... 4-185
Buildings, structures, dwelling unit, equipment which are unsafe or unfit for human habitation 4-186
Inspection ...................................................................................................................................... 4-186(a)
Order to discontinue occupancy or use ....................................................................................... 4-186(b)
Closing of unsafe or unfit buildings .......................................................................................... 4-186(d)
Placarding of unfit/unsafe buildings .......................................................................................... 4-186(e)
Emergency repairs ..................................................................................................................... 4-187
Demolition of buildings .............................................................................................................. 4-188
Permits ........................................................................................................................................ 4-188(a)
Utility disconnections ................................................................................................................ 4-188(b)
Sewer and water connections .................................................................................................... 4-188(c)
Property to be protected ........................................................................................................... 4-188(d)
Property to be secured ............................................................................................................... 4-188(e)
Unguarded pits a nuisance ......................................................................................................... 4-188(f)
Obstruction of streets ................................................................................................................. 4-188(g)
Completion of project .................................................................................................................. 4-188(h)
Reserved ...................................................................................................................................... 4-189 – 4-205

DIVISION 4. MOVING OF BUILDINGS AND STRUCTURES
Permit required; application ........................................................................................................ 4-206
Issuance of permit; permit fee .................................................................................................... 4-207
Approval of relocation in city; old buildings .............................................................................. 4-208
Route, time limits and safety requirements ................................................................................ 4-209
Supervision of operation; trimming of trees .............................................................................. 4-210
Small buildings; buildings to be moved out of city .................................................................. 4-211
Police escort ............................................................................................................................... 4-212
Reserved ...................................................................................................................................... 4-213 – 4-230

ARTICLE IV. HOUSING
Definitions ................................................................................................................................. 4-231
Purpose of article; declaration of nuisance ................................................................................ 4-232
Interpretation of article .............................................................................................................. 4-233
Applicability of article .............................................................................................................. 4-234
Buildings unfit for human habitation ......................................................................................... 4-235
Maintenance generally .............................................................................................................. 4-236
Responsibilities of occupant ..................................................................................................... 4-237
Sanitary facilities; access; entrances and exits .......................................................................... 4-238
Lighting, ventilation and heating ............................................................................................... 4-239
Occupancy arrangement and size of rooms .............................................................................. 4-240
Non-dwelling structures, fences and drainage ........................................................................... 4-241
Reserved ...................................................................................................................................... 4-242 – 4-260

ARTICLE V. PLUMBING
DIVISION 1. GENERALLY
Definitions................................................................................................................................. 4-261
State plumbing code adopted .................................................................................................... 4-262
Inspection of new work .............................................................................................................. 4-263
Inspection of rental properties, relocated buildings ................................................................... 4-264

Supp. #91

269
Bond required for work in public right-of-way ........................................................................ 4-265
Correction of unsanitary installations ...................................................................................... 4-266
Supervision of sewer and water services ................................................................................. 4-267
Street openings .......................................................................................................................... 4-268
  Requirements ......................................................................................................................... 4-268(a)
Connections to public sewer ....................................................................................................... 4-269
  Record of sewers ..................................................................................................................... 4-269(a)
  Location of branches; new connections .................................................................................. 4-269(b)
  Record of connections ............................................................................................................. 4-269(c)
  Minimum depth ......................................................................................................................... 4-269(d)
Connection to public sewers and water mains required ............................................................. 4-270
Discharge of drains and sewers .................................................................................................. 4-271
  Certain discharged prohibited ................................................................................................. 4-271(a)
  Discharges to storm sewers .................................................................................................... 4-271(b)
  Discharge to public streets ..................................................................................................... 4-271(c)
  Discharge onto sidewalks ........................................................................................................ 4-271(d)
  Other discharges ..................................................................................................................... 4-271(e)
Sealing of unused sewer and water services ............................................................................ 4-272
Building sewers and building drains ......................................................................................... 4-273
Waste pipes and vents ................................................................................................................. 4-274
Clearwater separation requirements and inspection of pre-1980 residential properties .......... 4-275
Reserved ....................................................................................................................................... 4-276 – 4-290
DIVISION 2. PERMITS
Required; exception ..................................................................................................................... 4-291
Plumbing fees ............................................................................................................................... 4-292
Issuance for new or relocated building ...................................................................................... 4-293
Persons not eligible for permit .................................................................................................... 4-294
Expiration ..................................................................................................................................... 4-295
Cancellation for violation ............................................................................................................ 4-296
Cancellation on request of plumber or owner ............................................................................ 4-297
Reserved ....................................................................................................................................... 4-298 – 4-315
DIVISION 3. PLANS
Applicability of division .............................................................................................................. 4-316
Plans to be approved by City Inspections Division .................................................................. 4-317
Plans to be approved by State Department of Health and Social Services ......................... 4-318
Compliance with approved plans required .................................................................................. 4-319
Stamping and signing of plans .................................................................................................... 4-320
Submission of plans ..................................................................................................................... 4-321
Plan examination fees .................................................................................................................. 4-322
Revisions ....................................................................................................................................... 4-323
Liability for defects in work ......................................................................................................... 4-324
Copy of plans to be kept at construction site .............................................................................. 4-325
Reserved ....................................................................................................................................... 4-326 – 4-340

ARTICLE VI. ELECTRICAL
DIVISION 1. GENERALLY
  Adoption of the State Electrical Code, state statutes and other standards ......................... 4-341
  Definitions ................................................................................................................................. 4-342
  Enforcement generally ............................................................................................................. 4-343
  Authority to discontinue electrical service ............................................................................. 4-344
  Periodic inspection ................................................................................................................... 4-345
  Notification for inspection; concealment of wiring ................................................................. 4-346
  Reserved ................................................................................................................................... 4-347
  Certificate of Inspection .......................................................................................................... 4-348
  Reserved ................................................................................................................................... 4-349
  Review of condemnation order ............................................................................................... 4-350
  Liability for defects in work ..................................................................................................... 4-351
  Reserved ................................................................................................................................... 4-352 – 4-390

Supp. #91

270
DIVISION 2. LICENSE
Required.......................................................................................................................... 4-391
Exemptions.................................................................................................................. 4-392
Reserved..................................................................................................................... 4-393 – 4-415

DIVISION 3. PERMITS
Application; issuance.................................................................................................. 4-416
A photometric study.................................................................................................... 4-416(1)
Photovoltaic (PV) systems........................................................................................ 4-416(2)
Reserved..................................................................................................................... 4-417
Electrical fees............................................................................................................. 4-418
Generally.................................................................................................................... 4-418(a)
One- and two-family dwellings................................................................................. 4-418(b)
Multiple-family dwellings........................................................................................ 4-418(c)
Commercial or industrial buildings........................................................................ 4-418(d)
Change of service..................................................................................................... 4-418(e)
Photovoltaic (PV) systems........................................................................................ 4-418(f)
Penalty for commencing work without permit...................................................... 4-418(g)
Reinspection.............................................................................................................. 4-418(h)
Plan review............................................................................................................... 4-418(h)(1)
Data and communication wiring............................................................................. 4-418(h)(2)
Use of license to obtain permit for another............................................................ 4-419
Temporary installations............................................................................................ 4-420
Reserved..................................................................................................................... 4-421 – 4-435

ARTICLE VII. MECHANICAL
DIVISION 1. GENERALLY
Penalty for violation of article.................................................................................. 4-436
Inspections.................................................................................................................. 4-437
Appeals...................................................................................................................... 4-438
Reserved..................................................................................................................... 4-439 – 4-455

DIVISION 2. BOARD OF HEATING EXAMINERS
Membership; organization....................................................................................... 4-456
Procedures.................................................................................................................. 4-457
Reserved..................................................................................................................... 4-458 – 4-475

DIVISION 3. LICENSE
Required..................................................................................................................... 4-476
Generally.................................................................................................................... 4-476(a)
Firms, partnerships and corporations...................................................................... 4-476(b)
Persons considered licensed................................................................................... 4-476(c)
Exemption for homeowners..................................................................................... 4-476(d)
Application............................................................................................................... 4-477
Fee; renewal.............................................................................................................. 4-478
Examinations........................................................................................................... 4-479
Revocation; suspension......................................................................................... 4-480
Reserved..................................................................................................................... 4-481 – 4-495

DIVISION 4. PERMITS
Required..................................................................................................................... 4-496
Heating fees.............................................................................................................. 4-497
Residential heating systems.................................................................................... 4-497(a)
Residential alterations............................................................................................. 4-497(b)
Residential central air conditioning........................................................................ 4-497(c)
Commercial and industrial installations............................................................. 4-497(d)
Stoves; fireplaces..................................................................................................... 4-497(e)
Reinspection............................................................................................................ 4-497(f)
Penalty for commencing work without permit...................................................... 4-497(g)
APPLETON CODE

Application; issuance ........................................................................................................... 4-498
Use of license to obtain permit for another ........................................................................ 4-499
Reserved .............................................................................................................................. 4-500 – 4-515

DIVISION 5. INSTALLATION STANDARDS
Forced warm winter air conditioning ................................................................................ 4-516
Perimeter heating .............................................................................................................. 4-517
Reserved .............................................................................................................................. 4-418 – 4-520
Electric heating ............................................................................................................... 4-521
Oil burners and oil burner equipment for single- and two-family residences .................. 4-522
  Definitions ..................................................................................................................... 4-522(a)
  Approval standards ....................................................................................................... 4-522(b)
  Air supply ..................................................................................................................... 4-522(c)
  Fuel oil tanks ............................................................................................................... 4-522(d)
Reserved .............................................................................................................................. 4-523
Gas-fired equipment ......................................................................................................... 4-524
  Generally ..................................................................................................................... 4-524(a)
  Design and conversion of central heating furnaces ....................................................... 4-524(b)
  Room heaters .............................................................................................................. 4-524(c)
  Floor furnaces ............................................................................................................. 4-524(d)
  Recessed wall heaters ................................................................................................. 4-524(e)
  Duct furnaces ............................................................................................................ 4-524(f)
  Unit heaters ............................................................................................................... 4-524(g)
  Gas-fired water heaters .............................................................................................. 4-524(h)
  Gas flues and vents ..................................................................................................... 4-524(i)
  Gas piping .................................................................................................................... 4-524(j)
  Gas storage tanks ....................................................................................................... 4-524(k)
Reserved .............................................................................................................................. 4-525 – 4-540

ARTICLE VII. SWIMMING POOLS
Purpose of article ............................................................................................................... 4-541
Definition ........................................................................................................................... 4-542
Applicability of article ..................................................................................................... 4-543
Existing pools ................................................................................................................... 4-544
Penalty for violation of article ........................................................................................ 4-545
Permits ............................................................................................................................... 4-546
  Building permit .......................................................................................................... 4-546(a)
  Plumbing and electrical permits ................................................................................ 4-546(b)
  Penalty for commencing work without a permit ........................................................ 4-546(c)
Variances .......................................................................................................................... 4-547
Location on lot .................................................................................................................. 4-548
Protective enclosures ....................................................................................................... 4-549
  Required ..................................................................................................................... 4-549(a)
  Exception ..................................................................................................................... 4-549(b)
Lighting ............................................................................................................................ 4-550
Drainage ............................................................................................................................ 5-551
Maintenance ....................................................................................................................... 5-552

Supp. #91
ARTICLE I. IN GENERAL

Sec. 4-1. Maintenance of buildings.

All buildings and structures and all parts thereof, both existing and new, shall be maintained in a safe and sanitary condition. All service equipment, means of egress, devices and safeguards which are required by this chapter in a building or which were required by a previous statute in a building when erected, altered or repaired shall be maintained in good working order.

(Code 1965, §14.10)

Sec. 4-2. Alterations and repairs.

Except as otherwise provided in this chapter, existing buildings, when altered or repaired as specified in this chapter, shall be made to conform to the full requirements of this chapter for new buildings.

(Code 1965, §14.11)

Sec. 4-3. Building numbering.

(a) Each building erected in the city shall be assigned a building number by the Inspections Division in accordance with the building number map which is on file in the office of the Department of Public Works. Only those numbers assigned as provided in this section shall be used on each building. Each owner must fasten or paint a permanent, light reflecting, legible building number of a conspicuous color contrasting to the building background color, which shall be no less than four (4) inches in height on all buildings on the front face of the building within four (4) feet of the principal entrance door abutting the street. If this location is deemed impractical by the Inspections Division or Fire Department, the building numbers on residential properties may be placed on the garage on the side closest to the principal entrance or a location approved by the Inspections Division and the Fire Department. The address number shall be readily visible from the street and shall not be obstructed by any structural element, plant, tree, shrub or similar obstruction. Address numbers may not be in a script typeface. If the principal entrance to a structure is not on the assigned address street then the property owner must have the above-mentioned address numbers posted at more than one entrance or location on that building.

(b) Mobile home numbers will be placed in a uniform area on each unit within the mobile home park. The number shall be placed on or as close as possible to the entrance door and shall be visible from the public right-of-way readily abutting the property.

(c) If the building is set back forty (40) feet or more from the front property line, the property owner must place and maintain the required numbers on a mailbox or a signpost located at or near the front property line.

(d) Commercial buildings situated in a manner that may create confusion for emergency personnel responding to the rear side of such building shall also post their business address on their back doors. This section shall apply to commercial buildings including, but not limited to, multiple tenant strip malls, buildings serviced with alleyways such as downtown areas and single buildings with multiple tenants with individual rear doors for each tenant. This section shall not apply to stand alone commercial buildings occupied by a single tenant.

(Code 1965, §5.02; Ord 122-93, §1, 8-18-93; Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 9-98, §1, 2-18-98, Ord 71-99, §1, 10-10-99; Ord 55-07, §1, 3-13-07; Ord 172-08, §1, 11-25-08)

Secs. 4-4 – 4-20. Reserved.
ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 4-21. Board of Building Inspection.

(a) The Board of Building Inspection shall consist of the Mayor, City Attorney, Director of Public Works, Fire Chief, Inspection Supervisor and one (1) Alderperson appointed by the Mayor subject to confirmation by the Common Council at the annual organizational meeting of the Council. The Inspection Supervisor shall serve as secretary without vote.

(b) The City Attorney, Director of Public Works and Fire Chief may designate an alternate to attend in their absence. The alternate shall be counted towards determining a quorum and will be entitled to vote on items brought before the board.

(Code 1965, §1.04(12); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Cross reference(s)—Board, committees, commissions, §2-51 et seq.

Sec. 4-22. Authority to prescribe additional rules and regulations.

The Inspection Supervisor shall have the power, as may be necessary in the interest of public safety, health and general welfare, to promulgate rules and regulations to interpret and implement the provisions of this chapter under the supervision of the Board of Building Inspection. The Inspections Division shall review and suggest changes in this chapter annually for Council action. Rules and regulations adopted under this section shall be approved by the Common Council and, when so approved, a violation thereof shall be subject to §4-24.

(Code 1965, §14.05; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 12-02, §1, 3-11-02)

Cross reference(s)—Board, committees, commissions, §2-51 et seq.

Sec. 4-23. Modification of regulations.

When there are practical difficulties involved in carrying out structural or mechanical provisions of this chapter or of an approved rule, the Inspection Supervisor may vary or modify such provision upon application of the owner or his representative, provided that the spirit and intent of this chapter shall be observed and public welfare and safety shall be ensured. The application for modification and the final decision of the Inspections Supervisor shall be in writing and shall be officially recorded with the permanent application for the permit in the permanent records of the Inspections Division.

(Code 1965, §14.09; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-24. Violations generally; penalty.

(a) Notice of violation. The Inspection Supervisor shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, use or occupancy of a building or structure in violation of the provisions of this chapter, in violation of a detailed statement or a plan approved under this chapter, or in violation of a permit or certificate issued under the provisions of this chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(b) Prosecution of violation. If the notice of violation is not complied with promptly, the Inspection Supervisor shall request the City Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto.

(c) Penalty. Any person who shall violate a provision of this chapter or fail to comply with any of the requirements of this chapter or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Inspection Supervisor or of a permit or certificate issued under the provisions of this chapter shall be subject to a penalty as provided in §1-16.

(d) Abatement of violation. The imposition of the penalty prescribed in this section shall not preclude the City Attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct business or use of a building or structure in or about any premises.

(Code 1965, §14.13; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Cross reference(s)—Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 4-25. Stop work order.

(a) Notice. Upon notice from the Inspection Supervisor that work on any building or structure is being prosecuted contrary to the provisions of this chapter, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner’s agent or to the person doing the work, and shall state the conditions under which work may be resumed.

(b) Unlawful continuance of work. Any person who shall continue any work in or about the building after having been served with a stop work order, except such work as he is directed to perform to remove a violation or unsafe condition, shall be subject to a penalty as provided in §4-24.
Divisions and Building Regulations

Sec. 4-26. Appeals.

Any person feeling himself aggrieved by any order or ruling of the Inspection Supervisor may appeal such order or ruling to the Board of Building Inspection within ten (10) days after written notice of the order or ruling has been delivered to him. Such appeal shall be in writing, setting forth the order from which such appeal is taken, and shall be filed with the Mayor, who shall call a meeting of the Board within a reasonable time. Such appeal shall be accompanied by a fee of forty-five dollars ($45.00) to cover the costs of the appeal. At the time of the meeting of the Board of Building Inspection to consider the appeal from the ruling of the Inspection Supervisor, appearance for the appeal may be made by the owner, lessee of the building, builder or any authorized agent appointed by an interested party.

Sec. 4-46. Generally.

The Inspections Division shall include the building, plumbing, electrical, heating, ventilating and erosion control inspectors.

Sec. 4-47. Reserved.

Sec. 4-48. Inspections Supervisor.

The Inspections Supervisor may designate an employee as his deputy who shall exercise all the powers of the Inspections Supervisor during the temporary absence or disability.

Sec. 4-49. Assistants to Inspections Supervisor.

(a) Appointment. The Inspections Supervisor shall appoint such officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter.

(b) Qualifications.

(1) Generally. Assistants to the Inspection Supervisor shall be chosen on the basis of merit, training and experience. They shall be appointed from a list furnished by the state or local civil service board under the rules of such board. All licensed technicians shall meet the state qualifications for their particular positions.

(2) Electrical inspectors. Any person appointed to do electrical inspections shall:

a. Be a competent electrician and have at least six (6) years of experience as a journeyman in the practice of his trade or four (4) years of training in a recognized college of electrical engineering;
b. Have all the qualifications of a master electrician; and

c. Be well-versed in approved methods of electrical construction for safety of life and property, the statutes of the state relating to electrical work, the rules and regulations issued by the Industrial Commission of the State under the authority of the statutes, the National Board of Fire Underwriters and the National Safety Code of the Bureau of Standards.

(Code 1965, §14.04; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Secs. 4-50 – 4-65. Reserved.

DIVISION 3. PERMITS

Sec. 4-66. Required; exception.

(a) No person shall excavate for a building; construct, enlarge, alter, remove or demolish or change the occupancy of a building from one use to another requiring greater strength, exit or sanitary provisions or change to a prohibited use; or install or alter any wiring equipment or electrical, plumbing, heating and ventilating facilities for which provision is made or the installation of which is regulated by this chapter without first filing an application with the Inspection Supervisor on the form provided in writing and obtaining the required permit therefore, except that ordinary repairs which do not involve any violation of this chapter shall be exempt from this provision.

(b) Ordinary repairs to buildings may be made without application or notice to the Inspection Supervisor; but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exit requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, or mechanical or other work affecting public health or general safety.

(Code 1965, §14.06(1); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-67. Application generally.

(a) Submission. Application for a permit under this division shall be made by the owner or lessee of the building or structure or agent of either or by the licensed engineer or architect employed in connection with the proposed work. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

(b) Description of work. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building, and such additional information as may be required by the Inspection Supervisor.

(c) Plans and specifications. The application for the permit shall be accompanied by not less than three (3) copies of specifications, if any, and of plans drawn to scale on paper not less than twelve (12) inches by eighteen (18) inches in size with sufficient clarity and detailed dimensions to show the nature and character of the work to be performed. Plans shall include floor plans and a front elevation. In addition, the Fire Department shall be sent two (2) copies of plans for any building subject to the Wisconsin Administrative Code,
SPS chapters 350 through 364, 366 and 369.

(d) **Plot diagram.** There shall also be filed a plot plan showing to scale the size and location of all the new construction and all existing structures on the site and distances from lot lines and the established street grades. The plot plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing buildings and construction that are to remain on the site or plot.

(Code 1965, §14.06(2)-(5); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 85-97, §1, 10-15-97; Ord 25-12, §1, 3-7-12)

**Sec. 4-68. Amendments to application.**

Subject to the limitations of §4-70, major changes to a plan, application or other records accompanying the plan or application may be filed at any time before completion of the work for which the permit is sought or issued under this division. Such major changes shall be deemed part of the original application and shall be filed therewith.

(Code 1965, §14.06(6))

**Sec. 4-69. Time limitation on application for permit and completion of work.**

(a) An application for a permit pursuant to this division for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently prosecuted or a permit has been issued; except that, for reasonable cause, the Inspection Supervisor may grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days each.

(b) Permits shall be valid for a maximum period of two (2) years from the date of issuance. All work for which the permit was issued shall be completed in its entirety and brought into compliance within that period of time. A time extension may be granted by the Inspections Supervisor or designee if circumstances warrant. At such time a permit has expired, and if work is not completed, it shall be the responsibility of the permittee to renew such permit by completing the required form and submitting the appropriate fee.

(c) Failure to obtain or renew a required permit shall result in assessment of a permit fee that is triple the otherwise prescribed permit fee. Payment of any fee mentioned in this subsection shall in no way relieve any person of other penalties that may also be imposed.

(Code 1965, §14.06(7); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 74-06, §1, 5-23-06)

**Sec. 4-70. Action on application.**

The Inspection Supervisor shall examine or cause to be examined all applications for permits under this division and amendments thereto within forty-eight (48) hours time after filing. If the application or the plans do not conform to the requirements of all pertinent laws, he shall reject such application in writing stating the reasons therefore. If he is satisfied that the proposed work conforms to the requirements of this chapter and all laws and ordinances applicable thereto, he shall issue a permit therefore as soon as practicable. Street grades, sidewalk grades and benchmarks are available in the Engineering Division of the Department of Public Works.

(Code 1965, §14.06(8); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-71. Approval of work in part.**

The Inspection Supervisor may issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of this chapter. The holder of such permit for the foundations or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted.

(Code 1965, §14.06(13); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-72. Payment of fees.**

No permit shall be issued under this division until the fees required in this chapter have been paid.

(Code 1965, §14.06(15))

**Sec. 4-73. Signing of permit; approved plans.**

(a) The Inspection Supervisor shall sign every permit issued under this division and the permit shall also be signed by those assistants in charge of specific inspections in any building.

(b) The Inspection Supervisor shall stamp or endorse in writing both sets of corrected plans “approved”. One (1) set of such approved plans shall be retained by him and the other set shall be kept at the building site, open to inspection of the Inspection Supervisor or his authorized representative at all reasonable times.

(Code 1965, §14.06(11), (12); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-74. Posting.**

A true copy of the permit required under this division shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work.

Supp. #91 277
and until the completion of the work.
(Code 1965, §14.06(14))

Sec. 4-75. Suspension or abandonment of work.

Any permit issued pursuant to this division shall be void if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.
(Code 1965, §14.06(9))

Sec. 4-76. Compliance.

(a) The permit issued under this division shall be authority to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this chapter, except as specifically stipulated by modification or legally granted variation as described in the application.

(b) All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.

(c) All new work shall be located strictly in accordance with the approved plot plan.

(d) No lot or plot shall be changed, increased or diminished in area from that shown on the official plot plan, unless a revised diagram showing such changes, accompanied by the necessary affidavit of the owner or applicant, has been filed and approved; except that such revised plot plan will not be required if the change is caused by reason of an official street opening, street widening or other public improvement.
(Code 1965, §14.06(16)-(19))

Sec. 4-77. Making false application.

The Inspection Supervisor may revoke a permit or approval issued under the provisions of this division in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.
(Code 1965, §14.06(20); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-78. Eligibility for permit when order pending against applicant.

No building, plumbing, sewer, electrical, heating and ventilating or sign permit shall be granted to any applicant against whom a written stop work, correction, repair or change order issued by the division is pending for thirty (30) days or more. Upon acceptance by the Inspections Division of the corrective work being accomplished, the applicant will again be eligible for further permits. Any stop work, correction, repair or change order issued shall be based on noncompliance with an applicable state or local code requirement. Where the applicant against whom an order has been issued filed an application with the Board of Appeals or the Board of Building Inspection for a variance of the code requirements upon which the order is based, the order shall be held in abeyance until a decision has been reached by the respective board.
(Code 1965, §14.06(21); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Secs. 4-79 – 4-95. Reserved.
DIVISION 4. INSPECTIONS

Sec. 4-96. Generally.

Before issuing a permit under this article, the Inspection Supervisor shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof. The Supervisor shall conduct such inspections from time to time during and upon completion of the work for which he has issued a permit and he shall maintain a record of all such examinations and inspections and of all violations of this chapter.

(Code 1965, §14.07(1); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-97. Time of inspections; notification of department; early occupancy; penalties.

(a) Footings, foundations and slabs shall be inspected before concrete is poured and excavations are backfilled.

(b) Framing construction, rough carpentry, plumbing, electrical, HVAC and the like shall be inspected after mechanical work is roughed in and before insulation, lathing, plastering or any other type of concealment of any areas requiring inspection.

(c) Permit holders shall schedule all necessary inspections as soon as practicable after work is completed. Such inspections shall be made by the end of the second business day following the day of notification, excluding Saturdays, Sundays and legal holidays. Each construction phase set forth herein shall be inspected and approved prior to being concealed.

(d) The space under construction, as noted on the permit, shall not be occupied until the area has been inspected and approved for occupancy unless early occupancy is authorized by the Inspections Supervisor or designee. In the event that early occupancy is authorized, it shall not relieve the permit holder from timely completing the permitted work in accordance with applicable codes.

(e) Violations of this section may be subject to penalties under §4-24.

(Code 1965, §14.07(2); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 75-06, §1, 5-23-06; Ord 55-09, §1, 4-28-09; Ord 31-12, §1, 4-4-12)

Sec. 4-98. Final inspection.

(a) A final inspection shall be obtained by the permit holder as soon as practicable after completion of the permitted work, and no more than thirty (30) days after such completion. This inspection shall be conducted before the issuance of a Certificate of Use and/or Occupancy and shall note all violations of the approved plans and notify the permit holder of the discrepancies. Any discrepancies shall be corrected in a timely manner as established by the Inspections Supervisor or designee. Upon approval, the Inspections Division shall post a Certificate of Inspection on the job. After such certificate has been posted, no structural part of the building shall be changed.

(b) Failure to obtain a final inspection as soon as practicable after completion of work, and prior to occupancy when applicable, so that the permit may be closed, may be considered a violation of this section and subject to penalties under §4-24 and may also result in future permits not being issued to the applicant until such time as the permit for the otherwise completed work is closed.

(Code 1965, §14.07(3); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 76-06, §1, 5-23-06)

Sec. 4-99. Right of entry.

In the discharge of his duties, the Inspection Supervisor or his authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises in the City to enforce the provisions of this chapter. The Inspection Supervisor or his duly authorized representative shall have the authority to enter, during reasonable hours, those buildings of public use and occupancy to inspect for any violation of this chapter for the purpose of public protection.

(Code 1965, §14.07(4); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Secs. 4-100 – 4-115. Reserved.
DIVISION 5. CERTIFICATE OF USE AND OCCUPANCY

Sec. 4-116. Required.

(a) New buildings. No building erected shall be used or occupied in whole or in part until the Certificate of Use and Occupancy has been issued by the Inspection Supervisor.

(b) Alteration of building. No building enlarged, extended or altered to change from one use to another, in whole or in part, and no building altered for which a certificate of use in occupancy has not been issued, shall be occupied or used until the certificate has been issued by the Inspection Supervisor certifying that the work has been completed in accordance with the provisions of that approved permit; except that any use or occupancy which was not discontinued during the work of alteration shall be discontinued within thirty (30) days after the completion of the alteration unless the required certificate is secured from the Inspection Supervisor.

Sec. 4-117. Issuance – generally.

When a building or structure is entitled thereto, the Inspection Supervisor shall issue a Certificate of Use and Occupancy within a reasonable length of time after written application.

Sec. 4-118. Same – existing buildings.

Upon written request from the owner of an existing building, the Inspection Supervisor shall issue a Certificate of Use and Occupancy, provided there are no violations of law or orders of the Inspections Supervisor pending and it is established after inspection and investigation that the alleged use of the building has heretofore existed. Nothing in this chapter shall require the removal, alteration or abandonment of or prevent the continuance of the use and occupancy of a lawfully existing building, unless such use is deemed to endanger public safety and welfare.

Sec. 4-119. Changes in use and occupancy.

No change of use shall be made unless all the applicable provisions of this chapter are complied with. No change from one prohibited use to any other prohibited use shall be permitted.

Sec. 4-120. Temporary certificate of occupancy.

Upon the request of a holder of a permit, the Inspection Supervisor may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the permit has been completed, provided such portion may be occupied safely prior to full completion of the building without endangering life or public welfare.

Secs. 4-121 – 4-135. Reserved.
ARTICLE III. BUILDINGS

DIVISION 1. GENERALLY

Sec. 4-136. State building code, existing buildings regulations adopted.

Wisconsin Administrative Code, SPS Chapters 330 – 366, are adopted by reference and made part of this article with the same force and effect as through set out in full in this article.

(Code 1965, §15.01; Ord 85-97, §1, 10-15-97; Ord 38-09, §1, 3-10-09; Ord 25-12, §1, 3-7-12)

Sec. 4-137. Fire limits designated.

All property located in the CBD central business district, the M-1 industrial park district and the M-2 general industrial district shall be considered as being within the fire limits of the City.

(Code 1965, §4.10(1); Ord 85-97, §1, 10-15-97; Ord 39-09, §1, 3-10-09)

Cross reference(s)—Fire prevention and protection, ch. 6.

Sec. 4-138. Construction in fire limits – certain remodeling, repairs prohibited.

(a) No wood frame unprotected building within the fire limits of the City shall be remodeled to the extent of fifty percent (50%) of the fair market value during the life of the building.

(b) No wood frame unprotected building within the fire limits which is damaged to the extent of fifty percent (50%) of the fair market value shall be repaired or rebuilt. The amount or extent of damage shall be determined by the Board of Building Inspection. The decision of the board shall be communicated to the building owner by the Inspections Division. If, within ten (10) days of the notification, the owner does not raze and remove the building condemned, it shall be considered a nuisance and the City shall proceed to have it removed and the cost thereof shall be collected by the Department of Finance in the same manner as the taxes of the City.

(Code 1965, §4.10(2); Ord 76-93, §1, 4-21-93; Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Cross reference(s)—Fire prevention and protection, ch. 6.

Sec. 4-139. Same – construction standards generally.

(a) Restrictions.

(1) All buildings located in the fire limits of the City as described in §4-137 shall be constructed as set forth in the International Building Code (IBC) 602.2 – 602.4, as adopted by the Wisconsin Administrative Code. All buildings
of less than two-hour fire-resistive construction shall have ten (10) feet of clearance to the side and rear property lines and any other frame-type building. Pole buildings shall not be permitted in the fire limits.

(2) No permits will be issued for any remodeling of any frame building or part of frame building within the fire limits unless such remodeling will be in conformity with the requirements for new buildings within the fire limits. No frame building within the fire limits shall be raised or removed to any other place within the fire limits, nor shall any frame building be moved into fire limits; nor shall any frame building within such limits which may be damaged to the extent of fifty percent (50%) of the market value thereof be repaired or rebuilt. No such buildings where the damages are less than fifty percent (50%) of the market value shall 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.

(3) No frame building or structure shall be erected within the fire limits except one- (1-) story frame buildings for the use of builders, stands, platforms, booths and tents, erected under temporary permits. Such structures shall be removed as soon as they have ceased to serve the original purpose for which they were permitted.

(b) **Waiver of requirements.** The Board of Building Inspection may in its discretion waive strict enforcement of the provisions of this section and may prescribe more liberal conditions for the erection, repair or enlargement of buildings within the fire limits.

(Code 1965, §§15.11, 15.12; Ord 118-96, §1, 12-18-96; Ord 85-97, §1, 10-15-97, Ord 36-99, §1, 6-6-99, Ord 2-05, §1, 1-11-05; Ord 40-09, §1, 3-10-09; Ord 150-11, §1, 6-7-11)

**Cross reference(s)**—Fire prevention and protection, ch. 6.

Sec. 4-140. Uniform Dwelling Code.

(a) **Adoption of State code.** Wisconsin Administrative Code, SPS chapters 320 through 325, Uniform Dwelling Code, as adopted and effective December 1, 1978, and all amendments thereto, is adopted and incorporated in this article by reference.

(b) **Enforcement.** The Inspection Supervisor and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code.

(c) **Applicability.** The Uniform Dwelling Code adopted in this section shall apply to all construction of one- (1-) and two- (2-) family buildings, and shall apply to all such existing buildings, but only to the extent such existing buildings are remodeled, reconstructed or added to.

(Code 1965, §15.06; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-141. Garages and accessory buildings.

(a) **Unattached.** Unattached one- or 2-family accessory buildings shall be constructed on concrete slabs and shall conform to UDC and American Concrete Institute (ACI) standards. No concrete slab shall be required for accessory buildings where the structure does not exceed one hundred (100) square feet in area and the building is securely anchored. Accessory buildings less than fifty (50) square feet are exempt from permits, however must comply with all zoning ordinance standards. Unattached accessory buildings shall maintain a fire separation distance that meets UDC standards. All one- or 2-family unattached buildings with overhead doors shall have at least one exit door that is a minimum of 32” in width. The overhead door shall not be used as an exit door. Accessory buildings that are 150 square feet or larger are considered a garage for the purposes of this section.

(b) **Wall brace plans.** Wall brace plans are required for accessory buildings greater in width or length than twelve (12) feet. Wall brace plans must meet UDC standards. Exterior walls and roofs shall meet UDC standards for design, structural requirements and covering. Stairs or stairways, handrails, guardrails or elevated areas inside and outside of the accessory building shall meet UDC standards.

(c) **Attached.** Attached garages, carports and shelters that are connected to a residence shall have footings and foundations to the established frost line. Attached garages with exterior siding shall be framed to meet all general requirements. Floor drains in garages shall not connect to the foundation drain tile or a clear water sump. Attached carports and unheated shelters that are designed to compensate for movement or flexing and meet all other general requirements may be erected or installed on concrete slabs without frost walls and footings, provided that detailed drawings of design and method of construction are submitted with the permit application.

(d) **Construction time frame.** Unattached garages or accessory buildings must be completed within one (1) year from the date that the building permit is issued. Failure to complete the construction of garages and accessory buildings will require a new permit. The permit fee for additional permits will be double the original permit fee.

(e) **Garage door required.** All attached and detached garages, excluding carports, must have an operating garage door.

(Ord 10-98, §1, 2-18-98; Ord 174-08, §1, 12-9-08; Ord 9-19,
§1, 03-03-19)

Sec. 4-142. Boarding of vacant buildings.

(a) **Vacant Structures.** Owners shall have the responsibility for maintaining all vacant dwelling units, structures, principal buildings and accessory buildings in a locked or closed condition so that they cannot be entered without an unlawful break-in. The Inspections Supervisor may, to assure compliance with this section, order an owner to board a structure.

(b) Owners prior to boarding of a structure under order of the Inspections Supervisor shall apply for a permit and pay a fee of thirty dollars ($30.00).

(c) Boarding of a structure shall be required for all doors and windows on ground level and those doors and windows accessible to grade by stairs or permanently fixed ladders or within ten (10) feet of grade.

(d) Boards shall be a minimum of ½ inch thick exterior grade plywood cut to fit door and window openings, and screws at least 1½ inches in length shall be used to fasten boards to a structure.

(e) All doors boarded at grade level shall be locked and maintained per State of Wisconsin and City of Appleton Building and Fire Codes. The use of padlocks to secure entry doors is strictly prohibited.

(f) Boards shall be painted to match the trim or siding color of the structure.

(g) Screening or alternate methods of boarding may be permitted when approved by the Inspection Supervisor.

(h) The owner of a structure boarded under subd. (a) shall be required, upon notification, to provide entry to the structure to the Inspections Supervisor or Fire Chief at least once every six (6) months, for inspection purposes, or at anytime when the structure has been unlawfully entered.

(i) The owner of a boarded structure shall notify the Inspections Supervisor in writing no later than ten (10) days after the sale of the structure or the unboarding of the property.

(j) If, after a reasonable notice, the owner fails to board the structure, the Inspections Supervisor may request the Department of Public Works, either by City personnel or by contract, to correct the situation and charge the cost thereof upon the tax rolls of the property.

(Ord 71-99, §1, 10-10-99, Ord 62-07, §1, 3-27-07)

Sec. 4-143. Maintenance generally.

(a) All commercial structures and buildings, or portions thereof, shall be maintained to comply with the following requirements:

(1) Every foundation, exterior wall and roof and gutter system shall be reasonably weather tight, waterproof and rodent-proof and shall be kept in a good state of maintenance and repair.

(2) Every interior partition wall, floor and ceiling shall be capable of affording privacy, kept in a reasonably good state of repair and maintained so as to permit it to be kept in a clean and sanitary condition.

(3) All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any habitable room, or any bathroom, or of any toilet room.

(4) Every inside and outside stairway, every porch and every appurtenance thereto shall be constructed in accordance with applicable building codes; and shall be kept in sound condition and a reasonably good state of maintenance and repair.

(5) Every supplied plumbing fixture and water or waste pipe shall be properly installed in accordance with the Wisconsin Plumbing Code and shall be maintained in good, sanitary working condition.

(6) Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair.

(7) Every toilet room floor surface and bathroom floor surface shall be maintained so as to be impervious to water and so as to permit such floors to be kept in a clean and sanitary condition.

(8) Every supply 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 reasonably good working condition.

(9) Every parking lot, driveway and sidewalk shall be kept in good state of repair and shall be maintained in conformance with the approved site plan when applicable. Handicap accessible parking stalls shall be provided in accordance with State building code at the time maintenance and repair work is done.

(Ord 17-14, §1, 5-13-14)
Sec. 4-161. Permit fees.

(a) Generally. Before a permit is issued to a contractor, the owner or his agent for work described in this section, a fee shall be paid to the Director of Finance as follows:

(1) One- (1-) and two- (2-) family dwellings. The amount of the permit fee for one- (1-) and two-(2-) family dwellings shall be on file in the office of the City Clerk.

(2) Multifamily dwellings. The amount of the permit fee for multi-family apartment dwellings shall be on file in the office of the City Clerk.

(3) Offices and mercantile buildings. The amount of the permit fee for offices and mercantile buildings, including public occupancies such as garages, stores, taverns, theaters, churches, schools, restaurants, and the like, shall be on file in the office of the City Clerk.

(4) Factories; warehouses. The amount of the permit fee for factory and warehouse buildings shall be on file in the office of the City Clerk.

(5) Alterations. The amount of the permit fee for alterations to all existing buildings and structures, including installation of major equipment not covered under the mechanical code, and re-siding of residential structures and the like, shall be on file in the office of the City Clerk.

(6) Demolition. The amount of the permit fee for wrecking and razing of buildings and structures shall be on file in the office of the City Clerk.

(7) Moving of buildings. The amount of the permit fee for moving of buildings and structures shall be on file in the office of the City Clerk.

(8) Swimming pools. The amount of the permit fee for in-ground and aboveground swimming pools shall be on file in the office of the City Clerk.

(9) Fences. The amount of the permit fee for residential, commercial and industrial fences shall be on file in the office of the City Clerk.

(10) [Reserved.]
person of the penalties that may be imposed for violation of this chapter.
(Code 1965, §15.02(1)(a)-(l); Ord 75-91, §1, 8-7-91; Ord 4-93, §1, 1-6-93; Ord 69-97, §1, 10-1-97; Ord 41-09, §1, 3-10-09)

Sec. 4-162. Miscellaneous fees.

(a) The amount of the one- (1-) and two- (2-) family residential building plan examination fee shall be on file in the office of the City Clerk.

(b) The fees for State Department of Safety and Professional Standards permits (uniform building permit seal) shall be the fees contained in Wisconsin Administrative Code, SPS §302.34, plus a five-dollar ($5.00) handling charge.

(c) A callback inspection charge shall be established at thirty-five dollars ($35.00) per callback for all work requiring inspection under permit requirements.
(Code 1965, §15.02(1)(m)-(o); Ord 69-97, §1, 10-1-97)

Sec. 4-163. Submission of plans to State Department of Safety and Professional Services.

In accordance with an agreement executed by and between the City and the State Department of Safety and Professional Services, and with W.S.A. §101.12, the Inspection Supervisor may examine essential drawings, calculations and specifications for new projects up to 50,000 cubic feet and remodels up to 100,000 cubic feet. The division will accept the examinations at no cost for projects that are less than $3,000. The Inspection Supervisor shall collect fees for examination of the plans for deposit in the City treasury. The fee collected by the Inspection Supervisor shall be the same fee that would apply if the examination were made by the department and the fee schedule set forth in Wisconsin Administrative Code, SPS §302.31 is adopted and incorporated as part of this section by reference.

(a) All building plans, essential drawings, calculations and specifications for commercial buildings larger than specified in §4-163 shall be submitted to the State of Wisconsin Department of Safety and Professional Services. Submission to the Department of Safety and Professional Services will include all new commercial buildings, alterations to existing commercial buildings and additions to existing commercial buildings. Building plans for one- (1-) and two- (2-) family dwellings are not required to be submitted to the State of Wisconsin and can be submitted directly to the Inspections Division.

(b) Before a building permit will be issued by the Inspections Division for any commercial project, two (2) copies of the State of Wisconsin approved building plans, essential drawings, calculations and specifications for that project shall be submitted to the Inspections Division along with the completed permit application. The Inspections Division, along with the Appleton Fire Department will have seven (7) business days to complete the project review. When final approval from the Project Review Team is given, only then will the building permit be issued to the building owner or their legal representative.
(Code 1965, §15.03; Ord 32-92, §1, 3-18-92; Ord 107-92, §1, 10-7-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 85-97, §1, 10-15-97, Ord 71-99, §1, 10-10-99; Ord 42-09, §1, 3-10-09; Ord 25-12, §1, 3-7-12; Ord 72-12, §1, 1-1-13)

Sec. 4-164. Restrictions on permit issuance – location of lot; platting.

(a) No building permit shall be issued unless the property on which the house is proposed to be built abuts a street that has been dedicated for street purposes.

(b) A scaled site plan shall be submitted with the application for a building permit showing at a minimum all existing and proposed buildings and property lines. In areas where drainage plans have been approved, the site plan shall also show elevations at both property and new building corners, direction of the drainage, location of any primary swales, lot line drainage, plus other sufficient details in order to review conformance to the subdivision drainage plan.

(c) In any new subdivision, prior to the issuance of any building permits, the developer shall submit two (2) copies of the subdivision drainage plan to the Inspections Division, certifying that the grades of primary swales have been adjusted to final grades. An exception is made to allow building permits to be issued for those lots in developments awaiting swale grading due to utility installation after October 1, in any year. Said grading must be completed by the following May 31 and certification received by the Inspection Supervisor by the following June 6.

(d) In areas with approved drainage plans, the Division of Inspections shall not issue further permits to builders or property owners who are in noncompliance with the drainage and grading requirements of the City on any lot.
(Code 1965, §15.04; Ord 98-92, §1, 9-2-92; Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-165. Same – requirements for utilities and street improvements.

No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested. Public buildings are exempt from this requirement. No person shall
occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property, and a certificate of occupancy shall not be issued until such utilities are available to service the property.
(Code 1965, §15.05; Ord 10-91, §1, 2-6-91)

Secs. 4-166 – 4-180. Reserved.

DIVISION 3. UNSAFE BUILDINGS*

Sec. 4-181. Right of condemnation.

(a) All buildings or structures that are or become unsafe, unsanitary or deficient in adequate exit facilities, which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or which are detrimental to public health, safety and welfare by reason of illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures. All unsafe buildings shall be taken down and removed or made safe and secure as the Inspection Supervisor may deem necessary and as provided in this division. A vacant building, unguarded or open at a door or window, shall be deemed a fire hazard and unsafe within the meaning of this section.

(b) State Statute §66.0413 Razing Buildings is adopted and incorporated into this code by reference.
(Code 1965, §15.09(1); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 26-09, §1, 2-10-09)

Sec. 4-182. Examination and record when building reported as unsafe.

The Inspection Supervisor shall examine every building or structure reported as dangerous, unsafe structurally or constituting a fire hazard, and he shall cause a report to be filed in a docket of unsafe structures and premises stating the use of the building and the nature and estimated amount of damages, if any, caused by collapse or failure.
(Code 1965, §15.09(2); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-183. Notice of unsafe conditions.

(a) Contents; time limits.

(1) If an unsafe condition is found in a building or structure, the Inspection Supervisor shall serve on the owner, agent or person in control of the building or structure a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to declare within the specified time to the Inspection Supervisor his acceptance or rejection of the terms of the order.

(2) Where a building or structure has been damaged by fire, the owner has thirty (30) days from the date the Fire Department investigation is completed to begin cleanup work.
(3) Repair work or demolition work on the damaged building or structure shall be started within sixty (60) days of the date the Fire Department investigation is completed.

(b) Service by mail or posting. An order shall be served on the owner of record of the building that is subject to the order or on the owner’s agent if the agent is in charge of the building in the same manner as a summons is served in circuit court. If the owner and the owner’s agent cannot be found or if the owner is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the building and by publishing it as a class 1 notice under ch. 985 before the time limited in the order begins to run. The time limited in the order begins to run from the date of service on the owner or the owner’s agent or, if the owner and agent cannot be found, from the date that the order was posted on the building. Such procedure shall be deemed the equivalent of personal service.

(CODE 1965, §15.09(3), (5); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 43-09, §1, 33-10-09)

Cross reference(s)—Housing standards, §4-231 et seq.; vacation of certain buildings, §6-7; fire prevention and protection, Ch. 6; nuisances, Ch. 12; abandoned property, §12-101 et seq.

State law reference(s)—Unsafe, unsanitary, dilapidated buildings, W.S.A. §§66.0413, 823.21 et seq.

Sec. 4-184. Restoration of building.

A building or structure condemned by the Inspection Supervisor may be restored to safe condition. If the damage or cost of reconstruction or restoration is in excess of fifty percent (50%) of its fair market value, exclusive of foundations, such building shall be made to comply in all respects with the requirements for materials and methods of construction of new buildings.

(Code 1965, §15.09(4); Ord 32-92, §1, 3-18; Ord 174, 93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-185. Failure to comply with order.

Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the City Attorney shall be advised of all the facts and he shall institute the appropriate action to compel compliance.

(Code 1965, §15.09(6))

Sec. 4-186. Buildings, structures, dwelling unit, equipment which are unsafe or unfit for human habitation.

(a) Inspection. The Supervisor of Inspections may inspect any building, structure, dwelling unit or equipment thereon, which is reported or found to be damaged, dangerous, unsafe or unfit for human habitation.

(b) Order to discontinue occupancy or use. The Supervisor of Inspections may issue an order to the owner of any building, structure, dwelling unit or equipment thereon, or on the person occupying or using any such building, structure, dwelling unit or equipment, to discontinue such occupancy or use if the building, structure, dwelling unit or equipment is, in the judgment of the Inspections Supervisor, in an unsafe condition or unfit for human habitation per Municipal Code §4-235 and §4-236. An order to discontinue occupancy or use shall identify the code violation that causes the building, structure, dwelling unit or equipment to be unsafe or unfit for human habitation. If the building, structure, dwelling unit or equipment can be made safe or fit for human habitation by repairs, the order shall specify a time frame to make the necessary repairs.

(c) When, in the opinion of the Supervisor of Inspections, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building, the Supervisor of Inspections may order and require the occupants to vacate the building or structure forthwith.

(d) Closing of unsafe or unfit buildings. If the owner or occupant of a building, structure, dwelling unit or equipment thereof, which the Inspections Supervisor finds to be unsafe or unfit for human habitation per Municipal Code sections 4-235 and 4-236, fails or refuses to discontinue the occupancy or use of such building, structure, dwelling unit or equipment within the time prescribed by the Inspections Supervisor, the Inspections Supervisor shall notify the City Attorney and the City Attorney shall be advised of all the facts and he shall institute the appropriate action to compel compliance.

(e) Placarding of unfit/unsafe buildings. The Supervisor of Inspections shall cause to be posted at each entrance to such building that is deemed unfit or unsafe, a notice reading as follows: “This building is unsafe and its use or occupancy has been prohibited by the Supervisor of Inspections.”

(f) Orders and placards shall remain effective until the required repairs or alterations have been made or demolition and removal have been completed. No person may remove a posted order or placard, nor occupy, use or enter a posted or placarded building, structure or dwelling unit, except for the purpose of making the required repairs or alterations, without written permission from the Supervisor of Inspections.

(Code 1965, §15.10(1); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 71-99, §1, 10-10-99)
Sec. 4-187. Emergency repairs.

(a) When, in the opinion of the Inspection Supervisor, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, he shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure described in this division has been instituted.

(b) When necessary for the public safety, the Inspection Supervisor shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(c) Costs incurred in the performance of emergency work shall be paid from the City treasury on certificate of the Inspection Supervisor, and the City Attorney shall institute appropriate action against the owner of the premises where the unsafe building or structure was located for the recovery of such costs.

(Code 1965, §15.10(2)-(4); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-188. Demolition of buildings.

(a) Permits. Permits shall be obtained prior to the demolition of any building or structure in accordance with §4-66(a) and §4-161(a)(6). If the demolition will result in two thousand (2,000) square feet of soil disturbance or where more than two hundred (200) cubic yards of fill (soil or gravel) will be placed, an erosion and sediment control permit shall be obtained in accordance with §24-10(a)(1). No permits shall be issued without the following conditions being met:

1. The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City’s Risk Manager, and it shall be kept in full force and effect for one (1) year after the work has been completed.

2. The applicant shall file with the Department of Public Works a permit bond in the penal sum of five thousand dollars ($5,000.00) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work performed under this section shall have the right to institute an action for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances as applicable and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work performed under this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

(b) Utility disconnections. Prior to the issuance of a demolition permit, the owner or agent shall notify all utilities having service connections within the building, including but not limited to: water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until all equipment, such as meters or regulators, have been removed, and service connections are sealed and plugged correctly. No permit to demolish or remove any building shall be issued without written proof of service disconnection.

(c) Sewer and water connections. The sewer and water connections are required to be sealed before a building is demolished to protect the sewer from any sand, earth, water or other foreign materials that may enter into the sewer and/or water system in accordance with §4-272. The water connection shall be sealed at the property line or at a point determined by the water utility. The sewer connection may also be sealed at the property line if the piping is constructed of materials listed in Table 82.30-3 of the State Plumbing Code. If the sewer connection is any other material it must either be sealed at the main in the street or brought into compliance with this section by using other approved methods.

(d) 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 debris from falling on sidewalks or streets. The top of the scaffold shall be at least eight feet (8’) above the sidewalk or alley.

(e) Property to be secured. Properties that are to be demolished shall not be left open and unsecured. If doors and windows are removed for any reason, these openings shall be secured with boards in accordance with §4-142. If a demolition permit is obtained, a permit for boarding is not required. If the permit applicant plans to leave a building open overnight, a security plan must be approved by the Inspections Supervisor prior to the issuance of a demolition permit. The security plan shall detail how any open building or demolition site will be secured from trespassers.

(f) Unguarded pits a nuisance. Open excavations or pits caused by the demolition of the building are declared a public nuisance in accordance with §12-30(12) of the Appleton Municipal Code.

(g) Obstruction of streets. When razing requires the obstruction of a public street, alley or sidewalk, a street...
occupancy permit must be obtained from the Department of Public Works before starting work on razing the building.

(h) Completion of project. Except for commercial properties with approved site plans, when demolition activities are completed, disturbed areas shall be graded and restored to perennial grass vegetation at a slope of no greater than 10:1 (horizontal to vertical), unless approved by the building inspector upon permit issuance. For purposes of this section, site restoration shall consist of the following:

(1) Topsoil capable of supporting a dense cover of perennial grass shall be placed at a minimum thickness of four (4) inches over all disturbed areas.

(2) Till and prepare a fine, but firm seedbed, reasonably free of rocks, foreign matter or soil clods over two (2) inches in size.

(3) Uniformly seed the site in a manner consistent with typical landscaping standards, utilizing grass seed that conforms to the requirements of the Wisconsin Statutes and of the Administrative Code Chapter ATCP 20.01 regarding noxious weed seed content and labeling. Seed application rates shall be consistent with supplier recommendations. 

(4) At a minimum, mulch seeded areas with straw or hay that is substantially free of noxious weed seeds or other objectionable matter. Application shall be uniform and at a loose depth of one-half (½) inch to one and one-half (1½) inches. Mulch shall be anchored in place by use of a mulch crimper to impress the mulch into the soil or other approved methods. Where steep slopes dictate, other seed/soil stabilization methods such as erosion control mat may be required.

(5) Re-seed areas as necessary to achieve a uniform dense cover of grass.

(6) Commercial properties with approved site plans must proceed pursuant to those plans as soon as demolition activities are completed.

(Division 4. Moving of Buildings and Structures*)

Sec. 4-206. Permit required; application.

(a) No building or other structure shall be moved over the streets of the City unless a permit has been granted by the Common Council, except as provided in §4-211.

(b) Any person wishing to move a building over the streets of the City shall make application to the Director of Public Works on a form provided by the Director of Public Works. Such application shall also be signed by the owner of the property to which the building is to be moved.

(Cross reference(s)-Street, sidewalks and other public places, ch. 16; traffic and vehicles, ch. 19.)

Sec. 4-207. Issuance of permit; permit fee.

No permit shall be granted by the Common Council for the moving of buildings over the streets of the City without the following conditions being met:

(1) The axle load shall be such that there will be no damage to the road surface as determined by the Director of Public Works.

(2) The building shall be of such length, height and width that, in the opinion of the Director of Public Works, it will not unreasonably interfere with power lines, trees and other structures along the route to be traveled.

(3) No building shall be moved over a bridge in the City unless it can be shown to the satisfaction of the Director of Public Works that such move will not result in undue stress on or physical damage to the bridge.

(4) The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City’s Risk Manager, which shall be kept in full force and effect for one (1) year after the building has been moved.

(5) The applicant shall file with the Department of Public Works a permit bond in the penal sum of five thousand dollars ($5,000) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work of this section shall have the right to institute an action.
for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work of this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

(6) The applicant shall pay to the Director of Finance a fee as provided in §4-161(7).

(Code 1965, §15.08(4); Ord 73-89, §1, 6-7-89; Ord 4-93, §1, 1-6-93; Ord 9-97, §1, 2-19-97; Ord 38-12, §1, 5-16-12; Ord 100-16, §1, 12-13-16; Ord 79-17, §1, 11-7-17)

Sec. 4-208. Approval of relocation in city; old buildings.

(a) No building shall be moved from one location to another location within the City without the conditions provided in this division being met.

(b) The Inspection Supervisor shall issue a building permit for the relocation of the building in compliance with all building and zoning regulations, provided that the permit has been approved by the Municipal Services Committee and the Common Council.

(c) The Inspection Supervisor shall notify the alderperson of the ward and all property owners within 100 feet of the proposed relocation of the date and time of the Municipal Services meeting where the proposed relocation will be heard.

(d) No existing building shall be moved from outside the corporate limits of the City to within the corporate limits of the City. Newly constructed factory-built homes and parts thereof may be moved from outside the City to within the City in compliance with all other provisions of this division. The permit fee for the move to the first permanent location shall be as provided in §4-161(7).

(e) No existing building shall be moved to a new location within the City unless it fully complies with or is remodeled to fully comply with all minimum requirements of the plumbing, heating and ventilating, building and housing and electrical codes for new construction.

(Code 1965, §15.08(6); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 108-04, §1, 8-10-04; Ord 39-12, §1, 5-16-12; Ord 80-17, §1, 11-7-17)

Sec. 4-209. Route, time limits and safety requirements.

(a) Every permit issued under this division shall state all conditions to be complied with and designate the route to be taken and the limit of time for removal.

(b) The moving of the building shall be continuous during all hours of the day, and day by day, until the moving is completed, to cause the least possible obstruction to streets unless otherwise ordered by the Director of Public Works.

(c) Red warning lights shall be placed conspicuously at both ends of the building during the night.

(d) The mover of the building shall report daily to the Police and Fire Departments the location of the building on the street.

(Code 1965, §15.08(3), Ord 81-17, §1, 11-7-17)

Sec. 4-210. Supervision of operation; trimming of trees.

The mover of the building to whom a permit has been granted under this division shall notify the Director of Public Works of the time when moving is to begin. The Director of Public Works may appoint an inspector to be present during the moving operation to supervise such moving. The appointment of an inspector in no way relieves the mover from any liability for damage that may be done during the moving operation. The Director of Public Works may also instruct the Forestry Division to trim the necessary trees along the route. The costs of the inspector and tree trimmers may be billed at actual cost to the mover.

(Code 1965, §15.08(5), Ord 40-12, §1, 5-16-12; Ord 82-17, §1, 11-7-17)

Sec. 4-211. Small buildings; buildings to be moved out of city.

(a) Smaller buildings of one story in height and not more than fourteen (14) feet wide including cornice may be moved on a truck or trailer equipped with pneumatic tires.

(b) The permit required for moving any building from a location in the city to a location outside the city may be issued by the Engineering Division provided all conditions required for moving buildings shall be met.

(c) In the case of small buildings all conditions shall be met except §4-207(6) and the following shall apply:

(1) A police escort shall be required if a bridge is to be crossed;

(2) The fee shall be five dollars ($5.00) per one hundred (100) square feet of the area of the building.

(Code 1965, §15.08(7); Ord 73-89, §1, 6-7-89)

Sec. 4-212. Police escort.

Whenever a permit is issued for the moving of a building, a police escort may be required. A fee of twenty dollars ($20.00) per hour per man assigned to the escort may be
ARTICLE IV. HOUSING

Sec. 4-231. Definitions.

(a) 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 under this code, regulations enforced and interpreted by the Inspection Supervisor or his designee or other regulations as indicated elsewhere in this article.

*Basement* means a story whose floor line is below grade at any exits and whose ceiling is not more than five (5) feet above grade at any entrance or exit.

*Bath* means a bathtub or shower.

*Bedroom* means a habitable room within the dwelling unit which is used or intended to be used primarily for the purpose of sleeping.

*Cellar* means basement.

*Communal* means used or shared by or intended to be used or shared by occupants of two (2) or more dwelling units.

*Duplex* means a structure with two (2) dwelling units.

*Dwelling* means any building or structure which is wholly or partially used or intended to be used for living or sleeping by human occupants.

*Dwelling unit* means a suite of habitable rooms, occupied by or intended to be occupied by not more than one (1) family as a residence and forming a single habitable unit with cooking, living, sanitary and sleeping facilities.

*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; or by poisoning, spraying, fumigating, trapping or any other approved pest extermination methods.

*Family* means one (1) or more individuals not necessarily related by blood, marriage, adoption, or guardianship, living together under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

*Floor area.* Floor area of rooms shall be measured by interior dimensions unless otherwise noted.
Garbage means animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food, including spoiled food.

Habitable living area means the sum of the areas of all habitable rooms within a dwelling unit.

Habitable room means a room or enclosed floor area for living, sleeping, cooking or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage space, stairways and utility rooms for mechanical equipment for service in the building or other similar spaces not used by persons frequently or during extended periods.

Hotel, motel or motor hotel means any structure containing five (5) or more units wherein sleeping accommodations are offered for pay to transients. It does not include rooming houses.

Infestation means the presence of any insects, rodents or other pests within a dwelling or in the dwelling premises.

Kitchen means a room within a dwelling unit 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.

Multiple dwelling means any structure containing three (3) or more dwelling units or a structure containing one (1) or more dwelling units in combination with a nonresidential use.

Nondwelling structure means any structure except a dwelling.

Nursing home means a dwelling or part thereof within which shelter, meals and nursing care are supplied to three (3) or more patients who are not members of the family of the operator or supervisor of the home.

Occupant means any person over six (6) months of age, including an owner or operator, living, sleeping or cooking in or having actual possession of a dwelling unit.

Operator means any person who has charge, care, custody or control of the building or part thereof in which dwelling units are offered for rent or occupancy.

Owner means any person who alone or jointly or severally with others:

(1) Has legal title or equitable title of any dwelling unit; or

(2) Has charge, care or control of any dwelling or dwelling unit as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

Plumbing includes all gas pipes, waste pipes, water pipes, water closets, sinks, lavatories, bathtubs, catch basins, drains, vents and any other provided fixtures together with the connections to the water, sewer or gas lines.

Premises means any platted lot or part thereof or parcel of land or plot of land either occupied or unoccupied by any dwelling or non-dwelling structure.

Roomer means an occupant, transient or permanent, of a dwelling unit, who is not a member of the family occupying the dwelling unit.

Rooming house means any dwelling or that part of any dwelling containing one (1) or more rooms in which space is let by the owner or operator to more than two (2) roomers.

Second-class dwelling means any multiple dwelling which contains three (3) or more second-class dwelling units, with second-class dwelling units being defined as dwelling units without the exclusive use of toilet facilities.

Temporary housing means any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises.

Toilet means a water closet with a bowl and trap which is of such shape and form and which holds a sufficient quantity of water so that no waste will collect on the surface of the bowl and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through flushing rims.

(b) Whenever the words “dwelling”, “dwelling unit”, “rooming house”, “rooming unit”, “nursing unit”, “hotel”, “hotel unit”, “motel”, “motel unit”, “motor hotel” or “motor hotel unit”, or “premises” are used in this article, they shall be construed as though they were followed by the words “or any part thereof”.

(Code 1965, §15.52; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 86-97, §1, 10-15-97; Ord 18-14, §1, 5-13-14)

Cross reference(s)--Definitions and rules of construction generally, §1-2; Unsafe buildings, §4-181 et seq.; health and sanitation, Ch. 7; fair housing regulations, §8-26 et seq.; nuisances, Ch. 12.

Sec. 4-232. Purpose of article; declaration of nuisance.

The purpose of this article shall be to preserve and protect the public interests of the City and the dignity of its citizens, regardless of race, color, or religious beliefs, by setting requirements for minimum housing standards, in order
to ensure health, comfort and absence of discrimination. These standards shall provide minimum requirements for living space, ventilation, sanitary facilities, illumination, heating, population densities and maintenance. No person shall occupy as owner-occupant or let or offer to let for occupancy to another person any dwelling unit which shall fail to meet such requirements. Failure to provide minimum requirements shall constitute a public nuisance. (Code 1965, §15.50)

Sec. 4-233. Interpretation of article.

Nothing in this article shall be construed or interpreted to in any way impair or limit the authority of the City to define or declare nuisances or of the Inspection Supervisor or the Health Department to cause the removal or abatement of nuisances, summary proceedings or other appropriate proceedings. (Code 1965, §15.60; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-234. Applicability of article.

Every dwelling or dwelling unit used, designed or intended to be used for human habitation shall comply with the provisions of this article. (Code 1965, §15.51)

Sec. 4-235. Buildings unfit for human habitation.

(a) Any of the following dwellings or dwelling units shall be unfit for human habitation:

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 and the public;

2. One which lacks sufficient illumination, ventilation or sanitary facilities adequate to protect the health or welfare of the occupant or the public; or

3. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or welfare of the occupants and the public.

Any such building shall be subject to the provisions of §4-136 and §4-140 adopting the state building code. (Code 1965, §15.59, Ord 71-99, §1, 10-10-99)

Sec. 4-236. Maintenance generally.

All residential structures and buildings, or portions thereof, shall be maintained to comply with the following requirements:

1. Every foundation, exterior wall and roof and gutter system shall be reasonably weathertight, waterproof and rodent-proof and shall be kept in a good state of maintenance and repair.

2. Every interior partition wall, floor and ceiling shall be capable of affording privacy, kept in a reasonably good state of repair and maintained so as to permit it to be kept in a clean and sanitary condition.

3. All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any habitable room, or any bathroom, or of any toilet room.

4. Exterior doors, windows or hatchways for buildings or structures, shall be provided with devices designed to provide security for the occupants and property within and kept reasonably weathertight and rodent proof and shall be kept in reasonably good state of maintenance and repair. Screens shall be supplied to allow covering of at least one-third (1/3) of the basement 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.

5. All exterior surfaces shall be protected from the elements and against decay and deterioration by paint or by other approved protective coating, applied in a workmanlike fashion.

6. Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be reasonably safe to use and capable of supporting such a load as normal use may cause to be placed thereon; and shall be kept in sound condition and a reasonably good state of maintenance and repair.

7. Every supplied plumbing fixture and water or waste pipe shall be properly installed and maintained in good, sanitary working condition.

8. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair.

9. Every toilet room floor surface and bathroom floor surface shall be maintained so as to be reasonably impervious to water and so as to permit such floors to be kept in a clean and sanitary condition.

10. Every supply 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 reasonably good working condition.

(11) No owner or operator shall cause any service facility, equipment or utility which is required to be supplied under provisions of this article to be re-moved from or shut off from or disconnected for any occupied dwelling or dwelling unit let or occupied by him except for such temporary interruptions as may be necessary while actual repairs, replacement or alterations are in process of being made.

(12) Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for the extermination of insects, rodents or pests on the premises. Wherever infestation exists in any two (2) or more of the dwellings, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

(13) Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a reasonably clean, sanitary condition all communal shared or public areas of dwellings or premises thereof which are used or shared by the occupants of two (2) or more dwelling units.

(14) No owner shall rent for occupancy or allow any person to occupy any vacant dwelling unit unless it is reasonably clean, sanitary and complies with all provisions of this chapter and all rules and regulations adopted pursuant thereto.

(15) All structures in the City serviced by an elevator shall have Certificates of Inspection and license filed with the Inspection Supervisor quarterly. Failure on the part of the owner or operator to comply with this subsection shall be sufficient evidence to designate such structure as unfit for human habitation.

(16) For all single family, two family and multi family dwellings, no more than two (2) layers of shingles, or other similar roofing materials, may be installed onto a roof.

(b) A written contract assigning any or all of the responsibilities provided in this section to the occupant shall be deemed sufficient to place the responsibilities of this section upon the occupant.

Sec. 4-237. Responsibilities of occupant.

(a) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies or controls.

(b) Every occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in rubbish containers required by this code.

(c) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste that might provide food for rodents in a clean and sanitary manner by placing it in a garbage disposal facility or garbage storage container required by this code.

(d) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination in the dwelling unit occupied by him whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a reasonably ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner.

(e) Every occupant of a dwelling unit shall keep all supplied plumbing fixtures in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(f) Every plumbing fixture furnished by an occupant shall be properly installed and shall be properly maintained in a reasonably good working condition and clean and sanitary state and free from leaks and obstructions.

(g) Every occupant of a dwelling unit shall be responsible for the exercise of reasonable care, proper use and proper operation of supplied heating facilities.

(h) Every space heater furnished by the occupant shall be properly installed, shall be maintained in reasonably good working condition and shall comply with all of the requirements of Article VII of this chapter, the City heating and ventilating code.

Sec. 4-238. Sanitary facilities; access; entrances and exits.

No person shall occupy as owner-occupant or let or offer to let for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating of meals therein.
which does not comply with the following requirements:

(1) Every dwelling unit shall contain an approved kitchen sink.

(2) Every dwelling unit shall contain a bathroom.

(3) A bathroom shall contain a bathtub or shower, a toilet and a lavatory installed in an approved manner and maintained in working order. No bathroom shall contain less than ten (10) square feet per plumbing fixture.

(4) Every dwelling unit shall have water heating facilities which are properly installed and maintained in reasonably good working condition and are properly connected with hot water lines to the kitchen sink, lavatory and bathtub 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 one hundred (100) degrees Fahrenheit. Such water facilities shall be capable of meeting the requirements of this subsection when the heating facilities of the dwelling or dwelling unit required under the provisions of §4-239 are not in operation.

(5) Every sink, toilet, lavatory, basin and bath shall be in good working condition and properly connected to an approved water and sewer system.

(6) Garbage and refuse containers shall be provided for every dwelling and dwelling unit. Such containers shall meet the requirements of §15-28 et seq.

(7) Access to areas within the dwelling unit shall be as follows:

a. Access to all areas of a dwelling unit included in the computation of habitable area of the dwelling unit shall be available from all the other habitable areas of the dwelling unit without passing through any portion of any other dwelling unit or communicating corridor common to more than one (1) dwelling unit.

b. Access to all habitable areas of a dwelling unit included in the computation of the habitable area of the dwelling unit on a floor or level other than that of the main living area shall be via an interior stairway with fixed risers. No stairway shall be located in a closet.

(8) Every stairway, entrance and exit of every dwelling and dwelling unit shall comply with SPS 321.03 of the Uniform Dwelling Code and the following requirements:

a. Stairways, entrances and exits shall be kept in a reasonably good state of repair.

b. Access and egress shall be possible from all entrances and exits of all dwellings and dwelling units at all times in a manner approved by the City Fire Department.

(Code 1965, §15.53; Ord 131-10, §1, 9-21-10; Ord 25-12, §1, 3-7-12)

Cross reference(s)—Health and sanitation, ch. 7; public nuisances generally, §12-26 et seq.; weeds and wild growth, §12-56 et seq.

Sec. 4-239. Lighting, ventilation and heating.

All residential dwellings, or portion thereof, shall be maintained to comply with the following requirements:

(1) Every public hall and public stairway of every dwelling containing four (4) or more dwelling units shall be adequately lighted by means of properly located electric light fixtures at all times, provided that such electrical lighting may be omitted from sunrise to sunset where there are windows or skylights opening directly to the outside and where the total window or skylight area is at least one-tenth of the combined horizontal area of the hall and stairway, and if the skylights provide adequate natural light to all parts of each public stairway. Every public hall and stairway in dwellings containing two (2) or three (3) dwelling units shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting. Adequate bulbs shall be provided in every public hall and on every public stairway so that a minimum of one (1) foot candle of light is delivered to all parts of the public hall or stairway. All receptacles, luminaires and electrical equipment in multi-family buildings shall be installed and maintained in good working condition and shall be connected with the source of electric power in conformance to Article VI of this chapter, the City electrical code.

(2) Every kitchen and habitable room within every dwelling or dwelling unit shall contain at least two (2) separate and remote floor or wall type electric convenience outlets or one (1) such convenience outlet and one (1) supplied ceiling or wall type electric light fixture. Every toilet room, bathroom, furnace room, laundry room, stairs and hall shall contain at least one (1) supplied ceiling type or wall
type electric light fixture. All receptacles, luminaires and electrical equipment in a dwelling or dwelling unit shall be installed and maintained in good working condition and shall be connected with the source of electric power in conformance to Article VI of this chapter, the City electrical code.

(3) At least one (1) window in each habitable room shall be supplied with a screen covering at least thirty-three and one-third percent (33 1/3%) of the window area; provided that such screens shall not be required in rooms deemed by the Health Officer to be located sufficiently high in upper stories of dwellings as to be free of mosquitoes, flies and other flying insects. Such screens shall have a wire mesh not less than no. 16 or, in lieu thereof, mechanical ventilation.

(4) Every habitable room, kitchen, bathroom and toilet room shall have windows with a total glass area equal to at least eight percent (8%) of the room’s floor area. Such windows shall open onto a street, alley, or yard court or be open to the sky. Windows shall be so constructed that at least one-half (½) may be fully opened and securely closed. Approved mechanical ventilation may be substituted.

(5) Each dwelling unit shall have heating facilities supplied. The facilities shall be properly installed, be maintained in reasonably good working condition, and be capable of adequately heating all habitable rooms, bathrooms and toilet rooms contained in the dwelling unit where intended for use by the occupants thereof to a temperature of at least seventy degrees (70°F) Fahrenheit or in accordance with the design standards established in the Wisconsin Uniform Dwelling Code, SPS 322.07. Every supplied central heating system shall comply with the following requirements:

a. The central heating unit shall be in reasonably 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 the hot air furnace shall be tight so noxious gases shall not escape into the duct. Every space heater shall comply with Article VII of this chapter, the City heating and ventilating code.

(6) Every owner or operator of any dwelling who rents, leases or lets for human habitation any dwelling unit contained within such dwelling on terms, either expressed or implied, to supply or furnish heat to the occupants thereof, shall maintain therein a minimum temperature of seventy (70) degrees Fahrenheit or in accordance with the design standards established in the Wisconsin Uniform Dwelling Code, SPS 322.40. Whenever a dwelling is heated by means of a furnace, boiler or other heating apparatus under the control of the owner or operator of the dwelling, such owner or operator, in the absence of a written contract or agreement to the contrary, shall be deemed to have contracted, undertaken or bound himself to furnish heat in accordance with provisions of this subsection to every dwelling unit which contains radiators, furnace heat duct outlets, or other heating apparatus outlets.

Sec. 4-240. Occupancy; arrangement and size of rooms.

No person shall occupy as owner-occupant or let or offer to let for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(1) No dwelling unit shall be occupied by more than one (1) family, including two (2) occupants who are not related to the family.

(2) At least one-half (½) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet, and the floor area of that part of any room where the ceiling height is less than seven (7) feet, shall be considered as part of the floor area in computing the total area of the room for the purpose of determining the maximum permissible occupancy thereof or habitable area.

(3) Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant.

(4) No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or toilet room intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall such room arrangements exist that access to a sleeping room can be had only by going through another sleeping room or bathroom or toilet room.

(5) Every room occupied for sleeping purposes by one (1) occupant shall contain at least sixty (60) square feet of floor space and every room...
occupied for sleeping purposes by more than one (1) occupant shall contain at least forty (40) square feet of floor space for each occupant thereof.

(6) No space in a cellar or basement may be used for sleeping unless the basement has two (2) legal exits in accordance with SPS 321.03(5) through SPS 321.03(7) and natural light and ventilation for sleeping rooms in accordance with §4-239 of this section.

(Ord 26-12, §1, 3-21-12)

(7) Every occupant of every dwelling unit shall have unrestricted access to a toilet and to a kitchen sink or lavatory basin located within that dwelling unit.

(Code 1965, §15.56)

Sec. 4-241. Non-dwelling structures, fences and drainage.

(a) No owner shall permit any non-dwelling structure or fence to rest on any premises which does not comply with the following requirements:

(1) Every foundation, exterior wall, roof, window, exterior door or basement hatchway, and every other entranceway of every non-dwelling structure, shall be so maintained as to prevent the structure from becoming a harborage for rats, and shall be kept in a reasonably good state of maintenance and repair.

(2) All exterior surfaces of non-dwelling structures shall be properly protected from the elements and against decay and decomposition by paint or other approved protective coating applied in a workmanlike manner.

(3) Every fence shall be kept in a good state of maintenance and repair and shall be securely mounted in the ground to resist lateral wind forces or shall be removed.

(b) Every premise shall be graded and maintained so that no stagnant water shall accumulate or stand on the premises or within any building or structure located on the premises.

(c) For all non-dwelling structures, no more than two (2) layers of shingles, or other similar roofing materials, may be installed onto a roof.

(Code 1965, §15.58, Ord 64-07, §1, 3-27-07)

Secs. 4-242 – 4-260. Reserved.
ARTICLE V. PLUMBING*

DIVISION 1. GENERALLY

Sec. 4-261. 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:

*Plumbing* means:

(1) All piping, fixtures, appliances and appurtenances in connection with the water supply and drainage systems within a building and to a point from three (3) to five (5) feet outside of the building.

(2) The construction and connection of any drain or waste pipe carrying domestic sewage from a point within three (3) feet outside of the foundation walls of any building with the service lateral at the curb or other disposal terminal, including private domestic sewage treatment and disposal systems and the alteration of any such system, drain or waste pipe, except minor repairs to faucets, valves, pipes, appliances and removing of stoppages.

(3) The water service piping from a point within three (3) to five (5) feet outside of the foundation walls of any building to the mains in the street, alley or other terminal and the connecting of domestic hot water storage tanks, water softeners and water heaters with the water supply system.

(4) The water pressure system, other than municipal systems as provided in W.S.A. chapter 144.

(5) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement and to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape.

*Sewer service lateral* means that part of the drainage system extending from the property line to the connection with the main sewer.

(Code 1965, §16.02);

Cross reference(s)--Definitions and rules of construction generally, §1-2, Utilities, ch. 20.

State law reference(s)--Plumbing, W.S.A. §145.01 et seq.;
Sec. 4-262. State plumbing code adopted.

The Wisconsin State Plumbing Code adopted by the State Board of Health, Wisconsin Administrative Code SPS chapters 382, 383 and 384, and W.S.A. chapter 145, are hereby adopted by reference and made a part of this article. The provisions thereof and of this article shall govern all plumbing, private sewage disposal and drainage work and no plumbing, private sewage disposal and drainage work shall be done except in accordance with the adopted codes and this article.

(Code 1965, §16.01; Ord 85-97, §1, 10-15-97)

Sec. 4-263. Inspection of new work.

The Inspection Supervisor shall be notified for inspection of work regulated under this article in accordance with requirements of Article II of this chapter and of the State Plumbing Code. Notification shall include the owner's name, correct address of the property and name of the master plumber. When work is approved, a tag indicating such approval will be placed upon the work in the basement and on each floor level where plumbing is installed. No work shall be enclosed on any floor level where such tag is not in place. Such inspection and approval shall not in any case constitute a guarantee against imperfection by either the City or the Inspection Supervisor.

(Code 1965, §16.11; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-264. Inspection of rental properties, relocated buildings.

(a) All rentable properties, upon becoming vacant, may be inspected by the Inspection Supervisor and their sanitary condition determined. If the plumbing or any work covered by this article is in an unsanitary condition or a menace to health or safety, the Director shall report to the Health Officer and the premises shall be repaired and put in a sanitary condition before a new occupant takes possession.

(b) The plumbing in buildings moved from one lot or location to another shall be inspected by the Inspection Supervisor and, when found necessary, tested in a manner satisfactory to the Director at the expense of the owner. If plumbing is found unsafe or unsanitary, the plumbing shall be repaired or remodeled and made to reasonably comply with this article.

(Code 1965, §16.08; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-265. Permit required for plumbing work in public right-of-way.

(a) No person shall engage in or work at plumbing in the public right-of-way without the following conditions first being met:

1. The applicant shall obtain a permit from the Department of Public Works.
2. The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City’s Risk Manager, and it shall be kept in full force and effect for one (1) year after the work has been completed.
3. The applicant shall file with the Department of Public Works a permit bond in the penal sum of five thousand dollars ($5,000.00) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work performed under this section shall have the right to institute an action for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances as applicable and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work performed under this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

(Code 1965, §16.06; Ord 32-92, §1, 3-18-92; Ord 174-93, §1 10-19-93; Ord 53-94, §1, 4-20-94; Ord 118-96, §1, 12-18-96; Ord 101-16, §1, 12-13-16)

Sec. 4-266. Correction of unsanitary installations.

When directed by the Health Officer or upon written and signed complaint of any person to the Health Officer that work covered by this article is contrary to the ordinances of the city or is a menace to health, the Inspections Supervisor shall investigate the cause for complaint on the premises. He shall report his findings in writing to the Health Officer, suggesting such changes and corrections as are necessary to put the premises in proper sanitary condition. The Director may also make such report at his own discretion or upon written and signed complaint made to him. The Health Officer thereupon shall direct such changes and corrections to be made as he deems necessary, and fix a time for having the changes and corrections done.

(Code 1965, §16.07; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)
Sec. 4-267. Supervision of sewer and water services.

All sewer service laterals and water service pipes, except that portion of the water service lateral installed or repaired by the City Water Utility from the water main to the private property line, shall be under the supervision of the Inspection Supervisor, and no service pipe shall be laid and no opening into or connection with a sewer service lateral, public sewer or water main shall be made, including the relaying, replacing or repairing of the lateral, sewer or water main, except under his direction.

(Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Cross reference(s)--Water utility, §20-31 et seq.; sewers and waste water disposal, §20-66 et seq.

Sec. 4-268. Street openings.

(a) Requirements. Openings in any street, alley or public place shall be governed by Chapter 16 and by any specifications or policies on street openings adopted by the Common Council.

(b) Any person receiving a permit to connect to a storm sewer shall notify the Inspections Division whenever the work is ready for inspection. All work shall be left uncovered until examined and approved by the Department.

(Code 1965, §16.04; Ord 185-04, §1, 1-1-05)

Sec. 4-269. Connections to public sewer.

(a) Record of sewers. The Director of Public Works shall keep a record in a book card file or plat, for the purpose of showing the size and location of public sewers and the position of the branches, junctions, laterals and appurtenances.

(b) Location of branches; new connections. Information concerning the location of wye branches in the public sewer or of sewer service laterals shall be furnished by the City Engineer. All reasonable care will be taken to ensure the correctness of such information, but such correctness will not be guaranteed. When, in accordance with the measurement furnished, the junction is not found in the public sewer within a distance of three (3) feet from the flow side of the measurement, permission shall be given by the Inspection Supervisor to the plumber applying therefore to make a new connection. All such connections shall be made in a manner directed by the Inspection Supervisor. No connection with any sewer or any part thereof shall be covered without permission of the Inspection Supervisor, but such inspection and approval shall not in any case constitute a guarantee against imperfection by either the City or the Director. The permit shall be at all times upon the work and exhibited to any police or other officer of the City.

(c) Record of connections. The Inspection Supervisor shall keep a record in a book or card file of all sewer connections, showing the location of the lot, the name of the owner, the name of the installer, and the location of the connection.

(d) Minimum depth. A sewer service lateral or building or house sewer shall, where the depth of the main sewer permits, be installed at a minimum depth in residence districts of ten (10) feet below the established sidewalk grade and in commercial or industrial districts at a minimum depth of twelve (12) feet below the established sidewalk grade. Measurements shall be from the top of the sidewalk to the invert or flow line of the sewer. The grade of a sidewalk, where established, may be obtained in the Office of the City Engineer.

(Code 1965, §16.05; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-270. Connection to public sewers and water mains required.

(a) Whenever public sewers and water mains are laid along and within any public street, alley or place in the City and ready for use, the Inspection Supervisor shall notify in writing all owners or their agents and occupants of all houses, tenements and other buildings used for human habitation situated on lots or parcels of land abutting upon such street, alley or place which is accessible to such sewer and water main, to connect therewith and to connect all bathtubs, water closets, lavatories, sinks and urinals upon their respective lots or parcels of land with the sewer in a sanitary manner in accordance with the state plumbing code within thirty (30) days after service of such a notice. In a district zoned commercial, light manufacturing or heavy industrial all buildings other than those used for residential purposes shall be connected to storm sewers, where available, upon order of the Inspection Supervisor.

(b) Whenever public mini-storm sewers or storm laterals are laid along and within any public street, alley or place in the city and ready for use, property owners shall, upon notice from the City, connect to the facility provided to their particular property. All connections shall be in a manner in accordance with the State Plumbing Code. Failure of the property owner to connect within the time period specified in said notice shall result in said connection being made by the City of Appleton and all charges being assessed against the property as a special charge.

(c) If any such owner, agent or occupant shall fail to comply with such notice, the Inspection Supervisor or the Finance Committee, shall cause such connections to be made and the cost thereof assessed as a special tax against the lots or parcels of land and the amount thereof shall be levied and collected in the same manner as other taxes, pursuant to W.S.A. §144.06.

(d) After connection to a water main and public sewer, no septic system shall be constructed or maintained upon any
such lot or parcel and shall be abated upon thirty (30) days written notice for such abatement by the Inspection Supervisor. If not so abated, the Inspection Supervisor shall cause the same to be done and the cost thereof assessed as a special tax against the property and the amount shall be levied and collected in the same manner as other taxes, pursuant to W.S.A. §144.06. The abatement should be conducted pursuant to, Wisconsin Administrative Code SPS 383.03(2).

(e) The Finance Committee may extend the time for connection hereunder or may grant temporary relief where strict enforcement of this section would work as unnecessary hardship without corresponding public or private benefit. (Code 1965, §7.04, § 7.04(1)-(4); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 15-97, §1, 3-5-97; Ord 85-97, §1, 10-15-97; Ord 25-12, §1, 3-7-12; Ord 14-13, §1, 7-8-13)

Sec. 4-271. Discharge of drains and sewers.

(a) Certain discharges prohibited. No person shall discharge domestic sewage, industrial wastes or septic tank effluent onto the surface of the ground, into any drainage ditch, into any river or stream or into any storm sewer or drain, or permit such materials to be so discharged.

(b) Discharges to storm sewers. Roof leaders, surface drains, groundwater drains, foundation footing drains and other clear water drains shall be connected wherever possible with a storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private sewage treatment plant. Air conditioning and clear water drains not described in this subsection shall also discharge to storm drains or sewers, unless special permission is obtained from the Inspection Supervisor in cases where an unnecessary hardship would result and where the spirit of this subsection would be observed. If stormwater or clear water is being discharged into a sanitary sewer the Inspection Supervisor shall give the offending person fifteen (15) days notice to disconnect. Failure to disconnect after such notice shall authorize the Director to cause disconnection and assessment of the costs of such disconnection against the property involved. The Director may, in the alternative, institute action for violation of this subsection.

(c) Discharge to public streets. No person shall discharge any clear water directly into a public street or alley from November 1 to March 31, inclusive. No person shall discharge any clear water directly into a public street or alley from April 1 to October 31, inclusive, without first obtaining permission from the Public Works Director or an authorized representative.

(d) Discharge onto sidewalks. No person shall permit the regular discharge of water directly onto any sidewalk or other public area. Such discharge shall constitute a nuisance.

(e) Other discharges. Where a storm sewer is not available or suitable, as determined by the City of Appleton Engineering Department, clear water shall be discharged onto the ground surface at least four (4) feet from the foundation of the building (this shall include discharge from downspouts). Such discharge shall not be directed so as to flow on adjacent property nor shall the discharge be allowed to accumulate and create ponds of standing water or other public nuisance. Nothing contained in this subsection shall act to relieve a person from complying with the other provisions of this section. (Code 1965, §16.09; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96, Ord 186-04, §1, 1-1-05)

Sec. 4-272. Sealing of unused sewer and water services.

(a) All sewer and water laterals or building sewers and water services installed and not immediately used shall be securely sealed so as to be watertight. This shall be done by the use of proper fittings and materials manufactured for that purpose and in a manner approved by the Inspection Division.

(b) Before any building connected to city sanitary sewer or water mains is razed or moved to another location, a permit shall be obtained by a person licensed by the State to perform such work from the Inspection Division to disconnect and seal all sanitary sewer and water services serving the premises. Sealing of the sewer and water laterals shall comply with Sec. 4-188. The water service shall be disconnected and sealed at a location point determined by the Water Utility. The disconnections and sealing thereof shall be approved by the Inspection Division before the work is covered.

(c) All water wells which are temporarily or permanently abandoned shall be sealed by a Wisconsin registered well constructor or pump installer after first obtaining a permit from the Inspection Division. The well shall be sealed and a report filed with the State Board of Health in conformance with the State Well Construction and Pump Installation Code. (Code 1965, §16.12; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 102-16, §1, 12-13-16)

Sec. 4-273. Building sewers and building drains.

(a) Building drains and subdrains under twelve (12) inches inside diameter shall be constructed of asphalt-coated cast iron, or copper, except that the Inspection Supervisor may grant permission for the use of other materials for specific reasons upon written request. Written request shall be made to the Inspection Supervisor for approval of materials to be used for building drains and subdrains and for wastes and vents where acid and chemical wastes are to be conveyed.

(b) All building sanitary sewers shall be constructed of cast iron, SDR 35 or schedule 40 PVC or ABS pipe. No new
building or reconstructed building shall be connected to a sanitary sewer lateral unless the lateral is constructed of material complying with this section and the State of Wisconsin Plumbing Code.

(c) Every soil or waste stack shall be provided with a cleanout. This cleanout shall be twenty-eight (28) to sixty (60) inches above the basement or lowest floor.

(d) All sewer service laterals and building sewers shall be bedded in clear stone to the centerline of the pipe. Bedding material shall be washed gravel with the sand removed, or crushed and screened stone with general fines removed. The size of the bedding stone shall be such that one hundred percent (100%) shall pass a one-half (½) inch sieve.

(e) Underground building drains shall be laid on original or firm ground or thoroughly compacted material. Voids between such firm foundation and the bottom of the pipe, along its entire length, shall be filled with bedding stone as specified for building sewers.

(f) An approved backwater valve shall be installed in the sanitary sewer lateral of every new building and shall be accessible to the property owner for service or replacement except as provided below. The required backwater valve shall not be installed in the public right-of-way.

Exception. A property owner may apply in writing to the plumbing inspector for an exception to the provision of (f). The application must include evidence of the elevation of both the lowest floor level served by sanitary sewer and the nearest downstream manhole to which the sanitary building drain is or will be connected. The plumbing inspector may approve the exception if the elevation of the lowest floor level served by the sanitary sewer is at least one (1) foot higher than the elevation of the nearest manhole to which the sanitary building drain is or will be connected.

(Code 1965, §16.13; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96, Ord 36-02, §1, 3-25-02)

Sec. 4-274. Waste pipes and vents.

(a) Garage drains shall not be connected to foundation footing drains nor to a clear water sump.

(b) All vent terminals shall extend at least eight (8) inches above the roof at the centerline of the pipe, but not more than twelve (12) inches above the roof. The joint where a vent terminal passes through the roof shall be made watertight by the use of copper or lead flashings. The top of the flashing shall extend over the top of the vent and turn down into the vent.

(c) Where the only vent serving a fixture is a wet vent, the unit discharge into such wet vent shall be limited to one (1) fixture unit for a one-and-one-half (1½) inch vent or two (2) fixture units for a two-inch vent pipe.

(d) Wherever possible, all changes in direction from vertical to horizontal on any vent shall be made above the overflow rim of the fixture. Where a vent is connected to a horizontal soil or waste pipe and is not a wet vent, such vent shall, where impossible to rise vertically, rise at not less than twenty-two and one-half (22½) degrees until the bottom of the horizontal vent is above the horizontal soil or waste pipe which it serves. The horizontal vent shall have a slope of not less than one-fourth (¼) inch per foot, shall be installed with drainage fittings, and shall be provided with a cleanout twenty-eight (28) to thirty (30) inches above the floor.

(Code 1965, §16.14)

Sec. 4-275. Clearwater inspections.

(a) The building inspection division shall, when deemed necessary by the Director of Public Works or designee thereof, or upon a reasonable request by the owner of record, conduct an inspection of the premises to ensure compliance with the provisions of the code relating to illegal surface or ground water connections into the sanitary sewer system.

(b) A notice of noncompliance shall be issued by the building inspection division to the owner of record of any building found not to be in compliance with the provisions of the code. The notice shall set forth areas of noncompliance and shall order the owner to bring the building into compliance within an established period of time.

(c) Failure to bring the property into compliance within the applicable compliance period shall constitute a violation of this section and shall be subject to the penalties set forth in Sec. 4-24.

(d) No warranty. An inspection meeting compliance only indicates that so far as can be reasonably determined by a visual inspection of the premises and review of City records, the premises meets the requirements of this section. Neither the City nor its inspectors assume any liability in the inspection findings, whether compliant or not, and the City does not guarantee or warrant the condition of the premises inspected.

(e) Not liable. The City will not be liable for any unsafe and/or unsanitary conditions that exist in any building inspected for clearwater compliance. However, if any such conditions exist, and are noticed by an inspector, authority shall be granted to issue orders to correct such conditions.

(Code 187-04, §1, 1-1-05; Ord 160-10, §1, 11-23-10; Ord 10-16, §1, 1-12-16)

Secs. 4-276 – 4-290. Reserved.
DIVISION 2. PERMITS

Sec. 4-291. Required; exception.

(a) No plumbing shall be done in the City without a permit being first issued therefore by the Inspection Supervisor and the paying of the proper fee as provided in this division. Such permits may be issued only to persons duly licensed to do plumbing under the laws of the state and bonded as required by §4-265; provided that any person actually owning and occupying a single-family residence may do plumbing therein without the license and bond, although such person shall secure a permit and work shall fully conform with all requirements as to workmanship, design and materials. Any person assisting such owner shall be a licensed master plumber. Any plumbing shall conform to all provisions of state law and state codes and the ordinances of the city.

(b) Any person desiring to do plumbing shall, before beginning active work, file with the Inspection Supervisor upon application blanks furnished by the City, a description of the property and the nature of the work to be done. A plan or sketch showing the location and manner of installing the work shall be furnished upon request of the Director. Plumbing plans and specifications for all buildings or structures requiring industrial commission approval shall be presented to the Director before a permit is granted.

Sec. 4-292. Plumbing fees.

(a) The following fees shall apply to plumbing permits, and no permit shall be valid until the appropriate fee has been paid:

(1) The amount of the permit fee for any plumbing, sewer or water permit shall be on file in the Office of the City Clerk;

(2) The amount of the permit fees for residential one- (1-) and two- (2-) family buildings shall be on file in the Office of the City Clerk;

(3) The amount of the permit fees for multifamily apartment buildings and commercial or industrial structures shall be on file in the Office of the City Clerk.

(4) The fees in subsections (1) through (3) of this section apply to new and replacement installations. For repair work on existing installations, the permit fee shall be on file in the Office of the City Clerk.

(5) The amount of the permit fee for manholes and catch basins installed concurrently with laterals of private main shall be on file in the Office of the City Clerk.

(6) The amount of the permit fee for manholes and private disposal system shall be on file in the Office of the City Clerk.

(7) The amount of the permit fee for a water well shall be on file in the Office of the City Clerk.

(8) The amount of the permit fee for each fixture or appliance connected to the water supply or sewer, including trapped and untrapped openings in both sanitary and storm sewers, shall be on file in the Office of the City Clerk.

(b) The penalty for installation without a permit shall be triple the permit fee prescribed in this section when a permit is obtained. Payment of any fee mentioned in this section, however, shall in no way relieve any person of the penalties that may be imposed for violation of this article.

(c) A callback inspection charge shall be established at thirty-five dollars ($35.00) per callback for all work requiring inspection under plumbing and sewer permit requirements.

Sec. 4-293. Issuance for new or relocated building.

No permit for plumbing in a new or relocated building shall be issued until:

(1) The Inspection Supervisor is satisfied that all unused sewer and water services to the premises are sealed;

(2) A sewer permit and building permit have been issued; and

(3) The connection fee required by §20-3 has been paid.

Sec. 4-294. Persons not eligible for permit.

No plumbing or sewer permit shall be granted to anyone who has failed to comply with this article. No permit shall be issued to any person or to any master plumber against whom an order issued by the Inspection Supervisor is pending. No permit shall be issued to any person who has been found violating or has willfully violated this article. Bad faith or unreasonable delay in the performance of any work covered by this article or failure to respond promptly to official communications shall be deemed sufficient reason for withholding permits, and the master plumber shall be held
responsible for the violation of these regulations by himself or any of his employees.
(Code 1965, §16.10(3)(b); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-295. Expiration.

All permits issued under this division are good for a continuous performance of the work named thereon. Permits will automatically expire when work ceases for a period of sixty (60) days without good and reasonable cause for such cessation of work. A permit will automatically expire on completion of the work for which it was issued.
(Code 1965, §16.10(3)(c))

Sec. 4-296. Cancellation for violation.

The Inspection Supervisor may cancel a permit issued under this division on any job for violation of the license law or codes and ordinances, and to stop work in any case where installation is not being made in compliance with this article.
(Code 1965, §16.10(3)(d); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-297. Cancellation on request of plumber or owner.

The Inspection Supervisor may cancel a permit issued under this division upon written request of a master plumber or the owner for which the work is being done; provided that acceptable arrangements shall first be made for reissuance of the permit to another master plumber for proper completion of the work. The original permit shall not be canceled until a master plumber applies for and is granted a permit to complete the work. The procedure for requested cancellation and reissuance of permits shall be as follows:

1. If the master plumber does not complete the entire installation for which he received a permit, he shall immediately notify the Inspection Supervisor in writing requesting cancellation and detailing the extent of the work he has done.

2. The person who has hired the master plumber may request cancellation in writing and shall then specify the name of the master plumber he is employing to finish the work.

3. The work shall be stopped until a permit has been issued for completion.

4. The original permit fee shall apply to the entire job, except that the minimum permit fee of fifteen dollars ($15.00) shall be paid for the second permit. If additional work is included on the new permit, such work shall be listed and the proper fee shall apply.

(Code 1965, §16.10(3)(e); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Secs. 4-298 – 4-315. Reserved.
DIVISION 3. PLANS

Sec. 4-316. Applicability of division.

This division shall apply to all additions and alterations exceeding ten (10) plumbing fixtures as well as to plumbing of all new buildings and shall apply to all cases where there is a change of occupancy or use of a building which requires changes to or intended use of the plumbing so as to comply with this article for that occupancy or use.
(Code 1965, §16.10(9), Ord 38-02, §1, 3-25-02)

Sec. 4-317. Plans to be approved by City Inspections Division.

Plans and specifications for plumbing to be installed in or outside of all buildings, structures, parks, areas or complexes in the following classifications shall be submitted to the Inspections Division and written approval received before commencing work:

1. Theaters and assembly halls;
2. Schools and other places of instruction;
3. Apartment buildings, hotels, motels, resorts and places of detention;
4. Factories, offices and mercantile buildings; and
5. Private interceptor main sewers. See Wisconsin Administrative Code, Chapter H 62.02(90)(b).

All non-code-complying portions of the plumbing system installed prior to complete plan approval shall be removed and replaced.
(Code 1965, §16.10(4); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-318. Plans to be approved by State Department of Health and Social Services.

No permits will 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:

1. Health care and related facilities. See Wisconsin Administrative Code, sections H 62.15(1) and (2).
2. State or municipally owned buildings.
3. Reduced pressure zone principle type backflow preventers. See Wisconsin Administrative Code, section H 62.24(2)(a).
4. Controlled roof drainage systems. See Wisconsin Administrative Code, section H 62.05(4).
5. Mobile and manufactured homes.
6. Mobile home parks, water and sewerage systems. See Wisconsin Administrative Code, section H 62.17(1)(a).

(Code 1965, §16.10(5))

Sec. 4-319. Compliance with approved plans required.

Actual installation shall conform with the plans approved pursuant to this Division. Any changes shall be submitted to the respective department for approval prior to installation. All work must also comply with the approved specifications.
(Code 1965, §16.10(6))

Sec. 4-320. Stamping and signing of plans.

All plans and specifications shall be sealed or stamped by a registered architect, engineer or registered plumbing designer in accord with Wisconsin Administrative Code, chapter A-E 1. A master plumber may design and submit for approval plumbing plans and specifications for a plumbing system which he is to install. Each sheet of plans and specifications the master plumber submits shall be signed, dated and include his state master plumber’s license number. Where more than one (1) sheet is bound together into one (1) 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.

(Code 1965, §16.10(7))

Sec. 4-321. Submission of plans.

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.
(Code 1965, §16.10(8))

Sec. 4-322. Plan examination fees.

(a) Plan examination fees for preliminary or complete plans shall accompany the plans and specifications when submitted. If the Inspections Division determines upon review of the plans that inadequate fees were provided, the additional fee shall be provided prior to departmental
approval. Written approval shall not be granted until all applicable fees have been paid.

(b) Examination fees may be adjusted annually in direct proportion with the salary increases granted staff personnel.

(c) The plan examination fee shall be as established by the Wisconsin Department of Safety and Professional Services. A schedule of said fees shall be on file in the Inspections Division.

(CODE 1965, §16.10(10); Ord 176-93, §1, 10-19-93; Ord 48-94, §1, 4-6-94; Ord 118-96, §1, 12-18-96; Ord 25-12, §1, 3-7-12)

Sec. 4-323. Revisions.

After written approval is granted, plans and specifications of the plumbing shall not be changed without written consent of the Inspections Division and the architect, engineer, designer or master plumber responsible for the design.

(CODE 1965, §16.10(11); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-324. Liability for defects in work.

In granting approval of plans, specifications, products, devices or materials, the Inspections Division does not hold itself liable for any defects in construction, nor for any damages that may result from the specific installation.

(CODE 1965, §16.10(12); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-325. Copy of plans to be kept at construction site.

The architect, professional engineer, registered designer, owner or plumbing contractor shall keep at the construction site one (1) set of plans bearing the stamp of approval of the respective department.

(CODE 1965, §16.10(13))

Sees. 4-326 – 4-340. Reserved.
ARTICLE VI. ELECTRICAL

DIVISION 1. GENERALLY

Sec. 4-341. Adoption of the State Electrical Code, State Statutes and other standards.

The Wisconsin Administrative Code, SPS chapters 305, 316, and 324, Wis. Stats. §101 subchapter IV and We Energies meter manuals are hereby adopted by reference and made a part of this article with the same force and effect as though set out in full in this article.

(Code 1965, §17.01; Ord 85-97, §1, 10-15-97, Ord 213-01, §1, 11-26-01; Ord 36-09, §1, 3-10-09, Ord 13-15, §1, 3-24-15 (renumbered from Sec. 3-342); Ord 71-19, §1, 7-30-19)

Sec. 4-342. Definitions.

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

Electrical work. Electrical work means and includes the installation of electrical wiring, devices and equipment for the production, modification, utilization or safeguarding of electrical energy as covered by the code adopted in §4-341. Replacement of meter socket(s), service changes and electrical panel replacements are considered electrical work.

Electrical contractor means a legal entity licensed by the State of Wisconsin under SPS 305.41.

Maintenance includes only the necessary repairs to provide the safe operation of previously installed electrical equipment.

(Code 1965, §17.03, Ord 212-01, §1, 11-26-01, Ord 48-02, §1, 4-3-02; Ord 36-09, §1, 3-10-09; Ord 27-12, §1, 3-21-12, Ord 13-15, §1, 3-24-15 (renumbered from Sec. 3-341); Ord 71-19, §1, 7-30-19)

Cross reference(s)--Definitions and rules of construction generally, §1-2, electrical distribution system in mobile home parks, §11-78.

State law reference--Electrical conservation in public buildings and places of employment, W.S.A. §101.80 et seq.

Sec. 4-343. Enforcement generally.

The electrical inspector shall enforce all the ordinances or laws relating to electrical installation, including any lawful orders issued by the Department of Safety and Professional Services or any other agency of the State; there is hereby vested in the electrical inspector the necessary power and authority to properly execute such duties. The electrical inspector may issue a citation for any violation of this chapter at any stage of the construction phase.

(Code 1965, §17.02(1); Ord 176-93, §1, 10-19-93; Ord 118-
Sec. 4-344. Authority to discontinue electrical service.

In case of emergency and where electrical currents are dangerous to life or property or may interfere with the work of the Fire Department, the electrical inspector may order all electrical currents disconnected.

(Code 1965, §17.02(2); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 36-09, §1, 3-10-09; Ord 13-15, §1, 3-24-15)

Sec. 4-345. Periodic inspection.

The electrical inspector periodically shall make thorough examinations of all the electrical wires and equipment installed in places of public use and occupancy within the City. When such wires or equipment are found to be in a dangerous or unsafe condition, he shall notify the person owning, using, operating or installing the wires or appliances to place them in a safe condition. The electrical inspector may order the discontinuance of electrical service to such defective wires or equipment until they have been repaired, removed or changed as directed by the electrical inspector, subject to the limitations of this article.

(Code 1965, §17.02(3); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 36-09, §1, 3-10-09; Ord 13-15, §1, 3-24-15)

Sec. 4-346. Notification for inspection; concealment of wiring.

Upon the completion of the wiring of any building or before any wiring is to be hidden from view, or prior to reconnecting of service drop or reattachment of electric meter, the person doing the wiring shall notify the electrical inspector. The electrical inspector shall inspect within two full business days following the day of notification, excluding weekends and holidays. If, upon inspection, it is found that such installation is fully in compliance with this article and does not constitute a hazard to life or property, the electrical inspector shall approve the installation and authorize concealment of such wiring or connection for electrical service. If the installation is not strictly in accordance with this article, he shall require the person installing the wiring to remove all hazards and make the necessary changes or additions as soon as practicable. Concealment of electrical work before inspection or failure to comply with the order of the electrical inspector shall constitute a violation of this article. A contractor or his employee, or an owner doing his own work as permitted by Sec. 4-392 shall be present for the final inspection. Nothing under this section shall prevent enforcement of this section under Secs. 4-24, 4-343, or any other applicable section.

Failure to notify the electrical inspector prior to concealing the electrical wiring nullifies the residential property owner exemption under Sec. 4-392 and §101.862(4)(a). As a result, the residential property owner shall hire a licensed electrical contractor as required in Sec. 4-391 to obtain the license and permit and perform all electrical work for which the permit is issued.

(Code 1965, §17.07; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 53-95, §1, 5-3-95; Ord 118-96, §1, 12-18-96; Ord 214-01, §1, 11-26-01; Ord 13-15, §1, 3-24-15; Ord 98-18, §1, 11-13-18)

Sec. 4-347. Reserved.

(Code 1965, §17.08; Ord 13-15, §1, 3-24-15)

Sec. 4-348. Certificate of Inspection.

No Certificate of Inspection shall be issued for work regulated under this article unless the electric light, power or heating installation and all other electric apparatus connected with it are in strict conformity with the provisions of this article.

(Code 1965, §17.09(1); Ord 13-15)

Sec. 4-349. Reserved.

(Code 1965, §17.09(2), Ord 215-01, §1, 11-26-01; Ord 36-09, §1, 3-10-09; Ord 148-11, §1, 6-7-11, Ord 71-19, §1, 7-30-19)
Sec. 4-350. Review of condemnation order.

When the electrical inspector condemns all or part of the electrical installation in any building, the owner, within five (5) days after receiving written notice from the electrical inspector, may file a petition in writing for review of the action of the electrical inspector to the chairman of the Board of Building Inspection in accordance with §4-26.

(Code 1965, §17.10; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 36-09, §1, 3-10-09; Ord 13-15, §1, 3-24-15)

Sec. 4-351. Liability for defects in work.

This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing or repairing any electrical equipment for damages to anyone injured or any property destroyed by any defect therein. The City and its elected or appointed officials shall not be held as assuming any liability by reason of this article, the inspection authorized in this article, or the certificate issued.

(Code 1965, § 17.11)

*Editor’s Note: Division 2, Board of Electrical Examiners was repealed as part of Ord 36-09.

Secs. 4-352 – 4-390. Reserved.

DIVISION 2. LICENSE

Sec. 4-391. Required.

No person, either individually, as a member of a firm, or as an officer or employee of a corporation, shall conduct the business of electrical wiring, electrical construction or contracting, unless such person has a license as required by Wis. Stats. §101.862

(Code 1965, §17.05(1)-(3); Ord 50-94, §1, 4-6-94, Ord 216-01, §1, 11-26-01, Ord 65-07, §1, 3-27-07; Ord 36-09, §1, 3-10-09; Ord 13-15, §1, 3-24-15; Ord 71-19, §1, 7-30-19)

Sec. 4-392. Exemptions.

As allowed under Wis. Stats. §101.862(4)(a), a residential property owner may perform electrical work in his own dwelling which he owns and occupies without a license, with the exception of installing or replacing of service equipment, as long as the work is being conducted in a single family dwelling. Electrical work performed on a residential property which is not a single family owner occupied dwelling will need to be performed by a licensed electrical contractor. The owner of the property must procure a permit prior to starting any electrical work.

(Code 1965, § 17.05(6); Ord 13-15, §1, 3-24-15; Ord 99-18, §1, 11-13-18; Ord 71-19, §1, 7-30-19)

Secs. 4-393 – 4-415. Reserved.

(Ord 13-15, §1, 3-24-15 (repealed sections 4-393 – 4-397))
DIVISION 3. PERMITS

Sec. 4-416. Application; issuance.

The Inspection Department shall issue permits for all electrical installations to the licensed electrical contractor in charge for light, heat or power upon filing of proper application, which shall be made on forms furnished by the Director. The permit application shall describe the nature of the work as well as such other information as may be required for inspection. Permits shall be issued prior to the start of any electrical work. No permit shall be required for repairs necessary for the proper maintenance of an existing installation, with the exception of service changes and panel/meter changes. Electrical permits are required for demolition of any part of an electrical system. The electrical inspector may require the applicant to furnish additional plans and specifications covering the work to be done in addition to the items that are required in (1) and (2) of this section.

(1) **A photometric study:** Where emergency lighting is required, modified or where exit paths have changed, a photometric plan is required. Illumination levels shall be noted on the study using the point-to-point method having a maximum spacing of two feet on center.

(2) **Photovoltaic (PV) Systems:** Requirements as listed in the “Photovoltaic System Permit Requirements” handout.

Sec. 4-417. Reserved.

Sec. 4-418. Electrical fees.

(a) **Generally.** Permit fees for the installation of wiring and electrical equipment shall be as provided in this section.

(b) **One- and two-family dwellings.** The amount of the permit fee for one- (1-) and two- (2-) family dwellings (new construction and additions) shall be on file in the Office of the City Clerk.

(c) **Multiple-family buildings.** The amount of the permit fee for multiple-family buildings (new construction and additions) shall be on file in the Office of the City Clerk.

(d) **Commercial or industrial buildings.** For commercial or industrial buildings (new construction and additions) and alterations to all existing commercial buildings, the amount of the permit fees shall be on file in the Office of the City Clerk.

(e) **Change of service.** The fee for change of service shall be on file in the Office of the City Clerk.

(f) **Photovoltaic (PV) systems.** The fee for a PV system shall be on file in the Office of the City Clerk.

(g) **Penalty for commencing work without permit.** The fee for installation of wiring or electrical equipment without a permit shall be triple the permit fee prescribed in this section when a permit is obtained. Payment of any fee mentioned in this subsection shall in no way relieve any person of the penalties that may be imposed for violation of this Article.

(h) **Reinspection.** A thirty-five dollar ($35.00) call back inspection fee may be charged each time a reinspection is necessary due to failure to correct, faulty, defective or incomplete work identified during a prior inspection.

(1) **Plan review.** The fee for plan review shall be on file in the Office of the City Clerk.

(2) **Data and communication wiring.** The fee for data and communication wiring shall be on file in the Office of the City Clerk.

Sec. 4-419. Use of license to obtain permit for another.

It shall be unlawful for any licensed electrical contractor or person with a master’s license to allow the use of said license, directly or indirectly, for the purpose of obtaining local electrical permits for others.

(Code 1965, § 17.06(1); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 66-07, §1, 3-27-07; Ord 13-15, §1, 3-24-15; Ord 71-19, §1, 7-30-19)

(Code 1965, § 17.06(2); Ord 85-97, §1, 10-15-97; Ord 25-12, §1, 3-7-12; Ord 13-15, §1, 3-24-15)

(Code 1965, § 17.06(3)(a)-(f), (h), (i); Ord 106-97, §1, 12-17-97; Ord 218-021, §1, 11-26-01; Ord 67-07, §1, 3-27-07; Ord 13-15, §1, 3-24-15; Ord 71-19, §1, 7-30-19)

(Code 1965, § 17.06(3)(g); Ord 13-15, §1, 3-24-15)
Sec. 4-420. Temporary installations.

Upon applying for an electrical permit for temporary work, a specified period of time for which such wiring is to remain in service must be stated. Service shall be cut off at the end of the time period as detailed in the State Electrical Code. All exterior temporary electrical equipment and material shall be immediately removed from the property after the allowed time period. Any temporary electrical equipment or material left after the allowed time period may be considered construction debris and prohibited as a public nuisance.
(Code 1965, § 17.06(4); Ord 71-19, §1, 7-30-19)

Secs. 4-421 – 4-435. Reserved.
ARTICLE VII. MECHANICAL

DIVISION 1. GENERALLY

Sec. 4-436. Penalty for violation of article.

Any person who shall violate any provision of this article shall be subject to a penalty as provided in §1-16.
(Code 1965, §18.14)

Sec. 4-437. Inspections.

Article II, Division 4 of this chapter shall apply to inspection of work regulated under this article.
(Code 1965, §18.03)

Sec. 4-438. Appeals.

Any person directly interested who is aggrieved by any decision of the Inspection Supervisor or the Board of Heating Examiners in the execution of their duties pursuant to this article may appeal from any decision to a Heating Board of Appeals, which shall consist of three (3) recognized contractors for work governed by this article or holders of licenses under this article, one (1) of whom shall be chosen by the party taking the appeal, one (1) by the Inspections Division, and the third person chosen by the other two (2) members. The appeal shall be taken by the person aggrieved by giving written notice of such appeal to the Inspections Division at its office within twenty-four (24) hours after such decision is made. The selection of the members of the Heating Board of Appeals shall be made at once and the Board shall meet within forty-eight (48) hours after the giving of such notice and shall render a decision within five (5) days thereafter, which shall be in writing. Any interested party, including the Inspections Division, shall have the right to present the case to the Heating Board of Appeals, whose decision shall be final. The members of the Appeal Board shall serve without pay.
(Code 1965, §18.01(5); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Secs. 4-439 – 4-455. Reserved.

DIVISION 2. BOARD OF HEATING EXAMINERS

Sec. 4-456. Membership; organization.

The Board of Heating Examiners shall consist of seven (7) members: the Fire Chief; five (5) licensed heating contractors, to be as diversified as possible, and one (1) member of the Common Council. The Inspection Supervisor shall be secretary of the Board without a vote, except in case of a tie vote, and shall keep a record of all its meetings and transactions. All appointments shall be for a term of two (2) years, except that the term of office of the Council member shall be one (1) year. At the regular meeting in October, the Board shall elect its chairman for the ensuing year.
(Code 1965, §18.01(4)(b); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Sec. 4-457. Procedures.

The Board of Heating Examiners may adopt such rules of procedure for conduct of its meetings and for examination of applicants and for revocation and suspension of licenses as are reasonably calculated to carry out the purposes of this article.
(Code 1965, § 18.01(4)(c))

Secs. 4-458 – 4-475. Reserved.
DIVISION 3. LICENSE

Sec. 4-476. Required.

(a) Generally. No person shall engage in the business of installation, servicing, repairing or cleaning of heating, ventilating or air conditioning equipment without first obtaining a license therefore as required in this Division.

(b) Firms, partnerships and corporations. A firm, partnership or corporation may perform or contract to perform the work described in subsection (a) of this section so long as it employs a person licensed under this Division who shall have immediate supervision of such work. If the licensee ceases to be employed by such firm, partnership or corporation, a new licensee shall be employed within sixty (60) days.

(c) Persons considered licensed. A person licensed under this division and the person who employs such licensee shall be a licensed heating contractor for purposes of this article.

(d) Exemption for homeowners. The owner and occupant of his own home may do the heating work described in subsection (a) of this section in such home without a license, but he must obtain a permit therefore and such work must be inspected and approved by the Inspections Division.

Sec. 4-477. Application.

Application for a heating contractor's license shall be made to the Inspection Supervisor on a form approved by the Board of Heating Examiners. Such application may contain such information as the Board deems relevant to establish the qualifications of the applicant and must state a place of business. If the applicant operates more than one (1) place of business, a separate license must be obtained for each such place of business.

Sec. 4-478. Fee; renewal.

Each application under this Division shall be accompanied by a fee of five dollars ($5.00) which shall cover the cost of examination. Applicants passing the examination shall be granted a first year's license upon the payment of an additional fee of fifteen dollars ($15.00). The license shall expire on December 31. The annual fee for renewal of such license shall be five dollars ($5.00). The license may be renewed up to September 1 upon the payment of the further sum of one dollar ($1.00) for each month the applicant is delinquent.

Sec. 4-479. Examinations.

The City Clerk shall refer each application under this Division to the Board of Heating Examiners, who shall test each applicant's knowledge and experience as a heating contractor by written examination. All examination papers and the results of each examination shall be kept on file in the office of the Inspections Division.

Sec. 4-480. Revocation; suspension.

The Board of Heating Examiners may revoke or suspend a license under this Division for a violation of any provision of this article after notice and a public hearing according to the rules of the Board. When a license has been suspended or revoked, no license shall again be issued under this Division to such licensee until he has furnished a bond in the sum of two thousand dollars ($2,000) for the faithful performance of all work to be performed under the license.

Secs. 4-481 – 4-495. Reserved.
DIVISION 4. PERMITS

Sec. 4-496. Required.

A permit shall be required for new installations and additions and alterations to any type of heating, ventilating and air conditioning installation and any type of ductwork. (Code 1965, §18.02(4))

Sec. 4-497. Heating fees.

Heating, ventilating and air conditioning permit fees shall be required as follows for the following installations:

(a) Sustainable heating systems. For new one- (1-) and two- (2-) family residential heating systems, the amount of the permit fee shall be on file in the office of the City Clerk.

(b) Residential alterations. For alterations to one- (1-) and two- (2-) family buildings, including equipment replacement and conversions, the amount of the permit fee shall be on file in the office of the City Clerk.

(c) Residential central air conditioning. For one- (1-) and two- (2-) family residential central air conditioning systems, the amount of the permit fee shall be on file in the office of the City Clerk.

(d) Commercial and industrial installations. For commercial and industrial installations, including new installations, alterations or additions to heating, ventilating, air conditioning and exhaust systems, the amount of the permit fee shall be on file in the office of the City Clerk.

(e) Stoves; fireplaces. The amount of the permit fee for wood burning stoves and fireplaces shall be on file in the office of the City Clerk.

(f) Reinspection. A callback inspection charge shall be established at thirty-five dollars ($35.00) per callback for all work requiring inspection under mechanical permit requirements.

(g) Penalty for commencing work without permit. The fee for installation of any heating, ventilating or air conditioning unit without a permit shall be triple the permit fee prescribed in this section when a permit is obtained. Payment of any fee mentioned in this subsection shall in no way relieve any person of the penalties that may be imposed for violation of this article. (Code 1965, §18.02(2); Ord 106-97, §1, 12-17-97)

Sec. 4-498. Application; issuance.

Article II, Division 3 of this chapter shall apply to the application for and issuance of permits to do work under this article. (Code 1965, §18.02(1))

Sec. 4-499. Use of license to obtain permit for another.

No licensee under this article shall take out a permit for work to be done by another contractor. Violation of this Section shall be cause for revocation of the contractor’s license and the Inspections Division may refuse the work. (Code 1965, §18.02(3); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

Secs. 4-500 – 4-515. Reserved.
DIVISION 5. INSTALLATION STANDARDS

Sec. 4-516. Forced warm air winter air conditioning.

The term “forced warm air winter air conditioning system”, when used in this article, means one (1) or more air heating units within individual housing or within one (1) common housing, one (1) or more motor-driven blowers, smoke or vent pipes, individual leader pipes or truck line systems, or both, with necessary control dampers for supply and return air, automatic controls, registers, face and grilles, and with provision for other appurtenances such as filters, air washes, ozonators, humidifiers and the like as may be desired.
(Code 1965, §18.05, Ord 101-02, §1, 7-9-02; Ord 56-09, §1, 4-28-09)

Sec. 4-517. Perimeter heating.

The term “perimeter heating”, when used in this article, means a system of heating wherein the warm air is circulated to registers located on the outside walls at or near the floor of the structure heated.
(Code 1965, §18.07, Ord 101-02, §1, 7-9-02; Ord 56-09, §1, 4-28-09)

Secs. 4-518 – 4-520. Reserved.

Sec. 4-521. Electric heating.

Electric heating, as applies to this article, covers good installation procedures, central boilers, furnaces, heat pumps and the like. Electric baseboard radiation and resistance heating equipment may be sold by contractors licensed under this article, but all electrical work and electrical permits must be by a licensed electrical contractor. All resistance heating equipment must be installed to comply with manufacturer's recommendations.
(Code 1965, §18.09)

Sec. 4-522. Oil burners and oil burner equipment for single- and two-family residences.

(a) Definitions. The term “oil burner”, when used in this section, shall mean any device, for use in connection with a heating system, designed to burn fuel oil having a flash point of one hundred (100) degrees Fahrenheit or higher as determined by the tag closed tester in accordance with the method of test adopted by the American Society for Testing Materials (ASTM designation D56-21) and having a fuel tank or container with a capacity of more than ten (10) gallons connected thereto. The term “oil burner equipment” shall mean the oil burner and all tanks, piping, pumps, control devices and accessories used in connection therewith. This section shall not apply to portable burners not requiring connection to a flue, such as oil stoves, oil heaters and oil lamps equipped with a wick or a mechanical device, the movement of which is essential to flame adjustment.

(b) Approval standards. The approval of oil burners, fuel oil, use of nonautomatic burners, gravity feed to oil burners, pressure tanks, underground tanks, tanks inside buildings, tank construction, tank vents, tank fill and overflow pipes, gauges, pumps, piping valves, heating oil, tests of tank covering, burner controls modifications, fireproofing and all other installation details shall conform with the specifications set forth in this article and in NFPA No. 31, Installation of Oil Burning Equipment, of the National Board of Fire Underwriters.

(c) Air supply. Fresh air must be supplied to any automatic fired heating unit where the unit does not have any other means of receiving air to the burner. All oil burning installations must have a barometric draft stabilizer properly installed.

(d) Fuel oil tanks.

(1) Inside fuel oil tanks cannot be more than two hundred seventy-five (275) gallons in capacity, but two (2) such tanks may be connected with a three-way valve. Any tank larger in size is to be enclosed by a masonry type wall not less than four (4) inches thick. No tank may be more than five hundred (500) gallons in capacity.
(2) Where a fuel line crosses the floor, only copper tubing is to be used and the tubing must be buried in the floor or properly protected. Fuel oil tanks located in the basement must be five (5) feet five (5) inches from the point of the heating unit or burner. Fill pipe is to be two-inch pipe and vent pipe is to be one-and-one-quarter (1¼) inch pipe.

(3) Every fuel oil tank must be supplied with a proper size oil filter unless the oil burner does not require a filter.

(4) Every fuel oil tank installed inside must be supplied with a tank whistler one and one-fourth (1¼) inches in size and a fuel oil gauge.

(5) All fuel oil fill and vent pipes are to be vented to the outside of the building and may not be installed in garages. Outside fuel oil tanks of over fifty-gallon capacity must be buried according to the flammable liquids code of the state industrial commission. No tank over fifty (50) gallons in capacity may be installed above ground unless there is a masonry wall at least four (4) inches thick and on a concrete footing of at least six (6) inches.

(6) Oil tanks inside using an overhead system to the burner must use a return line system (two-pipe system).

Sec. 4-524. Gas-fired equipment.

(a) Generally.

(1) The purpose of this section is to provide minimum standards for the design and installation of gas-fired equipment and associated piping. All gas space heating equipment installed in the City is subject to the inspection and approval of the City Inspections Division, which may order the installer or the gas company to disconnect any equipment which does not meet the requirements to this article, and no person shall reconnect the equipment until authorized by the Inspections Division to do so.

(2) Gas companies may discontinue or refuse to supply for any gas piping or equipment which is in violation of this article or otherwise considered to endanger life or property, provided that the gas company shall immediately give notice of discontinuance to the Inspections Division and the owner or occupant of the building or premises where such gas supply is discontinued or refused. In all cases where the supply of gas has been discontinued for safety reasons, the gas shall not again be supplied until authorized by the Inspections Division.

(3) Gas appliances shall not be installed in any location where flammable vapors are likely to be present unless the design, operation and installation are such as to eliminate the possible ignition of the flammable vapors.

(4) Every appliance shall be located so that it will be readily accessible for operation and servicing.

(5) Gas appliances shall be adequately supported and so connected to the piping as not to exert undue stress on the connections.

(6) Every gas appliance installed shall be properly adjusted by the person making the installation, and no such appliance, following the installation, 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.

(7) In no case shall an appliance be adjusted to pass a greater amount of gas than the minimum
nameplate rated capacity.

(8) No person shall, without the approval of the Inspections Division, display, sell, barter, replace, offer for sale, lease, deal in, supply, rent, donate, connect or install within the City any device purporting to reduce gas consumption when such device is intended as an adjunct or addition to a gas appliance or is suspended above or will wholly or partially enclose any burner of a gas appliance in such a manner as to impair the combustion of the gas issuing from the burner.

(9) The requirements of this article are minimum requirements and any questions concerning the safe installation of gas burning equipment which is not specifically covered in this article shall be resolved in accordance with the American Standard entitled *Installation of Gas Appliances and Gas Piping*, number Z, 21.30, latest edition and supplements, available from the American Gas Association or from the local gas distributing company.

(b) *Design and conversion of central heating furnaces.*

(1) All new gas-fired central heating equipment of either design type or conversion type shall be approved and listed by the American Gas Association Laboratories or the Underwriters Laboratories, Inc., or some other approved agency. The manufacturer's name, model and BTU input shall be shown 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) No person shall install used central heating equipment unless a permit has been issued authorizing the installation.

(3) A central heating boiler or furnace shall be erected in accordance with the manufacturer's instructions and shall be installed on a firm, level, fire-resistive foundation unless listed for installation on a combustible floor or the floor is protected in an approved manner.

(4) Central heating boilers and furnaces shall be installed with clearances not less than specified in accordance with their listings. Suitable precautions should be taken in accordance with prescribed practices whenever it is necessary to install a vent near combustible materials.

(5) 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, either design or conversion, must have an escape door to allow pressure to escape. One- (1-) inch steel pipe is to be fastened to the radiator (seal joint) at one (1) end and the other end is to terminate in breaching or a chimney.

(6) The furnace and chimney must be cleaned. The chimney must be examined to determine if a liner is required.

(7) Central heating boilers and furnaces on natural gas shall have a manual main shutoff valve provided ahead of all controls three (3) to five (5) feet above the floor for shutting off the main burner gas.

(8) A union connection shall be provided downstream from the main manual shutoff valve to permit removal of the controls.

(9) All shutoff devices installed for use on liquefied petroleum gas furnaces and boilers shall be designed to shut off the gas supply to both the main burner and the pilot burner when the pilot flame is extinguished.

(10) A handle is required on the main shutoff valve.

(11) Gas-fired steam and hot water boilers shall be provided with approved automatic devices to shut down the burner in the event of undue pressure or low water in a steam boiler or overheating in a hot water boiler.

(c) *Room heaters.*

(1) A room heater is a freestanding type of circulation heater installed in the room or area which it is intended to heat.

(2) A room heater shall be placed so as not to cause a hazard to walls, floors, curtains, furniture, doors when open, and the like, and to the free movements of persons within the room. Appliances designed and marked “For use in incombustible fire-resistive fireplace only” shall not be installed elsewhere. Room heaters shall be installed with clearance not less than specified in accordance with their listings. In no case shall the clearance be such as to interfere with the requirements of combustion air and accessibility.

(d) *Floor furnaces.* Floor furnaces are not permitted. A floor furnace is that type of furnace that is installed in the
floor with no chance to work on the unit under or around the unit.

(c) **Recessed wall heaters.**

(1) Recessed heaters may be installed in combustible construction. Recessed heaters should be installed in accordance with the manufacturer's instructions.

(2) The installation of recessed heaters shall be such as to make them accessible for cleaning of heating surfaces, removal of burners, replacement of sections, motors, controls, filters and other working parts, and for adjustment and lubrication of parts requiring such attention. Panels, grilles and access doors which must be removed for normal servicing operations shall not be attached to the building construction.

(f) **Duct furnaces.**

(1) Gas-fired duct furnaces shall be installed with clearances in accordance with their listings. In no case shall the clearance be such as to interfere with the requirements for combustion air and accessibility.

(2) 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.

(3) The controls and draft hoods for duct furnaces shall be located outside the ducts. The draft hood shall be located in the same enclosure from which combustion air is taken.

(4) Circulating air shall not be taken from the same enclosure in which the furnace is located.

(5) Duct furnaces when used in conjunction with an air conditioning system shall not be located down-stream from the evaporator coil.

(6) A duct furnace shall be erected and firmly supported in accordance with the manufacturer's instructions.

(7) 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.

(g) **Unit heaters.** Suspended type gas-fired unit heaters shall be safely and adequately supported with due consideration given to their weight and vibration characteristics. The control side of a unit heater shall be spaced not less than eighteen (18) inches from any wall or partition.

(h) **Gas-fired water heaters.**

(1) All gas-fired water heaters shall be vented into an approved chimney or vented with an approved type B metal vent, extending through the roof and capped with an approved type top to prevent back drafts.

(2) All natural gas-fired automatic water heaters 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 requirements of the American Gas Association or other recognized testing authority.

(3) All shutoff devices installed for use on liquefied petroleum gas-fired water heaters shall be designed to shut off the gas supply to both the main burner and the pilot flame when the pilot flame is extinguished.

(4) All automatic control devices shall be located so as to be accessible for service work and the location of the heater in respect to adjacent walls and equipment shall allow easy access to all parts which may require repair or adjustment. (6) Manually operated shutoff valves shall be installed in the gas supply line near the heater and three (3) to five (5) feet above the floor with a proper handle.

(5) The water pipe for an automatic gas-fired water heater shall be equipped with a pressure and temperature relief valve.

(6) Gas-fired water heaters shall not be installed in bathrooms, bedrooms, or small unventilated rooms.

(7) Water heaters shall be located as close as practicable to the flue or vent.

(8) Water heaters shall be connected in a manner to permit observation, maintenance and servicing.

(9) No water heater shall be installed in a closed system of water piping unless an approved water pressure relief valve is provided.

(10) The installation and adjustment of temperature, pressure, and vacuum relief valves or
combinations thereof, and automatic gas shutoff valves shall be in accordance with the requirements of the Inspections Division or with the manufacturer's instructions accompanying such devices.

(i) **Gas flues and vents.**

(1) All water heaters, all types of central heating equipment, all enclosed fire zone circulating heaters and unit heaters installed shall be connected to adequate vents.

(2) All flue pipes from the heating unit to the chimney must be of standard galvanized iron of not less than 24-gauge or approved type B vents.

(3) The installation of a cap or other device on the outlet of an appliance vent which in any way obstructs the free passage of the products of combustion to the outside atmosphere is prohibited.

(4) In the underfloor area, the minimum pitch upward of lateral runs of vents from the appliance must be at least one-half inch per foot.

(5) The installation of dampers or stops in the vent pipe attached to any appliance equipped with a draft diverter is prohibited.

(6) No manually operated damper shall be placed in any flue or vent connector. Fixed baffles ahead of draft hoods are not classified as dampers.

(7) A flue or vent connector shall not be connected to a chimney flue having a fireplace opening unless the opening is permanently sealed.

(8) The flue or vent connector shall be installed so as to avoid short turns or other constructional features which would create excessive resistance to the flow of flue gases.

(9) Type B vents shall be used only with approved gas appliances which produce flue gas temperatures not in excess of five hundred fifty degrees (550°) Fahrenheit.

(10) Every vented appliance, except incinerators, and units designed for power burners or for forced venting, shall have a draft hood. If the draft hood is not a part of the appliance or supplied by the appliance manufacturer, it shall be supplied by the installer and in the absence of other instructions shall be the same size as the appliance flue collar unless not recommended by manufacturer.

(11) A gas appliance flue or vent connector and a smoke pipe from an appliance burning another fuel may be connected into the same flue through separate openings, or may be connected through a single opening if joined by a “Y” fitting, located as close as practical to the flue. If two (2) or more openings are provided into one (1) flue they should be at different levels. Incinerators require special high temperature chimneys.

(12) In order to promote better draft where more than one (1) gas appliance flue or vent connector is connected to a flue or vent, the connections should be made at different levels.

(j) **Gas piping.**

(1) All pipe or tubing used for the installation, extension, alteration or repair of any house 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) The use of cast iron fittings is prohibited.

(3) Threaded joints shall be made up with any approved pipe thread compound.

(4) All gas piping inside buildings must be securely strapped to joists or the ceiling with metal straps or approved wire hangers.

(5) When installing gas piping which is to be concealed, unions, tubing fittings, running threads, right and left couplings, bushings and swing joints made by combination of fittings shall not be used.

(6) Semirigid gas tubing may be used to connect space heating appliances, provided it is of adequate capacity and approved.

(7) Gas piping in solid floors such as concrete shall be laid in channels in the floor suitably covered to permit access to the piping.

(8) When used on liquefied petroleum gas, the joints on seamless copper, brass, steel or nonferrous 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 one thousand degrees Fahrenheit (1,000°F).

(9) Gas pipe or tubing inside any building shall not be run in through an air duct, clothes chute, chimney or flue, ventilating duct, dumbwaiter, or elevator shaft, except a proper duct for the purpose.

(10) Each outlet, including a valve of cock outlet, shall be securely closed gastight with a positive plug or cap if the appliance is not to be connected at that time. When an appliance is removed from an outlet and the outlet is not to be reconnected at that time, it shall be securely closed gastight. In no case shall the outlet be closed with tin caps, wooden plugs, corks, and the like.

(11) When 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 LP gases.

(k) Gas storage tanks. All outside storage tanks for the storage of liquefied petroleum gas that exceed five hundred (500) pounds capacity shall be on a solid, nonflammable footing and gravel or stone base area which extends beyond the tank in all directions for a minimum distance of two (2) feet. All such storage tanks shall be located per NFPA 58. (Code 1965, §18.12; Ord 176-93, §1, 10-19-9, Ord 101-02, §1, 7-9-02; Ord 56-09, §1, 4-28-09)

Secs. 4-525 – 4-540. Reserved.
ARTICLE VIII. SWIMMING POOLS

Sec. 4-541. Purpose of article.

The purpose of this article is to provide protection and safety of individuals, provide land use controls and provide for the general health and welfare of the neighborhood. (Code 1965, §22.05(1))

Sec. 4-542. Definition.

For purposes of this article, swimming pool means any structure, basin, chamber or tank containing or capable of containing an artificial body of water for swimming, diving or recreational bathing, having a depth of two (2) feet or more at any point. (Code 1965, §22.05(1))

Sec. 4-543. Applicability of article.

This article shall apply to all new, remodeled, altered and relocated private swimming pools in one- (1-) and two- (2-) family residential properties in the City except that the protective enclosure requirements shall be retroactive to all existing swimming pools. (Code 1965, §22.05(1); Ord 37-09, §1, 3-10-09)

Sec. 4-544. Existing pools.

Existing swimming pools not in compliance with the fencing or enclosure requirements of this article shall be made to comply within twelve (12) months of the adoption of this article. Existing pools that are reconstructed or relocated shall be brought into compliance with the requirements of this article at the time of reconstruction or relocation. (Code 1965, §22.05(8))

Sec. 4-545. Penalty for violation of article.

Any person who shall violate any provision of this article shall be subject to penalty as provided in §1-16. (Code 1965, §22.05(10))

Sec. 4-546. Permits.

(a) Building permit. A building permit is required for the installation, alteration or addition of a swimming pool. The permit fee shall be as provided in §4-161(8). A building permit shall be applied for and obtained prior to the installation, alteration or addition of any private residential swimming pool. The application for a permit shall be accompanied by a plot plan drawing of the premises upon which the proposed pool is to be installed. The plot plan shall show the size and shape of the lot, location and size of all buildings, structures and fences, existing or proposed, and any other information affecting the premises. The plot plan shall be accurate and dimensioned.

(b) Plumbing and electrical permits. Plumbing and electrical permits are required for applicable installations for the operation of a swimming pool. Plumbing installations for the operation of a swimming pool are required to be done in compliance with state plumbing code under a plumbing permit. Electrical installations made for the operation of a swimming pool are required to be done in compliance with the Wisconsin Administrative Code, SPS 316, under an electrical permit.

(c) Penalty for commencing work without a permit. Failure to obtain a required plumbing, electrical, and building permits are subject to the penalties in §4-418(g), §4-292(b) and §4-161(b). (Code 1965, §22.05(2); Ord 37-09, §1, 3-10-09; Ord 72-19, §1, 7-30-19)

Sec. 4-547. Variances.

The Board of Zoning appeals may grant variances and exceptions to this article as provided in the City zoning code. (Code 1965, §22.05(9))

Sec. 4-548. Location on lot.

The swimming pool and any pool accessory building structure and any pool equipment or structure shall not exceed fifteen percent (15%) of the total lot area of the lot on which it is located. No part of the swimming pool, pool accessory structure or pool equipment or structure shall be closer than three (3) feet to any side lot or rear lot line or closer to the street than the front setback line of the main building, except that if the pool or other structure is located in the side yard closer to the street property line than the rear wall of the main building it shall not be closer than six (6) feet from the side lot line. (Code 1965, §22.05(3))

Sec. 4-549. Protective enclosures.

(a) Required. All private residential swimming pools, whether of an in-ground or aboveground type, shall be enclosed with an adequate and secure fence at least forty-eight (48) inches high above adjoining grade to prevent straying into the pool area. Fence requirements as set forth in the City zoning code shall apply. Required fences shall be constructed to prohibit the passage of a six-inch sphere between fence members. Any gate installed shall be provided with self-closing and self-latching devices which shall be on the inside of the gate at least thirty (30) inches above ground level. A pool dome or pool top fencing attached to the pool to extend at least forty-eight (48) inches above the ground or a pool cover capable of supporting one hundred (100) pounds per square inch of area are acceptable substitutes for fencing. Pool covers shall be fixed securely in place at all times when the pool is not supervised by a responsible person.
(b) **Exception.** Above grade pools with walls that are at least forty-eight (48) inches high at all points around the pool or have platforms and railings that are forty-eight (48) inches or more in height above grade with a railing space opening no greater than four (4) inches are not required to be enclosed as provided in subsection (a) of this section, but the ladders and stairways providing access to the pool shall be adequately secured to prevent entry whenever the pool is not in use.

(Code 1965, §22.05(4); Ord 37-09, §1, 3-1-09)

**Sec. 4-550. Lighting.**

Any area lighting for swimming pools shall be shielded to prevent the lighting of neighboring properties.

(Code 1965, §22.05(5))

**Sec. 4-551. Drainage.**

The draining of swimming pools shall be directed to a public storm sewer or catch basin connected to the public storm sewer. Drainage shall be controlled to prevent any adverse effect on adjoining property.

(Code 1965, §22.05(6))

**Sec. 4-552. Maintenance.**

All swimming pools shall be maintained in such a way as to not create a nuisance, hazard, eyesore, or otherwise result in a substantial adverse effect on neighboring properties or be in any way detrimental to public health, safety or welfare.

(Code 1965, §22.05(7))

(The next page is 375)
ARTICLE IV. SMOKE FREE INDOOR AIR

Sec. 7-100. Smoking prohibited in certain areas.

(a) Definitions.

Bed and breakfast establishment has the meaning set forth in Sec. 9-321.

Childcare facility means any state licensed or county certified child care facility including, but not limited to, licensed family day care or licensed group day care centers, licensed day camps, certified school-age programs and Head Start programs.

City buildings means all City-owned and operated buildings and those portions of buildings leased and operated by the City.

Common areas of buildings means all areas not part of a tenant’s leased premises, including, but not limited to, lobbies, community rooms, hallways, laundry rooms, stairwells, elevators, enclosed parking facilities, pool areas and restrooms contiguous thereto.

Common areas of malls means those areas within a mall customarily accessible to patrons.

Educational facility means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

Electronic smoking device means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component part, or accessory of such a device, whether or not sold separately. Electronic smoking device include any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

Electronic smoking device paraphernalia means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, electronic smoking device batteries, electronic smoking device chargers, and any other item specifically designed for the preparation, charging, or use of electronic smoking device.

Employee means any person who is employed by any employer for direct or indirect monetary wages or profit, including those full time, part time, temporary or contracted for from a third party; employee also means any person who serves as a volunteer for a business or nonprofit entity.

Employer means any person, partnership, limited liability company, corporation, or other entity, including a public or
non-profit entity who employs the services of one (1) or more individual persons.

**Enclosed area** means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from floor to ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, ‘other landscaping’ or similar structures.

**Entrance** means a doorway and adjacent area which gives direct access to a building form a contiguous street, plaza, sidewalk or parking lot.

**Health care facility** has the meaning set forth in Sec. 155.01(6), Wis. Stats.

**Hotel and motel** has the meaning set forth in Sec. 9-341.

**Incidental** means so minor in significance and non-essential to the primary use, purpose or operation that if the incidental use is discontinued, the primary purpose would continue without harm.

**Mall** means an enclosed, indoor area containing common areas and discrete businesses primarily devoted to the retail sale of goods and services.

**Medical services** has the meaning set forth in Sec. 647.01(6), Wis. Stats.

**Non-smoking** means smoking is prohibited.

**Person in charge** means the person who ultimately controls, governs or directs the activities aboard a public conveyance or within or at a place where smoking is regulated under this section, regardless of the person’s status as owner or lessee.

**Place of employment** means an enclosed area controlled by the employer, which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and classrooms, employee cafeterias and hallways. A private residence is not a ‘place of employment’ within the meaning of this ordinance unless used as a childcare facility.

**Private residence** means premises owned, rented or leased by temporary or permanent habitation.

**Restaurant** means an establishment defined in Sec. 9-236.

**Retail electronic delivery device store** means a business whose primary purpose is the sale of electronic delivery devices and accessories and in which the sale of other products is merely incidental.

**Retail tobacco store** means a business whose primary purpose is the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

**Room** means a space within a building completely enclosed with walls, partitions, floor and ceiling, except for openings for light, ventilation, ingress and egress.

**School board** means the school board in charge of the public schools, grades K-12, of a school district.

**Smokefree** means absence from the ambient air of the smoke by-product from the burning, inhaling, exhaling, or carrying of a lighted cigarette, cigar, pipe, weed or plant.

**Smoking** means inhaling, exhaling, burning, or carrying any lighted, heated or ignited cigar, cigarettes, cigarillo, pipe, hookah, Electronic Smoking Device, or any plant product intended for human inhalation.

**Sports arena** means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and indoor ice rinks, and bowling centers.

**Tavern** means any establishment whose primary purpose is the sale of fermented malt beverages or intoxicating liquors for consumption upon said premises and in which the sale of other products is merely incidental.

**Tobacco product** means a combustible cigarette, cigar, weed, plant or other combustible substance prepared in such a manner that it is suitable for smoking. This section shall not include smoke-free tobacco products.

**Use tobacco products** means to consume by burning, inhaling, exhaling or carrying a lighted cigarette, cigar, pipe, weed, plant, or any other combustible substance in any manner in any form.

(Ord 42-19, §1, 6-5-19)

(b) **Intent and purpose.**

(1) The Common Council of the City of Appleton hereby finds that:

a. It is recognized that smoking of cigarettes and tobacco products is hazardous to an individual’s health and may affect the health of nonsmokers when they are involuntarily in the presence of smoking.

b. Numerous scientific studies have found that tobacco smoke is a major contributor to indoor pollution.
c. Reliable scientific studies, including studies conducted by the Surgeon General of the United States, have shown that breathing sidestream or secondhand smoke is a significant health hazard to nonsmokers; particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.

d. Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm.

e. Reliable scientific studies assessed by the California Environmental Protection Agency have found that sidestream and secondhand tobacco smoke is a leading cause of premature death and disability among nonsmokers.

f. Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers.

(2) This ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City of Appleton, especially recognizing the rights of nonsmokers who constitute a majority of the population; educating citizens affected by this ordinance; and assisting owners, operators; and managers in maintaining compliance.

(c) Prohibition of smoking in indoor public places. Except as otherwise provided, it shall be unlawful for any person to smoke tobacco products in indoor public places, including, but not limited to, the following:

1. Elevators and enclosed stairwells, including those within City parking ramps.

2. Public forms of transportation, including, but not limited to, motor buses, taxicabs, or other public passenger vehicles.

3. Theaters, libraries, museums, auditoriums, sports arenas, convention halls which are used by or open to the public.

4. Any childcare facility. Incorporated herein by reference are the following Wisconsin statutory and administrative code sections and any amendments or renumbering thereof: Sec. 101.123(1)(ad) and (2)(bm), Wis. Stats.; Secs. HFS 45.02(4), 45.06(8)(g), 46.03(13), 46.06(2)(h), and 46.08(2)(c), Wis. Adm. Code.

5. Retail stores.

6. Health care facilities.

7. Waiting rooms, hallways, rooms of health care laboratories.

8. Waiting rooms, hallways, rooms in offices of any physician, dentist, psychologist, chiropractor, optometrist or optician, or other medical services provider.

9. Meeting and conference rooms in which people gather for educational, business, professional, union, governmental, recreational, political or social purposes.


11. Service lobbies, waiting areas, and the common areas open to the public of financial institutions, business and professional offices, and multi-unit commercial facilities.

12. Self-service laundry facilities.

13. Enclosed, indoor areas of restaurants.


15. Public bus and transfer point shelters.

16. Common areas of building which contain three (3) or more rental units. Written Rental Agreements shall include reference to this subdivision.

17. City buildings.

18. City-owned or leased motor vehicles.


20. Taverns.

21. Common areas in bed and breakfast establishments, hotels and motels.

(d) Prohibition of smoking in outdoor areas. It shall be unlawful for any person to smoke or use tobacco products in the following outdoor areas.

1. Within twenty (20) feet from all entry ways of City-owned buildings and structures. In the Blue
Ramp, smoking or tobacco product use is strictly prohibited except in specifically designated areas. Within the Red, Green, and Yellow Ramps, smoking or tobacco product use is strictly prohibited unless on the top floor of the ramp and at least twenty (20) feet from the entry way.

(Ord 59-17, §1, 9-12-17)

(2) Outside of the Appleton Public Library, on the sidewalk between the main entrance and public parking lot, extending from Appleton Street to Oneida Street.

(3) Outside of the Transit Center in the area, inclusive of sidewalk area, from the north edge of the Transit Center building to Washington Street and from Oneida Street to the west edge of the East Parking Ramp.

(4) City parks as posted and so designated by the Parks, Recreation and Facilities Management Department. Additionally, smoking, vaping, and use of all electronic nicotine devices shall be prohibited within twenty (20) feet of playground equipment located within city parks as well as at the Appleton Skate Park located within Telulah Park.

(Ord 71-18, §1, 8-7-18)

(e) Prohibition of smoking in educational facilities. It shall be unlawful for any person to smoke or otherwise use any tobacco products:

(1) In all educational facilities and in or upon all other premises owned, rented by or under the control of a school board.

(f) Prohibition of smoking in places of employment:

(1) It shall be unlawful for any person to smoke any tobacco products in all places of employment.

(2) Every building which is a place of employment shall have at least one (1) entrance which is smokefree.

(3) Each employer, operator, manager, lessee or other person having control of the place of employment shall make reasonable efforts to ensure a smokefree workplace for all employees and frequenters.

(4) Within ninety (90) days of the effective date of this ordinance, each employer having a place of employment located within the City of Appleton shall adopt, implement and communicate written notice of the provisions of this ordinance to each employee.

(g) Exceptions. The following areas shall not be subject to the smoking restrictions of this section:

(1) Retail tobacco stores.

(2) Any stage of any theater when used in connection with any theatrical performance and so noticed in the program.

(3) Bed and breakfast, hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided that not more than twenty-five percent (25%) of the rooms rented to guests are designated as smoking.

(4) Retail electronic delivery device stores that are in existence on June 11, 2019 in which only persons age 21 or older are permitted to enter and in which only the sampling of an electronic delivery device product is allowed.

(Ord 42-19, §1, 6-5-19)

(h) Enforcement.

(1) The Health Officer or designee and the Chief of Police or designee shall have the power, whenever they may deem it necessary, to enter upon the premises named in this section to ascertain whether the premises are in compliance with this ordinance. A compliance time of not less than one (1) week shall be granted. Enforcement may be by citation, as permitted by Sec. 1-16.

(2) The proprietor, employer or other person in charge or premises regulated hereunder, upon either observing or being advised of a violation, shall make reasonable efforts to prevent smoking in prohibited areas by:

a. Approaching smokers who fail to voluntarily comply with this section and requesting that they extinguish their cigarette or tobacco product and refrain from smoking, or

b. Refusing service to anyone smoking in a prohibited area.

(3) Any person who desires to register a complaint under this section may contact the Health Department or the Police Department.

(4) Ashtrays, cigarette vending machines and other smoking paraphernalia shall not be located in areas where smoking is prohibited.
(i) **Retaliation prohibited.** No person shall discharge, refuse to hire, refuse to serve or in any other manner retaliate against any employee, applicant for employment, customer, service user, business patron or any other person because that person exercises any rights afforded by this section.

(j) **Violations and penalties.**

(1) General. Any person who violates any of the provisions of this section may be subject to a forfeiture of no more than one hundred twenty-five dollars ($125) for the first offense and no more than five hundred dollars ($500) for the second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense.

(k) **Clean indoor air.**

(1) Intent and construction. The City of Appleton finds that it is in the interests of the health, safety and welfare of the community to adopt by reference Sec. 101.123, Wis. Stats. and subsequent amendments, additions and recodifications. It is the intent of the Common Council that where there may be conflict between Sec. 101.123, Wis. Stats. and Sec. 7-100, that the most restrictive section shall apply. This ordinance shall not be construed to mean that progressive discipline of City employees for violations of laws, rules and regulations is only authorized where explicitly provided by ordinance.

(2) Penalty. The penalties provided by Sec. 101.123, Wis. Stats. shall be in addition to the penalties provided for violation of Sec. 7-100 when a person has violated both laws. In addition to the penalties provided by Sec. 7-100 and Sec. 101.123 Wis. Stats., any City employee who violates any provision of Sec. 7-100 or Sec. 101.123. Wis. Stats., may also be subject to progressive discipline by his or her employer.

(l) **Severability.** The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

(m) The provisions of this ordinance, in its entirety, shall become effective on July 1, 2005.
Art. V. HEALTH IN ALL POLICIES

Sec. 7-200. Findings.

(a) Health starts where we live, learn, work and play, and everyday decisions within the City of Appleton can promote greater health and equity.

(b) All Appleton residents should have the opportunity to make the choices that allow them to live a long, healthy life, regardless of their job, neighborhood of residence, level of education, immigration status, sexual orientation, ethnic background or religion.

(c) Good health enhances quality of life, improves workforce productivity, increases the capacity for learning, strengthens families and communities, supports environmental sustainability and helps reduce overall economic and social insecurity.

(d) In the city of Appleton, those at greatest risk for poor health outcomes are low-income residents, who have a shorter life expectancy than other city residents.

(e) Appleton residents are primarily affected by heart disease, cancer and stroke.

(f) Recognizing the presence of critical health disparities in the community and the opportunity to intervene on health outcomes, the City has developed and defined public health broadly in the City Comprehensive Plan.

(g) Health in All Policies is fundamentally about creating systems-level change both within City departments and in the community.

(h) In developing strategies to address health disparities, it is important to recognize that at its heart, promoting equity is not just about providing more services.

(i) It is also about how services are developed, prioritized and delivered.

(j) The Health in All Policies strategy guides the City of Appleton on how to address the social determinants of health, or the root causes of current health disparities in the development, prioritization and delivery of these services and policies.

Sec. 7-201. Definitions.

The definitions in this section apply throughout this ordinance unless the context clearly requires otherwise:

(a) Health in All Policies (HiAP) is both a process and a goal.

(1) The goal of HiAP is to address inequities at the systems, policy and structural levels to eliminate the resulting health disparities.

(2) At the root of HiAP is an approach to improving health of all people by incorporating health considerations into collaborative decision-making across sectors, agencies, and departments. HiAP brings city departments and community groups together to identify ways in which all policies can take health outcomes into consideration. The HiAP process places health at the center of all work, and through discussion and compromise, gains stakeholder buy-in from all agencies, groups, and departments.

(3) Health in All Policies works to create a new policy and organizing framework within city government and beyond in the community. It emphasizes the consequences of public policies, plans, and programs on health determinants, and aims to improve health outcomes at all levels of government within the city and those agencies responsible for serving Appleton residents.

(4) Stakeholder engagement is essential for ensuring that Health in All Policies is responsive to community needs. Community-based knowledge provides important information about opportunities and barriers for health and insight into the ways in which policies may impede or promote health.

(b) Health is not simply the absence of disease, but the state of complete physical, mental, cultural and social well-being. HiAP is based on the premise that good health is fundamental for a strong economy and vibrant society, and that health outcomes are largely dependent on the social determinants of health, which in turn are shaped by decisions made within the health sector and internally and externally outside of the health sector.

(c) Health equity refers to efforts to ensure that all people have full and equal access to opportunities that enable them to lead healthy lives, while respecting differences that include but are not limited to culture, language, race, gender, sexuality, economic status, citizenship, ability, age and religion.

(1) Health equity entails focused societal efforts to address avoidable inequalities by equalizing the conditions for health for all groups, especially for those who have experienced socioeconomic disadvantage or historical injustices.
MISCELLANEOUS OFFENSES

Chapter 10

Miscellaneous Offenses

Penalty for violation of chapter; responsibility for costs of damage to public property ........................................... 10-1
Discharge of dangerous weapons ........................................................................................................................... 10-2
Adoption of state law regarding carrying of weapons .......................................................................................... 10-3
Sale of dangerous weapons to minors .................................................................................................................. 10-4
Sale and discharge of fireworks ............................................................................................................................ 10-5
Adoption of state law ........................................................................................................................................... 10-5(a)
Permits ................................................................................................................................................................. 10-5(b)
Operation of boats ............................................................................................................................................... 10-6
Adoption of state law ........................................................................................................................................... 10-6(a)
Speed of watercraft ............................................................................................................................................. 10-6(b)
Reckless operation .............................................................................................................................................. 10-6(c)
Mufflers ............................................................................................................................................................... 10-6(d)
Lights ................................................................................................................................................................. 10-6(e)
Life preservers ..................................................................................................................................................... 10-6(f)
Overloading vessels .............................................................................................................................................. 10-6(g)
Permits ................................................................................................................................................................. 10-6(h)
Operation of aircraft .......................................................................................................................................... 10-7
Residential picketing; unlawful assembly .............................................................................................................. 10-8
Declarations ......................................................................................................................................................... 10-8(a)
Picketing residence unlawful ...................................................................................................................................... 10-8(b)
Unlawful assembly ............................................................................................................................................... 10-8(c)
Adoption of state law regarding crimes against public peace, order and other interest ........................................ 10-9
Adoption of state law regarding resisting or obstructing officer ........................................................................ 10-10
Reserved ............................................................................................................................................................ 10-11
Adoption of state law regarding impersonation of peace officer ........................................................................ 10-12
Adoption of state law regarding battery ........................................................................................................... 10-13
Possession or consumption of alcoholic beverages on highway, public property lot or school grounds .......... 10-14
Public grounds to be vacated during certain hours ............................................................................................. 10-15
Smoking in City-owned buildings ....................................................................................................................... 10-16
Definitions .......................................................................................................................................................... 10-16(a)
Smoking prohibited ............................................................................................................................................. 10-16(b)
Exceptions ........................................................................................................................................................ 10-16(c)
Posting of no-smoking signs .............................................................................................................................. 10-16(d)
Adoption of state law regarding receiving stolen property ................................................................................ 10-17
Adoption of state law regarding gambling ......................................................................................................... 10-18
Adoption of state law regarding indecent conduct ............................................................................................ 10-19
Adoption of state law regarding prostitution .................................................................................................... 10-20
Offering or engaging in sexual contact for compensation ................................................................................ 10-21
Adoption of state law regarding obscene materials .......................................................................................... 10-22
Adoption of state law regarding damage to property ......................................................................................... 10-23
Dumping, leveling of used building and fill material .......................................................................................... 10-24
Operation of snowmobiles, motor-driven cycles, and motor-driven scooters ......................................................... 10-25
Adoption of state law regarding trespass to land ............................................................................................... 10-26
Adoption of state law regarding trespass to dwellings ....................................................................................... 10-27
Adoption of state law regarding theft ............................................................................................................... 10-28
Defraud of merchant in return of merchandise .................................................................................................. 10-29
Adoption of state law regarding theft of services ............................................................................................... 10-30
Adoption of state law regarding theft of library material ................................................................................... 10-31
Adoption of state law regarding possession of marijuana .................................................................................. 10-32
Possession, sale of isobutyl nitrate ....................................................................................................................... 10-33
Adoption of state law regarding drug paraphernalia .......................................................................................... 10-34
Harboring minors ............................................................................................................................................... 10-35

Supp. #91

695
Loitering by minors ................................................................................................................. 10-36
Definitions .............................................................................................................................. 10-36(a)
Loitering of minors (curfew hours) ......................................................................................... 10-36(b)
Responsibility of parents ....................................................................................................... 10-36(c)
Penalty, minor ....................................................................................................................... 10-36(d)
Possession or purchase of cigarettes, nicotine, vapor, and tobacco products by persons under the age of eighteen .................................................................................................................. 10-37
Defacement or damage of property by graffiti ........................................................................... 10-38
Chemical propellants ................................................................................................................ 10-39
Loitering ................................................................................................................................... 10-40
Definitions .............................................................................................................................. 10-40(a)
Loitering in the roadway ........................................................................................................... 10-40(b)
Penalty ..................................................................................................................................... 10-40(c)
Facsimile firearms .................................................................................................................. 10-41
Reserved .................................................................................................................................. 10-42
Adoption of state law regarding contributing to truancy ......................................................... 10-43
Adoption of state law regarding laser pointers ...................................................................... 10-44
Urinating or defecating in public ............................................................................................. 10-45
Smoking on city property ........................................................................................................ 10-46
Animals at special events prohibited ....................................................................................... 10-47
Firearms restricted in certain City buildings .......................................................................... 10-48
Adoption of state law regarding possession of a firearm in a school zone .............................. 10-49

*Cross reference(s)—Fireworks in public parks and recreation areas, §13-83.
Sec. 10-1. Penalty for violation of chapter; responsibility for costs of damage to public property; party to a violation and attempt.

(a) Penalties. Any person who shall violate any provision of this chapter shall upon conviction thereof be punished as provided in §1-16. If a conviction is based upon subsection (c) or (d), the person is subject to the same penalties provided in §1-16.

(b) Damages. In addition to any penalty imposed, in §1-16, any person who shall cause physical damage to or destroy any public property shall be liable for costs of replacing or repairing such damages or destroyed property. The parents of any unemancipated minor child who causes such damage may be held liable for the cost of replacing or repairing such damages or destroyed property in accordance with W.S.A. §895.035.

(c) 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 commission of the violation although he or sheid not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other offense based on the same act. A person is concerned in the commission of the violation if the person directly commits the violation, intentionally aids or abets the commission of or is a party to a conspiracy with another to commit it, or advises, hires, counsels or otherwise procures another to commit it.

(d) 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 act toward the commission of the violation which demonstrates 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 1965, §8.15, Ord 29-03, §1, 2-25-03; Ord 105-06, §1, 9-12-06)

Sec. 10-2. Discharge of dangerous weapons.

(a) It is unlawful for any person, except a sheriff, constable, police officer or their deputies, to fire or discharge any firearm, rifle, spring or air gun of any description or tipped arrow within the City.

(b) Exceptions. Subsection (a) shall not apply to any of the following:

(1) The maintenance and use of duly supervised rifle or pistol ranges or shooting galleries or archery ranges approved by the Chief of Police.

(2) Hunting with a bow and arrow or crossbow.

a. Hunting is not permitted within the city of Appleton except with a bow and arrow or crossbow. Hunting does not include target practice.

b. It shall be unlawful for a person to hunt with a bow and arrow or crossbow within a distance of one hundred (100) yards from any permanent structure used for human occupancy on another person’s land. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building.

c. When hunting with a bow and arrow or crossbow, a person shall shoot or discharge the arrow or bolt from the respective weapon toward the ground.

d. When hunting with a bow and arrow or crossbow, no person shall shoot or discharge the arrow or bolt from the respective weapon in a manner that may endanger the life, limb or property of another or will traverse any part of any street, alley, trail, public grounds or parks.

e. It shall be unlawful for a person to hunt on any portion of land owned or leased by the City of Appleton.

f. When hunting with a bow and arrow or crossbow, a person shall follow all Wisconsin State Statute and DNR regulations pertaining to bow hunting.

(c) Penalties. Any person that violates any of the provisions of this section may be subject to a forfeiture of no more than five hundred dollars ($500) for the first offense and no more than one thousand dollars ($1,000) for the second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense.

(Code 1965, §8.01(1); Ord 118-06, §1, 10-10-06; Ord 6-14, §1, 3-11-14)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

State law reference(s) – Weapons, W.S.A. §941.20.
Sec. 10-3. Adoption of state law regarding carrying of weapons.

W.S.A. §939.22(10) and §941.23 regarding weapons, exclusive of the penalty, is hereby adopted and made an offense punishable as a violation of this Code.

(Code 1965, §8.01(2))

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-4. Sale of dangerous weapons to minors.

No person shall buy for, sell or give away to any minor any dangerous weapon, without first having obtained the written consent of the parent or guardian of such minor. For purposes of this section, the term “dangerous weapon” shall mean and include the following instruments: blackjack, billy, sandclub, pistol, revolver, any instrument which impels a missile by compressed air, spring or other means, any weapon in which loaded or blank cartridges are used, cross knuckles of any metal, nunchaku or nunchuck sticks, throwing stars or shurikens.

(Code 1965, §8.01(4); Ord 38-16, §1, 3-22-16)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-5. Sale and discharge of fireworks.

(a) Adoption of state law. W.S.A. §167.10 regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this chapter as though set forth in full.

(b) Permits. Fireworks other than those prohibited by the laws of the state may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the Mayor. All applications shall be referred to the Fire Chief for investigation and no permit shall be granted unless the Mayor, from the report of the Fire Chief, determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons, and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner.

(Code 1965, §8.01(5))

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-6. Operation of boats.

(a) Adoption of state law. Except as otherwise provided in this section, the provisions of W.S.A. §30.50 to §30.80 shall apply to the operation of boats on the navigable waters of the City and such statutes are adopted by reference and made a part of this section. A violation of such statutes shall be a violation of this Code. The navigable waters of the City are hereby determined to be those waters of the Fox River lying within the City limits.

(b) Speed of watercraft. No person driving, operating or using any power-propelled vessel, craft or float shall operate said vessel, craft or float at a speed in excess of slow no wake speed, on that portion of the Fox River from the Appleton Yacht Club south to the Appleton City limits.

(c) Reckless operation. No person shall drive, operate or use any vessel, craft or float on the navigable waters of the City in a careless, negligent or reckless manner so as to endanger the life, property or persons of others.

(d) Mufflers.

(1) No person shall drive, operate or use any vessel, craft or float propelled by an internal combustion engine using gas, gasoline, naphtha or other like fuel unless it is equipped with an underwater exhaust or other muffling device so constructed and used so as to adequately muffle the noise of the explosion. Such internal combustion engine or motor shall be installed on such vessel in such a manner that any underwater exhaust shall exhaust under water at all times; provided, however, that the regulations of this subsection shall not apply when the Mayor issues a permit for a regatta, motorboat race, or exhibition speed boat trial.

(2) No person shall drive, operate or use any vessel, craft or float propelled by an internal combustion engine equipped with a muffling device which has been altered in any manner from the manufacturer's specifications so as to increase its emission of noise.

(3) Every boat propelled by gasoline or other motor power operated on the Fox River in the City shall be equipped with a muffler at all times in good working order sufficient to prevent excessive or unusual noise. It shall be unlawful to operate any such boat so propelled by gasoline or other motive power with the muffler off or cutout open on the Fox River in the City.

(e) Lights. No person shall drive, operate or use any vessel or craft from sunset to sunrise unless such vehicle or craft carries the lights prescribed by W.S.A. §30.61.

(f) Life preservers. No person shall drive, operate or use any vessel, craft or float unless it carries at least one (1)
United States Coast Guard approved life preserver or life belt or ring buoy or cushion or other similar United States Coast Guard approved device for each person on board, so placed as to be readily accessible.

(g) Overloading vessels. No person shall drive, operate or use any vessel, craft or float which is loaded with passengers or cargo beyond its safe carrying capacity.

(h) Permits. Permits for motorboat regattas, motorboat races, exhibition speedboat trials and water ski or aquaplane exhibitions shall be issued by the City through the Mayor upon application made in writing; provided that in the Mayor's opinion such particular use of the river can be carried out in an orderly fashion, safely and equally convenient, as near as may be, to all vessels and watercraft whatsoever. If the Mayor denies a request for a permit then such request shall, upon written demand of the applicant to the Mayor, be referred to the Common Council for final determination.

(Code 1965, §8.01(9); Ord 74-94, §1, 7-20-94)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-7. Operation of aircraft.

No person operating an aircraft over the City shall:

(1) Engage in trick or acrobatic flying.

(2) Except for the purpose of taking off or landing, operate at a height of less than three thousand (3,000) feet.

(3) Intentionally drop any object from the aircraft.

(Code 1965, §8.01(10))

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-8. Residential picketing; unlawful assembly.

(a) Declaration. It is declared that the protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community require that members of the community enjoy in their homes and dwellings a feeling of well-being, tranquility and privacy, and when absent from their homes and dwellings, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; that the practice of picketing before or about residences and dwellings causes emotional disturbance and distress to the occupants, obstructs and interferes with the free use of public sidewalks and public ways of travel; that such practice has as its object the harassing of such occupants; that without resort to such practice full opportunity exists and under the terms and provisions of this section, will continue to exist for the exercise of freedom of speech and other Constitutional rights; and that the provisions enacted in this section are necessary for the public interest to avoid the detrimental results set forth in this section and are enacted by the Common Council pursuant to the provisions of W.S.A. §62.11(5).

(b) Picketing residence unlawful. It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual.

(c) Unlawful assembly. W.S.A. §947.06 is adopted and made a part of this chapter by reference as though fully set forth in this section.

(Code 1965, §8.13)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-9. Adoption of state law regarding crimes against public peace, order and other interest.

W.S.A. §947.01 et seq., regarding crimes against public peace, order and other interests, exclusive of the penalty, are hereby adopted and made an offense punishable as a violation of this Code.

(Code 1965, §8.02(1), Ord 29-03, §1, 2-25-03)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-10. Adoption of state law regarding resisting or obstructing officer.

W.S.A. §946.41 regarding resisting or obstructing officer, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.

(Code 1965, §8.02(4)(a)–(c), Ord 29-03, §1, 2-25-03)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-11. Misuse of 911.

(a) No person shall use the 911 Emergency Telephone System for regular business or non-emergency calls.

(b) No person shall dial 911 Emergency Telephone number to report an emergency, knowing that the fact or situation reported does not exist.

(Ord 26-05, §1, 4-12-05; Ord 92-07, §1, 5-22-07)

Editor’s Note: This section, Sec. 10-11, Police dogs, was repealed due to the adoption of the new Animal Ordinance.

Editor’s Note: This new section, Misuse of 911, was created and adopted by the Common Council in May 2007.
Sec. 10-12. Adoption of state law regarding impersonation of peace officer.

W.S.A. §946.70 regarding impersonating a peace officer, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.
(Code 1965, §8.02(5))
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-13. Adoption of state law regarding battery.

W.S.A. §940.19(1) regarding battery, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.
(Code 1965, § 8.02(6))
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-14. Possession or consumption of alcoholic beverages on highway, public property lot, or school grounds.

No person shall drink from, open a container of, or have in his possession an open container of fermented malt beverage or intoxicating liquor on a public highway including the sidewalks adjacent thereto, in or on a publicly owned or privately owned parking lot to which the public is invited, or on any school grounds within the City, except when any of the following apply:

(a) The area has been temporarily licensed for consumption of intoxicating liquor or fermented malt beverages.

(b) A person licensed to serve fermented malt beverages or intoxicating liquor who, while working as an employee of a licensed establishment, is carrying an open container of a fermented malt beverage or intoxicating liquor between a licensed establishment and a sidewalk café for the sole purpose of serving patrons within the sidewalk café.
(Code 1965, §§8.02(10); Ord 112-91, §1, 11-6-91; Ord 75-05, §1, 6-21-05)
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18; alcoholic beverages, §9-51 et seq.; streets, sidewalks and other public places, ch. 16.

Sec. 10-15. Public grounds to be vacated during certain hours.

No person shall be in or lounge about any park, parkway, school ground or other public recreation ground or place between 11:00 p.m. and 6:00 a.m., and such areas shall be closed to the public during those hours.

Editor’s Note: This section, Sec. 10-16, smoking in City-owned buildings, was repealed by the Smoke Free Indoor Air Ordinance, Ord 35-05, §1, effective 7-1-05.

Sec. 10-16. Reserved.

Sec. 10-17. Adoption of state law regarding receiving stolen property.

W.S.A. §943.34 regarding receiving stolen property, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this code.
(Ord 98-10, §1, 7-13-10)

Sec. 10-18. Adoption of state law regarding gambling.

W.S.A. §945.04 on offenses regarding gambling, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.
(Code 1965, §8.03(1))
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-19. Adoption of state law regarding indecent conduct.

W.S.A. §944.20 regarding indecent conduct, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.
(Code 1965, §8.03(3), Ord 29-03, §1, 2-25-03)
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.
Sec. 10-20. Adoption of state law regarding prostitution.

W.S.A. §944.30 prohibiting prostitution, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.
(Code 1965, §8.03(4))
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-21. Offering or engaging in sexual contact for compensation.

(a) It shall be unlawful and prohibited for any person to pay a fee or receive a fee, directly or indirectly, or to offer or ask for anything of value, for touching or offering to touch the sexual parts of another either directly or by employing a mechanical or electrically operated device for the purpose of arousing or gratifying the sexual desire of either party.

(b) It shall be unlawful for any person owning, managing or otherwise controlling any place of business to cause or to permit any agent, employee or other person under his control or supervision to participate in conduct prohibited in subsection (a) of this section.
(Code 1965, §8.09)
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-22. Adoption of state law regarding obscene materials.

W.S.A. §948.11 regarding obscene materials, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.
(Code 1965, §8.03(5))
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-23. Adoption of state law regarding damage to property.

W.S.A. §943.01(1) regarding damage to property, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.
(Code 1965, §8.04(1))
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-24. Dumping, leveling of used building and fill material.

No person shall dump or leave used building or fill material on any lot within the City which cannot be leveled, and all such material which can be leveled shall be leveled. The owner of any such lot shall be responsible for removing or leveling such material.
(Code 1965, §8.04(3))
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.


(a) No person shall operate a snowmobile on any school grounds or on any public property of any kind or nature belonging to the City or its departments, or on the property of any private person without the consent of the owner.

(b) No person shall operate motor-driven cycles or motor-driven scooters such as minibikes, mopeds, go-carts, motor-driven scooters, motor-driven in-line skates or similar type vehicles on school grounds or on any public property belonging to the City or on the property of any private person without the consent of the owner.
(Code 1965, §8.04(4); Ord 91-01, §1, 5-7-01)
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18; streets, sidewalks and other public places, ch. 16; traffic and vehicles, ch. 19.

Sec. 10-26. Adoption of state law regarding trespass to land.

W.S.A. §943.13 regarding trespass to land, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.
(Code 1965, §8.04(5))
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-27. Adoption of state law regarding trespass to dwellings.

(a) W.S.A. §943.14 regarding trespass to dwellings, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.

(b) W.S.A. §943.15 regarding entry unto a construction site or into a lot, building, dwelling or room, is hereby adopted by reference and made an offense punishable as a violation of this Code.
(Code 1965, §8.04(6); Ord 40-92, §1, 4-15-92)
Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-28. Adoption of state law regarding theft.

(a) W.S.A. §943.20 regarding theft, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.

(b) W.S.A. §943.50 regarding theft, exclusive of the
penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.
(Code 1965, §8.06(1), (2); Ord 40-92, §2, 4-15-92)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-29. Defraud of merchant in return of merchandise.

Whoever returns merchandise to a merchant for the purpose of claiming a cash refund or credit by intentionally deceiving the merchant with a representation that such merchandise was purchased by such person from such merchant at the price claimed where such merchandise was, in fact, not purchased by such person or was not purchased from such merchant or was purchased at a price lower than the price claimed shall be guilty of a violation of this chapter. The intentional giving of a false name or address to a merchant during the return of merchandise is evidence of intent to defraud a merchant.
(Code 1965, §8.06(3))

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 10-30. Adoption of state law regarding theft of services.

(a) W.S.A. §943.45 through §943.47 regarding theft of certain services, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.

(b) W.S.A. §943.21 regarding fraud on hotel or restaurant keeper, taxicab operator or gas station, exclusive of any penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.

Sec. 10-31. Adoption of state law regarding theft of library material.

W.S.A. §943.61 regarding theft of library material, exclusive of any penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.

Sec. 10-32. Adoption of state law regarding possession of marijuana.

The provisions of W.S.A. Sec. 66.0107(1)(bm) as amended from time to time, regarding the possession of twenty-five (25) grams or less of marijuana as defined in W.S.A. Sec. 961.01(14), and subject to the exceptions in W.S.A. Sec. 961.41(3g)(intro), shall be punishable as a violation of this Code, except that any person charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in the State of Wisconsin, shall not be charged under the paragraph.

Sec. 10-33. Possession, sale of isobutyl nitrate.

No person shall manufacture, possess, use, dispense, sell or hold for sale any isobutyl nitrate, or any compound or mixture or preparation containing significant amounts of isobutyl nitrate.

Sec. 10-34. Adoption of state law regarding controlled substances.

(a) W.S.A. Sec. 961.573, as amended from time to time, regarding possession of drug paraphernalia, exclusive of penalties, is hereby adopted by reference and made an offense punishable as a violation of this Code.

(b) W.S.A. Sec. 961.574, as amended from time to time regarding manufacture or delivery of drug paraphernalia, exclusive of any penalties, is hereby adopted by reference and made an offense punishable as a violation of this Code.

(c) W.S.A. Sec. 961.575, as amended from time to time regarding delivery of drug paraphernalia to a minor, exclusive of any penalties, is hereby adopted by reference and made an offense punishable as a violation of this Code.

Sec. 10-35. Harboring minors.

No person shall, unless duly licensed under the Wisconsin Statutes or without having first obtained the permission of the parents or legal guardian of any minor or without first notifying the City Police Department of the existence of a minor described in (1) below on premises owned or operated by or under the control of such person:

(1) By any means conceal or shelter or assist in the concealing or sheltering of any minor under the age of eighteen (18) years while the minor is under the legal custody of a parent or legal guardian and while the minor is on report with any law enforcement as a “missing person”, a “runaway” or a “wanted” person; or
MISCELLANEOUS OFFENSES

Section 10-36. Loitering by minors.

(a) Definitions. As used in this Section:

Loitering means remaining idle in essentially one (1) location and shall include the concept of spending time idly; to be dilatory; to linger aimlessly; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression, “hanging around”.

Minor means any person less than eighteen (18) years of age.

(b) Loitering of minors (curfew hours). It shall be unlawful for any minor to loiter in or upon the public streets, highways, roads, alleys, parks, public buildings, premises licensed for sale of alcoholic beverages under §9-51 et seq., of this Code, vacant lots, vacant buildings, playgrounds or school grounds in the City, either on foot or in or upon any conveyance being driven or parked thereon, between the hours of 10:00 p.m. and 5:00 a.m. of the following day, Sunday through Thursday, and between 11:00 p.m. and 5:00 a.m. Friday and Saturday, unless accompanied by his or her parent, guardian or adult person having legal custody or control.

(c) Responsibility of parents. It shall be unlawful for the parent, guardian or other adult person having legal custody or control of any minor to suffer or permit or by inefficient control to allow such minor to violate this section unless the minor is accompanied by his or her parent, guardian or other adult person having legal custody or control.

(d) Penalty. Any minor who violates this section shall be penalized pursuant to section 1-18(b).

(Ord 35-92, §1, 3-18-92; Ord 87-93, §1, 6-2-93, Ord 60-99, §1, 8-22-99, Ord 117-00, §1, 12-23-00; Ord 3-20, §1, 1-14-2020)

Section 10-38. Defacement or damage of property by graffiti.

(a) Graffiti is hereby specifically declared to be a public nuisance, as defined in §12-27, affecting peace and safety.

(b) No person shall write, spray, scratch or otherwise affix graffiti upon any property whether private or public without the consent of the owner or owners of said property. Any person who shall affix graffiti to any property without the consent of the owner shall be liable for the costs of removing or covering such graffiti in addition to any fines imposed for violating §12-31. The parents of any unemancipated minor child who affixes graffiti may be held liable for the cost of removing or covering said graffiti in accordance with W.S.A. §895.035.

(c) Every owner or occupant of a structure or property defaced by graffiti shall notify the Police Department of the graffiti before removing or covering such graffiti.

(d) Every owner of a structure or property defaced by graffiti shall comply with the terms of a written notice served upon them by the Police Department to remove or cover such graffiti within seventy-two (72) hours of such notice.

(Ord 30-90, §1, 4-4-90)

Sec. 10-37. Possession or purchase of cigarettes, nicotine, vapor, and tobacco products by persons under the age of eighteen.

(a) The provisions W.S.A. §254.92 as amended regarding the possession or purchase of cigarettes, nicotine, and tobacco products by persons under the age of eighteen (18), exclusive of any penalty contained therein, is hereby adopted by reference and made an offense punishable as a violation of this Code. It shall be unlawful for anyone under the age in which that person can possess or purchase cigarettes, nicotine, or tobacco products to possess or purchase vapor products.

(b) The provisions of W.S.A. §134.66, regarding the sale or gift of cigarettes, nicotine, or tobacco products, exclusive of any monetary penalty contained therein, is hereby adopted by reference and made an offense punishable as a violation of this Code.

(c) Definitions. As used in this Section:

Vapor product means any noncombustible product or device, regardless of whether it contains nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce a vapor that is intended to be inhaled by the person using the product. “Vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device; and any cartridge or other container of a solution or other substance, regardless of whether it contains nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(d) Penalty. Any person who violates this section shall be penalized pursuant to section 1-18(b).

(Ord 41-92, §1, 4-15-92; Ord 87-93, §1, 6-2-93, Ord 60-99, §1, 8-22-99, Ord 117-00, §1, 12-23-00; Ord 3-20, §1, 1-14-2020)
notice.

(e) In the event any owner fails to comply with the above-mentioned notice, the Police Department shall have the graffiti covered or removed and all costs, fees and expenses will be assessed to such owners’ real estate taxes.

(Ord 104-92, §1, 9-16-92; Ord 124-96, §1, 12-18-96)

Sec. 10-39. Chemical propellants.

The provisions of Wisconsin Statutes §941.26 regarding chemical propellants, exclusive of any penalty, is hereby adopted by reference and made an offense punishable as a violation of this Code.

(Ord 104-92, §1, 9-16-92; Ord 124-96, §1, 12-18-96)

Sec. 10-40. Loitering.

(a) Definitions. As used in this section:

Loitering means remaining idle in essentially one (1) location and shall include the concept of spending time idly; to be dilatory; to linger aimlessly; to stay; to saunter; to delay; to stand around, and shall also include the colloquial expression, “hanging around”.

Roadway means that portion of a highway, as defined in W.S.A. §340.01(22), between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel or parking.

(b) Loitering in the roadway. It shall be unlawful for any person to loiter in or upon any roadway.

(c) Penalty. Any person who violates this section shall be penalized pursuant to §1-16 of this Code.

(Ord 91-93, §1, 6-16-93; Ord 138-94, §1, 11-16-94)

Sec. 10-41. Facsimile firearms.

(a) In this section, “facsimile firearm” means any replica, toy, starter pistol or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm. “Facsimile firearm” does not include any actual firearm.

(b) No person may carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person.

(c) No person may violate subsection (b) while on or otherwise within five hundred (500) feet of any private or public school premises.

(d) This section does not apply to any law enforcement officer acting in his or her official duties.

(Ord 104-92, §1, 9-16-92; Ord 124-96, §1, 12-18-96)

Sec. 10-42. Reserved.

(Ord 1-11, §1, 1-11-11; Ord 86-19, §1, 9-10-19)

Editor’s Note: Truancy and habitual truancy was repealed by the Common Council at the regular meeting of September 4, 2019. The repealing ordinance was published September 9, 2019 and became effective September 10, 2019.

Sec. 10-43. Adoption of state law regarding contributing to truancy.

The provisions of W.S.A. §948.45, exclusive of any provisions relating to the penalty to be imposed or the punishment for the violations thereof, are hereby adopted and made part of this section by reference and made an offense punishable as a violation of this Code.

(Ord 66-97, §1, 7-17-97)

Sec. 10-44. Adoption of state law regarding laser pointers.

The provisions of W.S.A. §941.299, exclusive of any provisions relating to the penalty to be imposed or the punishment for the violations thereof, are hereby adopted and made part of this section by reference and made an offense punishable as a violation of this Code.

(Ord 115-00, §1, 11-18-00)

Sec. 10-45. Urinating or defecating in public.

No person shall urinate or defecate outside of any designated sanitary facilities, upon any sidewalk, street, alley, public parking lot or ramp, park, playground, cemetery, or other public area or upon any private property in open view of the public or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings.

(Ord 139-01, §1, 8-20-01)

Sec. 10-46. Reserved.

(Ord 123-03, §1, 7-8-03)

Editor’s Note: This section, §10-46, smoking on City property, was repealed by the Smoke Free Indoor Air Ordinance, Ord 35-05, §1, effective 7-1-05.
Sec. 10-47. Animals at special events prohibited.

(a) Animals are prohibited on public property located within the Downtown District (Richmond Street to Drew Street/south side of Lawrence Street to north side of Washington Street) on the following special event days: Flag Day Parade, License to Cruise, Octoberfest, Christmas Parade, and any day that a planned/permitted special event would close one or more blocks within the Downtown District to normal use or traffic, except by written permission from the event permit holder for special activities in accordance with the event.

(b) Exemption to the enforcement of this chapter are dogs specially trained to lead blind or deaf persons to provide support for mobility-impaired persons, or animals to assist with emergency personnel.

(c) Animal shall have the same meaning as set forth in Section 3-1.

(Ord 30-03, §1, 2-11-03)

Sec. 10-48. Firearms restricted in certain City buildings.

(a) Definitions.

(1) Firearm means a weapon that acts by force of gunpowder.

(2) Law enforcement officer means a person who is employed by a law enforcement agency as defined in Wisconsin Statutes Section 175.49(1)(f) for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest.

(3) Weapon means a handgun, an electronic weapon as defined as Wis. Stats. §941.295 (1c)(a), a knife, or a billy club.

(b) In addition to the provisions of Wis. Stats. §175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer to enter any posted building, or portion of a posted building owned, occupied or controlled by the City of Appleton while carrying a firearm or concealed weapon.

(c) Signs meeting the requirements of Wis. Stats. §943.13(2)(bm)1 shall be posted in prominent places near all entrances of such buildings regarding such restriction.

(d) Any person who enters or remains in any aforementioned City building contrary to such signage shall be considered a trespasser subject to penalty as proscribed under §10-26 of this code.

(Ord 221-11, §1, 11-1-11; Ord 39-16, §1, 3-22-16)

10-49. Adoption of state law regarding possession of a firearm in a school zone.

W.S.A. §948.605 regarding possession of a firearm in a school zone, exclusive of the penalty, is hereby adopted by reference and made an offense punishable as a violation of this code.

(Ord 7-14, §1, 3-11-14)
ARTICLE I. IN GENERAL

Billposting prohibited ...................................................................................................... 12-2
Billposting definition .................................................................................................... 12-1
Reserved ....................................................................................................................... 12-3 – 12-25

ARTICLE II. PUBLIC NUISANCES GENERALLY

Penalty for violation of article ........................................................................................... 12-26
Public nuisance defined .................................................................................................... 12-27
Public nuisances affecting health.................................................................................. 12-28
Public nuisances offending morals and decency .......................................................... 12-29
Public nuisances affecting peace and safety ................................................................. 12-30
Public nuisances prohibited .......................................................................................... 12-31
Abatement – generally ................................................................................................... 12-32
   Responsibility for enforcement; inspections .............................................................. 12-32(a)
   Summary abatement .................................................................................................... 12-32(b)
      Order of abatement ................................................................................................ 12-32(b)(1)
      Abatement by City .................................................................................................. 12-32(b)(2)
   Nonsummary abatement by City ................................................................................. 12-32(c)
      Order to abate nuisance ......................................................................................... 12-32(c)(1)
      Abatement by City .................................................................................................. 12-32(c)(2)
      Remedy from order ............................................................................................... 12-32(c)(3)
   Authority to assess costs ............................................................................................ 12-32(d)
   Abatement in accordance with state law .................................................................... 12-32(e)
Same – collection of costs .............................................................................................. 12-33
Open cisterns, basements and other dangerous excavations ......................................... 12-34
Abandoned refrigerators and other airtight containers ............................................... 12-35
Outside storage of firewood ......................................................................................... 12-36
Composting .................................................................................................................... 12-37
Reserved ......................................................................................................................... 12-38 – 12-55

ARTICLE III. WEEDS AND WILD GROWTH

Definition ......................................................................................................................... 12-56
 Destruction of noxious weeds required ........................................................................ 12-57
Weed commissioner; destruction of weeds by City ...................................................... 12-58
Landscape maintenance .................................................................................................. 12-59
   Purpose ...................................................................................................................... 12-59(a)
   Managed natural landscaping .................................................................................. 12-59(b)
   Yard neglect ............................................................................................................ 12-59(c)
   Enforcement ............................................................................................................ 12-59(d)
Reserved ......................................................................................................................... 12-60 – 12-75

ARTICLE IV. NOISE

Definitions ......................................................................................................................... 12-76
Applicability of article; administration and enforcement ............................................. 12-77
Penalty for violation of article; abatement of noise disturbance ...................................... 12-78
Noise measurement methods ......................................................................................... 12-79
Disturbing noise generally ............................................................................................ 12-80
Prohibited acts ............................................................................................................... 12-81
Light motor vehicle noise .............................................................................................. 12-82
Variance .......................................................................................................................... 12-83
   Special variance permits ......................................................................................... 12-83(a)
      General ................................................................................................................ 12-83(a)(1)
      Special community events ................................................................................. 12-83(a)(2)
      Procedures ........................................................................................................ 12-83(a)(3)
ARTICLE V. ABANDONED PROPERTY
Disposition generally............................................................... 12-101
Abandoned vehicles.................................................................................................................. 12-102
Abandonment prohibited.............................................................. 12-102(a)
Impoundment.................................................................................. 12-102(b)
Notification of owner ....................................................................................... 12-102(c)
Disposal of vehicle .................................................................................. 12-102(d)
Responsibility for costs of impoundment and disposal .......................................................... 12-102(e)
Notice of sale or disposition .................................................................. 12-102(f)
Reserved .............................................................................................. 12-103 – 12-120

ARTICLE VI. ALARM SYSTEMS
Definitions .......................................................................................... 12-121
Purpose of article................................................................................ 12-122
Alarm permits ...................................................................................... 12-123
Duties of the alarm business......................................................................... 12-124
Exceptions to article ................................................................................ 12-125
Prohibited devices .............................................................................. 12-126
False alarm fee ..................................................................................... 12-127
Violations and penalties........................................................................ 12-128

ARTICLE VII. CHRONIC NUISANCE PREMISES
DIVISION 1. GENERALLY
Findings.......................................................................................... 12-140
Definitions.......................................................................................... 12-141
Reserved .............................................................................................. 12-142 – 12-144
DIVISION 2. PROCEDURE
Procedure...................................................................................... 12-145
Penalties and remedies ........................................................................ 12-146
Cost recovery ....................................................................................... 12-146(a)
Suspension of cost recovery .................................................................. 12-146(b)
Forfeiture ............................................................................................. 12-146(c)
Appeal ................................................................................................. 12-147
Injunction .............................................................................................. 12-148
Abatement in accordance with state law .................................................. 12-149
When nuisance is deemed abated ............................................................ 12-150
Severability ........................................................................................ 12-151

Cross reference(s)--Board of health, §2-76; health officer, §2-261; buildings and building regulations, ch. 4; unsafe buildings, §4-181; housing standards, §4-231; rodent control, §7-66; fire hazards, §6-6; littering in streets, alleys, highways, public parks or other public property, §16-8; declaration of nuisances regarding trees and other vegetation, §21-68.
State law reference(s)--Nuisances, W.S.A. §§30.294, 30.03, 31.25, 66.0415, 23.235, 94.38, 125.14, 144.449, 146.125, 146.14, 163.71, 823.01 – 823.07, 823.10, 844.20 et seq.
ARTICLE I. IN GENERAL

Sec. 12-1. Billposting; definitions.

(a) Billposting means affixing, depositing, distributing, posting, placing, painting or tacking of any handbill.

(b) Handbill means any bill, card, sign, circular, flyer, leaflet, pamphlet, paper booklet, poster or any printed or written material which does the following:

(1) Advertises any business, merchandise, product, commodity or thing;

(2) Directs attention to any business, mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting sales; or

(3) Directs attention to or advertises any meeting, theatrical performance, exhibition, entertainment or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

(c) Person means any person, firm, partnership, association, corporation, company or organization of any kind.

Sec. 12-2. Billposting prohibited.

(a) No person shall affix any handbill upon any vehicle on public or private property, unless the owner(s) of said property consents.

(b) No person shall post any handbill on any pole including utility poles, telephone poles, lampposts or poles used for an official sign, on the sidewalk, public or private, on any store, business, barn, shop or other building, either private, municipal or public, or on any fence, bridge, wall or other building or structure except the following:

(1) A dwelling under the following conditions:

a. Handbills are securely affixed.

b. Handbills are distributed only during daylight hours.

c. No person shall distribute, deposit or place a handbill upon any dwelling which is temporarily or continuously uninhabited or vacant.

(d) No person shall distribute, deposit or place upon any dwelling a handbill without the name, address and phone number of the person causing the handbill to be distributed, deposited or placed.

(e) No person shall distribute, deposit or place upon any dwelling a handbill that contains obscene or harmful material as defined by WSA §948.11.

(2) A billboard.

(c) This section shall not apply to notices, warnings or other communications by, or on behalf of, the City.

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18; licenses, permits and business regulations, ch. 9

Secs. 12-3 – 12-25. Reserved.
ARTICLE II. PUBLIC NUISANCES
GENERALLY*

Sec. 12-26. Penalty for violation of article.

Any person who shall violate any provision of this article shall be subject to a penalty as provided in §1-16. (Code 1965, §9.05)

Sec. 12-27. Public nuisance defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

(2) In any way render the public insecure in life or in the use of property.

(3) Greatly offend the public morals or decency.

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water, or other public way or the use of public property.

(Code 1965, §9.02(1))

Cross reference(s) – Sanitary facilities required for housing, §4-238. Definitions and rules of construction generally, §1-2.

State law reference – Nuisances, W.S.A. §823.01, et seq.


The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the provisions of §12-27.

(1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.

(3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

(4) Any pit, hole, excavation, gully, ditch or depression of any nature whatsoever wherein water is accumulated and retained for more than seventy-two (72) hours, except that stormwater conveyance systems or water quality devices installed or maintained by the City; or permitted stormwater control practices installed and maintained on public or private property, are not included.

(5) Privy vaults and garbage cans which are not flytight.

(6) All noxious weeds and other rank growth of vegetation.

(7) All domestic animals running at large.

(8) 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.

(9) Any use of property substances or things within the city emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the city.

(10) 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.

(Code 1965, §9.02(2); Ord 118-08, §1, 7-8-08)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 12-29. Public nuisances offending morals and decency.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the provisions of §12-27.

(1) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(2) All gambling devices and slot machines.

(3) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored,
brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the City.

(4) Any place or premises within the city where City ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(5) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State or ordinances of the City.

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

State law reference(s) – Similar provisions W.S.A. §823.09 et seq.

**Sec. 12-30. 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 coming within the provisions of §12-27.

(1) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.

(2) All buildings erected, repaired or altered within the fire limits of the city in violation of the provisions of the ordinances of the City relating to materials and manner of construction of buildings and structures within the district.

(3) Any unauthorized sign, signal, marking or device placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.

(4) 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 limbs of trees, hedges, bushes or plantings which project over and less than fourteen (14) feet above any public street, or over and less than ten (10) feet above any public sidewalk, or other public place.

(6) All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(7) All use or display of fireworks except as provided by the laws of the State and ordinances of the City.

(8) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

(9) All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.

(10) The keeping or harbing of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises greatly annoys or disturbs a neighborhood or any considerable number of persons within the city.

(11) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under streets, alleys, sidewalks or crosswalks, except as permitted by the ordinances of the City, or obstructions which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.

(12) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

(13) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk, or use of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(14) Repeated or continuous violations of the ordinances of the City or laws of the State relating to the storage of flammable liquids.

(15) All snow and ice not removed or sprinkled with a material which accelerates melting or prevents slipping as provided in §16-10.

(16) All junked, disassembled, inoperable or wrecked motor vehicles, or parts thereof, which have been allowed to remain outside of any building upon
public or private property for a period in excess of three (3) days, unless in connection with an automotive sales or repair business located in a properly zoned area.

(17) Any construction debris or materials, unsightly debris, trash, wood, brick, washing machines, refrigerators or junk such as may tend to depreciate property values or be detrimental to the appearance, neatness and cleanliness of the neighborhood, provided that nothing in this subsection shall prohibit reasonable storage of construction materials during the construction of any building or structure.

(18) All motor vehicles allowed to remain outside of a building on private or public land which are not currently licensed or operable.

(19) All leaves and other yard waste debris blocking the safe passage of any sidewalk

(Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.)

Sec. 12-31. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

(State law reference(s) – Public nuisances, W.S.A. §146.14, §823.01, et seq.)

Sec. 12-32. Abatement – generally.

(a) Responsibility for enforcement; inspections. It shall be the duty of each department head to enforce those provisions of this chapter that come within the jurisdiction of their respective offices, and each department head shall make or cause to be made periodic inspections and inspections upon complaint to ensure such provisions are not violated. No action shall be taken under this section 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 has satisfied himself that a nuisance does in fact exist.

(b) Summary abatement.

(1) Order of abatement. If the inspecting officer determines that a public nuisance exists within the city and that there is imminent danger to the public health, safety, peace, morals or decency, he may, without notice or hearing, issue an order reciting the existence of a public nuisance constituting imminent danger to the public and requiring immediate action be taken as he deems necessary to abate the nuisance. Notwithstanding any other provisions of this article, the order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately.

(2) Abatement by City. Whenever the owner or occupant shall refuse or neglect to remove or abate the condition described in the order, the inspecting officer shall, in his discretion, enter upon the premises and cause the nuisance to be removed or abated and the City shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

(c) Nonsummary abatement by City.

(1) Order to abate nuisance. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals or decency, he shall issue an order reciting the existence of a public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The order shall be served personally on the owner of the building, as well as the occupant if different from the owner and applicable to the described nuisance, or, at the option of the inspecting officer, the notice may be mailed to the last known address of the person, to be served by certified mail with return receipt. If the owner or the occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a Class 3 notice under W.S.A. Chapter 985. The time limit specified in the order runs from the date of service or publication.

(2) Abatement by City. If the owner or occupant fails or refuses to comply within the time period prescribed, the inspecting officer shall enter upon the premises and cause the nuisance to be removed or abated and the City shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.
(3) **Remedy from order.** Any person affected by such order shall, within thirty (30) days of service or publication of the order, apply to the Circuit Court for an order restraining the City and the inspecting officer from entering on the premises and abating or removing the nuisance, or be forever barred. The court shall determine the reasonableness of the order for abatement of the nuisance.

(d) **Authority to assess costs.** The cost of the abatement or removal of a nuisance under this section shall be collected from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance, if applicable, has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(e) **Abatement in accordance with state law.** Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State. (Code 1965, §9.03; Ord 2-08, §1, 1-8-08)

**Sec. 12-33. Same – collection of costs.**

In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuous or maintenance of a public nuisance, the cost of abatement of a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

**Sec. 12-34. Open cisterns, basements and other dangerous excavations.**

No person shall have or permit on any premises owned or occupied by him any open cistern, cesspool, well, unused basement, excavation or other dangerous opening. All such places shall be filled, securely covered or fenced in such a manner as to prevent injury to any person, and any cover shall be of such a design, size and weight that the cover cannot be removed by small children. (Code 1965, §8.01(6))

**Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.**

**Sec. 12-35. Abandoned refrigerators and other airtight containers.**

No person shall leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended or discharged icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may be not released from the inside, without first removing the door or lid, snap lock or other locking device from the icebox, refrigerator or container. (Code 1965, §8.01(7))

**Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.**

**Sec. 12-36. Outside storage of firewood.**

No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of fourteen (14) days from the date of its delivery. Firewood shall be neatly stacked and may not be stacked closer than one (1) foot to any lot line and not higher than five (5) feet from grade, except adjacent to a fence, where firewood can be stacked against the fence, where firewood can be stacked against the fence as high as the fence. All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises. Not more than ten percent (10%) of the side yards and rear yard may be used for storage of firewood at any one time. The definitions of the City Zoning Code apply to this section, except that the word “fence” shall not include a hedge or other vegetation. (Code 1965, §22.12)

**Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.**

**Sec. 12-37. Composting.**

(a) **Purpose and intent.** The purpose of this section is to promote the recycling of yard waste and food scraps through composting, and to establish minimum standards for proper compost maintenance.

(b) **Exemptions. Composting done by the following parcels is exempt from this section:**

(1) Parcels that are zoned Agriculture or have obtained a Special Use as an Urban Farm, in accordance with Sec. 23-66(h)-(m) of the Zoning Ordinance.

(2) Parcels owned by the City of Appleton or are being used by the City of Appleton for municipal composting purposes.

(c) **Definitions.**

(1) **Composting** shall mean a controlled biological reduction of organic wastes to humus.

(2) **Compost barrel or barrel** shall mean a barrel
made of metal or plastic, fifty-five (55) gallons or larger, with a minimum of six (6) rows to a maximum of nine (9) rows of one-half (½) inch holes drilled into the barrel for ventilation, with a block or stone pedestal base for water release.

(3) **Compost bin or bin** shall mean a bin that is enclosed and free standing, constructed of rot-resistant wood such as cedar, arsenic free treated wood, plastic lumber, metal post and woven wire or hardware cloth. Bins shall be fastened to the ground to form stability. A bin shall be no at minimum three (3) feet tall and at maximum five (5) feet tall, with a minimum width of three (3) feet and a maximum width of five (5) feet. Yard waste shall mean leaves, grass clippings, garden debris and brush.

(4) **Compost pit or pit** shall mean a pit in the ground that is a minimum of two (2) feet deep and a maximum of four (4) feet deep and covered at all times with a minimum of one (1) inch to a maximum of three (3) inches of soil.

(5) **Compost trench or trench** shall mean a trench in the ground that is at minimum eighteen (18) inches deep and covered at all times with a minimum of one (1) inch to a maximum of three (3) inches of soil.

(6) **Food scraps** shall mean raw fruits and vegetables and other food remains, such as, but not limited to, apples (peels and cores), cabbage, carrots, celery, coffee (grounds and filters), clean egg shells, grapefruit, lettuce, onion peels, orange peels, pears, pineapple, melon rinds, potatoes, pumpkin shells, squash, tea leaves, tomatoes, turnip leaves, etc.

(7) **Yard waste** shall mean leaves, grass clippings, garden vegetation and brush.

(d) **Maintenance.** All compost bins, pits, trenches, and barrels shall be maintained using approved composting structures and procedures to comply with the following requirements:

(1) Yard waste composting: Yard waste shall be composted in bins. Yard waste must be turned every one (1) to two (2) weeks. Yard waste bins may also contain food scrap. Any yard waste bin that is also used to compost food scraps must have a lid with a latching assembly system.

(2) Food scrap composting: Food scraps may be composted in bins, pits, trenches or barrels. Food scraps must be turned or tilled with soil every two (2) to three (3). Barrels and bins must have a lid with a latching assembly system.

(3) Should there be signs or evidence of rodents in or near a compost barrel, bin, pit, or trench, the Health Department must be notified and shall be authorized proceed under Sections 7-67 and 7-68.

(4) Should there be any unpleasant odor from the compost bin, barrel, pit or trench, steps must be taken immediately to abate the odor.

(e) **Location.**

(1) Compost bins, pits, trenches, and barrels shall be located in the rear yard only.

(2) Compost bins, pits, trenches and barrels shall be at least three (3) feet from the side and rear property line.

(3) Subsections (e)(1) and (e)(2) shall not apply to a compost bin, pits, trenches, and barrels located in a side yard substantially screened from view from the street and from the ground level of the adjacent residences by shrubs and other plantings or by fencing, provided that such plantings or fencing shall at all times exceed the height of the compost bin or pile by no less than one (1) foot.

(f) **Ingredients.**

(1) No compost bins, pits, trenches, and barrels shall contain any of the following:

a. Lakeweeds;

b. Cooked food scraps, except coffee grounds and tea leaves;

c. Fish, meat or other animal products;

d. Dairy products;

e. Large items that will impede the composting process.

(2) Permitted ingredients in a compost bins, pits, trenches, and barrels shall include:

a. Yard waste;
b. Food Scraps;

c. Commercial compost additives.

(g) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this section. Compost material generated shall be for private use only; to be used on the same parcel it was generated. Compost may not be sold.

(h) **Penalty.** Any person violating this section shall be subject to a forfeiture of not less than ten dollars ($10.00) or more than two hundred dollars ($200.00). Each day such violation continues shall be considered a separate offense.

(Ord 66-15, §1, 9-8-15)

**Secs. 12-38 – 12-55. Reserved.**
ARTICLE III. WEEDS AND WILD GROWTH*

Sec. 12-56. Definition.

For purposes of this article, noxious weeds shall mean the weeds defined in W.S.A. §66.0407, which is hereby adopted and made a part of this article, and shall also include common ragweed (Ambrosia atemisiifolia), giant ragweed (Ambrosia trifida) and burdock (Actrium spp.).

(Code 1965, §22.06(2))

Cross reference(s) – Definitions and rules of construction generally, §1-2.

Sec. 12-57. Destruction of noxious weeds required.

Every person shall destroy all noxious weeds on every parcel of land which he owns, occupies or controls.

(Code 1965, §22.06(1))

Sec. 12-58. Weed Commissioner; destruction of weeds by City.

(a) The Weed Commissioner, who shall be the Inspections Supervisor, shall have the powers and duties enumerated in this article and in W.S.A. §66.0407, except that he shall receive no compensation for his services other than his regular salary.

(b) An administrative fee shall be charged for the inspection of non-compliant properties. All fees shall be on file with the Department of Public Works.

(c) The Weed Commissioner shall destroy or cause to be destroyed noxious weeds, and is further empowered to enter upon public and private lands and to cut or remove the accumulation or growth of weeds, grass, brush or other rank or offensive vegetation which has grown to a height greater than the following heights:

(1) On developed lots, regardless of location in the city, eight (8) inches;

(2) On undeveloped lots, regardless of location in the city, twelve (12) inches.

(d) Developed lot shall be defined as one with a finished building or building under construction.

(e) The administrative fee for multiple adjacent properties or a new subdivision by phase per event shall be no more than five (5) times the fee for a single lot.

(f) Property in the city, but not yet served by City sewer and water or permitted utilities, shall be exempt from the provisions of this section, except for noxious weeds.

(g) Noxious weeds shall be eliminated under this notice and charge provisions of W.S.A. §66.0517. All other weed elimination or vegetation control shall be charged as a special charge for current services rendered under W.S.A. §66.0627, with or without notice to the property owner.

(Code 1965, §22.06(3) – (5); Ord 15-92, §1, 4-1-92; Ord 174-93, §1, 10-19-93; Ord 30-07, §1, 2-27-07; Ord 8-14-, §1, 3-11-14)

*Cross reference(s) – Sanitary facilities required for housing, §4-238.

State law reference(s) – Nuisances, weeds, W.S.A §23.235 through §66.0517.

Sec. 12-59. Landscape maintenance.

(a) Purpose. The use of wildflowers and other native plants in a managed landscape design can be economical, low-maintenance and effective in soil and water conservation. However, it is not the intent of this section to allow vegetated areas to be completely unmanaged or overgrown.

Areas that present either a direct health hazard or provide a demonstrated breeding ground for fauna known to create a safety or health hazard will not be permitted. Certain noxious weeds defined in this section are recognized indicators of neglect. The City recognizes the desirability of permitting natural vegetation within the city limits while maintaining public health and safety at the same time.

(b) Managed natural landscaping.

(1) Native and naturalized plants including, but not necessarily limited to, ferns, wildflowers, grasses, shrubs and trees may be grown in a managed landscape design provided said plants were not obtained, or are not growing, in violation of any local, state or federal laws.

(2) Nuisance weeds and noxious weeds are defined by W.S.A. §23.235 and §66.0407, respectively, as amended, and also include those weeds set forth is §12-56. Such weeds are prohibited in all cases and shall be subject to destruction under §12-59 and §12-58.

(3) Natural landscape areas shall be set back a minimum of seven (7) feet from all property lines and driveways unless the property is abutted by a roadway, fence or similar barrier separating it from adjoining residential properties, then the natural landscaping may be planted up to the property line (inside the sidewalk).

(4) Natural landscape areas shall be subject to §6-6 governing fire hazards. Those areas located within residential districts and
containing dense plantings of tall grasses (in excess of 8”) or similar light weight fuels (as determined by the Fire Department) shall be limited in area to two hundred (200) square feet, separated from other like areas according to the setback requirements in sec. (3) and set back a minimum of seven (7) feet from all structures.

(5) This section shall not apply to properties owned by governmental entities or where federal, state or local regulations provide otherwise.

(c) **Yard neglect.**

(1) Any front, side or rear yard area of a residence, business, institutional or industrial use, including any area between an installed sidewalk and the street, shall be maintained with a lawn, shrubbery, plantings or other surface treatment consistent with this section.

(2) Rank or unmanaged growth of vegetation identified in state or local codes is not permitted and is declared to be a public nuisance.

(3) Yards, including any area between the installed sidewalk and the curb, with a common stand of turf grass is higher than eight (8) inches is declared to be in a state of neglect and a public nuisance.

(Ord 73-14, §1, 10-12-14)

(d) **Enforcement.** Failure to correct a violation of this section may result in weed elimination as defined in §12-58 of this ordinance and penalties as provided in §1-16.

(Ord 11-98, §1, 2-18-98, Ord 13-02, §1, 3-11-02)

Secs. 12-60 – 12-75. Reserved.
ARTICLE IV. NOISE*

Sec. 12-76. 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:

**ANSI** means American National Standards Institute or its successor bodies.

**A-weighted sound level** means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

**Ambient noise** means the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

**Background noise level** means the sound from all sources, with a single source in question removed.

**Commercial area** means any area of the city designated on the Official Zoning Map C-O, C-1, C-2 or CBD.

**Construction** means any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

**Day** means the hours between 7:00 a.m. and 10:00 p.m. central standard or daylight savings time when in effect.

**Decibel or dB** means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

**Demolition** means any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

**Emergency** means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

**Emergency work** means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**Fluctuating sound** means a sound whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.

**Frequency** means the reciprocal of the primitive period of a function periodic in time. The unit is the cycle per unit time and must be specified; typically this unit will be hertz (hz), i.e., cycles per second.

**Gross vehicle weight rating or GVWR** means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

**Industrial area** means any area of the city designated on the Official Zoning Map M-1 or M-2.

**Light motor vehicle** means any automobile, van, motorcycle, motor-driven cycle, motor scooter or light truck with a gross vehicular weight of less than eight thousand (8,000) pounds.

**Motor vehicle** means a vehicle which is self-propelled, including, but not limited to, cars, trucks, motorcycles, motorbuses, motorhomes, snowmobiles, truck trailers, and motor bicycles.

**Muffler or sound dissipative device** means a device for abating the sound of escaping gases of an internal combustion engine.

**Night** means the hours between 10:00 p.m. and 7:00 a.m., standard time or daylight savings time when in effect.

**Noise** means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**Noise disturbance** means any sound which:

1. Endangers or injures the safety or health of humans or animals;
2. Annoys or disturbs a reasonable person of normal sensitivities; or
3. Endangers or injures personal or real property.

**Public right-of-way** means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity.

**Public property** means any real property or structures thereon which are owned or controlled by a governmental entity, including, but not limited to, parks, streets and alleys.
Real property boundary means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

Residential area means any area of the city designated on the Official Zoning Map AG, R-1A, R-1B, R-1C, R-2, R-3, P-1 and NC.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics of sound, including duration, intensity and frequency.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4 – 1971 or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument which includes a microphone, amplifier, output meter, and weighting networks used to measure sound pressure levels. (Code 1965, §22.09(2); Ord 69-07, §1, 3-27-07)

Cross reference(s) – Definitions and rules of construction generally, §1-2. Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

State law reference(s) – Boat noises, W.S.A. §30.62; noises generally, automobiles, W.S.A. §347.38; snowmobiles, W.S.A. §350.10

Sec. 12-77. Applicability of article; administration and enforcement.

Noise is a serious hazard to the public health, welfare, safety and quality of life. A substantial body of science and technology exists by which excessive sound may be substantially abated. The people have a right to an environment free from excessive sound that may jeopardize their health, welfare, or safety, or degrade the quality of life. This article shall apply to the control of noise originating within the corporate limits of the city. It is the policy of the city to prevent noise that may jeopardize the health and welfare or safety of its citizens or degrade the quality of life. It shall be the duty of the Health Department or the Police Department to administer and enforce the provisions of this article.

Sec. 12-78. Penalty for violation of article; abatement of noise disturbance.

Any person who shall violate any provisions of this article shall be subject to penalty as provided in §1-16. In addition to forfeiture, this article may be enforced by injunction, nuisance abatement or other appropriate legal or equitable action. Noise as defined in this article, together with specific prohibited acts of noise disturbance, are hereby deemed and declared to be a public nuisance subject to nuisance abatement proceedings. (Code 1965, §22.09(9))

Sec. 12-79. Noise measurement methods.

(a) Measurement shall be made at or beyond the property line of the property on which such noise is generated or at or within the property line of the property on which such noise is perceived, as appropriate. Measurement shall be done approximately four (4) feet above the ground and at least three (3) feet from large reflecting surfaces such as building walls.

(b) Measurement of sound shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 - 1971) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI S1.6-19600 or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order.

(c) When a sound level meter is used, it shall be set to the A-weighting scale and in the FAST response mode. A windscreen shall be mounted on the microphone and the noise limitations shall be the A-scale levels set forth in Tables I and II. An octave band analyzer may be employed when there is a concentration of sound energy within a limited number of bands, but its use shall not be restricted to such situations. When an octave band analyzer is used, a standard octave band analysis shall be conducted that spans the frequency range set forth in Tables I and II.

Sec. 12-80. Disturbing noise generally.

No person shall make or cause to be made any loud, disturbing, fluctuating or unnecessary sounds or noises such as may tend to annoy or disturb a reasonable person. (Code 1965, §8.02(3); Ord 139-94, §1, 11-16-94)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 12-81. Prohibited acts.

(a) No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set for the zone categories in Table I, provided however, that when sound is emitted from an industrial zone into a residential zone or commercial zone, or from a commercial
zone into a residential zone, the limits set forth in Table II shall apply.

(b) No person shall operate, play, or permit the operation or playing of any radio, television, phonograph, musical instrument, sound amplifier or similar device in such a manner as to create a noise disturbance.

(c) No person shall own, possess or harbor any animal or bird which frequently or for continued duration makes sound which creates a noise disturbance.

(d) No person shall operate or permit the operation of any mechanical power saw, drill, sander, grinder, lawn or garden tool, lawnmower, snow removal equipment or any similar device, necessary for the maintenance of property, in a manner which creates a noise disturbance. Such devices that are kept in good repair and, when new, would not comply with the standards set forth in this article, shall be exempt provided they are reasonably used for property maintenance. No such equipment, except snow removal equipment, shall be operated at night.

(e) No person shall sound or permit the outdoor sounding of any fire alarm, burglar alarm, civil defense alarm, siren, horn, whistle or similar emergency signaling device, except for emergency purposes or for testing. Any testing shall be performed during the day.

(f) No person shall operate any motor vehicle unless such motor vehicle is equipped with an adequate muffler in constant operation and property maintained to prevent excessive or unusual noise. The provisions of W.S.A. §347.39 are hereby adopted by reference and made a part of this section.

(g) No operator shall accelerate a motor vehicle so as to emit an unnecessary noise as a result of the friction caused between the tire and the surface on which the vehicle travels or to cause the tires to throw stones or gravel when in the process of accelerating. (Code 1965, §8.03(3)(a); §22.09(5))

(h) It shall be unlawful for any vehicle equipped with a compression braking device (jake brakes) to use this device to contain the engine’s compression, thus rapidly slowing the engine’s revolutions per minute and the vehicle’s speed, except in cases of extreme emergency.

(i) Exemptions. The following activities shall be exempt from the regulations of this section:

(1) The daytime criteria, as set forth in Tables I and II, shall not apply to construction sites, demolition sites, public utilities, and public works projects and operations during daytime hours Monday through Saturday, inclusive; however, the noise production shall be minimized through proper equipment operations and maintenance. Stationary equipment on construction projects lasting more than ten (10) days within residential districts shall be shielded or located to prevent unnecessary noise.

(2) Emergency short term operations which are necessary to protect the public health, safety and welfare of the citizens, including emergency utility and public works operations.

(3) Essential operations and noises required by law relating to the public health, safety and welfare, including, but not limited to, law enforcement, firefighting and rescue and sanitation activities.

(4) When the background noise level is above a noise limitation, a source may add no more than 2 dB to the background level.

(Code 1965, §22.09(3), (7); Ord 171-01, §1, 10-8-01)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18; traffic and vehicles, ch. 19

TABLE I

Maximum Permissible Sound Pressure
(Levels in Decibels re .0002 Microbars)

7:00 A.M. to 10:00 P.M.

<table>
<thead>
<tr>
<th>Octave Band Center Frequency (Hz)</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.5</td>
<td>70</td>
<td>80</td>
<td>86</td>
</tr>
<tr>
<td>63</td>
<td>69</td>
<td>79</td>
<td>85</td>
</tr>
<tr>
<td>125</td>
<td>64</td>
<td>73</td>
<td>80</td>
</tr>
<tr>
<td>250</td>
<td>58</td>
<td>65</td>
<td>75</td>
</tr>
<tr>
<td>500</td>
<td>52</td>
<td>59</td>
<td>69</td>
</tr>
<tr>
<td>1000</td>
<td>47</td>
<td>53</td>
<td>63</td>
</tr>
<tr>
<td>2000</td>
<td>42</td>
<td>47</td>
<td>58</td>
</tr>
<tr>
<td>4000</td>
<td>38</td>
<td>42</td>
<td>54</td>
</tr>
<tr>
<td>8000</td>
<td>35</td>
<td>40</td>
<td>51</td>
</tr>
</tbody>
</table>

A-scale levels 57 dB (A) 63 dB (A) 72 dB (A)
### TABLE II

**Maximum Permissible Sound Pressure**
(Levels in decibels re .0002 Microbars)

<table>
<thead>
<tr>
<th>Octave Band Center Frequency (Hz)</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
<th>Commercial</th>
<th>Residential</th>
<th>Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.5</td>
<td>69</td>
<td>72</td>
<td>81</td>
<td>75</td>
<td>74</td>
<td>72</td>
</tr>
<tr>
<td>63</td>
<td>68</td>
<td>71</td>
<td>80</td>
<td>69</td>
<td>68</td>
<td>65</td>
</tr>
<tr>
<td>125</td>
<td>62</td>
<td>66</td>
<td>75</td>
<td>64</td>
<td>63</td>
<td>57</td>
</tr>
<tr>
<td>250</td>
<td>54</td>
<td>60</td>
<td>70</td>
<td>58</td>
<td>57</td>
<td>51</td>
</tr>
<tr>
<td>500</td>
<td>48</td>
<td>54</td>
<td>64</td>
<td>52</td>
<td>51</td>
<td>45</td>
</tr>
<tr>
<td>1000</td>
<td>42</td>
<td>49</td>
<td>58</td>
<td>47</td>
<td>46</td>
<td>39</td>
</tr>
<tr>
<td>2000</td>
<td>36</td>
<td>44</td>
<td>53</td>
<td>43</td>
<td>42</td>
<td>34</td>
</tr>
<tr>
<td>4000</td>
<td>31</td>
<td>40</td>
<td>49</td>
<td>40</td>
<td>39</td>
<td>32</td>
</tr>
<tr>
<td>8000</td>
<td>29</td>
<td>37</td>
<td>46</td>
<td>61 dB (A)</td>
<td>60 dB (A)</td>
<td>55 dB (A)</td>
</tr>
<tr>
<td>A-scale levels</td>
<td>52 dB (A)</td>
<td>58 dB (A)</td>
<td>67 dB (A)</td>
<td>61 dB A</td>
<td>60 dB A</td>
<td>55 dB A</td>
</tr>
</tbody>
</table>

### TABLE III

**Passby Vehicle Sound Limits**

Weighted and sound level limits for operation on roadways specified at fifty (50) feet from the centerline of the vehicle travel lane:

<table>
<thead>
<tr>
<th></th>
<th>Weighted</th>
<th>Sound level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Posted Speed Zone**

- Greater than 45 mph: 78 dB
- 45 mph or less: 72 dB
- 35 mph or less, level roadways, constant speed cruise: 70 dB
- 200 feet or more from intersection: 74 dB

### Sec. 12-82. Light motor vehicle noise.

No person shall cause noise levels from the operation of a light motor vehicle and motorcycles in excess of the sound levels set forth in tables III and IV below.
TABLE IV

Stationary Vehicle Sound Limits

Weighted sound level limits for stationary vehicles. Vehicle exhaust noise tests measurements at twenty (20) inches from exhaust outlet:

- Automobile, Vans, Light Trucks, GVWR 8,000 lbs. 95 dB
- On-highway motorcycles 99 dB

Add 2 dB for rear and mid-engine vehicles. Tests shall be conducted at an engine test speed of 3,000 RPM or one-half the indicated engine red line.

(Code 1965, §22.09(6))

Sec. 12-83. Variances.

The City of Appleton Board of Health, upon final approval by the Common Council, shall have the authority, consistent with this section, to grant variances in accordance with the following provisions.

(a) Special Variance Permits.

(1) General. A special variance permit may be issued upon request provided that the work producing such noise is necessary to promote the public health or welfare and reasonable steps are taken to keep such noise at the lowest practical level.

(2) Special Community Events. A variance may be issued for special events and similar gatherings, festivals, presentations and the like, which are limited in duration and are generally acceptable to the people of the community provided that precautions are taken to maintain the noises produced at the lowest practical level. The Health Officer, or designee, is authorized to issue a variance pursuant to this section upon receiving a complete application for an event meeting this section’s criteria. Applications that are not approved shall, upon timely request of the applicant, be reviewed by the Board of Health at their next regularly scheduled meeting.

(3) Procedures. Any person seeking a special variance permit pursuant to this section shall file an application with the Health Officer, to be submitted to the Board of Health, forty-five (45) days prior to commencement of the event or activity for which the variance permit is requested. The Board of Health, however, may waive the time limit when compliance therewith is impractical. The application must be made in writing and shall contain all the following pertinent information:

- a. Dates required.
- b. Time and place of operation.
- c. Equipment operation involved.
- d. Necessity for such permit.
- e. Steps to be taken to minimize noise.
- f. Name of responsible person who will be present at the operation site while the noise is produced.

(4) Issuance. Upon final approval by the Common Council, a special variance permit shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by applicant. Noncompliance with any condition of these special variance permits shall terminate the permit and subject the person holding it to compliance with this article.

(5) Extension or modification. Application or extension of time limits specified in special variance permits or for modification of other substantial conditions shall be treated like applications for initial special variances.

(b) Conditional Variances.

(1) It may not be technically or economically feasible for certain commercial or industrial sources of sound to comply with the standards set forth herein. Therefore, the Board of Health may grant variances from this section if it finds that strict compliance is unreasonable because:

- a. Conditions are beyond the control of the person requesting such variance.
- b. Special circumstances exist which would render strict compliance impractical.
- c. Strict compliance would result in substantial curtailment or closing down of a business, plant, operation or the like.
d. Control technology is unavailable or available only at a prohibitive cost.

e. No other alternative facility or method is available.

(2) **Application.** Application for a variance permit under this subsection shall be made in writing to the Health Officer for submittal to the Board of Health. Such application shall specify the grounds upon which the variance permit is sought and the date by which the source of any excess noise for which the variance is sought shall be brought into compliance with this section. An application for a variance permit shall be considered timely made if filed within thirty (30) days following due notification that it is in violation of this section. The proper filing of an application within such time shall toll all penalties provided in this section for any such violation until a final decision has been issued on the merits of such application. The Board of Health, within a reasonable amount of time, shall give public notice of the receipt of an application for a variance permit.

(3) **Permit.** Within a reasonable time following receipt of an application for a variance permit and after public notice thereof has been given, the Board shall grant such permit to an applicant if the Board finds that immediate compliance with the noise limitations as set forth in this section would result in unnecessary hardship to the applicant. In making the determination, the Board of Health shall balance the hardship to the applicant, the community, and other persons of not granting the variance, against the adverse impact on health, safety, and welfare of persons affected, the adverse effect on property affected and any other adverse impacts of granting the variance. Any person who claims to be adversely affected by the allowance of the variance permit may file a statement with the Board of Health containing information to support the claim. The Board of Health may require the applicant to submit information not contained in the application which may be necessary for making a determination under this subsection. Within five (5) days following the determination, the Board of Health shall place on file with the City Clerk a copy of the decision which shall specify the reasons for denying or granting the variance permit.

(4) **Conditions.** Upon final approval by the Common Council, the Health Officer shall issue a variance permit under such conditions as are necessary to protect the public health, safety, and welfare, including a schedule for achieving compliance with noise limitations. Variances exceeding two (2) years may be granted only in exceptional cases, including those for which, in the opinion of the Board of Health, control technology is unavailable or available only at a prohibitive cost. Non-compliance with any conditions imposed on the variance shall terminate the variance and subject the person holding it to those provisions of this section for which the variance permit was granted.

(5) **Extension and Modification.** Application for extension of time limits or modification of other conditions specified in the variance permit shall be treated like applications for an initial variance, except that the Board of Health must find that the need for such extension or modification clearly outweighs any adverse impacts of granting the extension or modification.

(6) **Appeals.** Any applicant or other person aggrieved by the decision of the Board of Health or Common Council may seek such other legal relief as may be available.

(Ord 173-08, §1, 11-25-08)

**Cross reference(s)** – Board of Health, §2-76, et seq.

Sec. 12-84. Sounding locomotive whistle.

No railroad company or any of its agents, servants or employees shall blow any whistle on any engine within the limits of the city, except in those cases prescribed and designated by the laws of Wisconsin. This section does not prohibit the blowing of any whistle as a signal warning in cases of peril, fire or collision or other imminent danger.

(Code 1965, §8.02(3); Ord 137-92, §1, 12-16-92, Ord 84-00, §1, 10-7-00)

Sec. 12-85. Adoption of state law regarding sound-producing devices; impoundment; seizure and forfeiture.

W.S.A. §66.0411 regarding impoundment, seizure and forfeiture of sound-producing devices in violation of this article is hereby adopted by reference and made an offense punishable as a violation of this code.

(Ord 89-96, §1, 9-18-96)
Sec. 12-86. Commercial and industrial construction

New or substantially modified structures on land used or zoned as commercial or industrial shall be subject to site plan review to evaluate compliance with the provisions of this code.

Sec. 12-87. Radio or other electric sound amplification device – prohibited.

No person or business may use a radio or other similar electric sound amplification device so that sound emitting from said radio or amplification device is audible under normal conditions from a distance of seventy-five (75) or more feet.

(Ord 84-05, §1, 8-23-05)

Secs. 12-88 – 12-100. Reserved.
ARTICLE V. ABANDONED PROPERTY*

Sec. 12-101. Disposition generally.

The provisions of W.S.A. §66.0139 are hereby adopted by reference. Except as otherwise provided in this article, all personal property which has been abandoned or remains unclaimed for a period of thirty (30) days, including bicycles or parts thereof, may be disposed of by public sale, private sale, conversion to public use, donation to charity, or disposed of by junking or salvage. The method of disposal shall be at the sole option of the Police Department. If the owner of the property is known, the thirty (30) day period shall commence on the date of mailing of a notice by regular mail to owner’s last known address. If ownership is unknown, the thirty (30) day period shall commence on the date the property is taken into possession by the Police Department. Any property remaining unclaimed beyond the thirty (30) day period shall be subject to a storage fee in the amount on file in the Police Department, commencing with the expiration of the thirty (30) day period and continuing until the property is reclaimed or disposed of.

(Code 1965, §10.18(6))

Sec. 12-102. Abandoned vehicles.

(a) Abandonment prohibited. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any City street or highway or on any public or private property within the City for more than forty-eight (48) hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(b) Impoundment. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under subsection (d) of this section, except that if the Police Chief determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the City prior to expiration of the impoundment period upon determination by the Police Chief or his duly authorized representative that the vehicle is not wanted for evidence or other reason.

(c) Notification of owner. Any vehicle which is deemed abandoned and not disposed of under subsection (b) shall be retained in storage for a minimum period of ten (10) days after certified mail notice has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle.

(d) Disposal of vehicle. Each retained vehicle not reclaimed by its owner or lienholder may be sold pursuant to W.S.A. §342.40.

(e) Responsibility for costs of impoundment and disposal. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the City against the owner.

(f) Notice of sale or disposition. Within five (5) days after the sale or disposal of a vehicle as provided in subsection (d) of this section, the Police Chief shall advise the State Department of Transportation, Division of Motor Vehicles, of such sale or disposition, on a form supplied by the division. A copy of such form shall also be given to the purchaser of the vehicle.

(Code 1965, §10.18(1) – (5); Ord 51-92, §1, 5-6-92; Ord 4-93, §1, 1-6-93, Ord 3-05, §1, 1-11-05)

Cross reference(s) – Traffic and vehicles, ch. 19

State law reference(s) – Abandoned vehicles, W.S.A. §342.40

Secs. 12-103 – 12-120. Reserved.
ARTICLE VI. SECURITY ALARM SYSTEMS*

Sec. 12-121. 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, property owner, firm, partnership or corporation who alters, installs, leases, maintains, repairs, replaces or services an alarm system or which causes any of these activities to take place.

**Alarm user** means any person, property owner, firm, partnership, corporation or governmental entity whose premise has an alarm system.

**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. Alarm system does not include an alarm installed on a vehicle.

**Calendar year** means the twelve- (12-) month period beginning January 1 and ending December 31.

**Central monitoring station** means a central location where remote detection devices installed at the premise of an alarm user automatically transmits a signal and the central location is manned twenty-four (24) hours a day by trained operators who monitor, receive, record, verify, validate or report the signal.

**Emergency communications center** means the communications center, which handles the emergency phone calls and radio communications for the Police and Fire Departments.

**Enhanced call verification** means an attempt by the alarm business or its representative to contact the alarm site, alarm user and/or keyholder by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement to respond to the alarm signal, in an attempt to avoid an unnecessary alarm dispatch request. For purposes of this ordinance, telephone and/or other electronic verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user or keyholder who can properly identify themselves, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

**False alarm** means any signal, message or other communication transmitted by an alarm system, person or other device which causes Police or Fire Department
response in which it is determined by the City not to be of an existing emergency or unlawful situation.

**Fire Department** means the City Fire Department, its headquarters and any other location housing publicly-owned equipment serving the Fire Department.

**Keyholder** means a person or persons who will be responsible for responding to the premise of an alarm activation, who has access to the premise and the alarm system and who has the authority and ability to set or deactivate the system.

**Police Department** means the City Police Department, its headquarters and any other location housing equipment serving the Police Department.

**Verified response** means the alarm business or its representative has verified the legitimacy of an alarm at the scene through independent means such as witness verification, live listening devices or live video monitoring.

(Code 1965, §22.10(2); Ord 15-93, §1, 1-21-93; Ord 119-06, §1, 1-1-07)

**Cross reference(s)** – Definitions and rules of construction generally, §1-2. Police Department, §2-346 et seq; buildings and building regulations, ch. 4; licenses, permits and business regulations, ch. 9.

**Sec. 12-122. Purpose of article.**

The purpose of this article is to reduce the number of false alarms by eliminating those which are preventable or avoidable and to establish control of the various types of alarm systems that would require police response at the location of an event reported by a signal which is transmitted by telephone or radio or which is otherwise relayed to the emergency communications center by a signal activated by an automated alarm device, including such devices already in use within the city.

(Code 1965, §22.10(1))

**Sec. 12-123. Alarm permits.**

(a) **Requirement.** An alarm business shall not alter, install, lease, maintain, repair, replace or service any alarm system in the city of Appleton without first obtaining an alarm permit. An alarm user who uses an alarm system without the assistance of an alarm business must also obtain an alarm permit. If an alarm user who uses an alarm system without the assistance of an alarm business transfers the possession of the premise, the property owner obtaining possession of the property shall obtain an alarm permit or shall contract with a licensed alarm business for services within thirty (30) days of obtaining possession of the property if they continue to use the alarm system. Alarm permits are not required for fire alarms. Alarm permits are not transferable.

(b) **Application.** An alarm business or alarm user desiring to secure a permit shall make application to the City Clerk and shall furnish all information deemed necessary by the Clerk.

(c) **Fee and duration.** An alarm permit shall be valid through December 31 of the year of its issuance, unless sooner revoked. The fee for the alarm permit shall be on file with the City Clerk’s Office.

(Code 1965, §22.10(4); Ord 119-06, §1, 1-1-07)

**Sec. 12-124. Duties of the alarm business.**

(a) An alarm business shall use enhanced call verification or verified response prior to requesting a response by emergency services. Enhanced call verification or verified response shall not be used for hold-up, duress, panic or fire alarms.

(b) Any alarm equipment installed by an alarm business after the effective date of this ordinance shall meet the ANSI/SIA CP-01 standards.

(c) A central alarm monitoring station used by an alarm business shall meet the Underwriters Laboratory (UL) or Factory Mutual (FM) standards.

(d) An alarm business shall keep current records of client information including, but not limited to, names of alarm users, keyholders, addresses, phone numbers and other contact information to be used for enhanced call verification and keyholder notification. The alarm business shall provide this information to the central monitoring station.

(e) An alarm business shall provide written and oral instructions explaining the proper use and operation of the alarm system to each of its alarm users. In addition, an alarm business shall take reasonable steps to educate all alarm users in order to minimize the number of false alarms.

(f) An alarm business or representative shall be responsible for notifying a keyholder for the premise when a request is made for response by the Police Department.

(g) If an alarm user uses an alarm system without the assistance of an alarm business, the alarm user is subject to the same duties as an alarm business.

(Code 1965, §22.10(3); Ord 119-06, §1, 1-1-07)

**Sec. 12-125. Exceptions to article.**

None of the provisions of this article shall prevent the City from providing special alarm monitoring services as may be required because of medical reasons or
communicative disorders.
(Ord 119-06, §1, 1-1-07)

Sec. 12-126. Prohibited devices.

No person shall use or cause to permit to be used any telephone or electronic device or attachment that automatically selects a public primary telephone trunk line of the Police Department, Fire Department or emergency communications center and then reproduces any prerecorded message to report any unlawful act, fire or other emergency.
(Ord 119-06, §1, 1-1-07)

Sec. 12-127. False alarm fee.

(a) Any fees payable to the City which are delinquent may be assessed against the property involved as a special charge for current service, without notice, pursuant to Wisconsin Statutes Annotated §66.0627.

(b) If the Police Department responds to a false alarm, the alarm user shall pay the City a fee according to the following schedule of fees for any false alarm occurring in a calendar year:

(1) First two (2) false alarms .......... No charge

(2) Third, fourth and fifth false alarms .................................................................$75.00

(3) Sixth, seventh and eighth false alarms ..............................................................$150.00

(4) Ninth, tenth, and eleventh false alarms ..............................................................$300.00

(5) Twelfth and subsequent false alarms ........ .......$600.00

(c) Discontinuance of response.

(1) If the Police Department is cancelled by the emergency communications center while responding to an alarm, the alarm user may still be assessed a fee for a false alarm.

(2) In cases where the alarm user has twelve (12) or more false alarms within a six- (6-) month period the Police Department may suspend response after the Chief of Police or designee sends written notification to the alarm user. In order to lift the suspension, the alarm user shall submit written confirmation to the Chief of Police or designee that the alarm system has been inspected and repaired, if necessary, and/or additional measures have been taken to reduce the number of false alarms at that location. If the Chief of Police or designee determines that the actions taken are likely to prevent the occurrence of additional false alarms, the Police Department shall lift the suspension.

(d) Exceptions and appeals.

(1) A fee shall not be charged if any of the following apply:

a. The alarm was activated by criminal activity or a legitimate emergency.

b. The alarm was activated after a power outage that lasted more than four (4) hours.

c. The alarm was activated after the premise was damaged by weather conditions.

d. The Fire Department has assessed a fee for a false fire alarm.

e. The Police Department was cancelled prior to arriving at the premise and documentation is provided that enhanced call verification or verified response was properly utilized.

(2) An alarm user may appeal the assessment of a false alarm fee by submitting written documentation to the Police Chief or designee within ten (10) business days after notification of the assessment of a fee. The Chief or designee must inform the alarm user of the decision in writing. If the alarm user further contests the Chief or designee’s decision within ten (10) days of receiving the Chief or designee’s decision, the alarm user may seek review by the Safety and Licensing Committee by submitting a written notification to the City Clerk’s Office.

(Ord 119-06, §1, 1-1-07)

Sec. 12-128. Violations and penalties.

Any person, alarm user or alarm business that violates any of the provisions of this section may be subject to a forfeiture of no more than one hundred twenty-five dollars ($125.00) for the first offense and no more than five hundred dollars ($500.00) for the second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense. (Code 1965, §22.10(5); Ord 148-94, §1, 12-21-94; Ord 119-06, §1, 1-1-07)
ARTICLE VII. CHRONIC NUISANCE PREMISES.

DIVISION 1. GENERALLY

Sec. 12-140. Findings.

The Appleton Common Council finds that certain premises within the City receive and require more than the general, acceptable level of services from City departments. These premises place an undue and inappropriate burden on City of Appleton taxpayers. Nuisance activity contributes to the general decay of an affected neighborhood and negatively impacts law-abiding residents in these neighborhoods. This ordinance is intended to encourage responsible ownership of such properties such that they do not unduly burden the City’s departments or taxpayers. This ordinance provides a progressive enforcement method to use when working with property owners to abate nuisance activities. Therefore, the Common Council determines that the City will charge the owners of such premises with the costs associated with abating nuisance activity at premises where nuisance activities chronically occur. This section is not intended to discourage crime victims or a person in legitimate need of police services from requesting them. This section does not affect a premises owner’s duty to comply with the Fair Housing Laws, nor does it affect a premises owner’s duty to comply with all other laws governing residential tenancies which are contained in Chapter 704 of the Wisconsin Statutes, Chapter ATCP 134 of the Wisconsin Administrative Code and other parts of this code.

Sec. 12-141. 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:

Authorized official means singularly or collectively, the Police Chief, Fire Chief, Health Officer, Inspections Supervisor or their designee with jurisdiction to enforce the various statutes and ordinances prohibiting nuisance activities.

Chief of Police means the City of Appleton Police Department Chief of Police or designee thereof.

Chronic nuisance premises means a premises that meets any of the following criteria:

(1) A premises which has generated three (3) or more calls for police services that have resulted in enforcement action for nuisance activities on three (3) separate days within a ninety (90) day period or six (6) such calls within a one (1) year period. This includes
enforcement action taken against any person associated with the premises while at or within two hundred feet (200) of the premises for a nuisance activity; or

(2) A premises which has generated three (3) or more corrective orders from a City Inspections Department for nuisance activities from at least three (3) inspections occurring within a one (1) year period; or

(3) A premises for which a court of law has determined that, pursuant to a search warrant request, probable cause exists that manufacture, distribution or delivery of a controlled substance has occurred on or in association with the premises within thirty (30) days prior to the date of the search warrant application; or

(4) Is a premises which has had one (1) enforcement action associated with the premises resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961 of the Wisconsin Statutes or a premises which is used as a meeting place of a criminal gang, or that is used to facilitate the activities of a criminal gang as defined in s.939.22(9), Wis. Stats.

(5) A premises which has any combination of six (6) or more individual contacts, corrective orders or enforcement actions as described in subsections (1) through (4) above within a one (1) year period.

**Chronic Nuisance Premises Notice (CNP Notice)** means the notice issued by the Chief of Police, Fire Chief, Health Officer and/or the Inspections Supervisor.

**Enforcement action** means any of the following: the physical arrest of an individual(s), the issuance of a citation for a law violation and/or referral of charges by the Police or Inspections to the City Attorney or District Attorney for prosecution for nuisance activities.

**Fire Chief** means the City of Appleton Fire Department Fire Chief or designee thereof.

**Health Officer** means the director in charge of the City of Appleton Health Department or designee thereof.

**Inspections Supervisor** means the person who supervises the Department of Public Works Inspections Division employees or designee thereof.

**City Inspections Department or Inspections** means the Inspections Divisions of the Department of Public Works, Health and Fire Departments.

**Nuisance activities** may include any of the following activities, behaviors or conduct:

1. An act of harassment as defined in s. 947.013, Wis. Stats.
2. Disorderly conduct as defined in §10-9, Appleton Municipal Code (Code) or s. 947.01, Wis. Stats.
3. Crimes of violence as defined in ch. 940, Wis. Stats.
4. Resisting or obstructing an officer as prohibited by §10-10, Code or s. 946.41, Wis. Stats.
5. Indecent conduct as prohibited by §10-19, Code or s. 944.20 Wis. Stats.
6. Damage to property as prohibited by §10-23, Code or s. 943.01, Wis. Stats.
7. The production or creation of noises disturbing the peace, as prohibited by §12-80 or §12-87, Code.
8. Discharge or improper possession of a dangerous weapon as prohibited by §10-2, Code.
9. Crimes involving illegal possession of firearms as defined in ss. 941.23, 941.26, 941.28, 941.29 and 948.60, Wis. Stats.
10. Trespass to land as defined in s. 943.13, Wis. Stats. or criminal trespass to dwelling as defined in s. 943.14, Wis. Stats, or unlawful trespass as prohibited in §10-26, Code.
11. Loitering, obstructing a street or sidewalk, as prohibited by §16-9, Code.
12. Theft as defined in s. 943.20, Wis. Stats.
13. Arson as defined in s. 943.02, Wis. Stats.
14. Depositing rubbish as prohibited by §16-8 or §12-30, Code.
15. Keeping a place of prostitution as defined in s. 944.34, Wis. Stats.
16. Prostitution as prohibited by §10-20, Code or s. 944.30, Wis. Stats.
(17) Soliciting prostitutes as prohibited by s. 944.32, Wis. Stats.

(18) Pandering as prohibited by §10-21, Code or s. 944.33, Wis. Stats.

(19) Possessing an open container which contains alcohol beverages or consuming alcohol beverages upon any public street as prohibited by §10-14, Code.

(20) Selling, offering for sale or giving away of any intoxicating liquors or fermented malt beverages without a license as provided in s. 125.04(1), Wis. Stats.

(21) Underage person posses or consume alcoholic beverages as provided in s. 125.07(4)(b), Wis. Stats., 9-51, Code.

(22) Adult providing or selling alcohol to underage person as provided in s. 125.07(1)(a)1., 9-51, Code.

(23) Possession, manufacture, distribution or delivery of a controlled substance or related offenses as defined in ch. 961, Wis. Stats.

(24) Maintaining a drug dwelling as defined in s. 961.42, Wis. Stats.

(25) Illegal gambling as defined in s. 945.02, Wis. Stats.

(26) Owning, keeping or harboring a dangerous animal or prohibited dangerous animal contrary to Chapter 3, Code.

(27) Any other nuisances set forth in Chapter 12, Article II, Code.

(28) Failing to maintain a property resulting in weeds, wild growth and general yard neglect as set forth in Chapter 12, Article III, Code.


(30) Violations of the Minimum Housing Code, as prohibited by Chapter 4, Code.

**Person associated with** means any person who, whenever engaged in a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a premises or person present on a premises, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a premises.

**Person in charge** means any person, in actual or constructive possession of a premises including, but not limited to, an owner or occupant of premises under his or her ownership or control.

**Premises** means a commercial business, public or private clubhouse, a place of abode, a residence, a house or multiple dwelling unit for one (1) or more persons, including lodging houses, hotels, motels and tourist rooming houses, and associated common areas, yards and parking lots. In the case of multiple dwelling units.

“**Premises**”, as used in this section, may consist of any single unit providing complete, independent living facilities for one (1) or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

**Secs. 12-142 – 12-144. Reserved.**
DIVISION 2. PROCEDURE

Sec. 12-145. Procedure.

(a) When a premises meets the definition, and is declared a chronic nuisance, the authorized official shall provide written notice of the declaration to the premises owner. A courtesy copy will also be sent to the alderperson of the affected district. The Chronic Nuisance Premises Notice (“CNP Notice”) shall be deemed delivered if sent either by first class mail to the premises owner’s last known address or delivered in person to the premises owner. If the premises owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's usual place of abode in the presence of some competent member of the family at least 14 years of age, or a competent adult currently residing there and who shall be informed of the contents of the CNP Notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the CNP Notice is sent by first class mail to the last known address of the owner as identified by the records of the City Assessor. The CNP Notice shall contain the following information:

1. Street address, parcel number or a legal description sufficient to identify the premises.

2. A concise statement, including a description of the relevant activities supporting the determination that the premises is a chronic nuisance premises.

3. A statement that the owner shall immediately notify the authorized official of any change in address to ensure receipt of future notices.

4. A statement that the actual costs of future enforcement may be assessed as a special charge against the premises.

5. A statement that the owner shall, within ten (10) days of the date the CNP Notice is mailed, contact the authorized official and schedule a meeting with that official to develop a written action plan to abate the nuisance, or notify the official in writing of the intention to appeal.

6. A statement that the premises owner shall at all times comply with the fair housing requirements contained in Ch. 8, Art. 2 of the Municipal Code when considering any action against a tenant based upon a CNP Notice.

7. A statement that the premises owner, in addition to actual abatement costs, may be subject to a forfeiture action with a penalty of not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000) for each day a chronic nuisance is allowed to continue.

(b) (1) In reaching a determination that a premises is a chronic nuisance premises, activities that were reported to the Police or other City departments by the premises owner or on-site premises manager shall not be included as nuisance activities.

2. Sec. 968.075, Wis. Stats., broadly defines “domestic abuse”. Therefore, in reaching a determination that a premises is a chronic nuisance premises, activities that are “domestic abuse” incidents pursuant to s. 968.075, Stats., shall not be included as nuisance activities unless the incidents have been reviewed by the Chief of Police and the Office of the City Attorney and a determination is made that, based upon the specific facts of each incident, the activities should be deemed nuisance activities. In determining whether to include such activities, the Chief of Police and Office of the City Attorney shall consider the strong public policy in favor of domestic victims reporting alleged abuses, and this ordinance shall not operate to discourage such reports.

(3) a. If the owner responds to the CNP Notice with a written action plan to abate the nuisance, the authorized official may accept, reject or work with the owner to modify the action plan. The plan is acceptable if it can reasonably be expected to result in abatement of the nuisance activities described in the CNP Notice within sixty (60) days.

b. Premises owners shall be counseled regarding nuisance abatement methods and strategies and shall be encouraged to submit a comprehensive nuisance abatement action plan that considers alternatives to eviction in situations where eviction is not the sole remedy available to abate the nuisance activity.

c. If the premises owner meets with the
authorized official and presents an acceptable abatement action plan and implements the terms of the action plan, the authorized official will delay further enforcement of this ordinance, including cost recovery.

d. If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the authorized official may reinstitute enforcement of this ordinance and the premises owner may be sent a Change In Status Letter. This letter will document the authorized official’s efforts to contact and/or obtain cooperation of the owner.

e. Failure by the premises owner to respond within ten (10) days as directed in this subdivision shall result in a forfeiture of no less than one thousand dollars ($1,000) plus court costs and fees.

(4) Any premises owner who has been notified by the authorized official that their non-owner occupied premises is a chronic nuisance premise shall within ten (10) days, schedule attendance at a landlord training session offered by the Appleton Police Department and subsequently attend said training on the scheduled date. Failure to attend the approved landlord training shall result in a forfeiture of no less than two hundred fifty dollars ($250) plus court costs and fees.

(c) Whenever the authorized official determines that any of the following have occurred:

(1) A premises owner has failed to respond to the CNP Notice;

(2) Enforcement action for an additional nuisance activity has occurred at a premises for which notice has been issued pursuant to Subsection (a) and this enforcement action has occurred not less than fifteen (15) days after the CNP Notice has been issued; or

(3) An action plan submitted has not been completed;

Then the authorized official may calculate the actual costs of enforcement to abate this and any subsequent nuisance activities and may refer such cost to the City Finance Department so that the cost may be billed to the premises owner. The authorized official shall provide written notice to the premises owner of the decision to refer the cost of enforcement to the City Finance Department. The notice shall contain:

a. The street address or legal description sufficient for identification of the premises.

b. A statement that the authorized official has referred the cost of enforcement to the City Finance Department.

c. Notice of the premises owner’s right to appeal pursuant to §12-147.

(d) Each subsequent incident of enforcement action for nuisance activity shall be deemed a separate violation and costs will continue to be assessed until the nuisance is abated.

Sec. 12-146. Penalties and remedies.

(a) Cost recovery. The authorized official shall keep an accurate account of the cost of enforcement and shall report it to the City Finance Department. The Finance Director shall establish a reasonable charge for the costs of enforcement of this section and charge any premises owner found to be in violation of this section the costs of enforcement in full or in part. Such costs shall be billed to the premises owner by invoice sent by regular mail and must be paid within thirty (30) days of the date on the invoice. Any unpaid invoice shall be a lien on such premises and may be assessed and collected as a special charge pursuant to s. 66.0627, Wis. Stats. A one hundred dollar ($100) administrative fee shall be added to the cost of enforcement charged to the benefited premises any time the premises is declared a chronic nuisance premises.

(b) Suspension of cost recovery. If after the receipt of a billing notice from the Finance Department, the premises owner develops an acceptable action plan and implements the plan, the authorized official may suspend further enforcement of this ordinance. The premises owner is still responsible for any enforcement costs incurred prior to the premises owner’s submitting an action plan, including the administrative fee. If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the authorized official may reinstitute enforcement of this ordinance after sending the premises owner a Change In Status letter.

(c) Forfeiture. A forfeiture action may be commenced by the City Attorney’s Office for each enforcement action for nuisance activity occurring after the
Sec. 12-147. Appeal.

Appeal of the determination of the authorized official may be made in writing to the Safety and Licensing Committee. Appeals of the action of the City Finance Department imposing special charges against the premises may be submitted in writing to the Finance Committee. Appeals shall be in writing, filed with the City Clerk no more than ten (10) days after notice is issued to the property owner.
(Ord 70-10, §1, 5-11-10; Ord 125-11, §1, 5-10-11)

Sec. 12-148. Injunction.

This section may be enforced by injunction.

Sec. 12-149. Abatement in accordance with state law.

Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the Municipal Code or laws of the state.

Sec. 12-150. When nuisance is deemed abated.

The public nuisance created by a chronic nuisance premises shall be deemed abated when no enforcement action to address nuisance activities occurs and there are no Police, Building, Health or Fire inspection cases generated for a period of six (6) consecutive months from the date of compliance with the action plan.

Sec. 12-151. Severability.

The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.
(Ord 2-09, §1, 1-13-09)
Chapter 19

Traffic and Vehicles

ARTICLE I. IN GENERAL

Adoption of state traffic laws ................................................................. 19-1
Violations generally ........................................................................ 19-2
Obedience to traffic officers ................................................................. 19-3
School crossing guards ...................................................................... 19-4
Official traffic signs and signals ......................................................... 19-5
Authority to impose temporary regulations ....................................... 19-6
Traffic regulations during disaster emergencies; emergency routes ........ 19-7
Vehicle locking equipment; leaving key in unattended vehicle .............. 19-8
Obstruction of street by trains ............................................................... 19-9
Obstruction of view at intersection by vegetation, fence, etc. ................. 19-10
Low-speed vehicles ............................................................................ 19-11
Reserved .............................................................................................. 19-12 – 19-40

ARTICLE II. REGULATIONS FOR SPECIFIC STREETS

DIVISION 1. GENERALLY

Through streets .................................................................................. 19-41
One-way streets .................................................................................. 19-42
No left turn intersections ..................................................................... 19-43
No right turn intersections ................................................................. 19-44
No turn on red light; intersections where .......................................... 19-45
Reserved .............................................................................................. 19-46 – 19-55

DIVISION 2. SPEED LIMITS

State speed limits adopted ................................................................. 19-56
Speed limits designated – fifteen miles per hour ............................... 19-57
Same – twenty miles per hour .......................................................... 19-58
Same – thirty miles per hour ............................................................. 19-59
Same – thirty-five miles per hour ..................................................... 19-60
Same – forty miles per hour .............................................................. 19-61
Same – forty-five miles per hour ...................................................... 19-62
Same – fifty miles per hour ............................................................... 19-63
Reserved .............................................................................................. 19-64 – 19-85

ARTICLE III. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Authority to impose parking restrictions; parking district map ................ 19-86
Holidays ............................................................................................... 19-87
Enforcement of parking restrictions; meter checkers .......................... 19-88
Interfering with enforcement actions ............................................... 19-89
Parking violation forfeitures ............................................................. 19-90
Parking in front and side yard in residential district; parking on terraces 19-91
Recreational and commercial vehicle parking and storage in residential district 19-92
Nighttime parking on street or alley .................................................. 19-93
Snow emergencies ............................................................................. 19-94
Definitions ......................................................................................... 19-94(a)
Declaration of emergency .................................................................. 19-94(b)
General parking restrictions ........................................................... 19-94(c)
Loading zones .................................................................................. 19-95
Truck loading zones ......................................................................... 19-95(a)
Passenger loading zones .................................................................. 12-95(b)
DIVISION 2. PARKING METERS AND CITY PARKING FACILITIES
City-owned parking lots .................................................................................................... 19-106
Parking meters, pay stations and mobile parking apps - generally ........................................ 19-107
Same – suspension of fees on certain days .......................................................................... 19-108
Hours of operation of metered parking facilities .................................................................. 19-109
Metered on-street parking .................................................................................................. 19-110
Metered off-street parking .................................................................................................. 19-111
Non-metered off-street parking ........................................................................................... 19-112
Parking permits .................................................................................................................. 19-113
Loitering in off-street parking facilities and on I-41/STH 441 overpasses/bridges prohibited ...... 19-114
Reserved ............................................................................................................................. 19-115 – 19-135

ARTICLE IV. TRUCK ROUTES
Generally ............................................................................................................................. 19-136
Routes enumerated .............................................................................................................. 19-137
Reserved ............................................................................................................................. 19-138 – 19-160

ARTICLE V. BICYCLES AND PLAY VEHICLES
DIVISION 1. GENERALLY
Definitions ............................................................................................................................ 19-161
Penalty for violation of article ............................................................................................. 19-162
Compliance with article; responsibility of parents ............................................................... 19-163
Operation of skateboards as prohibited in certain areas ............................................... 19-164
Reserved ............................................................................................................................. 19-165 – 19-175

DIVISION 2. BICYCLES
Reserved ............................................................................................................................. 19-176 – 19-180
Unclaimed or unidentified bicycles ....................................................................................... 19-181
Applicability of traffic regulations to persons operating bicycles .................................... 19-182
Riding bicycle on sidewalk ................................................................................................ 19-183
Riding bicycle on roadway ................................................................................................. 19-184
Riding bicycle on bicycle lane ............................................................................................ 19-185
Riding bicycle on bicycle way ............................................................................................. 19-186
Carrying passengers ........................................................................................................... 19-187
Improper riding, trick riding and racing .............................................................................. 19-188
Obedience to speed limits .................................................................................................. 19-189
Obedience to traffic-control devices .................................................................................. 19-190
Stopping, turning and signaling ......................................................................................... 19-191
Emerging from alley or driveway ....................................................................................... 19-192
Parking ................................................................................................................................. 19-193
Clinging to vehicles ............................................................................................................ 19-194
Position of passengers; towing .......................................................................................... 19-195
Carrying articles .................................................................................................................. 19-196
Handlebars .......................................................................................................................... 19-197
Lamps and other equipment ............................................................................................ 19-198
Reserved ............................................................................................................................. 19-199
Riding bicycle without consent of owner ............................................................................ 19-200
Reserved ............................................................................................................................. 19-201
Reserved ............................................................................................................................. 19-202

*Cross reference(s) - Parking and transit commission, §2-166 et seq.; moving of buildings, §4-206 et seq.; operation of snowmobiles restricted, §10-25; traffic entrances for mobile home parks, §11-92; motor vehicle noise restrictions, §12-82; abandoned vehicles, §12-102; operation of vehicles in parks and recreation areas restricted, §13-79; driving vehicle over curb, sidewalk, etc. prohibited, §16-7.

State law reference(s) - Traffic regulations, W.S.A. §346.01 et seq.; power of cities to regulate traffic, W.S.A. §349.01 et seq.
ARTICLE I. IN GENERAL

Sec. 19-1. Adoption of state traffic laws.

(a) Except as otherwise specifically provided in this chapter, all provisions of W.S.A. chapters 340 to 348 describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated in this chapter by reference is required or prohibited by this chapter. Any future creations, amendments, revisions or modifications of statutes incorporated in this chapter are intended to be made part of this chapter in order to secure uniform statewide regulations of traffic on the highways, streets and alleys of the State.

(b) The sections of W.S.A. chapters 340 to 348 adopted by reference shall include, but not be limited to, the following:

(1) 340.01 Words and phrases defined
(2) 341.01(1), (2) Improper, expired or non-registration
(3) 341.08 No consent for registration
(4) 341.11(4) Display of registration certificates
(5) 341.145(8) Failure to return personalized plates
(6) 341.15 Display of registration plates
(7) 341.16(4) Failure to destroy recovered plates
(8) 341.335(1) Failure to notify DMV of change of address
(9) 341.42(4), (5) Reciprocity permits
(10) 341.51(5) Failure of dealer, et al. to register
(11) 341.55 Misuse of dealer plates
(12) 341.57(3) Misuse of finance, bank license plates
(13) 341.61 Improper use of registration plates
(14) 341.62 Display of false registration plates
(15) 341.63(3) Failure to return registration plates
(16) 342.05(4) Certificate of title required
(17) 342.06(3) Failure to state use as taxicab
(18) 342.15(4), (5), (6), (7) Failure to transfer, etc.
(19) 342.16(2) Failure of dealer to record transfer
(20) 342.23(2) Failure to deliver title
(21) 342.30 to 342.33 Anti-theft, anti-fraud provisions
(22) 343.10(6)(6a) Violation of occupational license
(23) 343.12 Expired or no school bus license
(24) 343.125(1), (2) Chauffeur’s license violations
(25) 343.19(2) Duplicate license fraud
(26) 343.22(1) Failure to surrender license or notify DMV
(27) 343.43(1)(d) Unlawful use of license
(28) 343.43(3)(b) Penalty for violating §343.43(1)(d)
(29) 343.44(1) Operating after suspension or revocation (unless revocation is result of conviction of §346.04(3), §346.63, §346.67, §940.06, §940.09 or §940.25 local ordinance in conformity with §346.63)
(30) 343.45, 343.46 Unlawful practices relative to licenses
(31) 343.52 Lending special identification card
(32) 344.45(2) Failure to return plates
(33) 344.46(1) Transfer of vehicle
(34) 344.47(1) Operation after suspension or revocation
(35) 344.51 Renting vehicle without financial responsibility
(36) 345.11 to 345.61 General provisions in traffic forfeiture arrests
(37) 346.03 Applicability of chapter to emergency vehicles
(38) 346.04(1) & (2) Obedience to traffic officers and signs
(39) 346.05 to 346.16 Driving, meeting, overtaking and passing
(40) 346.17 Penalty for violating §346.05 to §346.16
(41) 346.18 to 346.21 Right-of-way
(42) 346.22 Penalty for violating §346.18 to §346.21
(43) 346.23 to 346.29 Rights and duties of drivers and pedestrians
(44) 346.30 Penalty for violating §346.23 to §346.29
(45) 346.31 to 346.35 Turning, stopping and required signals
(46) 346.36 Penalty for violating §346.31 to §346.35
(47) 346.37 to 346.42 Traffic signs, signals and markings
(48) 346.43 Penalty for violating §346.37 to §346.42
(49) 346.44 to 346.48 Required stops
(50) 346.49 Penalty for violating §346.44 to §346.48
(51) 346.50 to 346.55 Restrictions on stopping and parking
(52) 346.56 Penalty for violating §346.50 to §346.55
(53) 346.57 to 346.595 Speed restrictions
(54) 346.60 Penalty for violating §346.57 to §346.595
APPLETON CODE

(55) 346.61, 346.62(1), 346.63(1) Reckless and drunken driving
(56) 346.65 Penalty for violating §346.61 to §346.64
(57) 346.66 to 346.73 Accidents and accident reports
(58) 346.74 Penalty for violating §346.67 to §346.73
(59) 346.77 to 346.81 Bicycles and play vehicles
(60) 346.82 Penalty for violating §346.77 to §346.81
(61) 346.87 to 346.94 Miscellaneous rules
(62) 346.95 Penalty for violating §346.87 to §346.94
(63) 346.96 Transportation in vehicles
(64) 346.97 Transportation of handicapped persons
(65) 347.06 to 347.29 Lighting equipment
(66) 347.30 Penalty for violating §347.06 to §347.29
(67) 347.35 to 347.49 Other equipment
(68) 347.50 Penalty for violating §347.35 to §347.49
(69) 348.01 to 348.02 Size, weight, load
(70) 348.05 to 348.10 Size and load
(71) 348.11 Penalty for violating size and load limitations
(72) 348.15 to 348.20 Weight
(73) 348.21 Penalty for violating §348.15 to §348.20
(74) 348.25 to 348.27 Permits
(75) 348.28 Penalty for not carrying permits

§66.12, W.S.A. §345.20 to §345.53, and W.S.A. chapter 799.

(b) Stipulation of guilt or no contest. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with W.S.A. §66.12(1)(b) whenever the provisions of W.S.A. §345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under W.S.A. §345.11 and may be accepted within five (5) days of the date of the alleged violation. Stipulations may be accepted by the Police Department.

c) Deposits. Any person stipulating guilt or no contest under subsection (b) of this section must make the deposit required under W.S.A. §345.26 or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the deposit schedule fixed by the Board of County Judges and approved by the Chief of Police. Deposits may be brought or mailed to the office of the Police Department as directed by the arresting officer. Deposits for parking or nonmoving violations shall be mailed or brought to the Police Department.

(CODE 1965, §10.17(3); ORD 107-94, §1, 8-17-94)

Cross reference(s) - General penalty, §1-16; uniform citation for certain violations, §1-17; citation schedule of deposits, §1-18.

Sec. 19-2. Violations generally.

(a) Enforcement procedures. This chapter shall be enforced in accordance with the provisions of W.S.A. Supp. #91

(CODE 1965, §10.01; ORD 75-89, §1, 6-21-89; ORD 61-99, §1, 8-22-99)

(d) In addition, the provisions of Wisconsin Administrative Code, Chapter Trans 102.14(4) requiring those who establish Wisconsin residency to apply for a Wisconsin operator’s license within thirty (30) days of establishing Wisconsin residency, exclusive of any penalties are hereby adopted by reference and made an offense punishable as a violation of this Code.

(CODE 50-00, §1, 7-8-00)

Sec. 19-3. Obedience to traffic officers.

The provisions of W.S.A. §346.04, regarding traffic officers, are hereby adopted by reference. No person shall fail or refuse to comply with any lawful order, signal or direction of a traffic officer. Lawful order shall include a vehicle equipment violation notice.

(CODE 1965, §8.02(4)(c))

Sec. 19-4. School crossing guards.

(a) Those adult persons hired by the Police Department to act as school crossing guards shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting schoolchildren to cross the street.

(b) No person shall refuse or fail to comply with any lawful order, signal or direction of any adult school crossing guard.

(CODE 1965, §10.11)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

State law reference(s) - School crossing guards, W.S.A. §349.215; penalty for violations, W.S.A. §346.465.
Sec. 19-5. Official traffic signs and signals.

The Traffic Engineer is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings giving notice of the provisions of this chapter. Signs shall be erected in such locations and manner as authorized by the Common Council as to give adequate warning to users of the street, alley or highway in question. No provision of this chapter shall be enforced unless and until such signs are erected and in place and sufficiently legible to be seen by an ordinarily observant person.

(Code 1965, §10.19(1))

Sec. 19-6. Authority to impose temporary regulations.

The Chief of Police and the Director of Public Works, or their respective designees, are hereby authorized to impose temporary parking restrictions and temporary intersection control regulations on existing streets. Such temporary regulations may be enforced like other provisions of this chapter, and appropriate signs shall be erected in accordance with §19-5.

Any temporary signs posted by authorized agencies shall supersede all existing posted rules for the days and times specified. Regulations placed over parking meters so as to cover rate plates and the inside of the dome of the meter shall supersede all existing posted rules for the time the cover remains over the parking meter.

(Code 1965, §10.19(2); Ord 100-12, §1, 10-23-12)

Sec. 19-7. Traffic regulations during disaster emergencies; emergency routes.

(a) A disaster emergency is hereby declared to exist requiring a special regulation of vehicular traffic and parking, whenever there shall be declared by the authorities responsible for so doing either a disaster emergency alert, whether strategic or tactical, or a disaster emergency test exercise, necessitating the evacuation of persons from the City in order to properly provide for the public safety under such conditions. Such emergency is declared for a period of twenty-four (24) hours after the announcement of any strategic alert, for an indefinite period until revoked by proclamation of the Mayor or resolution of the Common Council after any tactical alert, and for a period commencing two (2) hours before and extending until four (4) hours after the conclusion of any announced test exercise.

(b) The disaster emergency escape routes to which the provisions of this section shall apply are those designated on such disaster emergency escape route plan of the City as may from time to time be adopted by the Common Council and as on file in the office of the Traffic Engineer.

(c) Notwithstanding any other provisions of this chapter, whenever a disaster emergency shall exist, the following traffic regulations shall apply:

1. All lanes of each street or highway designated as a disaster emergency escape route, including those divided by a center strip, shall be restricted to one-way traffic moving in a direction from the center of the city toward its outer limits. No person shall operate any vehicle thereon in the opposite direction.

2. No operator of any vehicle shall cross any disaster emergency escape route.

3. No operator of any vehicle shall enter any disaster emergency escape route at any point except a point where entry is authorized on the escape route plan.

4. No person shall park any vehicle or permit any vehicle to remain standing on any disaster emergency escape route.

5. Because of the necessity for keeping all lanes of traffic open for the movement of vehicles under a disaster emergency, whenever any traffic officer shall find a vehicle parked or in any other way blocking the free movement of traffic over any disaster emergency escape route, he is authorized to move or direct the removal of such vehicle to a position off the escape route.

The Chief of Police is hereby authorized to promulgate appropriate detailed orders relative to control or immobilization of traffic during a disaster emergency, and upon the filing thereof with the City Clerk such requirements shall be a part of this section, of the same force and effect, and the penalties prescribed in this chapter shall apply to any violations of such orders.

(Code 1965, §10.10)

Sec. 19-8. Vehicle locking equipment; leaving key in unattended vehicle.

Every passenger motor vehicle shall be equipped with a lock suitable to lock either the starting lever, throttle, steering apparatus, gearshift lever or ignition system. No person shall permit a passenger vehicle to stand or remain unattended on any street, alley or in any other public place,
except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift lever or ignition system of the vehicle is locked and the key for such lock is removed from the vehicle.

(Code 1965, §10.20)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.


No person shall permit any railroad car, engine or tender on any railroad to stand or remain in any street in the City so as to obstruct the free passage of vehicles and pedestrians along such street and across such railroad track more than ten (10) minutes at any time, except the intersection of the railroad tracks and Second Street may not be obstructed more than thirty (30) minutes for the loading and unloading of passengers, mail and railway express.

(Code 1965, §10.16)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 19-10. Obstruction of view at intersection by vegetation, fence, etc.

(a) Vegetation or structures in terraces.

(1) All bushes, shrubs, weeds, vegetation, signs and fences, excepting trees on which limbs have been trimmed to a height of ten (10) feet above the ground, located in the terrace of any street within sixty (60) feet of the cross-street right-of-way in the approach direction and thirty (30) feet from the cross-street right-of-way in the nonapproach direction of any intersection in the City, are a public nuisance and dangerous to the safety and welfare of the people of the City. No new trees shall be planted in the terrace within the distances given in this subsection.

(2) The property owner or the person in possession of property abutting any street in the city within the distance from any intersection given in subsection (a)(1) of this section shall remove any such bushes, shrubs, weeds, vegetation, signs and fences and shall trim any trees to a height of ten (10) feet above the ground. Such bushes, shrubs, weeds or other vegetation, if not so removed, shall be removed by the City without notice and the expense thereof reported to the City Clerk, who shall enter the same on the tax roll as a special charge against the benefited property.

(b) Vegetation or structures on private property.

(1) No owner or occupant of any property abutting a public street shall permit any trees, shrubs, bushes, weeds, signs, structures, wall or fences on his property to be so placed and maintained as to obstruct the vision of a user of the street at its intersection with another street or public thoroughfare. There shall be a vision corner on all corner lots located in zoning districts that require a minimum twenty- (20-) foot setback from street property lines. The vision corner is described as the triangular area enclosed by a straight line connecting a point on each street right-of-way line, which point is twenty-five (25) feet from the intersection of the right-of-way lines. Fences, walls, signs or structures erected in such vision corners shall not exceed three (3) feet in height. The fence, wall, sign or structure shall be a minimum of two-thirds (2/3) open to vision, equally distributed throughout the fence length and height located within the defined vision corner. Plantings in such vision corners shall be maintained in such a fashion as to provide unobstructed vision from three (3) feet above the centerline elevation of the abutting pavement to ten (10) feet above the centerline elevation.

(2) The provisions of subsection (b)(1) of this section shall also apply to those corner lots located in zoning districts that require a ten-(10-) foot setback from street property lines, except in those cases the vision corner is described as the triangular area enclosed by a straight line connecting a point on each street right-of-way line, which point is twenty (20) feet from the intersection of the street right-of-way.

(Code 1965, §10.15, Ord 67-00, §1, 8-19-00)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.


(a) Definition. Low-speed vehicle means a self-propelled motor vehicle, excluding golf carts, that has successfully completed the Neighborhood Electric Vehicle America Test Program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for Low-speed
TRAFFIC AND VEHICLES

Vehicle under 49 CFR 571.3(b) and 571.500 and which is authorized under Wis. Stat. §349.26.

(b) Low-speed vehicles may be operated on any highway within the city of Appleton where the maximum speed limit is thirty-five (35) miles per hour or less.

(c) All operators of low-speed vehicles shall conform to all regulations contained in this chapter, including the provisions of the state motor vehicles laws incorporated herein, except those provisions which by their express terms have no application to a low-speed vehicle.

(d) All operators of low-speed vehicles shall have a valid driver’s license that allows them to operate in the State of Wisconsin.

(e) Penalty. Any person who violates any provision of this section shall be punished by a forfeiture not to exceed one thousand dollars ($1,000) per occurrence.

Secs. 19-12 – 19-40. Reserved.

ARTICLE II. REGULATIONS FOR SPECIFIC STREETS

DIVISION 1. GENERALLY

Sec. 19-41. Through streets.

Through streets shall be those main traffic carriers with right-of-way priority which are designated by the Common Council and shown on a through street map which is on file in the office of the Traffic Engineer. The Common Council may make additions or deletions to the through street map in order to produce adequate through traffic routes as well as good internal traffic circulation. A through street is one on which all direct crossings are controlled by a stop sign or signal. Where two (2) or more through streets intersect, an engineering study will determine which traffic receives priority and what type of control is required. The through street map shall show the through streets and their terminal points. In addition the map shall show the type of control where two (2) or more through streets intersect. The through street map shall be kept on file in the office of the Traffic Engineer, who shall be responsible for keeping it current.

(Code 1965, §10.03)

Cross reference(s) - Streets, §16-36 et seq.

Sec. 19-42. One-way streets.

The Common Council may provide that traffic shall move in only one (1) direction on designated streets and alleys, such streets and alleys to be shown on an arterial street map on file in the office of the Traffic Engineer. Additions to such map shall be made by the Traffic Engineer.

(Code 1965, §10.13, Ord 74-00, §1, 9-9-00)

Cross reference(s) - Streets, §16-36 et seq.

Sec. 19-43. No left turn intersections.

No operator of a vehicle shall turn left on the following streets:

College Avenue at Rankin Street, eastbound traffic.

College Avenue at Rankin Street, westbound traffic.

East approach of Commercial Street at Mason Street.

Eastbound alley (between College Avenue and Washington Street) at Appleton Street.

Eastbound College Avenue at private the driveway located on the north side of College Avenue approximately 250 feet west of Badger Avenue.
Front Street at South Memorial Drive, eastbound traffic.

Northbound Appleton Street at the alley located between College Avenue and Washington Street.

Northbound traffic entering Calumet Street from the private driveway located on the south side of Calumet Street (approximately 705 feet west of Kensington Drive).

Northbound traffic entering College Avenue from the driveway located on the south side of at College Avenue, approximately 200 feet east of Badger Avenue.

Northbound traffic entering College Avenue from the driveway located on the south side of College Avenue, approximately 250 feet east of Linwood Avenue.

Northbound traffic entering Lake Park Road from the driveway located on the west side of Lake Park Road, at a location 110 feet south of Calumet Street.

South Badger Avenue at Memorial Drive, southbound traffic.

South Memorial Drive at Front Street, northbound traffic.

South Memorial Drive at Prospect Avenue, southbound traffic.

Southbound traffic entering College Avenue from the driveway located on the north side of at College Avenue (approximately 250 feet west of Badger Avenue).

Southbound traffic entering Edgewood Drive (CTH “JJ”) from the driveway located 650 feet east of Ballard Road (CTH “E”).

Southbound traffic entering Edgewood Drive (CTH “JJ”) from the driveway located 300 feet east of Ballard Road (CTH “E”).

State Street at the West College Avenue south alley, southbound traffic, from 10:00 p.m. to 3:00 a.m., except for police vehicles.

Westbound Calumet Street at private the driveway located on the south side of Calumet Street approximately 705 feet west of Kensington Drive.

Westbound traffic entering Kensington Drive from the private driveway located on the east side of Kensington Drive, at a location 180 feet south of Calumet Street.

(Code 1965, §10.14; Ord 158-89, §1, 12-6-89; Ord 29-91, §1, 3-20-91; Ord 106-02, §1, 7-9-02; Ord 37-04, §1, 3-23-04, Ord 13-07, §1, 2-13-07, Ord 14-07, §1, 2-13-07; Ord 100-07, §1, 6-26-07; Ord 72-08, §1, 4-8-08; Ord 71-17, §1, 10-10-17, Ord 67-19 §1, 6-5-19)

Cross reference(s) - Streets, §16-36 et seq.

Sec. 19-44. No right turn intersections.

No operator of a vehicle shall turn right on the following streets:

Lawrence Street at South Morrison Street, eastbound traffic.

Lawrence Street at South Morrison Street, westbound traffic.

(Code 1965, §10.22; Ord 159-89, §1, 12-6-89; Ord 102-92, §1, 9-2-92, Ord 15-07, §1, 2-13-07, Ord 16-07, §1, 2-13-07, Ord 17-07, §1, 2-13-07, Ord 18-07, §1, 2-13-07; Ord 56-07, §1, 3-13-07)

Sec. 19-45. No turn on red light; intersections where.

No operator of a vehicle shall turn on a red traffic signal at the following locations:

1. Southbound Mason at Badger and Packard Streets.
3. Westbound Packard at Badger and Mason Streets.
4. Eastbound Packard at Badger and Mason Streets.
5. Northbound Badger at Mason and Packard Streets.
7. Southbound Story at Badger and College Avenue.
8. Northbound Story at Badger and College Avenue.
9. Northbound Badger at College and Story Streets.
10. Southbound Badger at College and Story Streets.
11. Westbound College at Badger and Story Streets.
12. Eastbound College at Badger and Story Streets.
13. Northbound Morrison Street at the YMCA parking ramp entrance.
TRAFFIC AND VEHICLES

DIVISION 2. SPEED LIMITS

Sec. 19-56. State speed limits adopted.

The provisions of W.S.A. §§346.57(4)(e), (f), (g), §346.58 and §346.59 relating to the maximum and minimum speed of vehicles are hereby adopted as part of this chapter as if fully set forth herein, except that the speed limits are increased or decreased upon the streets enumerated in this division to the limits designated.
(Code 1965, §10.02(1))

Sec. 19-57. Speed limits designated – fifteen (15) miles per hour.

The speed limit shall be fifteen (15) miles per hour on the following streets:

- Alley, south of Franklin Street between Story Street and Summit Street.
- Ashbrook Street.
- City Center Street between Appleton Street and Oneida Street.
- Friendly Street.
- Ivy Street.
- Johnston Street, west 500 block and east 200 block.
- Juniper Lane.
- Oneida Street between City Center Street and Washington Street.
- Primrose Lane.
- Shasta Lane.
- Vermillion Lane.
(Code 1965, §10.02(2); Ord 67-88, §1, 6-7-89; Ord 92-94, §1, 7-20-94; Ord 109-94, §1, 8-17-94)

Sec. 19-58. Same – twenty (20) miles per hour.

The speed limit shall be twenty (20) miles per hour on the following streets:

- Canvasback Circle; entire length.
(Ord 109-06, §1, 9-12-06)
Sec. 19-59. Same – thirty (30) miles per hour.

The speed limit shall be thirty (30) miles per hour on the following streets:

Alliance Drive from Milis Drive to Vantage Drive.

Badger Avenue, from Wisconsin Avenue to Memorial Drive.

Calumet Street, from Memorial Drive to seven hundred fifty (750) feet east.

Calumet Street, from Oneida Street to three hundred forty (340) feet east of Lake Park Road.

Capitol Drive from Ballard Road (CTH E) to Zuehlke Drive.

Conkey Street from Pershing Street to Venture Drive.

County Trunk Highway BB, from its intersection with Riverdale Street southwest to a point 0.20 mile west of its intersection with Seminole Drive.

East College Avenue, from the west end of East College Avenue Bridge to three hundred (300) feet east of Matthias Street.

Endeavor Drive from Lakeland Drive to Eisenhower Drive.

Executive Drive from Goodland Drive to Venture Drive.

Glendale Avenue from Sandra Street to a point 530 feet west of Sandra Street.

Goodland Drive from Conkey Street to Zuehlke Drive.

John Street, from College Avenue to Calumet Street.

Kensington Drive, from Calumet Street to Lake Park Road.

Lake Park Road, from Calumet Street to Plank Road.

Lakeland Road from Plank Road to Vantage Drive.

Lynndale Drive, from Spencer Street south to the railroad tracks.

Marshall Road from Winslow Avenue to Capitol Drive.

Milis Drive from Quest Drive to Alliance Drive.

Newberry Street, from the east City limits to Joseph Street.

North Meade Street, from Wisconsin Avenue to Capitol Drive.

North Richmond Street, from 0.1 mile north of Marquette Street to College Avenue.

Oneida Skyline, from Prospect Avenue south to Oneida Street.

Oneida Street, from Oneida Skyline to U.S. 441.

Pensar Drive from Roemer Road, westerly to cul-de-sac.

Pershing Street from Conkey Street to Sandra Street.

Pointer Road from Pensar Drive to Sandra Street.

Progress Drive from Winslow Avenue to Capitol Drive.

Quest Drive from Plank Road to Midway Road.

Roemer Road from Northland Avenue (CTH OO) to Capitol Drive.

Sandia Street from Pershing Street to Glendale Avenue.

South Memorial Drive, from College Avenue to Calumet Street.

Vantage Road from Quest Drive to Lakeland Drive.

Venture Drive from Conkey Street to Executive Drive.

West College Avenue, from Linwood Avenue to Badger Avenue.

West Wisconsin Avenue, from Richmond Street to Badger Avenue.

Winslow Avenue from Roemer Road to Zuehlke Drive.

Zuehlke Drive from Winslow Avenue to Goodland Drive.

(Apple)
TRAFFIC AND VEHICLES

§1, 2-27-07; Ord 38-07, §1, 2-27-07; Ord 39-07, §1, 2-27-07; Ord 40-07, §1, 2-27-07; Ord 41-07, §1, 2-27-07; Ord 42-07, §1, 2-27-07; Ord 43-07, §1, 2-27-07; Ord 44-07, §1, 2-27-07; Ord 45-07, §1, 2-27-07; Ord 46-07, §1, 2-27-07; Ord 47-07, §1, 2-27-07; Ord 48-07, §1, 2-27-07; Ord 8-08, §1, 2-26-08; Ord 103-12, §1, 10-23-12)

Sec. 19-60. Same – thirty-five (35) miles per hour.

The speed limit shall be thirty-five (35) miles per hour on the following streets:

Ballard Road from Wisconsin Avenue to Edgewood Drive (C.T.H. JJ).

Calumet street from STH 441 to a point three hundred forty (340) east of Lake Park Road.

College Avenue from Linwood Avenue west to the west corporate limits.

Coop Road, from Garnet Drive to south City limits.

East Wisconsin Avenue, from Owaissa Street to the east corporate limits.

East Wisconsin Avenue, from railroad overpass to Owaissa Street.

Eisenhower Drive from Calumet Street to the south City limits.

Evergreen Drive from Ballard Road to French Road.

French Road from Edgewood Drive to a point 830 feet south of Evergreen Drive.

Glendale Avenue, from Ballard Road east to the railroad spur line approximately two thousand three hundred (2,300) feet east of Roemer Road.

Kensington Drive from Radio Road to Newberry Street.

Meade Street from Capitol Drive to north City limits.

Midway Road from the west City limits to the east City limits.

Midway Road from Oneida Street to Huckleberry Street.

Plank Road from Midway Road to Eisenhower Drive.

Richmond Street, from Northland Avenue to the north Supp. #91

Sec. 19-61. Same – forty (40) miles per hour.

The speed limit shall be forty (40) miles per hour on the following streets:

College Avenue from STH 441 to a point three hundred (300) feet east of Matthias Street.

East College Avenue, from three hundred (300) feet east of Matthias Street to seven hundred fifty (750) feet east of Kensington Drive.

Lake Park Road from Plank Road south to the south City limits.

Northland Avenue (County Trunk Highway OO) from Ballard Road to the east City limits.

Northland Avenue (County Trunk Highway OO), from Mason Street to Meade Street.

City limits.

Roemer Road, from Northland Avenue to Glendale Avenue.

South Memorial Drive, from Valley Road to Calumet Street.

South Oneida Street from U.S. 441 to S.T.H. 115.

Richmond Street, from the north construction limits of the City north of Marquette Street (0.10 mile) north to its intersection with County Trunk Highway OO.
Sec. 19-62. Same – forty-five (45) miles per hour.

The speed limit shall be forty-five (45) miles per hour on the following streets:

Calumet Street from three hundred forty (340) feet east of Lake Park Road to the east City limits.

French Road from Edgewood Drive to the north City limits.

French Road from the south City limits to a point 830 feet south of Evergreen Drive.

Northland Avenue (County Trunk Highway OO), from Meade Street to Ballard Road (County Trunk Hwy E).

(Code 1965, §10.02(6); Ord 5-91, §1, 1-23-91; Ord 18-91, §1, 3-6-91; Ord 24-93, §1, 2-17-93; Ord 179-93, §1, 11-3-93; Ord 76-97, §1, 9-17-97; Ord 45-98, §1, 4-22-98; Ord 26-04, §1, 2-24-04; Ord 137-10, §1, 9-21-10; Ord 81-11, §1, 4-12-11)

Sec. 19-63. Same – fifty (50) miles per hour.

The speed limit shall be fifty (50) miles per hour on the following streets:

Northland Avenue (County Trunk Highway OO), from Mason Street to the west City limits.

(Code 1965, §10.02(7); Ord 12-91, §1, 1-20-91)

Secs. 19-64 – 19-85. Reserved.
TRAFFIC AND VEHICLES

unless the motor vehicle is moved at least one hundred (100) feet.
(Code 1965, §10.07(9)(b), (c) ; Ord 111-12, §1, 10-23-12)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 19-90. Parking violation forfeitures.

(a) Any person to whom a ticket has been issued for violation of any overtime parking regulation shall incur a forfeiture of forty-five dollars ($45.00), which forfeiture may be satisfied by paying twenty dollars ($20.00) within fifteen (15) days of the date of the ticket.

(b) Any person to whom a ticket has been issued for any prohibited parking during a special event, or for stopping, standing or parking around schools, shall incur a forfeiture of sixty-five dollars ($65.00), which forfeiture may be satisfied by paying forty dollars ($40.00) within fifteen (15) days of the date of the ticket. Any person to whom a ticket has been issued for any other prohibited area parking regulation of the City shall incur a forfeiture of forty-five dollars ($45.00), which forfeiture may be satisfied by paying twenty dollars ($20.00) within fifteen (15) days of the date of the ticket.

(c) Any person to whom a ticket has been issued for violation of W.S.A. §346.505, pertaining to handicap parking, shall incur a forfeiture of three hundred dollars ($300.00), which forfeiture may be satisfied by paying three hundred dollars ($300.00) within fifteen (15) days of the date of the ticket.

(d) Any person to whom a ticket has been issued for violation of parking in an area designated no parking, for parking too close to a driveway or crosswalk, for parking on posted private property or any other parking restriction for which a forfeiture is not otherwise specifically established in this division, shall incur a forfeiture of forty-five dollars ($45.00), which forfeiture may be satisfied by paying twenty dollars ($20.00) dollars within fifteen (15) days of the date of the ticket.

(e) Any person to whom a ticket has been issued for violation of parking in an area from 2:00 a.m. to 5:00 a.m. shall incur a forfeiture of fifty dollars ($50.00), which forfeiture may be satisfied by paying twenty-five dollars ($25.00) within fifteen (15) days of the date of the ticket.

(f) Any person to whom was issued their first and second ticket in any calendar year for a violation of any meter parking regulation shall incur a forfeiture of thirty dollars ($30.00), which forfeiture may be satisfied by paying five dollars ($5.00) within fifteen (15) days of the ticket.

Supp. #91

(g) Any person to whom was issued their third through fifth ticket in any calendar year for a violation of any meter parking regulation shall incur a forfeiture of thirty-five dollars ($35.00), which forfeiture may be satisfied by paying ten dollars ($10.00) within fifteen (15) days of the ticket.

(h) Any person to whom was issued their sixth ticket, or any ticket thereafter, in any calendar year for a violation of any meter parking regulation shall incur a forfeiture of seventy-five dollars ($75.00), which forfeiture may be satisfied by paying fifty-five dollars ($55.00) within fifteen (15) days of the ticket.

(i) Any person wanting to contest a parking ticket shall first, within fifteen (15) days of the date of issuance, file an application for administrative review with the City Parking Utility. Following the administrative review, any person who is not satisfied with the results of that review shall submit a written request for judicial review to the City Parking Utility. Following the administrative review, any person who is not satisfied with the results of that review shall submit a written request for judicial review to the City Parking Utility. The request for judicial review shall be submitted within thirty (30) days from the date the ticket was issued, or within ten (10) days after the administrative review is completed, whichever is later. When a timely request for administrative or judicial review is not filed, the ticket shall be presumed to be uncontested. Forfeitures shall be paid within fifteen (15) days of the ticket’s issuance or, an action may be commenced by the City in accordance with the uniform traffic procedure for nonmoving violations as set forth in Sec. 345.28, Stats. and it may forward the matter to the State Department of Transportation for enforcement under the state traffic violation and registration program.

(j) When a vehicle is the subject to seven (7) or more outstanding unpaid parking tickets issued in accordance with this section, the vehicle may be considered in chronic violation of the parking ordinances until such time that all outstanding parking tickets are paid in full. Further, upon a subsequent violation, a vehicle considered in chronic violation of the parking ordinance pursuant to this section may be towed and impounded at the owner’s expense.

(k) Citations shall be paid in the following manner:

(1) In person or by depositing in a City deposit box: payment by cash or check and including either the physical ticket, ticket number or license plate number with the payment.

(2) Online: using the ticket number, the citation can be paid with debit card or credit card.

(l) Any third party administration fees shall be added to, and collected with, parking violation forfeitures set forth in this section. A schedule of third party administration fees
charged pursuant to this section shall be on file in the office of the Director of Finance.
(Code 1965, §10.17(2); Ord 4-93, §1, 1-6-93; Ord 142-93, §1, 9-15-93; Ord 143-93, §1, 9-15-93; Ord 144-93, §1, 9-15-93; Ord 154-93, §1, 9-15-93; Ord 155-93, §1, 9-15-93; Ord 137-95, §1, 12-20-95; Ord 154-01, §1, 9-10-01, Ord 68-05, §1, 5-7-05; Ord 107-05, §1, 1-1-06; Ord 122-05, §1, 1-1-06; Ord 96-10, §1, 6-22-10; Ord 103-10, §1, 1-1-11; Ord 112-12, §1, 10-23-12; Ord 1-20, §1, 1-14-2020
Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 19-91. Parking in front and side yard in residential district; parking on terraces.

(a) **Purpose.** The purpose of this section is to clearly define acceptable areas for parking vehicles within the front yard or side yard, as defined in Chapter 23, of private properties in order to address off-street parking issues and maintain the acceptable appearance of City neighborhoods.

(b) **Residential driveway.** Residential driveway means that area leading directly from the street to a garage, carport, or rear yard parking area.

(c) **Front yard.** No person shall park or store any motor vehicle, or recreational vehicle of 26 feet or less, i.e., a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and boats, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the front yard of any residential district except upon a residential driveway and shall be subject to temporary recreational vehicle parking restrictions set forth in §19-92. No recreational vehicle or boat greater than 26 feet in length may be parked or stored in the front yard of any residential district. Any vehicle parked in the front yard, shall be parked within the driveway area in such a manner as to maintain all wheels on the driveway surface, and shall neither obstruct the sidewalk nor extend onto the driveway apron. All driveways on one- (1-) and two- (2-) family residential properties, as well as those properties with three (3) dwelling units, shall be paved with concrete, asphalt, brick or a similar hard surface within one (1) year of construction. Carriage style driveways with a minimum of 2-foot wide strips paved with concrete, asphalt or brick and maintained grass medians in accordance with Sec. 12-59(c)(3) are permitted. Those existing driveways on one- (1-) and two- (2-) family properties, as well as those properties with three (3) dwelling units, that are not currently paved as described for new driveways shall be so paved within one (1) year of notice of non-compliance. (Ord 84-15, §1, 10-27-15)

(d) **Side yard.** No person shall park or store any motor vehicle, “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and trailered boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the side yard of any residential district unless the side yard parking area is no greater than twelve (12) feet wide and extends no farther than the rear plane of the principal structure on the property. Side yard parking areas are required to be hard surfaced and subject to the requirements of this section, including the requirement for a permit for the installation of said hard surface.

(e) **Permits.** The Inspections Supervisor shall issue a driveway extension permit or a side yard parking pad permit upon the filing of a proper application, which shall be on a form furnished by the Director and shall describe the nature of the work, material to be used, measurements, plans and/or specifications of the proposed extension as well as such other information as may be required for inspection. Permits shall be issued prior to the start of the work. Fees for this permit shall be kept on file with the City Clerk.

(f) **Extensions to the driveway surface, beyond the area previously described in section (d), are permissible provided all of the following apply:**

1. The property owner has obtained appropriate driveway extension permit; and,

2. Both the extension and driveway are paved as provided in sec. (d) above; and,

3. The extension is no greater than twelve (12) feet wide; and,

4. The paved area is no longer than the length of the driveway, extending from the edge of the City’s right-of-way to a carport, rear yard parking area or garage. For the purpose of creating a parking pad, the paved area may extend along the side of the principal structure on the property and may extend to the rear plane of said structure; and,

5. Whenever practicable, the extension shall be located on the side of the driveway such that it extends toward the nearest side lot line. When such a configuration is not possible, the property owner may install an extension no greater than four (4) feet into the greater front yard. Any extension into the greater front yard of the property that is more than four (4) feet wide shall require approval from the...
(6) This section shall not apply toward paved circular driveways.

(7) The paved area shall meet any other requirements of the Municipal Code including, but not limited to, zoning requirements and the Driveway Installation Policy.

(g) Appeals to the requirements of this section shall be filed with the Inspections Supervisor and heard by the Municipal Services Committee. In hearing and deciding appeals, the Committee shall have the power to grant relief from the terms of this section only where there are unusual and practical difficulties or undue hardships due to an irregular shape of the lot, topographical, or other conditions present, as contrasted with merely granting an advantage or convenience. Decisions of the Committee shall be consistent with the purpose and intent of this section.

(h) Relief granted by the Municipal Services Committee, pursuant to (g) above, shall run with the land. (Ord 85-15, §1, 10-27-15)

(i) Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §1-16 of the Municipal Code.

(CODE 1965, §10.04(2); Ord 179-02, §1, 8-27-02, Ord 16-05, §1, 2-22-05; Ord 126-06, §1, 10-10-06; Ord 156-10, §1, 10-26-10; Ord 157-10, §1, 10-26-10; Ord 159-10, §1, 11-9-10, Ord 144-11, §1, 6-7-11)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 19-92. Recreational and commercial vehicle parking and storage in residential district.

(a) Definitions. For the purposes of this section, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

Recreational vehicle means a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats. It also includes trailers and boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties.

(b) When associated with residential dwellings:

(1) The outdoor storage of a commercial vehicle or commercial trailer shall be restricted to a vehicle or trailer owned or leased by the occupant(s) of the lot upon which the vehicles are stored.

(2) The enclosed parking or storage of not more than one (1) commercial or service vehicle rated at Class A – D may be permitted within an attached garage, attached carport, detached garage, and/or detached carport, provided that such vehicle is used by the occupant(s) of the lot upon which the vehicle is parked or stored.

(3) The outdoor parking or storage of not more than one (1) commercial or service vehicle rated at Class A – D or school bus, may be permitted, provided that such vehicle is parked or stored in the side yard and/or rear yard only and used by the occupant(s) of the lot upon which the vehicle is parked or stored.

(4) Recreational vehicle storage. The outdoor storage of not more than one (1) recreational vehicle in areas other than those addressed in §19-91 may be permitted provided:

a. Such recreational vehicle is owned or leased by the occupant(s) of the lot upon which the recreational vehicle is stored.

b. Such recreational vehicle shall not be used for business, living, sleeping, or housekeeping purposes.

c. Such recreational vehicle shall not be permanently connected to sewer lines, water lines, or electricity.

d. Such recreational vehicle shall not be used for the storage of goods, materials or equipment not normally a part of or essential to the immediate use in that vehicle or trailer.

(c) Recreational vehicle parking in front yard. Unoccupied recreational vehicles of 26 feet in length or less as defined in §19-92 may be parked in a front yard driveway.

(Code 1965, §11.15(3)(c); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 131-96, §1, 12-18-96; Ord 145-11, §1, 6-7-11)

Sec. 19-93. Nighttime parking on street or alley.

No operator of any vehicle or recreational vehicle, as defined in Sec. 19-92 above, shall park the vehicle upon any

Supp. #91
street or alley between 2:00 a.m. and 5:00 a.m. without permission by the Police Department or in cases of construction a permit may be given by the Department of Public Works. Any vehicle or recreational vehicle, defined in Sec. 19-92 above, parked in violation of this section may be towed at the owner’s expense. 
(Code 1965, §10.05; Ord 18-96, §1, 3-06-96; Ord 57-99, §1, 8-22-99; Ord 60-17, §1, 9-26-17)

**Cross reference(s)** - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

### Sec. 19-94. Snow emergencies.

(a) Definitions. For purposes of this section:

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

**Emergency vehicles** include police squad cars, firefighting apparatus, ambulances, rescue squad cars and City-owned or City-hired snowplows, snow removal equipment and machinery or emergency vehicles.

(b) **Declaration of emergency.** During emergency snowstorms or when the City has experienced heavy snowfalls in which the accumulation of snow has narrowed streets or impeded normal traffic flow, the Mayor or, in his absence, the Director of Public Works or designee thereof may declare a snow emergency and may impose emergency parking restrictions while the emergency is in effect. Notice of the emergency shall, whenever practicable, be provided by publication in a newspaper, announcement over the radio or television, electronic communication or by other appropriate or convenient means.

(Ord 30-99, §1, 5-8-99)

(c) **General parking restrictions.** During the following snow emergencies certain parking restrictions shall be enforced and vehicles found in violation may be ticketed and towed at the owner’s expense:

1. **Class I** – During a class I snow emergency there shall be no parking on any City street from 2:00 a.m. to 5:00 a.m. The Police Department’s authority to grant permission to park on City streets between 2:00 a.m. and 5:00 a.m. shall be suspended for the duration of the snow emergency. Regular parking restrictions shall apply beginning at 5:00 a.m. and ending at 2:00 a.m. the following day.

2. **Class II** – During a class II snow emergency there shall be no parking on any City street from 2:00 a.m. to 5:00 a.m., and at all other times parking is restricted to the even-numbered side of the street on even-numbered days and to the odd-numbered side of the street on odd-numbered days. Day means the period of time beginning at 5:00 a.m. and ending at 2:00 a.m. the following day.

3. **Class III** – During a class III snow emergency there shall be no parking on any City street at any time.

4. A snow emergency shall remain in effect until it is withdrawn by the issuing authority.

(Code 1965, §10.09, Ord 108-04, §1, 8-10-04 ; Ord 5-12, §1, 2-7-12)

### Sec. 19-95. Loading zones.

(a) **Truck loading zones.**

1. Truck loading zones are established to prevent double parking and other illegal parking by designating a supply of parking spaces dedicated to the delivery of merchandise by truck to commercial properties.

2. While being actively loaded or unloaded, motor vehicles that are designed, used or maintained primarily for the transportation of property and displaying commercial signage, may park in a truck loading zone for no more than thirty (30) minutes.

   a. Commercial signage required by this section must be:

   1. On both sides of the vehicle;

   2. Magnetic, static cling vinyl (which may not be used on tinted windows), decals or permanently painted;

   3. No smaller than 8½” by 11”;

   4. In 2-inch or larger lettering;

   5. In a color that clearly contrasts with the color on which the lettering is displayed; and

   6. In lettering that is clearly visible at a distance of twenty (20) feet.
(b) Passenger loading zones.

(1) Passenger loading zones are established for the purpose of the expeditious loading or unloading of passengers.

(2) Motor vehicles may park in a passenger loading zone for no more than ten (10) minutes, unless a different period of time is designated by ordinance.

Secs. 19-96 – 19-105. Reserved.

Sec. 19-106. City-owned parking facilities.

The property owned by the City and used as public parking facilities for vehicles shall be described as follows:

(1) Yellow Ramp.

(2) Red Ramp.

(3) Library Plaza: the library parking lot. The parking lot is adjacent to the library and bounded on the east by North Oneida Street and on the west by North Appleton Street.

(4) Green Ramp.

(5) Jones Park Parking Lot. This parking lot is at the end of Rocky Bleier Run adjacent to Jones Park.


(a) The Common Council may authorize the installation, regulation, control, maintenance and use of parking meters and pay stations in the streets, public parking lots or public parking ramps as well as the use of mobile parking apps. Parking meters shall be placed next to individual parking spaces and shall display the hours and days of operation. Pay stations shall be located in the vicinity of the parking stalls which are controlled by it and shall also display the hours and days of operation.

(b) Each parking meter shall be so set as to display a signal showing legal parking upon the deposit of funds as specified in this section. Each meter shall be so arranged that, upon the expiration of the parking limit, it will indicate that the lawful parking period as fixed by the ordinance of the City has expired.

(c) When any vehicle shall be parked in a parking space next to a parking meter under the provisions of this section, the owner or operator of the vehicle shall, upon entering the parking space, immediately deposit the required funds whether directly in the meter, via pay station or app, and the person may use the parking space for the vehicle during the time limit or a fractional part thereof as provided in this division. If a vehicle remains parked in any parking space for more than the time allowed, the person shall pay the additional time on the parking meter, regardless of the state of payment.
space beyond the limit fixed by the ordinance of the City for such parking space, or fractional part thereof, depending on the funds deposited, the parking meter shall display a sign showing illegal parking and in that event such vehicle shall be considered as having been parked overtime and beyond the time fixed in the ordinance by the City and the parking of a vehicle overtime or beyond the time fixed by the ordinance of the City in any such part of a street where any such meter is located shall be in violation of this section.

(d) No person shall deposit funds for the purpose of extending the parking time beyond the time limit fixed in this division for parking in the parking space for which a parking meter is placed.

(e) Official markings. When markings upon the curb or the pavement of a street designate a parking space, no person shall stand or park a vehicle in such designated parking space so that any part of the vehicle occupies more than one space or protrudes beyond the markings designating such a space, except that a vehicle which is of a size too large to be parked within a single designated parking space shall be parked with the front bumper at the front of the space with the rear of the vehicle extending as little as possible into the adjoining space to the rear, or vice-versa, and shall be responsible for depositing the required funds into the parking meters for both occupied stalls. Notwithstanding the above, no vehicle that is too long and/or too wide to be parked within a single designated parking space shall be parked in such a space which is designated for angle parking.

(f) No person shall deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a coin of the United States with the exception of City-approved tokens.

(g) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under this section.

(h) All parking meter, parking pay station and mobile parking app revenues shall be kept in a separate fund called the parking revenue fund. The purpose of the fund shall be for the purchase, maintenance, operation, enforcement, administration and construction of all parking facilities. The Common Council may, from time to time, direct the fund to be used for other purposes relating to parking facilities, including the right to pledge parking revenues for the payment of bonds issued for the construction of parking facilities. No unexpended funds are to be returned to the general funds. All earnings, upon the investment of unexpended funds, shall constitute an addition to the fund.

(i) “Parking Pay Stations”

(1) No person shall, in any parking space controlled by a “Parking Pay Station,” park a vehicle without purchasing the amount of parking time desired from such machine.

(2) No person shall, in any parking space controlled by a “Parking Pay Station,” which allows a person to purchase the amount of parking time desired from a machine that dispenses a receipt, park a vehicle in excess of the amount of time indicated on such receipt, or on posted signs.

(Code 1965, §10.07(1) - (8); Ord 137-95, §1, 12-20-95; Ord 114-12, §1, 10-23-12; Ord 58-17, §1, 9-12-17)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18; director of public works, §2-291 et seq.

Sec. 19-108. Same – suspension of fees on certain days.

All parking meter fees will be suspended for the twenty-four- (24-) hour period beginning at midnight preceding and ending at midnight following on Sundays and on the following holidays:

(1) New Year's Day.

(2) Memorial Day.

(3) Independence Day.

(4) Labor Day.

(5) Thanksgiving Day.

(6) Christmas Day.

(Code 1965, §10.07(12))

Sec. 19-109. Hours of operation of metered parking facilities.

(a) On-street metered parking: 9:00 a.m. to 6:00 p.m. Monday through Saturday, excluding City observed holidays (see §19-108).

(b) Off-street metered parking lots: 9:00 a.m. to 6:00 p.m. Monday through Saturday, excluding City observed holidays (see §19-108).

(Code 1965, §10.07(10)(a); Ord 71-89, §1(A), 6-7-89; Ord 36-92, §1, 3-18-92; Ord 137-95, §1, 12-20-95; Ord 156-01, §1, 9-10-01; Ord 22-04, §1, 2-10-04; Ord 115-12, §1, 10-23-12; Ord 531-15, §1, 6-23-15; Ord 112-18, §1, 1-1-19)
Sec. 19-110. Metered on-street parking.

The time limits for operation of parking meters are as authorized by the Common Council and as specified on individual meters.

(a) **Red head meters – Fee.** A rate of fifty cents ($0.50) for thirty (30) minutes shall apply to all spaces marked with red head meters in the Central Business District.

(b) **Non-red head meters – Fee.**

(1) For all on-street meters north of Washington Street, a rate of twenty-five cents ($0.25) for each hour shall apply to all spaces marked with non-red head meters.

(2) All other meters shall have a rate of one dollar ($1.00) for each hour and shall apply to all spaces marked with non-red head meters.

Sec. 19-111. Metered off-street parking.

The time limits for operation of parking meters are as authorized by the Common Council and as specified on individual meters.

(a) **Library lot fees.** A rate of one dollar ($1.00) per hour shall apply to all non-red head meters in the Library lot. A rate of fifty cents ($0.50) for thirty minutes shall apply to all spaces marked with red head meters in the Library lot.

(b) Any vehicle which has not been moved and/or is left unattended in any City-owned non-metered off-street parking facility for more than thirty (30) days shall be considered to be abandoned, and shall be dealt with pursuant to the provisions of Chapter 12, Article V of this Municipal Code.

(c) Jones Park Parking Lot: 5 a.m. – 11 p.m. 2-hour time limit. No parking 11 p.m. – 5 a.m.

Sec. 19-113. Parking permits.

(a) **Sale of permits; types.** Except as otherwise provided in this section, off-street parking permits shall be issued by the Department of Public Works. The types of permits and the cost for the different types of permits shall be on file in the Department of Public Works.

(b) – (i) Reserved.

Sec. 19-114. Loitering in off-street parking facilities and on I-41/STH 441 overpasses/bridges prohibited.

No person shall enter, remain in or upon, loiter, stand, sit, lie, remain or otherwise occupy any off-street parking facilities, I-41 overpasses or bridges, or STH 441 overpasses or bridges, except for the purpose of motor vehicle parking, the necessary ingress and egress for parking, or for the customary pedestrian and/or bicycle travel upon and across highway overpasses and/ or bridges.
Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

ARTICLE IV. TRUCK ROUTES

Sec. 19-136. Generally.

The Common Council may designate heavy traffic routes other than state trunk highways for the movement of commercial motor vehicles. Whenever such heavy traffic routes shall be established, the Traffic Engineer shall certify such routes to the Chief of the Police Department. The routes so established shall be known as truck routes and the operator of any commercial motor vehicle having a gross weight of at least fifteen thousand (15,000) pounds, other than buses, shall drive on such routes and no other except when it is impractical to do so or when necessary to obtain orders for supplies or for moving or delivering supplies or commodities to or from any place of business or residence fronting on any such route.  
(Code 1965, §10.12)

Sec. 19-137. Routes enumerated.

The truck routes established pursuant to this article are as follows:

- Alliance Drive from Milis Drive to Vantage Drive.
- Appleton Street from Washington Street to Lawrence Street.
- Badger Avenue from Wisconsin Avenue to Memorial Drive.
- Ballard Road from Wisconsin Avenue to the north City limits.
- Bluemound Drive from College Avenue to the north City limits.
- Calumet Street from Oneida Street to the east City limits.
- Capitol Drive from Ballard Road to Zuehlke Drive.
- College Avenue from the west City limits to the east City limits.
- Commercial Street from Meade Street to Rankin Street.
- Conkey Street from Pershing Street to Venture Drive.
- Douglas Street from Spencer Street to Melvin Street.
- Eisenhower Drive from Midway Road to Calumet Street (CTH KK).
- Endeavor Drive from Lakeland Drive to Eisenhower Drive.
- Enterprise Avenue from Gateway Drive to Providence Avenue.
- Evergreen Drive from Ballard Road to French Road.
- Everett Street from Perkins Street to the west end.
- Fourth Street from Lyndale Drive to the east end.
- Franklin Street from Richmond Street (STH 47) to Appleton Street.
- Gateway Drive from Enterprise Avenue to Evergreen Drive.
- Glendale Avenue from Ballard Road to Sandra Street.
- Goodland Drive from Conkey Street to Zuehlke Drive.
- Hancock Street from Lawe Street to Meade Street.
- Haskell Street from Outagamie Street to Herbert Street.
- Herbert Street from Haskell Street to Rogers Avenue.
- Intertech Drive from Enterprise Avenue to cul-de-sac.
- John Street from College Avenue to Calumet Street.
- Kensington Drive from College Avenue to Newberry Street.
- Lakeland Drive from Plank Road to Vantage Drive.
- Lawe Street from South Island Street to Summer Street.
- Lawrence Street from Memorial Drive to Morrison Street.
- Leonard Street from Lyndale Drive to Perkins Street.
- Lightning Drive from Evergreen Drive to Enterprise Avenue.
- Lilas Drive from College Avenue to the north City limits.
- Lilas Drive from Everett Drive to Second Street.
- Linwood Avenue from College Avenue to Spencer Street.
Lynndale Drive from College Avenue to the north City limits.

Lynndale Drive from Spencer Street to the south end.

Marshall Road from Winslow Avenue to Capitol Drive.

Meade Street from Hancock Street to Wisconsin Avenue.

Midway Road from the west City limits to the east City limits.

Milis Drive from Quest Drive to Alliance Drive.

Morrison Street from Lawrence Street to Washington Street.

Newberry Street from Walter Avenue to the east City limits.

Northland Avenue from the west City limits to the east City limits.

Olde Oneida Street from South Island Street to Oneida Street.

Oneida Street from College Avenue to the south City limits.

Outagamie Street from Spencer Street to Haskell Street.

Pensar Drive from Roemer Road to the west end.

Perkins Street from College Avenue to the north City limits.

Perkins Street from Second Street south to the railroad tracks.

Pershing Street from Conkey Street to Sandra Street.

Plank Road from Quest Drive to Eisenhower Drive.

Pointer Road from Pensar Drive to Capitol Drive.

Progress Drive from Winslow Avenue to Capitol Drive.

Providence Avenue from Evergreen Drive to Enterprise Avenue.

Quest Drive from Plank Road to Midway Road.

Radio Road from College Avenue (CTH CE) to Warehouse Road.

Rankin Street from Commercial Street to Wisconsin Avenue.

Richmond/Memorial (State Trunk Highway 47) from the north City limits to the south City limits.

Roemer Road from Glendale Avenue to Capitol Drive.

Rogers Avenue from Herbert Street to the west end.

Sandra Street from Glendale Avenue to Pershing Street.

Second Street from Outagamie Street to the west end.

Second Street from Whitman Avenue to Perkins Street.

South Island Street between Olde Oneida Street and Lawe Street.

Spencer Street from Badger Avenue to the west City limits.

Summer Street from Lawe Street to Meade Street.

Vantage Drive from Quest Drive to Lakeland Drive.

Walter Avenue from College Avenue to Newberry Street.

Warehouse Road from Radio Road to Kensington Drive.

Washington Street from Appleton Street to Morrison Street.

Whitman Avenue from Spencer Street to Second Street.

Winslow Avenue from Roemer Road to Zuehlke Drive.

Wisconsin Avenue from the west City limits to the east City limits.

Woods Edge Drive from College Avenue to the north end.

Zuehlke Drive from Winslow Avenue to Goodland Drive.

(Code 1965, §10.12; Ord 153-89, §1, 11-15-89; Ord 105-90, §1, 11-20-90; Ord 8-93, §1, 2-3-93; Ord 58-94, §1, 5-4-94;
TRAFFIC AND VEHICLES

Ord 54-98, §1, 5-6-98, Ord 122-01, §1, 7-5-01; Ord 147-02, §1, 7-9-02; Ord 196-03, §1, 11-11-03; Ord 21-04, §1, 2-10-04; Ord 49-06, §1, 3-21-06; Ord 50-06, §1, 3-21-06; Ord 51-06, §1, 3-21-06; Ord 52-06, §1, 3-21-06; Ord 128-06, §1, 10-10-06; Ord 127-06, §1, 10-10-06; Ord 29-07, §1, 2-13-07; Ord 158-10, §1, 10-26-10; Ord 22-11, §1, 1-11-11; Ord 231-11, §1, 12-13-11; Ord 119-12, §1, 10-23-12; Ord 16-14, §1, 4-22-14; Ord 15-17, §1, 1-10-17)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.


ARTICLE V. BICYCLES AND PLAY VEHICLES*

DIVISION 1. GENERALLY

Sec. 19-161. Definitions.

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

Bicycle means every device propelled by the feet acting upon pedals and having wheels any two (2) of which are not less than fourteen (14) inches in diameter.

Bicycle establishment or bicycle dealer means any business operated by any person wherein new or used bicycles or bicycle parts are purchased, sold, exchanged, bartered, repaired, remodeled, dismantled or junked.

Bicycle lane means that portion of a roadway set aside by the governing body of any city, town, village or county for the exclusive use of bicycles or other modes of travel where permitted under W.S.A. §349.23(2)(a), and so designated by appropriate signs and markings. Bicycle lanes are designated on the following streets: the area bounded by Franklin Street on the north; Lawrence Street on the south, including any ramps leading down into Jones Park; Richmond Street on the west; and Drew Street on the east.

Bicycle route means any bicycle lane, bicycle way or highway which has been duly designated by the Common Council and which is identified by appropriate signs and markings.

Bicycle way means any path or sidewalk or portion thereof designated for the use of bicycles by the Common Council.

Carrier means any device attached to the bicycle designed for carrying articles.

Curb means the lateral boundaries of that portion of a street designed for the use of vehicles, whether marked by a curb or not.

Driver or operator means every person who drives or is in actual physical control of a vehicle.

Minibike means a two- (2-) wheeled motorized vehicle with less than twenty- (20-) inch wheels, usually designed for trails and off-street use.

Motor bike means a vehicle of the bicycle or tricycle type propelled by a motor.
Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Owner means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to security interest in another person, but excludes a lessee under a lease not intended as security.

Pedestrian means any person afoot.

Reflector means any device constructed of metal or glass or plastic that has a diameter of at least two (2) inches of surface area, which will be visible from all distances within fifty (50) feet to five hundred (500) feet directly in front of a motor vehicle at night displaying lawfully lighted headlights, such device to be so constructed as to show a red color when struck by motor vehicle lights as stated. Such device shall be affixed to the rear of the bicycle at any point on the frame or mudguard at a height between axis of the wheel and the bottom of the rider’s seat.

Registration tag means a metal plate or sticker indicating that a bicycle is registered.

Right-of-way means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Sidewalk means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines, intended for use by pedestrians.

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Trailer means a unit designed to be towed by a bicycle and not an integral part of a bicycle.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (Code 1965, §10.08(1); Ord 120-12, §1, 10-23-12)

Sec. 19-162. Penalty for violation of article.

Any person found guilty of a violation of this article shall be subject to a penalty of not more than five dollars ($5.00) and removal of the bicycle registration tag for a period not to exceed thirty (30) days. (Code 1965, §10.08(32))

Sec. 19-163. Compliance with article; responsibility of parents.

(a) It is unlawful for any person to perform any act forbidden or fail to perform any act required in this article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this article. (Code 1965, §10.08(29))

Sec. 19-164. Operation of skateboards as prohibited in certain areas.

No person shall operate, ride or propel a skateboard, inline skates and roller skates, on any portion of the following streets or public property:

1. The area bounded by Franklin Street on the north; Lawrence Street on the south, including any ramps leading down into Jones Park; Richmond Street on the west; and Drew Street on the east.

2. All City-owned parking ramps and parking lots. (Code 1965, §10.08(13)(c); Ord 89-92, §1, 8-20-92)

Secs. 19-166 – 19-175. Reserved.
DIVISION 2. BICYCLES


Sec. 19-181. Unclaimed or unidentified bicycles.

All abandoned bicycles and unidentified bicycles remaining in the hands of the Police Department may, at the end of thirty (30) days, be sold at public auction or by any other method allowed by §12-101.
(Code 1965, §10.08(11))

Sec. 19-182. Applicability of traffic regulations to persons operating bicycles.

Every person operating a bicycle upon a roadway shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of the City applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature have no application.
(Code 1965, §10.08(12))

Sec. 19-183. Riding bicycle on sidewalk.

(a) Bicyclists exercising due care may operate their bicycle upon the sidewalk, except on the sidewalks on College Avenue between Drew Street and Badger Avenue (this exception shall not apply to law enforcement officers operating designed police bicycles).

(b) It shall be unlawful for any person operating a bicycle on the sidewalk to attempt to pass another person going in the same direction on the walk without giving an audible signal as warning and until it becomes evident that the person so warned is aware of the approach of such person operating the bicycle. Pedestrians shall at all times have the right-of-way upon sidewalks and, if necessary, the person operating such bicycle shall vacate the sidewalk or dismount and walk the bicycle to prevent an accident. Any person operating a bicycle upon the sidewalk must have the bicycle under control at all times.
(Code 1965, §10.08(13)(a), (b), ord 150-07, §1, 11-13-07)

Sec. 19-184. Riding bicycle on roadway.

Whenever a bicycle is operated upon a roadway the following rules apply:

(1) Unless preparing to make a left turn, every person riding a bicycle upon a roadway carrying two- (2-) way traffic shall ride within three (3) feet of the right side of the unobstructed traveled roadway. On one- (1-) way roadways, the operator of the bicycle shall ride within three (3) feet of the right side or left side of the unobstructed traveled roadway. Every person operating a bicycle upon a
roadway shall exercise due care when passing a standing vehicle or one (1) proceeding in the same direction, allowing a minimum of three (3) feet between his bicycle and the vehicle.

(2) Persons riding bicycles upon a roadway shall ride single file on all roadways which have centerlines or lane lines indicated by painting or other markings, and in all unincorporated areas. On roadways not divided by painted or other marked centerlines or lane lines, bicycle operators may ride two (2) abreast in incorporated areas.

(3) No person may operate a bicycle upon a roadway where a sign is erected indicating that bicycle riding is prohibited.

(4) The operator of any bicycle overtaking another bicycle or vehicle proceeding in the same direction shall pass such vehicle at a safe distance at a place on the roadway other than an intersection and without leaving the traveled portion of the road.

(Code 1965, §10.08(14))

Sec. 19-185. Riding bicycle on bicycle lane.

(a) Unless two- (2-) way traffic is authorized under subsection (b) of this section, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.

(b) The Common Council may authorize two- (2-) way traffic on any portion of a roadway which it has set aside as a bicycle lane. Appropriate traffic signs shall be installed on all bicycle lanes open to two- (2-) way traffic.

(c) Unless otherwise provided under subsection (b) of this section, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.

(d) A person may leave a bicycle lane at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his bicycle into the lane and then mounting it.

(e) Every person operating a bicycle upon a bicycle lane shall exercise due care and give an audible signal when passing a bicycle rider proceeding in the same direction.

(f) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians. (Code 1965, §10.08(15))

Sec. 19-186. Riding bicycle on bicycle way.

(a) Every person operating a bicycle upon a bicycle way shall:

(1) Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.

(2) Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.

(b) Every person operating a bicycle upon a bicycle way open to one- (1-) way traffic shall ride on the right side of the bicycle way.

(c) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way. (Code 1965, §10.08(16))


(a) A person propelling a bicycle shall not ride other than upon or astride a permanent and a regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(c) No bicycle except a tandem shall be used to carry any person except the operator unless equipped with a child's seat, in which case the following conditions and regulations must be met:

(1) The operator shall be fourteen (14) years of age or older.

(2) The passenger shall not exceed fifty (50) pounds in weight and shall be seated on the child's seat.

(3) The child's seat shall be fastened securely to the bicycle; shall be located behind the operator's seat; and shall be designed and manufactured for this specific purpose and be equipped with safety belt, arm rest, back rest, foot and spoke protection, and have a firm seat.
and back and be attached to the frame at three (3) points with bolts or nuts, two (2) of which are at either side of the wheel axle or the frame adjacent to the rear axle.

(4) Only one (1) child’s seat shall be attached to a bicycle.
(Code 1965, §10.08(17))

Sec. 19-188. Improper riding, trick riding and racing.

(a) No person operating a bicycle upon a public street or sidewalk shall participate in any race, speed or endurance contest unless such race or endurance contest has the written permission of the Chief of Police and is conducted under the supervision of the police.

(b) No person riding or operating a bicycle shall perform or attempt to perform any acrobatic, fancy, or stunt riding upon any public street or sidewalk.
(Code 1965, §10.08(18))

Sec. 19-189. Obedience to speed limits.

No person shall operate a bicycle at a speed greater than the speed limit.
(Code 1965, §10.08(19))

Sec. 19-190. Obedience to traffic-control devices.

Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles, unless otherwise directed by a police officer.
(Code 1965, §10.08(20))

Sec. 19-191. Stopping, turning and signaling.

(a) If any other traffic may be affected by such movement, no bicycle operator shall stop, slow down or turn without giving an arm signal required by state law for the operation of motor vehicles. The operator of a bicycle shall give such signal continuously during not less than the last fifty (50) feet traveled before turning.

(b) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in W.S.A. §346.35 to the operator of any vehicle immediately to the rear when there is opportunity to give such signal. This subsection does not apply to the operator of a bicycle approaching an official stop sign or traffic-control sign.

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

(d) Every person riding or operating a bicycle intending to turn to the right at an intersection or alley or driveway shall approach the turning point in the line of traffic nearest the right-hand curb of the street. The bicycle driver, in turning left at an intersection, shall pass to the left of the center of the intersection before turning, unless otherwise directed by markers, buttons or signs. At intersections where traffic is moving in opposite directions, if it is not safe for bicycles to make left-hand turns as described in this subsection, the bicycle driver shall stay in the right-hand lane and ride to the opposite corner, then dismount and walk the bicycle to the left-hand corner and proceed. Crosswalks shall be used when walking a bicycle through an intersection.
(Code 1965, §10.08(21))

Sec. 19-192. Emerging from alley or driveway.

The operator of a bicycle emerging from an alley, driveway or building shall stop prior to riding across a sidewalk or roadway. Such operator shall in all cases yield the right-of-way to all pedestrians approaching on the sidewalk and to all vehicles approaching upon the roadway.
(Code 1965, §10.08(22))


(a) No person shall park any bicycle on a sidewalk having a width of less than five and one-half (5½) feet.

(b) On sidewalks with a width of five and one-half (5½) feet or more, bicycles shall not be parked:

(1) On the main traveled portion of the sidewalk;
(2) Against or adjacent to windows; or
(3) In such a manner as to constitute a hazard to pedestrians, traffic or property.

(c) Bicycle racks are to be used for parking where provided. Bicycles are not to be parked on the sidewalk if a bicycle rack is available within three hundred (300) feet and able to be reached without crossing the street.
(Code 1965, §10.08(23))

Sec. 19-194. Clinging to vehicles.

No person operating a bicycle shall attach himself or his bicycle to any vehicle upon a roadway.
(Code 1965, §10.08(24)(a))
Sec. 19-195. Position of passengers; towing.

No person shall operate a bicycle or bicycle-trailer combination on a street or sidewalk when any person other than the operator is upon any portion thereof not designed or intended for the use of passengers, nor shall any person ride in such a position as to interfere with the operator's view ahead or to the side or to interfere with the operator's control of the bicycle, nor shall the operator of any bicycle draw any coaster, sled, person on roller skates, toy vehicle or any other similar vehicle on a public highway, except those trailers specifically designed for bicycles and having the following safeguards:

(1) The bicycle trailer to be towed must be firmly attached to the framework of the bicycle and be balanced to preclude detrimental effect on the operation of the bicycle.

(2) At least two (2) red reflectors must be fastened on the rear of the trailer and one (1) amber reflector on each side of the trailer. These reflectors are to be two (2) inches in diameter, or the equivalent in retro reflective material.

(3) Overall length of trailer unit from the extreme rear of the bicycle wheel is not to exceed forty (40) inches.

(4) Overall height of the trailer unit, including wheels, from ground level to the top of the carrying container, is not to exceed thirty-six (36) inches.

(5) Maximum width of the trailer unit, wheels, axle, container and the like is not to exceed thirty-six (36) inches.

(6) The trailer unit must be detachable from the bicycle.

Sec. 19-196. Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the operator from keeping at least one (1) hand upon the handlebars.

Sec. 19-197. Handlebars.

Every bicycle that is equipped with handle grips must have the grips securely glued or cemented to the handlebars.

Sec. 19-198. Lamps and other equipment.

(a) Lamps; reflectors. No person may operate a bicycle upon a street, sidewalk, bicycle lane or bicycle way during hours of darkness unless such bicycle is equipped with or the operator is wearing a lamp on the front emitting a white light visible from a distance of at least five hundred (500) feet to the front of such bicycle. Such bicycle shall also be equipped with a red reflector that has a diameter of at least two (2) inches of surface area on the rear, so mounted and maintained as to be visible from all distances from fifty (50) to five hundred (500) feet to the rear when directly in front of a lawful upper beam of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to but not in lieu of the red reflector.

(b) Brakes. No person may operate a bicycle upon a street, sidewalk, bicycle lane or bicycle way unless all braking equipment with which the bicycle was originally provided is in good working order. No person may operate a bicycle equipped with a coaster brake upon a highway, bicycle lane or bicycle way unless such brakes will enable the operator to make the braked rear wheel skid on dry, level, clean pavement.

Sec. 19-199. Reserved.

Editor’s Note: Ord 151-07, effective November 13, 2007, repealed this entire section relating to rental agencies.

Sec. 19-200. Riding bicycle without consent of owner.

No person shall intentionally take or ride a bicycle without the consent of the owner.

Supp. #91
Sec. 19-201. Reserved.

Editor’s Note: Ord 152-07, effective November 13, 2007, repealed this entire section relating to driving motor vehicle on bicycle lane or bicycle way.
(Code 1965, §10.08(30), Ord 152-07, §1, 11-13-07)

Sec. 19-202. Reserved.

Editor’s Note: Ord 153-07, effective November 13, 2007, repealed this entire section relating to overtaking and passing of bicycles by motor vehicles.
(Code 1965, §10.08(31), Ord 153-07, §1, 11-13-07)

(The next page is 1305.)
**Hearing, public** means the official hearing on a matter contained within this chapter that is required by Wisconsin Statutes and subject to legal notice requirements.

**Helicopter landing pad** means an area designed to be used for the landing and/or takeoff of one (1) helicopter, the temporary parking of one (1) helicopter, and other facilities as may be required by federal and state regulations, but not including operations facilities such as maintenance, storage, fueling or terminals.

**Historic Preservation**

1. **Archaeological significance** means subsurface or aboveground structural remains, artifacts or other natural or cultural features of past human life or activities and may yield additional information about prehistory or history.

2. **Architectural feature** means ornamentation or decorative features attached to or protruding from the outer surface of a local historic structure, local historic site or contributing structure, including but not limited to gable cornices, columns, decorative ornaments, and trim.

3. **Architectural significance** means importance of a building or structure based upon the distinctive characteristics of a time period, type or method of construction.

4. **Certificate of Appropriateness or COA** means the certificate issued by the Historic Preservation Commission approving a historic preservation alteration, or demolition of a local historic structure, local historic site, or a contributing structure located within a local historic district.

5. **Contributing structure** means a building, object or site located within the boundaries of a local historic district and identified as contributing to the historical, cultural, archeological or architectural significance of the local historic district.

6. **Cultural significance** means the importance of an improvement parcel or natural area, including any object, building, improvement or structure therein, associated with an event, or series of events, significant to the cultural traditions of Appleton, the state or the nation.

7. **Demolition** means razing, destroying, dismantling or in any manner causing partial destruction or total destruction of a local historic structure, local historic site, contributing structure or any improvement.

8. **Designation criteria** means a set of established standards by which the local historical significance of an improvement parcel or natural area, including any object, building, improvement or structure is judged and eligibility for designation is determined pursuant to the provisions of this section.

9. **Destruction, partial** means any act or process that razes, destroys, or dismantles less than seventy-five percent (75%) of any exterior feature, exterior wall of a local historic structure, local historic site or contributing structure.

10. **Destruction, total** means any act or process that razes, destroys, or dismantles seventy-five percent (75%) or more of any exterior feature, exterior wall of a local historic structure, local site or contributing structure.

11. **Director** means the City of Appleton Director of Community and Economic Development Department or designee.

12. **Economic hardship** means in the content of Section 23-651, economic hardship occurs when a property owner is unable to sell a local historic structure, local historic site or contributing structure solely because of the designation. The property owner or owner’s agent must provide a written statement for the potential purchaser stating that they are of the requirement imposed by this section and are unwilling to make an offer on the property because of the local historic designation.

13. **Economically feasible** means that the costs of the renovation/restore of a local historic structure, local historic site or contributing structure when combined with the cost of the land, do not exceed the fair market value of the property after the renovation/restore of the local historic structure, local historic site or contributing structure has been completed.

Supp. #91
(14) **Event** means a specific occasion, circumstance, or activity that occurred on a property marking an important moment in Appleton’s, the state’s or the nation’s prehistory or history or a historic trend that made a significant contribution to the development of Appleton, the state or the nation.

(15) **Exterior feature** means the general design and arrangement of the outer surfaces of a local historic structure, local historic site or contributing structure, including the kind and texture of the building material, and the type and style of all windows, doors, and other architectural features.

(16) **Historic district, local** means an area of two (2) or more improvement parcels that together possess significant, common characteristics that are historically, aesthetically or architecturally significant to Appleton, the state or the nation and which has been designated as a local historic district pursuant to the provisions of this section.

(17) **Historic district plan, local** means a document that identifies and defines appropriate strategies for the protection of the architectural, historical and cultural features of a local historic district.

(18) **Historic preservation alteration** means those outer surface alterations made to a local historic structure, local historic site or contributing structure, such as:

   a. Installation or alteration of windows, doors or other architectural features where the original opening is proposed to be enlarged, reduced, or altered.
   
   b. Relocation.
   
   c. Reconstruction.
   
   d. Rehabilitation.
   
   e. New construction of any improvement or additions to a local historic structure, local historic site or contributing structure.

(19) **Historic Preservation Commission** means the Commission created under this section.

(20) **Historic preservation repair** means the act or process of applying measures, except for painting, necessary to prolong or replace deteriorated, decayed or damaged existing exterior features of a local historic structure, local historic site or contributing structure or any part thereof by using materials that are identical in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. to original materials. The term “historic preservation repair” includes the installation of roof singles, windows, doors or other architectural features where the original opening will not be enlarged, reduced or altered.

(21) **Historic site, local** means any parcel of land whose historic significance is due to a substantial value in tracing the history or prehistory of humanity or upon which a historic event has occurred and which has been designated as a local historic site pursuant to the provisions of this section, or an improvement parcel, or part thereof, on which is situated a local historic structure and any abutting improvement parcel, or part thereof, used as, and constituting part of, the premises on which the local historic structure is situated.

(22) **Historic structure, local** means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of Appleton, the state or the nation and which has been designated as a local historic structure pursuant to the provisions of this section.

(23) **Historical significance** means the importance for which an improvement parcel or natural area, including any object, building, improvement or structure has been evaluated and found to meet the designation criteria.

(24) **Identical (materials)** means for the purpose of Section 23-651, means exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc.
(25) **Important person or persons** means an individual or a group of individuals who has made significant contributions to Appleton, the state or the nation, including but not limited to medicine, politics, commerce, history, engineering and/or architecture.

(26) **Improvement** means any building, structure, or object constituting a physical betterment of real property, or any part of such betterment.

(27) **Improvement parcel** means a lot or parcel of land together with the buildings and structures thereon, which has been assigned a tax parcel number by the City Assessor’s Office. The term “improvement parcel” shall also include any unimproved area of land which has been assigned a tax parcel number by the City Assessor's Office.

(28) **Member** shall mean a regular or alternate member of the Historic Preservation Commission.

(29) **Natural area** as defined by Section 23.27 Wisconsin State Statutes.

(30) **Object** means a term used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, moveable, an object is associated with a specific setting or environment. Examples of objects include boundary markers, fountains, monuments, mileposts, sculptures, murals, statues, carvings, or stained glass,

(31) **Owner's agent** means a mortgagee, buyer in possession, receiver, executor, or trustee in control of a nominated or designated local historic site, local historic structure or contributing structure.

(32) **Reconstruction** means the act or process of depicting, by means of new construction, the exterior features and detailing of a local historic structure, local historic site or contributing structure or any part thereof that no longer exists for the purpose of replicating its appearance at a specific period of time and in its historic location.

(33) **Rehabilitation** means the act or process of making possible a code compliant use for a local historic structure, local historic site or contributing structure through repair, alterations, and additions while preserving those exterior features which convey its historic, architectural or cultural significance.

(34) **Relocation** means moving a local historic structure, local historic site or contributing structure from its original location.

(35) **Similar (materials)** means for the purpose of Section 23-651, means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.

(36) **Work** means demolition or historic preservation alteration or repair.

(Ord 99-12, §1, 10-9-12; Ord 87-19, §1, 9-10-19)

**Home Garden** means an accessory use of land or roof top involving the growing and harvesting of fruits, vegetables, flowers, and other plant and herb products primarily for the consumption or enjoyment of the owner or tenant of such property.

(Ord 45-12, §1, 6-6-12)

**Home occupation** means the production of goods and/or services within a dwelling unit, attached garage or detached garage by a member(s) of the family residing in the residence, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and which does not change the residential character of the neighborhood.

(Ord 28-11, §1, 1-15-11)
Hospital means a use providing inpatient and outpatient medical and surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, training facilities, and/or other necessary accessory facilities.

Hotel or motel means a use offering lodging accommodations, in individual rooms or suites, on a daily rate to the general public and which may include additional accessory services such as restaurants, meeting rooms and personal fitness facilities.

Human habitation means the use of a vehicle for dwelling. Evidence of human habitation shall include activities such as sleeping, setting up housekeeping or cooking and/or any other activity where it reasonably appears, in light of all the circumstances, that a person or persons is using the vehicle as a living accommodation. The use of a vehicle for six or more consecutive hours for eating, resting, recreating and/or sleeping shall per se constitute “human habitation” for purposes of this chapter.

Impervious surface means an area that releases, as runoff, all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots, and streets are examples of surfaces that are typically impervious.

Impervious surface ratio means the measure of intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross area of the site.

Indoor kennel means any use where any person engages in the business of boarding, grooming, breeding, buying, letting for hire, training for a fee or selling of small animals in a completely enclosed building or structure.

Industrial use means a use at a scale greater than commercial uses that is engaged in custom, light and heavy manufacturing, production, processing, fabrication, assembly, packaging of finished goods, warehousing, wholesaling, and distribution of finished goods.

No Definitions.
K

Kennel. See Indoor kennel or Outdoor kennel.

L

Landscape business means a use engaged in the decorative and functional alteration, planting and maintenance of grounds. Such a use may engage in the installation and construction of such alterations and plantings and may store the necessary equipment and materials to perform such work.

Landscaping means alteration of the natural terrain, including the planting of trees, grass, shrubs and ground cover.

Loading space means that portion of a lot or space accessible from a street, alley or way, in or outside of a building, designed to serve the purpose of loading or unloading for all types of vehicles.

Lot means a tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

Lot area means any area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if fee title to such street is held by the owner of the lot.

Lot area per unit means the lot area required by this chapter to be provided for each dwelling unit.

Lot, corner means a lot situated at the junction of, and abutting on, two (2) or more intersecting streets.

Lot coverage. See Impervious surface.

Lot depth means the horizontal distance between the front lot line and the rear lot line. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines.

Lot, double frontage means an interior lot having frontage on the front and the rear of the lot.

Lot, interior means a lot other than a corner lot.
**Lot, land-locked** means a lot not fronting or abutting a public street and where access to the public street is limited to a narrow ingress/egress easement.

**Lot line** means a boundary line dividing one (1) lot from another lot or from a street or alley.

**Lot line, front** means that boundary of a lot which abuts a dedicated public street or private street. If a lot abuts two (2) or more dedicated public streets or two (2) or more private streets, all sides facing a dedicated public street or private street shall be considered the front. In the case of a land-locked lot, the front lot line shall be that lot line that faces the access to the lot.

**Lot line, rear** means that boundary of a lot which is opposite the front lot line with the exception of corner lots, in which case, the lot owner will have a choice to designate the rear and side yard. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be defined as a line ten (10) feet in length within the lots, parallel to, and at the maximum distance from the front lot line.

**Lot line, side** means any boundary of a lot that is not a front lot line or a rear lot line.

**Lot of record** means a lot which is part of a subdivision, the map of which has been recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds.

**Lot depth** means the average distance measured between the front lot line to the rear lot line.

*Remainder of page intentionally left blank*
Lot, vacant means a lot upon which no buildings or structures exists.

Lot width means the maximum horizontal distance between the side lot lines of a lot measured along the front lot line. On a cul-de-sac, or curved street, the front setback line shall be used to determine minimum lot width.

Management of forestry and fish means the protection and preservation of land, in its natural state, for woodlands, native species of woody plant material and watercourses, lakes and ponds for fish.

Manufacturing, custom means a use primarily engaged in the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment that does not exceed two (2) horsepower each or a single kiln not exceeding eight (8) cubic feet in volume and the incidental direct sale to consumers. Typical custom manufacturing include: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking shops, custom textile manufacturing and craft shops.

Manufacturing, heavy means a use engaged in the processing or production of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, noise, odor, vibration, water pollution, electromagnetic disturbances, radiation or dust. Heavy manufacturing uses may include uses such as a metal foundry, metal stamping plant, electrical generation plants, extraction of mineral resources in an open mine, concrete processing facility, paper manufacturing facility from raw materials, asphalt manufacturing facility, petroleum refining, private garbage incineration and animal processing and rendering plants.

Manufacturing, light means a use engaged in the processing, repair, production, assembling, altering, converting, fabricating, finishing, processing or treatment of a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements such as smoke, noise, odor, vibration, water pollution or dust and which is operating and storing products and materials in a completely enclosed structure. Light manufacturing uses may include uses such as: assembly or maintenance of machinery, manufacture or assembly of cloth, wire or rubber products in a completely enclosed building, chemical mixing or storage in a completely enclosed building, microchip manufacturing,
assembly of precision instruments, assembly of electronic devices, assembly of medical devices, completely enclosed machine shops, cabinet making facilities and silk screening facilities.

**Marina or boat landing** means use providing docking and landing, moorage space, and related activities limited to the provisioning or minor repair of pleasure boats and yachts, and accessory facilities including gasoline sales and personal services.

**Market garden.** See Urban farm.

**Maximum extent practicable** means no feasible or practical alternative exists on the site, as determined by the Community and Economic Development Director, and all possible efforts to comply with the standards of this chapter and minimize potential visual, heat, glare, harmful or adverse impacts have been undertaken by the property owner and/or applicant.

**Metros and bounds description** means a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

**Microbrewery** means use at which beer, fermented on the premises, is bottled and sold and where food may or may not be sold for eat in or carry out. The volume of production of such facility may not exceed one hundred thousand (100,000) gallons a year.

**Mobile home** means a unit designed to be towed or transported and used as a residential dwelling, but does not include a unit used primarily for camping, touring or recreational purposes

**Mobile home park** means any tract of land containing two (2) or more sites for the placement of mobile homes.

**Mobile home sales lot** means a tract of land where mobile homes are displayed and sold including all accessory structures for office use.

**Motel.** See Hotel.

**Multi-tenant building** means any building or structure that is occupied by two (2) or more owners, renters or land uses, which is managed as a single property.

**Museum** means a use serving as a repository for a collection of natural, scientific, or literary curiosities, works of art, or other objects of interest, that are arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge.

**Nonconforming lot** means a lot of record that does not comply with the lot width or lot area requirements of this chapter.

**Nonconforming building or structure** means any building or structure which was lawfully, existing under zoning ordinances preceding the effective date of this chapter or any subsequent amendments to this chapter, which do not comply with applicable regulations of this chapter.

**Nonconforming use** means a use which lawfully, occupied a lot building or structure under zoning ordinances preceding the effective date of this chapter or any subsequent amendments to this chapter, which does not comply with use regulations of the zoning district in which it is located.
Nursery, orchards or tree farm means the use of land for the establishment, care and harvesting of trees, shrubs, plants or fruit from fruit bearing trees.

Nursing or convalescent home means a home in which three (3) or more persons not of the immediate family are received, kept or provided with food, shelter or care for compensation, and by reason of chronic illness or infirmity are unable to care for themselves. A hospital, clinic or similar institution shall not be construed to be included in this definition.

Occupancy means to reside in as an owner or tenant on a permanent or temporary basis.

Off-street loading area means an area or space designated for the loading and/or unloading of goods into or out of motor vehicles, including loading docks.

Off-street parking space means a hard surfaced area for one (1) motor vehicle with room to open doors on both sides of the motor vehicle that is directly accessible to a parking aisle if located in an off-street parking lot or area and having access to a driveway, street, alley or private street.

Occupancy means to reside in as an owner or tenant on a permanent or temporary basis.

Off-street parking lot or area means a structure and use involving an open, hard surfaced area which contains off-street parking spaces, parking aisles and driveways for the maneuvering and parking of motor vehicles which is not located in a street or alley right-of-way.

Off-street parking lot and loading area construction means soil, gravel or bedrock being excavated or modified to allow for the construction of an off street parking lot and loading area, or the expansion of an existing off-street parking lot and/or loading area.

Off-street parking lot and loading area maintenance means removal and replacement of existing curbing or wheel stops located in existing off-street parking lots or loading areas. Line re-striping, crack sealing, seal coating existing off-street parking lots or loading areas, including patching which means removal and replacement of fifteen percent (15%) or less than the total square foot area of the existing surface and base course with a new surface and base course.

Off-street parking lot and loading area reconstruction means the existing surface course and base course are removed to allow for the installation, grading and compaction of a new base and surface course with no expansion of the off street parking lot and/or loading area, including patching which means removal and replacement of greater than fifteen percent (15%) of the total square foot area of the existing surface and base course with a new surface and base course with no expansion of the off street parking lot and/or loading area.

Off-street parking lot and loading area rehabilitation means the following:

(a) The existing surface course is removed above the existing base course and repaved with a new surface course, including the addition of base course to existing base course, the re-grading and/or compaction of the base course with no expansion of the off street parking lot and/or loading area; and

(b) The existing surface course is pulverized, graded and/or compacted on site with a new surface course being added on top of the base course with no expansion of the off street parking lot and/or loading area.

Off-street parking lot and loading area resurfacing means removing a portion of the surface course but leaving at least one inch thickness of undisturbed surface course in place and adding a new layer of surface course over the undisturbed surface course with no expansion of the off-street parking lot and/or loading area.

Off-street parking lot and loading area overlay means adding a new layer of surface course over the existing surface course with no expansion of the off street parking lot and/or loading area.
Office means a use in a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

Opaque fence means a solid (non-spaced) fence, alternating board on board fence, wall or exterior building wall with a gate that provides a solid or opaque barrier that blocks the transmission of light and visibility through ninety (90) percent or more of its surface area. Chain link fences and gates with slats are not considered to be opaque fences. A fence used in combination with evergreens that provide the equivalent screening as a required opaque fence may also be used to satisfy this definition.

Open space means a natural or manmade landscaped area not occupied by any structures, buildings or impervious surfaces.

Orchards, tree farms and nurseries. See Nursery, orchards or tree farm.

Ordinary high water mark means the line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Ordinary maintenance and repairs, building or structure means internal and external painting, decorating or the repair or replacement of doors, windows, nonbearing walls, fixtures, heating components, wiring, plumbing, siding, or roof shingles of an existing building or structure, not including off-street parking lots and loading areas.

Outdoor commercial entertainment means a use involving entertainment or recreation services offered outside of an enclosed building that is open to the general public for a fee. Examples include: driving ranges, miniature golf courses, Go-Kart tracks, volleyball courts, water parks, skating rinks, batting cages and amusement parks.

Outdoor display means an area of designated size located outside of an enclosed permanent building or structure used in conjunction with the a business that is occupying a permanent building or structure for the display of merchandise, goods, wares or tangible property normally sold, rented or leased within the business on the lot where the merchandise is sold, rented or leased.

Outdoor kennel means a use, outside of any building or completely enclosed structure, where any person engages in the business of boarding, grooming, breeding, buying, letting for hire, training for a fee or selling of small animals.

Outdoor sales area means the area of designated size located outside of an enclosed permanent building or structure where merchandise, goods, wares, articles or things are kept, displayed or sold.

Outdoor storage means an area of designated size located outside of an enclosed permanent building or structure used in conjunction with the business that is occupying a permanent building or structure on the same lot for the keeping of personal or business property, goods, wares, or merchandise that are not located in that specific area for customer viewing or immediate sale, in the same place for a period of more than seventy-two (72) hours.

Overlay zoning district means a district established to prescribe special regulations to be applied to a described area in combination with the underlying zoning district.

Owner means a person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot.

Parcel. See lot.

Park or playground, private means the use of any land or open space, owned or controlled by a private or for profit entity, for passive or active recreation purposes.

Supp. #91
**Park or playground, public** means the use of any land or open space, owned or controlled by a governmental entity, for passive or active recreation purposes.

**Parking** a hard surfaced area (e.g., asphalt, concrete or brick pavers) for one (1) motor vehicle with room to open doors on both sides of the vehicle that is directly accessible to an access aisle if located in a parking lot or otherwise accessible to a driveway, street or alley.

**Parking aisle** means that area adjacent to an off-street parking space which permits maneuvering of the motor vehicles entering and leaving an off-street parking space and having access to a driveway, street, alley or private street.

**Parking facility underground** means off-street parking spaces that is located below the finished grade of a building or located beneath a building, except for driveways. Parking ramps shall not be considered underground parking facilities.

**Parking lot** means a use involving an open, hard surfaced area used exclusively for the temporary storage of motor vehicles.

**Parking ramp** means a use involving a building or structure, or part thereof, composed of more than one (1) level, used or designed to be used for the parking of motor vehicles.

**Pedestrian way** means a use of land to be used by pedestrians.

**Perimeter** means the outer boundaries or borders of a lot, building, structure, use, or area.

**Personal services** mean any use which caters to customers’ needs, and which may include the incidental sale of products. Personal services may include barbershops, beauty shops, copying and duplicating services, dry cleaners, health clubs, pet grooming and tanning spas. Personal services shall not include adult entertainment or sexually oriented businesses.

**Personal storage facility (self storage/mini-warehouse)** means the primary use of a building containing individual, compartmentalized and controlled access spaces, rooms or lockers that are leased, rented or owned by different individuals for the storage of individual possessions or personal property, but may include outdoor storage areas for recreational vehicles as an accessory use.

**Pervious surface** means an area that releases, as runoff, a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or similar vegetated areas are examples of surfaces that are typically pervious.

**Place of worship** means a use involving a building, together with its accessory structures and uses, where persons regularly assemble for religious worship and which building, together with its accessory structures and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Plan, comprehensive.** See Comprehensive plan.

**Plan, development** means a report, in map and text form, including depiction of the location, purpose, type of land use, circulation pattern, primary relationship between site elements and between the proposed development and surrounding development.

**Plan, implementation** means the final, detailed plan for a planned development (PD) that is filed following Common Council approval.

**Plan, site** means a map or graphics, prepared to scale, depicting the development of a tract of land, including the location and relationship of the structures, streets, driveways, recreation areas, parking areas, lighting, utilities, drainage, landscaping, existing and proposed grading, walkways and other site development information as related to a proposed development.

**Planned development (PD)** means a parcel of land or contiguous parcels of land controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located.
Plat means a minor land division (Certified Survey Map), map, graphics or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is a recorded, legal document and must conform to all Wisconsin Statutes.

Portable storage unit means any container designed for temporary storage of property related to the owners or occupants of property and which is delivered and removed from the property.

Printing means a use for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes may include, but are not limited to: photocopying, blueprint, in-house computer rental and facsimile sending and receiving.

Prison or jail means a facility used for the incarceration of individuals who have violated federal, state or local laws.

Private drive means a roadway, not maintained by the City, providing access from a public street to a parcel or building.

Professional service means the use of office and other related spaces for such services as are provided by medical practitioners not intended for overnight care, dentists, attorneys, architects, real estate agents, engineers, funeral homes, banks, credit unions, savings and loan institutions, lending establishments and mortgage companies and other similar professions.

Property line means the legal boundaries of a parcel of property that may or may not coincide with platted lot lines or street right-of-way.

Public facility means a building and/or land owned and controlled and/or in which the use is operated by the City or other government agency, including fire stations, City Hall, public works and park facilities, library and the like.

Public institutional use means a use that provides a public service to the general public such as or similar as places of worship, libraries, educational institutions, hospitals, governmental facilities, land use for public purposes.

Public land means land owned or operated by municipal, school district, county, state or other governmental unit.

Q

No Definitions.

R

Recreation facility, commercial. See Outdoor commercial entertainment.

Recreation facility, non-profit means any land or facility operated by a non-profit organization and which is open to the public or members of the non-profit organization, that may include, but not be limited to, athletic fields, picnic areas and bike/hike trails.

Recreational vehicle means a structure or vehicle designed to be towed, hauled or driven and used for temporary living or sleeping purposes and equipped with wheels to facilitate movement from place to place including, but not limited to: campers, motorized homes and travel trailers.
Recycling and waste recovery center means a use in which recoverable resources such as newspapers, magazines, books and other paper products, glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may be used again for production.

Recycling center means a use whose purpose is to collect and process recyclable materials and transfer the processed materials off site, not including a junkyard. Processing shall be limited to the preparation of material for efficient shipment by such means as compacting, flattening, crushing, mechanical sorting, cleaning and loading, all done within the confines of a building. For the purposes of this zoning ordinance, recyclable material collection shall be limited to aluminum, glass, paper or plastic.

Recycling collection point means an incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items shall be allowed.

Refuse container means moveable receptacle for collecting solid waste produced on-site for temporary storage until transferred for final disposal, including “dumpsters” or similar receptacles and bins.

Registered historic place open to the public means any use or structure that meets one (1) of the following criteria:

(a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

Residential care apartment complex means a place where five (5) or more adults reside that consists of independent apartments, each of which has an individual lockable entrance and exit, a kitchen, including a stove, and individual bathroom, sleeping and living areas, and that provides, to a person who resides in the place, not more than twenty-eight (28) hours per week of services that are supportive, personal and nursing services. “Residential care apartment complex” does not include a nursing home or a community-based residential facility, but may be physically part of a structure that is a nursing home or community-based residential facility.

Residential care center for children and youth means a facility operated by a child welfare agency licensed under W.S.A. §48.60, for the care and maintenance of children residing in that facility. (Considered a community living arrangement) A residential care center for children and youth is subject to the standards listed in §23-52 of this ordinance.

Residential use means the occupancy of a dwelling or dwelling unit by a family or congregate living arrangements.

Research laboratory or testing facility means a use in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the facility.

Residence. See Dwelling.

Retail food establishment means an establishment required to be licensed under Wisconsin Statutes §97.30, and all other commercial enterprises, fixed or mobile, where food is processed or sold or offered for sale at retail. The term shall also include all areas and facilities of such establishments used in conjunction therewith and all vehicles and equipment utilized in conjunction therewith. It includes retail grocery stores, meat markets, poultry markets, fish markets, delicatessens, bakeries, confectionaries, ice cream shops, cheese stores, convenience marts, milk cases, spice and herb shops, temporary retail food establishments and all other establishments where food is processed or sold or offered for sale at retail.
Restaurant (with alcohol) means a use involving a business establishment, with a valid liquor license issued by the City, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual serving or in non-disposable containers.

Restaurant (without alcohol) means a use involving a business establishment, without a liquor license issued by the City, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual serving or in non-disposable containers.

Restaurant, fast food means a use involving a business establishment whose principal business is the sale of previously prepared food, in disposable containers, directly to the consumer in a ready to consume state for consumption either within the restaurant or off-premises.

Retail business means a use that provides goods, wares, merchandise and/or services directly to the consumer, where such goods are available for immediate purchase.

Rummage sale means the sale of personal household goods on a property customarily used as a residence.

Sale of seasonal agricultural products, outdoor means a temporary use that is conducted outside of an enclosed permanent building or structure on a lot where a temporary merchant displays and sells products obtained through farming or agricultural activities such as pumpkins, fruits and vegetable of all kinds. For the purpose of definition, processed or prepared food products of any kind shall not be considered as seasonal agricultural products.

Salvage yard or junk facility means a use including land, buildings or structures where junk, waste, discarded, salvaged or similar materials such as old metals, wood, lumber, glass, paper, rags, cloth, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, stored or handled, including used lumber and building materials, equipment, wrecking yards and the like. This definition shall not include automobile salvage or wrecking yards or pawnshops and establishments for the sale, storage, or purchase of secondhand vehicles, clothing, furniture, appliances or similar household goods, all of which shall be useable, nor shall it apply to the processing of used, discarded or salvageable materials incidental to manufacturing activity on the same site or to recycling and waste recovery centers.

Screening means a method of visually shielding or obscuring an adjacent building, structure, use from another by fencing, walls, berms or densely planted vegetation.

Senior care facility. An establishment that provides medical care or housing exclusively to the elderly. A senior care facility shall include, but not be limited to, nursing homes, independent care facilities, elderly condominiums and elderly apartments.

Service structure means an accessory structure or equipment that provides support to the principal use or building on the lot. Service structures include, but are not limited to: propane tanks, trash and dumpster enclosures, electrical transformer boxes and above ground utility vaults.

Setback means the required distance the exterior wall of a structure must be located from a lot line, easement, right-of-way, adjacent building or other feature as indicated in this chapter.

Sexually-oriented business.

Booths/Cubicles/Rooms/Compartment/Stalls. Enclosures that are specifically offered to the public or member of a sexually-oriented establishment for hire or for a fee as part of a business operated on the premise which offers as part of its business the entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, “booth”, “cubicle”, “room”, “compartment”, or “stall” does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for
attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, are not open to any person other than employees nor shall this definition apply to hotels, motels or similar establishments licensed by the State of Wisconsin pursuant to Wisconsin law.

**Operator.** Any person, partnership or corporation operating, conducting, maintaining or owning any sexually-oriented establishment.

**Predominant.** Fifty-one percent (51%) or more of a business’ stock in trade, display space, gross floor space or retail sales in any one (1) month during the license year.

**Sexually explicit material.** Any picture, photograph, drawing, sculpture, motion picture, film or other visual representation of an image depicting uncovered or less than opaquely covered, post pubertal human genitals or pubic areas in a lewd fashion, or depicting human sexual intercourse, human or animal masturbation, bestiality, oral intercourse, anal intercourse, human-animal intercourse, excretory functions, homosexual acts, direct physical stimulation or touching of unclothed genitals or pubic areas of the human male or female, flagellation or torture by or upon a person who is nude or clad in revealing or bizarre costumes in the context of a sexual relationship or sexual stimulation. The material shall be judged without regard to any covering, which may be affixed or printed over the material in order to obscure genital areas in a depiction otherwise falling within the definition of these subsections. Works of art or of anthropological significance are not included within the definition of this paragraph.

**Sexually-oriented bookstore.** An establishment which includes, but is not limited to, booths, cubicles, rooms or stalls for the presentation of sexually-oriented entertainment, including sexually-oriented films, movies or live performances for observation by patrons therein, or which, as part of its regular and predominant course of conduct, offers for sale, rent, trade, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities.

**Sexually-oriented cabaret.** A building or structure which features topless dancers, strippers, male or female impersonators, or similar entertainers that display specified anatomical areas or engage in specified sexual activities as defined in this section.

**Sexually-oriented entertainment.** Any exhibition of any motion pictures, live performances, displays or dances of any type, which has as a significant or substantial portion of such performance, or is distinguished or characterized by an emphasis on, any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, appearing unclothed, or the removal of articles of clothing, to reveal specified anatomical areas.

**Sexually-oriented establishment.** Any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures; or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult-oriented establishment includes, but is not limited to, adult bookstores and adult motion picture theaters.

**Sexually-oriented motion picture theater.** An establishment which is significantly or substantially used for presenting motion picture films, video cassettes, cable television or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**Specified anatomical areas:**

1. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola;

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
Specified sexual activities. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(Ord 201-11, §1, 9-27-11)

Shelter facility means a temporary place of lodging for homeless individuals or families.

Shopping center means a use involving a group of retail business establishments and/or service uses on a single site, under one (1) ownership, which leases spaces for separate establishments and which has common parking spaces and no lot lines between establishments.

Showroom means an indoor use or the indoor portion of a building or use where merchandise is on display for consumer viewing.

Sign means any device, fixture, placard, or structure that uses any writing, representation, emblem, logo, symbol, or other display illuminated or non-illuminated to advertise, announce the purpose of, or identify the purpose of a person or entity to attract attention, or to communicate information of any kind to the public, visible from any public place. Streamers, pennants, balloons and inflatable figures are not considered signs. For the purpose of removal, signs shall also include all sign structures as well as the sign itself.

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.

Small wind energy systems.

(1) “Meteorological tower” (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction 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.

(2) “Owner” shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.

(3) “Micro” or small scale turbines mean turbines that are sized in order to fit on top of building and are usually less than ten (10) feet in height.

(4) “Rotor diameter” means the cross sectional dimension of the circle swept by the rotating blades.

(5) “Small wind energy system” means a wind energy system that:
   a. Is used to generate electricity;
   b. Has an individual wind turbine nameplate capacity of 100 kilowatts or less;
   c. Has a total installed nameplate capacity of 300 kilowatts or less;
   d. Has a total height of 170 feet or less;
   e. Meteorological tower; and
   f. Micro towers placed on buildings.

(6) “Total height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

(7) “Tower” means the monopole, freestanding, or guyed structure that supports a wind generator.
(8) “Wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by the Wis. Stat. §66.0403(l)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

(9) “Wind generator” means blades and associated mechanical and electrical conversion components mounted on top of the tower.

(Ord 72-11, §1, 3-8-11)

Stacking space means a hard surfaced area (e.g., asphalt, concrete or brick pavers) designated as an area for temporary queuing of motor vehicles.

Story means 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 be no floor above it, then the space between the floor and the ceiling or roof above it.

Story, half means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half (½) story containing independent apartment or living quarters shall be counted as a full story.

Street means a dedicated right-of-way affording primary access by pedestrians or vehicles to abutting property. Egress and ingress easements shall not be considered streets or roads.

Street, private means a street that has not been accepted by the City of Appleton or other governmental agency.

Structure means anything constructed or erected with a fixed location on the ground or attached or resting on something having a fixed location on the ground or anything assembled with a combination of materials to give support to something having a fixed location on the ground, including but not limited to off-street parking lots and loading areas, buildings, walls, fences, towers, outdoor lighting fixtures, signs and billboards.

Structure, principal means a structure or building in which the principal or primary use of the lot is conducted.

Structural alteration means any change, other than incidental repairs, which would prolong the life of supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Surface course means the horizontal layer of hard surface material such as asphalt, concrete, brick, pervious pavers, or similar material, which supports the traffic load.

T

Tavern means a use, licensed by the City, to sell retail alcoholic beverages to be consumed on or off premises and which may provide dancing, entertainment and food. The term tavern shall include bar, pub, nightclub and cocktail lounge.

Temporary contractor’s offices means a temporary structure used as an office in conjunction with a construction project.

Temporary merchandise sales, outdoor means a temporary use that is conducted outside of an enclosed permanent building or structure on a lot where a temporary merchant or a group of temporary merchants displays and sells goods, wares and merchandise to the general public.

Temporary merchant includes any individual who engages in, conducts any temporary use in this City, either in one (1) location or by moving his or her place of business from one lot to another lot in the City, displaying or selling goods, wares or merchandise, or who solicits for such trade to the general public.

Supp. #91
Temporary model home sales office means a dwelling temporarily used as a real estate office for a residential development or subdivision under construction for on-site real estate sales.

Temporary structure means a structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected or placed has ceased. For the purposes of this ordinance, mobile homes, travel trailers and any other structure that can be moved on wheels is considered as a temporary structure.

Tent means a temporary structure constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, and is open without sidewalls or drops on seventy-five percent (75%) or more of the perimeter.

Tower and antenna for telecommunications services means a tower, pole, or similar structure that supports or acts as a transmission or reception device for licensed commercial wireless communications service including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

Towed vehicle storage means a use that provides for the temporary storage of vehicles that have been towed, but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.

Towing business means a use that provides for the removal of vehicles.

Townhouse. See Dwelling, multi-family.

Toxic and hazardous waste means waste materials as defined by the DNR and EPA.

Truck and heavy equipment sales and rental means a use involving the display and temporary storage of trucks or other equipment commonly used in commercial, industrial or construction enterprises for sale, lease or rental.

Undue hardship as used in connection with the granting of a variance means the property in question cannot be put to any reasonable use if established under conditions required by this chapter, and, where the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if approved, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if any reasonable use for the property exists under the terms of the zoning ordinance.

Urban farm means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

Use means the purpose or activity for which the land, building or structure thereon is designated, arranged or intended, for which it is occupied, utilized or maintained.

Use, accessory means a use subordinate to and serving the principal use, building or structure on the same lot and customarily incidental thereto.

Use, permitted means a public or private use which of itself conforms to the purposes, objectives, requirements, regulations and performance standards of a particular district.

Use, principal means the primary or predominant use of any lot or parcel.

Use, special means a use that is permitted in a zoning district only if a special use permit is expressly authorized by the Common Council in accordance with the provisions in this zoning ordinance.

Supp. #91
Use, temporary means a use that is established for a limited duration with the intent to discontinue such use upon the expiration of the time period. A temporary use is not a special event, which is regulated under the Municipal Code and the Special Event Policy.

V

Variance means a modification or variation of the provisions of this chapter where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of this chapter would cause an undue hardship.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway including, but not limited to a recreational vehicle, except railroad trains.

Veterinarian clinic means a use in a completely enclosed building, or portion thereof, designed or used for the care, observation or treatment of domestic animals by or under the supervision of a licensed veterinarian.

Vision corner means triangular approach zones at street and/or driveway intersections intended to allow visibility of approaching traffic, pedestrians and bicycles and as regulated in Chapter 19, Traffic and Vehicles.

W

Warehouse means a use of a building or part of a building primarily involved in the indoor storage of goods and materials.

Wholesale facility means a use that maintains a stock of goods, other than samples on premises, and is engaged in the resale of commodities in quantity, to businesses, industries and institutions.

X

No Definitions.
Y

_Yard_ means a required open space, on a lot between a lot line and a building or structure, which is unoccupied and unobstructed from the ground upward, except for permitted obstructions (see graphic on the following page and the Required Yard graphic).

_Yard, front_ means an open space extending the full width of the lot, between the main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward except as provided herein, the depth of which shall be measured as the least distance between the front lot line and the front foundation wall of the main building. (See the Required Yard graphic.)

_Yard, rear_ means an open space extending the full width of the lot, between the main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward, except as provided herein, the depth of which shall be measured as the least distance between the rear lot line and the rear foundation wall of the main building. (See the Required Yard graphic.)

_Yard, side_ means an open space extending from the front yard to the rear yard, between the main building and the side lot line, unoccupied and unobstructed from the ground upward, except as provided herein, the depth of which shall be measured as the least distance between the side lot line and the side foundation wall of the main building. (See the Required Yard graphic.)

Remainder of page intentionally left blank
CORNER LOT EXAMPLES

INTERIOR LOT EXAMPLES

ODD-SHAPED LOT EXAMPLES

REQUIRED YARDS

BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)
Zoning Administrator shall be the Inspections Supervisor.

Zoning amendment means a change of the zoning map or zoning text authorized by the City, either in the allowable use within a district, in the boundaries of a district or in a change to the ordinance text.

Zoning district means an area or areas within the limits of the City for which the regulations and requirements governing uses of land, premises and buildings are uniform, within which certain yards and open spaces are required and certain height limits are established for buildings.

Zoning district, overlay. See Overlay zoning district.

Zoning map means the map or maps incorporated into this chapter as a part thereof, designating the zoning districts.

ARTICLE XVII. HISTORIC PRESERVATION

Sec. 23-651. Historic preservation.

(a) **Purpose.** It is hereby declared a matter of public policy that the protection, enhancement, preservation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

1. Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of Appleton’s cultural, social, economic, political, artistic and architectural history;

2. Safeguard Appleton’s historic, prehistoric 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 and enhance the visual and aesthetic character of Appleton;

5. Protect and enhance Appleton’s attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

(b) **General.** This section shall in no way be construed to undermine or supersede and shall be consistent with the existing adopted City of Appleton Municipal Code which protects the public health, safety and welfare of Appleton residents. Ordinary maintenance and repairs shall be made to ensure compliance with Article 4 of Chapter 4 of the Municipal Code.

(c) **Definitions.** See Section 23-22 Words and terms defined, under the reference “HISTORIC PRESERVATION”.

(d) **Organization.** The Historic Preservation Commission is hereby created and shall consist of five (5) regular members and two (2) alternates appointed by the Mayor and subject to approval by the Common Council as vacancies occur or terms expire.

(e) **Members and qualifications.** If possible, one (1) regular member shall be an architect; one (1) shall be an alderperson; two (2) regular members shall have historian, restoration craftsperson, or architectural history credentials or expertise, or other historic preservation related disciplines such as urban planning, American Studies, American Civilization, cultural geography or cultural anthropology; one (1) regular member shall be a licensed real estate broker with two (2) alternates appointed from any of the above qualifications. All members shall be selected for their knowledge of and interest in matters pertaining to this section. Alternate members shall have full voting power in the event one (1) or more regular members have declared a conflict of interest or in the event one (1) or more regular members are absent.

(f) **Terms.** The term for each member shall be three (3) years on staggered terms except, the alderperson will be appointed annually at the Common Council annual reorganizational meeting. The term for each member shall expire May 1 of each year.

(g) **Reorganizational meeting.** The Historic Preservation Commission shall reorganize in May of each year by electing a chair, vice-chair, contact person and secretary. All meetings of the Commission shall be held at the call of the chairman or at such times as the Commission determines.

(h) **Designation of local historic structures, local historic sites and local historic districts.** The Historic Preservation Commission shall have the power to recommend local designation of historic structures, historic sites and historic districts within the City of Appleton limits. Such designation shall be made based on the review of the local historic structure, local historic site and local historic district designation criteria identified in subsection (i) of this section. Local designation of historic sites, historic structures and historic districts shall be recommended to the Common Council for a final approval. Once designated, such local historic structures, local historic site and local historic district shall be subject to all the provisions of this chapter.
Local historic structure, local historic site and local historic district designation criteria. For purposes of this chapter, a local historic structure, local historic site or local historic district designation may be placed on any improvement parcel, natural area, improvement, or any area of particular historic, architectural, archeological or cultural significance to the City of Appleton, the state or the nation, which is determined to have historical significance by meeting at least one (1) of the following criteria:

a. Criterion 1: Are identified with important events that exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or

b. Criterion 2: Are identified with an important person or persons that have made specific contributions to national, state or local history; or

c. Criterion 3: Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship, or that represents a significant and distinguishable entity whose components lack individual distinction; or

d. Criterion 4: Are representative of the notable work of a master builder, designer or architect who influenced his age; or

e. Criterion 5: Have yielded, or may be likely to yield, information important to prehistory or history.

Operating guidelines. The Historic Preservation Commission may adopt specific operating guidelines subject to Common Council approval for local historic structure, local historic site and local historic district designation, providing such operating guidelines are in conformance with the provisions of this chapter. It is important to ensure that these operating guidelines are reviewed on a regular basis to ensure they are appropriate to the architectural and site characteristics of the full range of the City of Appleton’s designated local historic structures, local historic sites and local historic districts and that they adequately reflect current understandings of appropriate restoration and rehabilitation techniques.

Procedure for designation of local historic structures and sites.

Application process. Application forms for designation of local historic structures and local historic sites shall be submitted to the Community and Economic Development Department. After submission and acceptance of a complete application through initial review by the Director, the complete application, which includes the written application and supporting materials are then filed with the City Clerk.

Informal Public hearing at Historic Preservation Commission. At least fourteen (14) days prior to such informal public hearing, the Community and Economic Development Department shall mail the informal public hearing notice, by 1st Class mail, to the alderperson of the aldermanic district, owners of record of the proposed local historic structure designation or local historic site designation and owners situated within one hundred (100) foot radius of the nominated local historic structure or site, as listed in the Office of the City Assessor. The informal public hearing notice shall identify the purpose, date, time and place of the informal public hearing.

The Historic Preservation Commission shall then conduct such informal public hearing and, in addition to the notified persons, may hear expert witnesses and review records as it deems necessary.

Action by the Historic Preservation Commission. After the close of the informal public hearing, the Historic Preservation Commission shall review the criteria in subsection (i) a., b., c., d. and e. of this section and either recommend approval or denial of the proposed local historic structure designation or local historic site designation to the Common Council, unless time is extended by agreement between the Historic Preservation Commission and the owner or owner’s agent in charge of the property.

Action by the Common Council.
a. Notice of public hearing for proposed local historic structure designation or local historic site designation shall be given by a Class 2 newspaper notice. The notice of public hearing shall identify the purpose, date, time and place of the public hearing.

b. At least fourteen (14) days prior to such public hearing, the City Clerk shall mail the public hearing notice by 1st Class mail, to the alderperson of the aldermanic district, owners of record of the proposed local historic structure designation or local historic site designation and owners situated within one hundred (100) foot radius of the nominated local historic structure or site, as listed in the Office of the City Assessor. The public hearing notice shall identify the purpose, date, time and place of the public hearing.

c. After the close of the public hearing, the Common Council shall review the report and recommendation of the Historic Preservation Commission. The Common Council shall either approve or deny the proposed local historic structure designation or local historic site designation, or refer the matter back to the Historic Preservation Commission.

d. City Clerk shall send written notice of the action taken by the Common Council to the property owner(s) or owner’s agent, Community and Economic Development Department, Inspections Supervisor and the City Assessor.

(1) **Procedure for designation of local historic districts.**

(1) **Historic district designation criteria.** For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the city of Appleton to be designated as a local historic district and shall, in cooperation with the property owner(s) or owner’s agent prepare a Historic Preservation Plan for each area. A local historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the city of Appleton, after review of the criteria in subsection (i) a., b., c., d. and e. of this section.

a. **Local Historic Preservation Plan.** Each local historic preservation plan shall include the following:

1. a brief description of the district,
2. identification of the current property owners of record, of the contributing structures,
3. identification of the uses/functions of each property in the district,
4. a legal description of the district boundaries,
5. a map showing the legal boundaries of the district,
6. current photographs of the contributing structures,
7. a historical/cultural and architectural analysis supporting the historic/cultural significance of the district, and
8. a statement of preservation objectives and specific guidelines for future historic preservation alterations, historic preservation repairs or demolition activities within the district.

(2) **Application process.** Application forms for local historic district designations shall be submitted to the Community and Economic Development Department. After submittal and acceptance of a complete application through initial review by the Director, the complete application, which includes the written application, the Local Historic Preservation Plan and supporting materials are then filed with the City Clerk.

(3) **Informal public hearing at Historic Preservation Commission.** At least fourteen (14) days prior to such hearing, the Community and Economic Development Department shall mail the informal public hearing notice, by 1st Class mail, to the alderperson of the aldermanic district or districts, owners of record within the proposed local historic district and owners of property in whole or in part situated within a one hundred (100)
foot radius of the nominated local historic district, as listed in the Office of the City Assessor. The notice of informal public hearing shall identify the purpose, date, time and place of the informal public hearing.

(4) **Action by the Historic Preservation Commission.** After the close of the informal public hearing, the Historic Preservation Commission shall review the criteria in subsection (i) a., b., c., d. and e. of this section and either recommend approval or denial of the proposed local historic district designation and adoption of the proposed Local Historic Preservation Plan to the Common Council, unless time is extended by agreement between the Historic Preservation Commission and the owner(s) or owner’s agent in charge of the property.

(5) **Action by the Common Council.**

a. Notice of public hearing for designation of local historic districts and adoption of the Local Historic Preservation Plan shall be given by a Class 2 newspaper notice. The notice of public hearing shall identify the purpose, date, time and place of the public hearing.

b. At least fourteen (14) days prior to such hearing, the City Clerk shall mail the public hearing notice by 1st Class mail, to the alderperson of the aldermanic district or districts, owners of record within the proposed local historic district, and owners of property in whole or in part situated within a one hundred (100) foot radius of the nominated local historic district, as listed in the Office of the City Assessor.

c. After the close of the public hearing, the Common Council shall review the report and recommendation of the Historic Preservation Commission. The Common Council shall either approve or deny the proposed local historic district designation and the proposed Local Historic Preservation Plan, or refer the matter back to the Historic Preservation Commission. Designation of the local historic district shall constitute adoption of the proposed Local Historic Preservation Plan prepared for that local historic district and denotes the implementation of said plan.

d. The City Clerk shall send written notice of the action taken by the Common Council to the property owners or owner’s agent, Community and Economic Development Department, Inspections Supervisor and the City Assessor.

(m) **Recognition of locally designated historic structures, historic sites and historic districts.** At such time as a locally designated historic structure, historic site or historic district has been properly designated, the Historic Preservation Commission, in cooperation with the property owner(s) or owner’s agent, may allow a suitable plaque, marker or other appropriate identifier declaring that such property is a local historic structure, local historic site, local historic district, or a contributing structure.

(n) **Certificate of Appropriateness provision: Regulation for exterior construction, reconstruction, historic preservation alteration and demolition.**

(1) No owner or owner’s agent in charge of a local historic structure, local historic site or contributing structure shall be issued a permit by the Division of Inspections for any work identified in subsection (n)(2) a. and b. of this section, unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission.

(2) An owner or owner’s agent in charge of a local historic structure, local historic site or contributing structure shall apply for and receive approval of a Certificate of Appropriateness from the Historic Preservation Commission prior to performing any of the following work:

a. Historic preservation alterations or demolition of all or any part of a local historic structure, local historic site or contributing structure;

b. Historic preservation alterations or demolition of any improvement upon a local historic structure, local historic site or contributing structure.

(3) **Application process.** Application forms for a Certificate of Appropriateness shall be submitted to the Community and Economic Development Department. After submittal and acceptance of a complete
application through initial review by the Director, the complete application, which includes the written application and supporting materials are then forwarded to the Historic Preservation Commission.

a. **Standards for granting Certificate of Appropriateness for exterior construction, reconstruction and historic preservation alterations.** In determining whether to approve or deny a Certificate of Appropriateness for a historic preservation alteration, the Historic Preservation Commission shall approve the application if one (1) or more of the following can be demonstrated:

1. In the case of a local historic structure, local historic site or a contributing structure, the proposed work utilizes materials that are similar in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. to the original exterior materials used in the construction of such local historic structure, local historic site, or contributing structure;

2. In the case of the construction of a new improvement upon a local historic structure, local historic site, or a contributing structure, the exterior materials of such improvement are similar in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. to the original exterior materials used in the construction of such local historic structure, local historic site, or contributing structure;

3. In the case of any improvement made to a contributing structure, the proposed exterior historic preservation alteration shall conform to the purpose of this section and to the objectives and design criteria of the local historic preservation plan for the applicable local historic district.

b. **Standards for granting Certificate of Appropriateness for demolition.** In determining whether to approve or deny a Certificate of Appropriateness for any demolition of all or part of a local historic structure, a local historic site or a contributing structure, the Historic Preservation Commission shall approve the application if one (1) or more of the following can be demonstrated:

1. The local historic structure or local historic site or contributing structure is in such deteriorated condition that it is not economically feasible to renovate or restore it, provided that any economic hardship or difficulty claimed by the owner or owner’s agent has not been self-created or is not the result of any failure to maintain the local historic structure, local historic site or contributing structure in good repair.

2. The local historic structure, local historic site or contributing structure is of such local architectural or historical significance that its demolition would not be detrimental to the public interest and would not be contrary to the general welfare of the people of the city of Appleton and the state;

3. The denial of the demolition permit would result in the loss of reasonable and beneficial use of or economic return from the property.

(4) **Review and decision by the Historic Preservation Commission.** The Historic Preservation Commission, within twenty-five (25) business days from the date the Certificate of Appropriateness application was accepted by the Director, shall either approve or deny the application, unless the time is extended by agreement between the Historic Preservation Commission and the owner or owner’s agent in charge of the property. The Historic Preservation Commission shall clearly state the reasons why the exterior materials are similar or are not similar in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. to the original exterior materials used in the construction of such local historic structure, local historic site, or contributing structure.

(5) **Appeals.**

a. If the Historic Preservation Commission denies the Certificate of Appropriateness, the Historic Preservation Commission shall, at the request of the owner or person in charge of such property, work
with the owner or owner’s agent in charge of such property in an attempt to obtain a Certificate of Appropriateness within the standards of this section.

b. In addition, if the Historic Preservation Commission denies the application for a Certificate of Appropriateness due to the proposal failing to conform to the standards for granting a Certificate of Appropriateness as identified in this section, the owner or owner’s agent may appeal such decision to the Common Council.

1. The owner or owner’s agent in charge of such property shall file a written appeal specifying the grounds for such an appeal with the Director no later than thirty (30) days from the date of the decision of the Historic Preservation Commission. Failure by the owner or owner’s agent in charge of such property to file a written appeal in accordance with the abovementioned provisions shall be deemed to constitute a withdrawal of the application for a Certificate of Appropriateness.

2. After consideration of the appeal, the Common Council by majority vote may either affirm the decision of the Historic Preservation Commission or approve the issuance of the Certificate of Appropriateness, in which case the Director shall issue the Certificate of Appropriateness.

(6) **Other permits and approvals.** The approval of a Certificate of Appropriateness shall not relieve the property owner or owner’s agent from applying for and obtaining all necessary permits and approvals pursuant to the Municipal Code prior to the commencement of such proposed work.

(7) **Violation; penalty.** Failure to comply with the approved Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness prior to the issuance of a building permit shall be a violation of this section. Administration and enforcement shall be as prescribed in the enforcement section of this chapter.

(o) **Exempt work from Certificate of Appropriateness provisions.** Historic preservation repairs made to a local historic structure or local historic site or contributing structure may be undertaken without a Certificate of Appropriateness, provided the work involves repairs to existing exterior features of a local historic structure or local historic site, or the replacement of existing exterior features of a local historic structure, local historic site or contributing structure with materials that are identical in design, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. to the original exterior materials used in the construction of such local historic structure, local historic site, or contributing structure and does not require the issuance of a building permit. Painting is exempt from the Certificate of Appropriateness provisions.

(p) **Procedure to rescind a local historic structure designation, local historic site designation and local historic district designation.**

(1) **Application process.**

a. **Rescind a local historic structure designation or local historic site designation.** The property owner or owner’s agent in charge of a local historic structure or local historic site shall submit an application form to rescind a local historic structure designation or local historic site designation to the Community and Economic Development Department. After submittal and acceptance of a complete application through initial review by the Director, the complete application, which includes the written application and supporting materials are then filed with the City Clerk.

b. **Rescind a local historic district designation.** The majority (greater than fifty percent (50%)) of the property owners and/or owner’s agents in charge of a contributing structure shall submit an application form to rescind a local historic district designation and the applicable local historic preservation plan to the Community and Economic Development Department. After submittal and acceptance of a complete application through initial review by the Director, the complete application, which includes the written application and supporting materials are then filed with the City Clerk.

(2) **Public Hearing at Historic Preservation Commission.**
a. Notice of public hearing to rescind a local historic structure designation, local historic site designation, or local historic district designation and the applicable local historic preservation plan shall be given by a Class 2 newspaper notice. The notice of public hearing shall identify the purpose, date, time and place of the public hearing.

b. At least fourteen (14) days prior to such hearing, the Community and Economic Development Department shall mail the public hearing notice, by 1st Class mail, to the alderperson of the aldermanic district, owners of record, and owners of property in whole or in part situated within a one hundred (100) foot radius of the local historic structure, local historic site or local historic district, as listed in the Office of the City Assessor.

c. The Historic Preservation Commission shall then conduct such public hearing, and in addition to the notified persons, may hear expert witnesses and review records as it deems necessary.

(3) **Action by the Historic Preservation Commission.** After the close of the public hearing, the Historic Preservation Commission shall review the rescission criteria in subsection (p)(3)a.1., 2., 3., and 4. of this section and either recommend approval or denial of the proposed rescission to the Common Council.

a. **Rescission Criteria.** Rescission can occur for any one (1) or more of the following:

1. The property owner has requested the designation to be rescinded for economic hardship or health reasons;

2. For the failure to adhere to the specific standards of the historic district in which the property is located;

3. For the failure to adhere to the specific standards of the zoning district the property is located; or

4. The designated historic structure, site or district no longer meets the criteria of designation or retains the integrity necessary for designation.

(4) **Action by the Common Council.**

a. After receiving and reviewing the report and recommendation of the Historic Preservation Commission the Common Council shall either approve, deny, or postpone the proposed application to rescind a local historic site designation, a local historic structure designation or a local historic district designation and the applicable local historic preservation plan, or refer the matter back to the Historic Preservation Commission.

b. The City Clerk shall send written notice of the action taken by the Common Council to the property owner(s) or owner’s agent, Community and Economic Development Department, Inspections Supervisor and the City Assessor.

(q) **Building permit.**

(1) No building permit shall be issued by the Division of Inspections for historic preservation alteration, demolition or removal of a nominated local historic structure, local historic site, or a structure identified as contributing to a nominated local historic district, from the initial meeting date when the Historic Preservation Commission has been presented with a nomination through the date of final disposition of the nomination by the Common Council. No building permit shall all be issued for the following reasons: historic preservation alteration, removal or demolition. An exception shall be permitted when historic preservation alteration, repair, removal or demolition is authorized by formal resolution of the Common Council as necessary for public health, welfare or safety. In no event shall the delay be for more than sixty (60) days. 

(Ord 139-95, §1, 12-20-95, Ord 45-00, §1, 6-10-00; Ord 98-12, §1, 10-9-12; Ord 88-19, §1, 9-10-19)

**Editor’s Note:** Article XVII Historic Preservation was repealed and recreated via ordinance 98-12 adopted by the Common Council on October 3, 2012, published October 8, 2012, effective October 9, 2012.