CITY OF WEST ALLIS
ORDINANCE O-2022-0056

ORDINANCE TO RENAME BUILDING INSPECTIONS AND NEIGHBORHOOD SERVICES TO CODE ENFORCEMENT DEPARTMENT AND UPDATE VARIOUS OUTDATED DEPARTMENT NAMES

AMENDING NUMEROUS SECTIONS

WHEREAS, The Department of Building Inspection and Neighborhood Services will be renamed the Code Enforcement Department to better reflect the current and future duties and authorities of the department; and

WHEREAS, the code contains several references to positions and departments that have been renamed or removed;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** "2.33 Building Inspection Department" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.33 ~~Building Inspection~~Code Enforcement Department

SECTION 2: **AMENDMENT** "2.32 Director Of Building Inspections And Zoning" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.32 ~~Director Of Building Inspections And Zoning~~Code Enforcement Director

1. Appointment. The City Administrator shall recommend appointment of a Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ subject to approval by the Common Council in the unclassified service of the City to serve full time at the pleasure of the Common Council, in accordance with City of West Allis Policies and Procedures Manual Policy No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), Policy No. 405 [Discipline for Non-Elective Officials (Executive Service/Department Heads)], and as provided by Section 17.12(1) of the Wisconsin Statutes.
2. Duties. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ shall have complete charge of the ~~Building Inspection and Neighborhood Services~~Code Enforcement Department and shall perform the duties prescribed in Chapter **13** of this Code, the position job description, employment contract, and such other duties as the Common Council may prescribe from time to time.

~~**[Ord. O-2018-0022, 5-15-2018]**~~

SECTION 3: **AMENDMENT** "2.38 City Plan Commission" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.38 City Plan Commission

1. How Constituted. The City Plan Commission shall consist of the Mayor and seven (7) citizens, who do not hold any City office or employment. The Mayor may also appoint up to two (2) additional citizens as alternates to the Commission who shall serve for a period of three (3) years in instances when regular members are unable to attend Plan Commission meetings. The citizen members shall be persons having an interest in and an understanding of the duties and responsibilities of the Plan Commission. They shall receive such compensation as the Common Council may provide. The City Engineer, ~~Building Inspector~~Code Enforcement Director, City Planner and Chairman of the Safety and Development Committee of the Common Council shall be advisors to the Commission but shall have no voting power. **[Ord. O-2018-0035, 8/7/2018]**
2. Appointment and Terms of Office. The citizen members shall be appointed by the Mayor, subject to confirmation by the Common Council. In making such appointments, the Mayor shall, insofar as practicable, make such appointments from a list of applicants who have submitted their qualifications to fill such positions. Appointment shall be for a term of three (3) years and made initially in such manner that the terms of not more than two (2) members expire in any one year. A vacancy in the membership shall be filled for the unexpired term. Terms for the citizen members shall commence on the first day of May. The term of the Mayor shall be for the term of his office as Mayor.
3. Organization and Procedure.
    a. The Mayor shall serve as Chairman of the Plan Commission. The Mayor shall not be counted toward determining the quorum. The Mayor shall have no voting power except in the case of a tie vote among citizen members, when he/she shall cast the deciding votes. A citizen member shall be designated as Vice-Chairperson by the Plan Commission. **[Ord. O-2008-0039, 9/2/2008]**
    b. Meetings shall be held regularly at least once a month and additionally as required at the call of the Chairman or a majority of the entire Commission. Meetings shall be held at a time and place specified by the Commission with advance notice to the City Clerk and shall be open to the public.
    c. A quorum shall be four (4) members, not including the Mayor, and all official actions shall require a majority vote. **[Ord. O-2008-0039, 9/2/2008]**
    d. The Chairman shall designate one of the members as Secretary. The Commission may delegate the responsibility of taking and maintaining the minutes and records of the Commission to the City Planner.
    e. Written minutes shall be kept showing all actions taken, resolutions, findings, determinations, transactions and recommendations made; a copy of such minutes shall be filed with the City Clerk.
    f. The Commission may adopt additional rules not inconsistent herewith, for the transaction of its business.
    g. All Plan Commission decisions shall be appealed to the Common Council. **[Ord. O-2010-0047, 11/16/2010]**
4. Powers. The Commission shall have such powers as provided by state law and as may be necessary to enable it to perform its functions and duties and to promote municipal planning. Such powers shall include the following:
    a. To employ experts and a staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such Commission by the Common Council, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the governing body.
    b. To make reports and recommendations relating to the plan and development of the municipality to public officials, agencies, utilities and other organizations and citizens.
    c. To recommend public improvement programs and financing thereof to the Common Council.
    d. To request available information from any public official to be furnished within a reasonable time as it may require for its work.
    e. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys and place and maintain necessary monuments and marks thereon.

5. Duties. The Commission shall have the following functions and duties:
    a. Make and adopt a master plan for the physical development of the City and such other functions and duties in relation thereto, in accordance with Sec. 62.23(2) and (3) of the Wisconsin Statutes.
    b. Recommend an official map to the Common Council and such other functions and duties in relation thereto, in accordance with Sec. 62.23(6) of the Wisconsin Statutes.
    c. Recommend a zoning district plan and regulations to the Common Council, in accordance with sec. 62.23(7) of the Wisconsin Statutes.
    d. Recommend land division regulations to the Common Council, in accordance with sec. 236.45 of the Wisconsin Statutes.
    e. Recommend changes to the master plan, official map, zoning, land division and fire prevention ordinances that it deems necessary or desirable.
    f. Consider and report or recommend on all matters referred to it.
6. Referrals. The Common Council or other public body or officer of the City having final authority thereon shall refer to the Commission, for its consideration and report before final action is taken, the following matters:
    a. Location and architectural design of any public building, statue or other memorial.
    b. Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition or lease of land for any street, alley or other public way, park, playground, airport, parking area or other memorial or public grounds.
    c. Location, extension, abandonment or authorization for any public utility, whether publicly or privately owned.
    d. Location, character and extent, or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion or vacation camps for children.
    e. Proposed fire limits and fire prevention regulations.
    f. All annexations, incorporations or consolidations affecting the City.
    g. All divisions of lands within the City's platting jurisdiction.
    h. All proposed or requested changes and amendments to the masterplan, official map, zoning, land division and fire prevention ordinances.
7. Additional Powers and Duties. The Commission shall have all additional powers and duties granted or assigned to it by the Common Council. All the powers and duties granted or assigned by the Wisconsin Statutes to City Plan Commissions are hereby granted or assigned to the Commission.

SECTION 4: **AMENDMENT** "2.76 Civil Service, Wages, Hours And Conditions Of Employment" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

2.76 Civil Service, Wages, Hours And Conditions Of Employment

1. Civil Service Commission Appointment, Term, and Removal.
    a. The Civil Service Commission shall consist of five (5) members, all of whom shall be legal residents of the City. No person holding any elective or appointed public position or office of any sort in said City government shall be appointed thereon.
    b. The Mayor shall, subject to confirmation of the Common Council, between the 15th day of April and the first day of May of each year immediately preceding the expiration of the term of office of any such Commissioner, appoint one (1) member of the Commission to hold office for a term of five (5) years from the first day of May next succeeding his appointment and until his successor is appointed and qualifies. The Mayor, with approval of the Common Council, may suspend or remove for cause any member of the

Commission from office prior to the expiration of his term of office.

c. Any vacancy in the office of Commissioner during the term shall be filled for the unexpired term by appointment by the Mayor, subject to the confirmation of the Council.
d. Every member of the Commission shall take and file the official oath.
e. The Commission shall appoint one (1) of its members Chairperson and one (1) of its members Secretary.

2. Civil Service Commission Functions.
    a. The Commission shall make and preserve the records of its proceedings.
    b. The Commission shall serve as an appellate body for hearing appeals of decisions by appointing officers concerning termination, discipline and alleged workplace safety complaints of individuals identified in Section (8)(b) below.
3. Civil Service Commission Rules and Regulations. The Commissioners shall prepare and adopt such rules and regulations to carry out the provisions of this section as, in their judgment, shall be necessary to secure the best service for the City and each department affected thereby, and shall expedite the elimination of all unnecessary formalities in making appointments.
4. Human Resources Director's Functions Under the Civil Service System. The Human Resources Director shall be designated as Agent for the Commission and shall have the authority to administer the provisions of the Civil Service System as set forth in the Revised Municipal Code, City Policies and Procedures, and the Commission's Rules and Regulations. The HR Department shall develop and implement systems to screen, select, and hire individuals for positions in the classified service, which are job related, in compliance with Human Resources best practices, and consistent with applicable state and federal employment laws and regulations.
5. Classification of Positions. All offices and positions in the public service shall consist of the following classifications:
    a. Unclassified Service. The unclassified service shall be organized and consist of the following:
        i. Elected officials.
        ii. Members of boards and commissions.
        iii. Employees not under regular tenure [e.g., probationary, provisional, temporary, special, part-time less than 0.5 budgeted full-time equivalent (FTE)].
        iv. Employees of the Police and Fire Departments.
        v. The Executive, Managerial and Deputy/Assistant Services.
            (1) The Executive Service: those individuals, also referred to as "City officers" or "department heads," who have direct authority and responsibility over one (1) or more major functional and/or operational areas of City government and who, as a result of this authority and responsibility, can commit and allocate resources within the limits of the approved budgets. These individuals participate in the formulation, determination and implementation of management policy and have discretion to allocate and use resources in the administration of their functions. These individuals are department heads and officers of the City. Those positions within the Executive Service and their respective appointing authorities are: **[Ord. O-2018-0043, 11/5/2018]**

Position	**Appointing Authority**
1. City Administrator	Mayoral appointment/Common Council approval
2. Director of Public Works	City Administrator recommendation/Common Council appointment
3. City Engineer	City Administrator recommendation/Common Council appointment
4. Police Chief	Board of Police and Fire Commissioners
5. Fire Chief	Board of Police and Fire Commissioners
6. Health Commissioner/City Sealer	City Administrator recommendation/Common Council appointment
7. Library Director	Library Board
8. Code Enforcement Director ~~of Building Inspections and Neighborhood Services~~	City Administrator recommendation/Common Council appointment
9. Director of Development	City Administrator recommendation/Common Council appointment
10. City Clerk	City Administrator recommendation/Common Council appointment
11. Finance Director/Comptroller	City Administrator recommendation/Common Council appointment
12. City Assessor	City Administrator recommendation/Common Council appointment
13. Human Resources Director	City Administrator recommendation/Common Council appointment
14. Director of Information Technology	City Administrator recommendation/Common Council appointment
15. Director of Communications	City Administrator recommendation/Common Council appointment
16. City Attorney	City Administrator recommendation/Common Council appointment
17. City Treasurer	City Administrator recommendation/Common Council appointment

Vacancies in the Executive Service, except for the Chief of

Police, Fire Chief and Library Director, shall be governed by Section 17.23 of the Wisconsin Statutes and Policy 404 in the City of West Allis Policies and Procedures Manual. An individual in this service, except for the Chief of Police, Fire Chief, Library Director, and City Administrator may appoint an acting department head who shall perform the duties of that position during the department head's temporary absence. The department head shall file the written appointment of their acting department head in the Office of the City Clerk and shall comply with the applicable provisions of Policy 1424 of the City of West Allis Policies and Procedures Manual. An acting department head shall have all powers and duties of the department head, except the appointment of permanent division heads.

Appointments to and/or by Executive Service positions in the Police and Fire Departments are governed by Section 62.13 of the Wisconsin Statutes, and the Rules of the Board of Police and Fire Commissioners. Appointments to and/or by the Executive Service position in the Library are governed by Section 43.58 of the Wisconsin Statutes.

During the City Administrator's temporary absence, the Mayor, with Common Council approval, may appoint an Acting City Administrator to perform the duties of that position. The Mayor shall file the written appointment of the acting City Administrator in the office of the City Clerk and shall comply with the applicable provisions of Policy 1424 in the City of West Allis Policies and Procedures Manual. An acting City Administrator shall have all powers and duties of the City Administrator, except the appointment of permanent department heads.

In the event a position in the Executive Service, except the City Administrator position, becomes vacant, the City Administrator may appoint an acting department head, pending a permanent appointment to that position by the Common Council. An acting department head shall have all powers and duties of the department head, except the appointment of permanent division heads. An acting department head shall enter upon the duties of his or her position immediately upon qualification and shall hold the position until the permanent department head is appointed and qualifies, unless removed in accordance with law.

(2) The Managerial Service: those individuals, also referred to as "division heads," who have delegated authority and responsibility over one (1) functional and/or operational area of City government and who, as a result of this delegated authority and responsibility, can commit and allocate resources within the limits of the approved budget. These individuals work under the direction of a department head. These individuals are not officers of the City. Those positions within the Managerial Service and their respective appointing authorities are:

Position	Appointing Authority
1. Community Development Manager	Director of Development
2. Manager of Planning and Zoning	Director of Development

In the event a position in the Managerial Service becomes vacant, the appointing authority may appoint an acting division head pending a permanent appointment to that position. The appointment of an acting division head shall be made from existing City personnel.

(3) The Deputy/Assistant Service: those individuals who do not have direct authority and responsibility over one (1) or more functional and/or operational areas of City government, but may be delegated this authority and responsibility from time to time in the absence of the Executive Manager. This service includes deputies or assistants to department and division heads. These individuals do not normally have discretion to allocate and use their own time in the administration of the departmental/division/bureau functions, and any time worked outside normal working hours must be approved. Those positions within the Deputy/Assistant Service and their respective appointing authorities are: **[Ord. O-2018-0043, 11/5/2018]**

Position	Appointing Authority
1. Assistant Fire Chief (Operations)	Fire Chief
2. Deputy Police Chief (Operations)	Police Chief
3. Deputy Finance Director/Comptroller	Finance Director/Comptroller
4. Director of Community Health Services	Health Commissioner
5. Library Manager	Library Director
6. Principal Engineer	City Engineer
7. Sanitation and Streets Superintendent	Director of Public Works
8. Electrical Maintenance Superintendent	Director of Public Works
9. Building and Sign Maintenance/Inventory Superintendent	Director of Public Works
10. Forestry and Grounds Superintendent	Director of Public Works
11. Water System Superintendent	Director of Public Works
12. Fleet Services Superintendent	Director of Public Works
13. Assistant City Engineer	City Engineer
17. Deputy Treasurer	City Treasurer
14. Senior Center Director	Health Commissioner
15. Assistant Director of Public Works	Director of Public Works
16. Deputy City Attorney	City Attorney

b. Classified Service. All other offices and positions shall be included in the classified service, unless otherwise determined from time to time by action of the Common Council. The classified service shall be organized and consist of the following:
    i. Supervisory: except with regard to the Executive and Managerial Service and the Deputy/Assistant Service, those positions which, in the interest of the City, have authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances or to effectively recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

    ii. Professional: those positions whose work is predominantly intellectual and varied in character, are involved in consistent exercise of discretion and judgment in work performance, are involved in nonstandardized products or outputs and require knowledge of an advanced type in a field of science or learning customarily acquired by prolonged course of specialized intellectual instruction.

iii. Confidential: for purposes of Wisconsin labor law, those positions who have sufficient access to, knowledge of or participation in confidential matters relating to labor relations. For information to be confidential in the labor relations context, it must (a) deal with the employer's strategy or position in collective bargaining, contract administration, litigation or other similar matters pertaining to labor relations and grievance handling between the bargaining representative and the employer, and (b) be information which is not available to the bargaining representative or its agents. Notwithstanding the actual amount of confidential work conducted, but assuming good faith on the part of the employer, an employee may be found to be confidential where the person in question is the only one available to perform legitimate confidential work, and similarly, where a management employee has significant labor relations responsibility, the clerical employee assigned as his or her secretary may be found to be confidential, even if the actual amount of confidential work is not significant, where the confidential work cannot be assigned to another employee without undue disruption of the employer's organization.

For purposes of the classified service in general, those positions that provide administrative, operational and/or related support for public officials and City officers who are privy and/or have access to the type of confidential information that would be grounds for a closed session under Section 19.85 of the Wisconsin Statutes.

iv. General Municipal Employee Service: any person employed by the City of West Allis, other than an independent contractor, an employee within the Executive Service, Managerial Service, Deputy/Assistant Service, Supervisory Service, Professional Service or Confidential Service.

c. Employee Status Categories. It is the policy of the City of West Allis to utilize the following categories of employee status for all City employees.

i. Regular Appointment: an employee who is hired to work the normal schedule of forty (40) or more hours per week on a continuing basis. Such employee fills a regularly constituted position established by the Common Council. An employee in this category is compensated on a biweekly basis and may be in a probationary status. A regular employee is entitled to all employee benefits provided by law, to include, but not be limited to, those specified within this Section 2.76 and elsewhere in the City of West Allis Revised Municipal Code and/or as set forth by policy in the City of West Allis Policies and Procedures Manual.

ii. Provisional Appointment: an employee who is hired to fill a regularly constituted vacant position on an interim basis pending the establishment of an eligible register, when the position cannot be temporarily filled by existing personnel. A provisional employee is rare and when an appointment is made in this status category, it generally does not exceed a period of ninety (90) days. The appointment is made on an emergency basis in those instances where a department is unable to wait for an appointment to be made through normal channels. A provisional employee is compensated on a biweekly basis and is entitled to all the employee benefits provided by law, to include, but not limited to, those specified within this Section 2.76 and elsewhere in the City of West Allis Revised Municipal Code and/or as set forth by policy in the City of West Allis Policies and Procedures Manual.

iii. Part-Time Appointment: an employee who is hired to work regular work hours which are distinctly shorter than the normal schedule of forty (40) hours per week. Such employment is steady and

continuing. It may consist of either: 1) partial-day employment, or 2) full day, partial-week or partial-month employment. This employee is compensated on an hourly basis and holds a noncompetitive appointment of indefinite duration. Employment status is this category may or may not confer the privilege of promotion, transfer or reinstatement. An employee in this status category who works a minimum of half-time (0.5 budgeted FTE) is entitled to the same employee benefits as a regular employee, except that there is a proration of benefits based on budgeted FTE.

iv. Temporary Appointment: an employee who is hired for a limited time to meet a peak demand. Such increased demand may be occasioned by sporadic seasonal or special needs. An employee in this status category is compensated on an hourly basis only. Such employee is not eligible for benefits and may be terminated without notice when the purpose for which the employee was hired has been accomplished. Employment may be either full-time temporary or part-time temporary. Employment in this category does not confer the privilege of promotion, transfer, or reinstatement.

v. Special Appointment: an employee who is hired for a specified duration or limited term under special agreement with some other agency of government such as county, state, or federal governments or by the City itself on a special project basis. Generally the compensation is totally or partially subsidized by the sponsoring agency. Employment does not confer the privilege of reinstatement. Pay and benefits entitlement is based on the agreement with the governmental agency or the circumstances of the City's special project.

6. Creating and Filling Positions, Reductions in Force and Recall Procedures. Except for positions under the jurisdiction of the Police and Fire Commission, the City shall fill positions, make reductions in force and recall individuals in accordance with the procedures set forth in Policies 404, 1402 and 1405 in the City of West Allis Policies and Procedures Manual.
7. Voluntary Benefit Programs. The City offers voluntary benefit programs as set forth in Policy 1483 in the City of West Allis Policies and Procedures Manual.
8. Discipline and Grievance Procedure.
    a. Discipline.
        i. With the exception of protective service employees as noted in Subdivision 3 below, department heads/appointing authorities or their designees have the authority to discipline their employees in accordance with the provisions set forth in Policy 1403 of the City of West Allis Policies and Procedures Manual.
        ii. The discipline, removal and suspension of Executive Service employees, except protective service employees as noted in Subdivision 3 below, shall be governed by the provisions of Policy 405 in the City of West Allis Policies and Procedures Manual, Section 2.02 of this chapter, and Secs. 17.12 and 17.16, Wis. Stats.
        iii. The discipline of protective service employees under the jurisdiction of the Police and Fire Commission shall be governed by the provisions of Sec. 62.13, Wis. Stats.

    b. Grievance Procedure. This grievance procedure, which addresses issues concerning workplace safety, discipline and termination, applies to all City employees except for: 1) protective service employees under the jurisdiction of the Police and Fire Commission (covered by Section 62.13 Wis. Stats.), 2) Executive Service employees, statutorily appointed employees identified specifically in statute as serving at the pleasure of an appointing authority, and elected officials (covered by Sections 17.12 and 17.16 Wis. Stats. and/or Policy 405 in the City of West Allis Policies and Procedures Manual and/or covered by Section 2.02 of the Revised Municipal Code); and 3) employees

not under regular tenure (e.g., probationary, provisional, temporary, special, part-time (less than 0.5 budgeted FTE). This procedure does not create a legally binding contract. The City reserves all rights, and this procedure does not create a contract of employment. Employees of the City of West Allis are employed at-will and may resign with or without reason. The City may terminate the employment relationship at any time with or without reason and without violation of applicable law.

i. Workplace Safety. "Workplace safety" means the conditions of employment related to physical health and safety of employees. Only those acts or omissions that involve a violation of state and/or federal regulations or laws on health and safety in the workplace will constitute a workplace safety violation. Any grievance filed alleging a workplace safety violation must be personal to the employee filing the grievance; no class actions or complaints on behalf of another may be filed under this procedure.

ii. Discipline. Disciplinary action may include a verbal warning, written warning, suspension (with or without pay), demotion or termination, for rule or policy violations, poor performance or other acts of misconduct. The City has the right to impose the disciplinary action it deems appropriate to the particular circumstances. The following actions shall not be considered "discipline" under the terms of this grievance procedure:
    (1) Layoffs or workforce reduction activities;
    (2) Performance evaluations or reviews;
    (3) Actions taken to address work performance, including use of a performance improvement plan or job targets;
    (4) Nondisciplinary demotion due to medical condition, lack of qualification or license, or other inability to perform job duties;
    (5) Documentation of employee acts and/or omissions in an employment file;
    (6) Actions taken pursuant to an ethics ordinance created under Sec. 19.59(lm) Wis. Stats.;
    (7) Nondisciplinary wage, benefit or salary adjustments;
    (8) Transfer, change in assignment or assignment location;
    (9) Placing an employee on paid administrative leave pending an internal investigation;
    (10) Counselings, meetings or other predisciplinary actions.

iii. Termination. "Termination" is generally defined as a discharge from employment for rule or policy violations, poor performance or other acts of misconduct. The following actions shall not be considered a "termination" under the terms of this grievance procedure:
    (1) Voluntary quit, resignation, retirement or other separation initiated by the employee;
    (2) Workforce reduction activities, layoff or failure to be recalled from layoff at the expiration of the recall period;
    (3) Job abandonment, "no-call, no-show," or other failure to report to work;
    (4) Job transfer or demotion;
    (5) Action taken pursuant to an ethics ordinance created under Sec. 19.59(lm), Wis. Stats.; or
    (6) End of employment and/or completion of assignment of a temporary, seasonal, contract or part-time employee.

iv. Steps in Grievance Procedure. [NOTE: The failure of the employee to comply with the time limits prescribed in this grievance procedure shall be deemed a waiver of his/her right to proceed with the grievance and shall be a bar to judicial review. The employee may advance a grievance to the next step if a response is not provided

within the designated timeframe. Any time limit prescribed herein may be extended by mutual written consent of the parties. The Commission has the sole authority to determine whether a matter should be dismissed on procedural grounds, including failure to comply with a time limit prescribed herein.]

(1) Step 1. If an employee has a grievance, he/she shall first present and discuss the grievance orally with his/her immediate supervisor within two (2) workdays of knowledge of the issue/circumstances causing the grievance. The supervisor will reach a decision and communicate it orally to the employee within two (2) workdays.

(2) Step 2. If the grievance is not settled at Step 1, the employee shall reduce the grievance to writing and present it to the department head/appointing authority within five (5) workdays after receiving communication of the supervisor's decision. The written grievance shall contain a clear and concise statement of the relevant facts, the date(s) the event occurred, the identities of the persons involved, documentation related to the grievance in possession of the employee, the actions taken to informally resolve the grievance, the reasons why the disciplinary action should be overturned, if applicable, and the remedy requested. A grievance alleging a workplace safety issue shall also identify the regulations or laws allegedly violated, if applicable. Within five (5) workdays, the department head shall furnish the employee with a written response to the grievance.

(3) Step 3. If the grievance is not settled at Step 2, the employee may submit a written appeal to the Human Resources Director within five (5) workdays. The Human Resources Director shall schedule the matter before an impartial hearing officer for a hearing as soon as practicable.

v. Civil Service Commission Hearing.

(1) The Commission shall appoint a time and place for hearing the appeal and shall notify the department head/appointing authority and the affected employee of the time and place of such hearing. This time period may be changed by mutual agreement of the parties and the Commission. The Commission may, in its discretion, have the hearing transcribed. A copy shall be made available to the employee at his/her expense. The employee may be represented at the hearing by an attorney at the employee's own expense.

(2) Subject to the Commission's discretion, witnesses may appear at the hearing and present information under oath or affirmation. Written documents may be submitted. The rules of evidence may be used as a guideline but shall not be binding upon the Commission. The appealing party carries the burden of production of evidence and the burden of proof. In disciplinary matters, the sole issue before the Commission shall be: Based on the preponderance of the evidence presented, has the employee proven the disciplinary action was arbitrary and capricious? An action will be deemed arbitrary and capricious if it is unreasonable or without a rational basis (i.e., if any reasonable view of the evidence sustains the action, it may not be disturbed). In making such determination, the Commission shall accord the decision of the department head/appointing authority a presumption of correctness and validity. In matters involving allegations of workplace safety violations, the sole issue before the Commission shall be: Based on the preponderance of the

evidence presented, has the employee proven there was a violation of state and/or federal regulations or laws on health and safety in the workplace?

(3) If the Commission determines the discipline or termination was arbitrary and capricious or that there was a workplace safety violation, it shall, in its sole discretion, determine what action shall be taken under the circumstances and as its rules may provide. The decision of the Commission shall be a "final determination" as defined in Sec. 68.12, Wis. Stats. The decision shall be in writing, mailed to the department head/appointing authority and the affected employee, and shall contain notice that any appeal to the Circuit Court of Milwaukee County must be commenced within thirty (30) days of receipt thereof.

9. Discipline, Removal and Suspension of City Officers. See Section (8)(a)2 and 3 above.
10. Prohibited Influences and Practices.
    a. Except as provided otherwise in these enactments, no factor of influence other than the fitness and ability of a person to perform the duties of the position in which he or she is acting or employed, or to which he or she is seeking appointment, shall affect in any detrimental way the appointment, promotion, transfer, suspension or termination of a person with respect to any employment within the scope of these enactments.
    b. The following practices are forbidden: Pernicious political activity by any City officer or employee; the giving of any consideration, whether financial or otherwise, in return for appointment to an office or position in the service of the City; the obstruction or deceiving of any person desiring to make an examination under the provisions of these enactments or desiring to secure information concerning any such examination; the deliberate mismarking or miscalculation of grades of any applicant taking an examination; the impersonation by any person of any other person in connection with the holding of an examination; and, the giving to or receiving by examination candidates, information or assistance enabling such candidates to obtain an unfair or improper advantage over other candidates for the same examination.
11. Work Hours and Schedules. All officers and employees of the City, except elected officials and employees under the jurisdiction of the Police and Fire Commission, are subject to the work hours and scheduling provisions set forth in Policy 1454 in the City of West Allis Policies and Procedures Manual.
12. Compensation, Salaries and Payroll. The compensation of all employees and elected and appointed officials shall be determined and paid as prescribed by law and in accordance with Salary Ordinances adopted by the Common Council from time to time, and Policies 1110, 1205, 1402, and 1424 in the City of West Allis Policies and Procedures Manual.
13. Sick Leave. All officers and employees of the City, except elected officials and represented protective service employees, shall be entitled to sick leave in accordance with Policy 1430 in the City of West Allis Policies and Procedures Manual.
14. Health and Dental Insurance.
    a. Provisions for health and dental insurance for employees holding a minimum of a 0.5 FTE (full time equivalent) budgeted position, elected officials, and retirees shall be governed by Policy 1413 in the City of West Allis Policies and Procedures Manual.

    b. Employee Health Insurance Fund.
        i. There is hereby established the Employee Health Insurance Fund as part of the Internal Service Fund of the City of West Allis for the payment of claims and other eligible costs under the health insurance program and for no other purpose.
        ii. The Fund shall consist of premiums paid by the City and premium

contributions paid by active and retired employees for the health insurance program.

iii. The Fund shall also be credited/charged with a pro rata share of investment interest revenue earned/lost by the City each year. The state investment pool rate shall be used to determine the credit/charge.

iv. This Subsection (b) shall not be repealed, amended or otherwise modified except upon a two-thirds-majority vote of all members of the Common Council.

15. Vacations. Each year, all officers and employees of the City, except represented protective service employees (see RMC Sections 4.10 and 5.126) and elected officials, shall be entitled to vacation in accordance with Policy 1432 in the City of West Allis Policies and Procedures Manual. The Finance Director/Comptroller, in checking payrolls or accounts of salaries and wages of officers or employees in the City departments, shall check and keep a record of the time allowed to officers and employees for vacations. The Fire and Police Departments of the City shall maintain the vacation records for those Departments and make them available to the Finance Director/Comptroller as necessary. Where the vacation taken exceeds that earned, the Finance Director/Comptroller shall withhold approval of said payroll. Represented protective service employees are governed by the provisions of their collective bargaining contract.
16. Military Leave. It is hereby declared to be the policy of the City to grant military leave to all eligible employees and to provide for the reinstatement of said employees in accordance with the provisions set forth in Policy 1420 of the City of West Allis Policies and Procedures Manual.
17. Unpaid Leaves of Absence.
    a. Medical Leave. Medical leave shall be granted in accordance with state and federal laws and regulations.
    b. Candidate for Public Office. Candidates for public office shall be granted leave in accordance with the provisions of the Wisconsin Statutes.
    c. Voluntary Time Off. Voluntary time off shall be granted in accordance with Policy 1469 in the City of West Allis Policies and Procedures Manual.
18. Holidays. Each year, all officers and employees of the City, except Police and Fire Dispatchers, represented protective service employees (see RMC Sections 4.10 and 5.126) and elected officials, shall be entitled to holidays in accordance with Policy 1412 in the City of West Allis Policies and Procedures Manual. No other holidays shall be granted by any method whatsoever except by action of the Common Council. In addition, protective service employees not represented by a collective bargaining agreement shall be entitled to and shall receive a holiday payment, in an amount determined by the Common Council through salary ordinance (such payment to be made in the month of December by separate check) and those employees working a 5-2 schedule shall be entitled to and shall receive the holiday benefits enumerated in Policy 1412. Police and Fire Dispatchers are governed by the Rules and Regulations of the Police and Fire Commission. Represented protective service employees are governed by the provisions of their collective bargaining agreement.
19. Funeral Leave. All officers and employees of the City, except represented protective service employees (see RMC Chapters **4** and **5**) and elected officials shall be granted funeral leave in accordance with Policy 1409 in the City of West Allis Policies and Procedures Manual. Represented protective service employees shall be entitled to funeral leave in accordance with the terms of their collective bargaining agreement.
20. Tuition Reimbursement. In order to enable employees to continue their personal development and in turn, become increasingly more valuable to the City government, it is City policy to encourage employees to improve their educational and skill qualifications for advancement. Officers and employees of the City shall be permitted to participate in the tuition reimbursement program in accordance with Policy 1404 in the City of West Allis Policies and Procedures Manual.
21. Clothing, Tool and Other Allowances. It is the policy of the City that employees shall receive clothing, tool or other allowance in accordance with the provisions of Policy 1484 in the City of West Allis Policies and Procedures Manual.
22. Vehicle Operation/Driving and Mileage Reimbursement. It is the City's intent to

establish and maintain a high level of professionalism and awareness of safety among its drivers and operators. Procedures to be followed by all City departments and employees regarding vehicle operation, driving privileges and mileage reimbursement are set forth in Policy 1468 in the City of West Allis Policies and Procedures Manual.

23. Subrogation. In the event the City makes any payment of sick leave benefits under Section 2.76(13), and/or any payment of medical expenses pursuant to the terms of any health insurance plan provided under Section 2.76(14), the City shall be subrogated to all the employee's/insured's rights of recovery therefor against any third party or his/her insurer for such payment. Should the employee/insured make a claim or maintain an action against a third party, he/she shall so notify the City and said claim or action shall include a demand for reimbursement of the sickness disability benefits and/or medical expenses paid by the City. As a condition of accepting benefits under Section 2.76(13) or 2.76(14), the employee and all eligible dependents agree to be obligated to subrogate any such claims to the City to the full and complete extent of payments made by the City, and agree to reimburse the City from the proceeds of such recovery from a third party or parties to the full extent of all monies paid by the City.
24. Worker's Compensation Benefits and Alternate Duty. Worker's compensation benefits shall be paid to all City of West Allis employees, and alternate duty will be assigned to employees in accordance with Policy 1434 in the City of West Allis Policies and Procedures Manual.
25. Drug- and Alcohol-Free Workplace. The City provides for a drug- and alcohol-free workplace as set forth in Policy 1447 in the City of West Allis Policies and Procedures Manual.
26. Jury Duty. It is the policy of the City that all employees be allowed to serve on juries. The terms and conditions of leaves of absences for jury duty are set forth in Policy 1417 in the City of West Allis Policies and Procedures Manual.
27. Life Insurance. Eligible elected officials and employees may be entitled to participate in the life insurance program in accordance with Policy 1411 in the City of West Allis Policies and Procedures Manual.
28. Pension Plans. The City of West Allis provides an integrated pension system, comprised of benefits from Social Security (except Fire Department), and the Wisconsin Retirement System. Employees are eligible to participate immediately upon hire.
    a. Social Security. The City and the employees each contribute to Social Security based on the employee's annual earnings, up to a maximum per annum established by the Social Security Administration.
    b. Wisconsin Retirement System. Pursuant to Sec. 40.21, Wis. Stats., the City elects to include eligible City personnel under the provisions of the Wisconsin Retirement System (WRS), in accordance with the terms thereof. The City and the employees shall make contributions to the WRS as established by state law.
29. Departmental Review of Employee Performance. It is the policy of the City that employees shall receive periodic, and at least annual, performance reviews in accordance with the provisions of Policy 1422 in the City of West Allis Policies and Procedures Manual.
30. Appeals. Any person aggrieved by a determination of the Civil Service Commission may appeal that determination to the Circuit Court of Milwaukee County pursuant to the provisions of Section 68.13 of the Wisconsin Statutes.

[Ord. O-2017-0040, 10/3/2017]

SECTION 5: **AMENDMENT** "5.17 Fire Inspection And Permit Fee Schedule" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

5.17 Fire Inspection And Permit Fee Schedule

See Fee Schedule

~~A Fire Department permit is required for all items as hereafter enumerated. No installation shall commence for which a permit is required by this section until proper fees have been paid and a Fire Department permit has been issued.Permit Initiation Fee. For each Fire Department permit issued, there shall be an initiation fee of $10 assessed to the permit, to be deposited to a revenue account of the Department of Building Inspections for administration of the permit. Plan review. Fire Protection Systems, to include, but not limited to, smoke, heat and manual fire alarm systems. Site inspection. 50 or less fixtures$25.00More than 50 fixtures$50.0050 or less fixtures$50.00More than 50 fixtures$100.00Fire suppression systems, to include sprinklers, standpipes and first aid stations.~~

~~Plan review. Alterations to existing systems up to 15 headsNo chargeNew construction and additions to existing systems(1-250 heads or fixtures)$25.00New construction and additions to existing systems(each additional 100 heads or fixtures or fraction thereof)$10.00Site inspection. Plan review: $25.00 100 or less heads or fixtures$50.00Over 100 heads or fixtures$100.00Site inspection: $50.00 Fire suppression systems, to include halon, carbon dioxide, dry chemical, water spray and foam systems. Smoke ventilation systems. Hood and duct ventilation and suppression systems. Plan review: $25.00 Plan review: $25.00 Site inspection: $50.00 Plan review: $25.00 Site inspection: $50.00 Site inspection: $50.00 Spray booths, dip tank operations and flammable liquid spray areas. Hydrant flow test, per hydrant: $25.00 Plan review not approved by DILHR: $50.00/plan Liquid storage tanks, a regulation by this Code, above or below ground, or within buildings or structures. Pressure piping systems or vapor recovery systems for flammable and combustible liquids, new and altered systems utilizing pressure piping or suction system: 1% of the cost to install/$50.00 minimum Pumps for flammable liquids, new, replacement or alteration: $10.00 for each pump, dispenser or nozzle/$50.00 minimum LP tanks - temporary installation: $25.00 Temporary storage of explosives: $25.00 New, replacement, removal or abandonment per tank: $15.00/1,000 gallons or fraction thereof; $50.00 minimum/$150.00 maximum Cutting/Welding: $25.00 Blasting: $25.00 Tents in excess of 400 square feet, per tent: $20.00 Petition for variance, per petition: $50.00 Indoor car exhibition, per car: $25.00 Removal of underground storage tank (nonresidential): $100.00 minimum Liquid storage tank ILHR 10 permit: $50.00 Special inspections requiring written response: $100.00 Reinspection. In the event additional inspections are necessary because of failure to meet at an appointed time or by reason of faulty, incomplete or defective work, a fee equal to the original fee will be charged. Special Plan Review or Inspections. During nonworking hours, time and one-half of the normal hourly rate of Inspector assigned, three hours minimum. The fee shall be paid prior to the review or inspection.~~ **~~[Ord. 6115 [5.17(18)-(23)], 8/2/1994] [Ord. 6077 (create 5.17), 3/1/1994]~~**

SECTION 6: **AMENDMENT** "6.01 Public Safety" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

6.01 Public Safety

1. Shooting of Firearms. No person shall fire or discharge any cannon, gun, fowling piece or firearm of any description containing powder or other explosive or combustible material within the limits of the City, except upon special permit granted by the Chief of Police, or except in a shooting gallery, gun range or place to practice target shooting licensed by the City.
2. Air Rifles and Sling Shots. **[Ord. O-2014-0016, 3/4/2014]**
    a. Use Prohibited. No person shall shoot, discharge or fire an air rifle, air gun, sling shot, bow and arrow or crossbow, or any similar device within the City subject to the exception herein or in Subsection (3).
    b. Exceptions. Nothing in this section shall prevent the discharge of air rifles, air guns, bows and arrows or crossbows in private ranges or galleries constructed and maintained as required by the Code Enforcement Department ~~of Building Inspections and Neighborhood Services~~, so as not to endanger life, limb or property.
    c. Penalty. In addition to payment of the penalty prescribed in Section 6.04, each violator shall forfeit the air rifle, air gun, sling shot, bow and arrow or crossbow, or other similar device used by the violator, which device shall be

confiscated.

3. Hunting. **[Ord. O-2014-0016, 3/4/2014]**
    a. Use Regulated.
        i. The provisions of Section 6.01(2)(a) notwithstanding, a person may hunt with a bow and arrow or crossbow as provided herein. No person shall hunt with a bow and arrow or crossbow within one hundred (100) yards of a building located 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 within the specified distance of the building. All other types of hunting shall be prohibited.
    b. Any person hunting within the City with a bow and arrow or crossbow shall discharge the arrow or bolt from the respective weapon toward the ground. As used in this subsection, "toward the ground" means: from a higher place or level to a lower place or level that exceeds the normal ballistic drop of the projectile fired from the device.
    c. Hunting of any type shall be prohibited on all land owned or leased by the City pursuant to the authority of Section 29.038(2), Wisconsin Statutes.
    d. Penalty. In addition to payment of the penalty prescribed in Section 6.04, each violator shall forfeit the bow and arrow, crossbow, or other weapon used to hunt in violation of this Subsection (3) and such device shall be confiscated.
    e. The prohibition on hunting set forth in this Subsection (3) shall not apply to a law enforcement officer acting in his/her official capacity, or a person authorized by such law enforcement officer who has been authorized to trap, hunt, or otherwise dispose of nuisance wild animals.
4. Removal of Locks or Doors from Ice Boxes, etc. No person, firm or corporation shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, walk-in cooler or other container of any kind, which has an air tight door, without first removing the door from the said ice box, refrigerator, walk-in cooler or other container.

SECTION 7: **AMENDMENT** “7.041 Food Peddlers” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.041 Food Peddlers

1. Definitions. The following definitions shall apply in the interpretation and enforcement of this section:
    a. Charitable Organization. The term "charitable organization" shall mean any patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, person, partnership, association or corporation that is validly registered under Wis. Stat. § 440.42.
    b. Health Commissioner. The term "Health Commissioner" shall mean the Health Commissioner of the City, as set forth in Section 2.24 of the Revised Municipal Code, or his/her designee.
    c. Food. The term "food" shall mean all articles used for food, drink or condiment, including ice or water used by humans, whether simple, mixed, or compound and articles used or intended for use as ingredients in the composition or preparation thereof.
    d. Food Peddler. The term "food peddler" shall mean any person who sells food in this City from a pushed, pedaled, pulled, motorized, or movable vehicle or cart, or from a carried container.
2. Adoption of State Code. Except as otherwise provided herein, the provisions of Department of Agriculture, Trade, and Consumer Protection Chapter 75 and the Wisconsin Department of Health Services Code Chapter 196 and its appendix, the

Wisconsin Food Code, are hereby adopted by reference.

3. Permit Required. No food peddler shall engage in the sale of food without a permit. A person, on behalf of a charitable organization, selling individually wrapped, hermetically sealed, single food servings that are prepared and packaged off-premises by a licensed processor shall not require a permit; however, a person selling such food must comply with all other provisions of this section.
4. Time Restriction. No food peddler shall remain in any location for more than one hour on any one day, except as provided in Subsection **(4)(a)** of this section.
    a. Exceptions to One-Hour Limit.
        i. A food peddler may sell in one location in excess of the one-hour limit specified in Subsection (4) if:
            (1) The food peddler's vehicle, cart, and/or carried container is located in a nonresidential zoning district; and the food peddler's vehicle is parked in a nonresidential zoning district in compliance with all posted time limits on parking and with all other applicable parking regulations; or
            (2) Whenever any street or portion thereof has been closed to traffic in connection with any civic event, and the food peddler obtains a special event direct seller's permit, under Section 9.18(4), from the City Clerk~~/Treasurer~~ to park on or access such closed streets longer than the one-hour limit.
5. Exemption. The provisions of Section 7.10(3) of the Revised Municipal Code relating to merchandise display on sidewalks and zoning provisions of Chapter **12** of the Revised Municipal Code relating to outdoor merchandise sales are inapplicable to persons who possess a valid food peddler license engaging in food peddling. A person who obtains a permit under this section, except as set forth herein, shall be deemed to have a direct seller's permit under Section 9.18 of the Revised Municipal Code.
6. Permit Fees. A food peddler shall pay a fee of one hundred dollars ($100.) for a permit. Such fee shall be paid at the time the permit application is filed with the City Clerk~~/Treasurer~~.
7. Application. Each person requiring a permit shall make a sworn application in writing on a form provided by the City Clerk~~/Treasurer~~ which shall give the following information:
    a. Name, address and telephone number of the applicant.
    b. Name, address and telephone number of the person, firm, association, or corporation that the food peddler represents or is employed by, or whose food is being sold.
    c. A description of the food offered, including a copy of the menu.
    d. The location from which the business will be conducted, including a proposed route, and the proposed dates and times.
    e. Make, model and license number of any vehicle to be used by the applicant in the conduct of the business.
    f. Last municipalities, not to exceed three (3), where the applicant conducted similar business.
    g. Statement as to whether the applicant has been arrested or convicted of any crime or ordinance violation, together with the nature of the offense and the place of conviction.
    h. Proof of a state certificate of examination and approval from the Sealer of Weights and Measures where the applicant's business requires use of weighing devices approved by state authorities.
    i. Proof of a food-related permit issued by the West Allis Health Department.
8. Investigation.
    a. Upon receipt of an application and fee, the City Clerk~~/Treasurer~~ may refer the application to the Chief of Police or his/her designee. The Chief of Police or his/her designee may make an investigation of the accuracy of the statements made in the application and determine whether the applicant has been convicted of a felony, misdemeanor, statutory violation punishable by forfeiture, or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor, or other offense substantially relate

to the circumstances of the permitted activity and, if so, the nature and date of the offense and the penalty assessed.

b. If, as a result of such investigation, the Chief of Police or his/her designee discovers that any representation on the application contains a material omission or inaccuracy, or the Chief of Police or his/her designee is of the opinion that the applicant is not a fit person to conduct such sales, the Chief of Police or his/her designee shall disapprove the application and return it to the City Clerk~~/Treasurer~~ along with the reason(s) for disapproval. Upon return of the disapproved application, the City Clerk~~/Treasurer~~ shall notify the applicant that the permit has been denied, along with the reasons therefor.

c. Issuance. If the City Clerk~~/Treasurer~~ does not send the application to the Chief of Police or his/her designee, or if the Chief of Police or his/her designee returns an application without disapproval, the City Clerk~~/Treasurer~~ shall then issue a permit to the applicant. The permit shall be carried by the food peddler at all times s/he is engaged in food peddling and shall contain the name of the permittee, the date of issuance, the date of expiration, and the permit number.

9. Transfer Prohibited. No permit issued under this subsection may be transferred.
10. Licensing Year. The licensing year for the food peddler's permit shall be from July 1 to June 30.
11. Posting of Permit and Company Name.
    a. Every food peddler shall display his/her permit at all times in plain view to the public on the food peddler's vehicle, cart, container, or person.
    b. Every food peddler shall display on his/her vehicle, cart, or carrier, the name of the person to whom the permit is issued and the permittee's telephone number. Such lettering shall be not less than four (4) inches high.
12. Permit Revocation.
    a. The Common Council may, upon sufficient cause, suspend, revoke, or not renew a permit issued under this section. Cause for suspending, revoking, or not renewing a permit shall include, but not be limited to, the following: violations of this section; violations of the City or state's food regulations; violations of West Allis Revised Municipal Ordinance 7.05; violations of the City or state's health regulations; any fraud, misrepresentation, or false statement contained in the license application; failure to comply with the directives of the Common Council, License and Health Committee, or West Allis Health Department; disorderly conduct; or theft.
    b. Whenever the Health Commissioner or his/her designee has reasonable cause to believe that any food, sanitary condition, equipment, premises or method of operation creates a danger to public health, the Health Commissioner may issue an order as set forth in sec. 66.0417(2), Wis. Stats. The License and Health Committee of the West Allis Common Council shall conduct the hearing required by sec. 66.0417(3), Wis. Stats. The decision of the License and Health Committee shall be final subject to appeal rights as provided by law.
13. Prohibited and Required Acts.
    a. A food peddler shall not:
        i. Sell food between the hours of 9:00 p.m. and 6:00 a.m.
        ii. Block or restrict an individual's access to a business or residential property.
        iii. Occupy any sidewalk so as not to permit any pedestrian at any time to have a minimum five-foot clearance.
        iv. Sell or offer for sale any food while the person is on a roadway median or safety island, unless the roadway has been closed to traffic under Subsection (3)(b) and the food peddler is otherwise in compliance with this section.
        v. Sell or offer to sell any food while located within 10 feet of a crosswalk, bus stop, or fire hydrant.
        vi. Make any comment, request, suggestion or proposal that is obscene, lewd, lascivious, profane, or indecent.

vii. Sell food on private property or City-owned property that is not a public right-of-way without written permission of the owner.
viii. Sell food within 300 feet of school grounds.
ix. Sell food within 100 feet of a licensed restaurant, unless such restaurant is owned by the food peddler or the food peddler has written permission from the restaurant license's owner or agent.
x. Sell food within 300 feet of the West Allis Farmer's Market during the hours that the market is open for business, unless the food peddler holds a valid street vendor's contract for the Market with the West Allis Health Department.
xi. Sell food that is unwholesome, tainted, unclean, or that has been handled in an unclean manner, or has been exposed to unclean, contaminating things or conditions, or contrary to any rules or regulations adopted by the Health Commissioner.
xii. Allow any person who does not possess a valid food peddler's permit to sell or assist in selling food from the food peddler permittee's vehicle, cart, or container.

b. A food peddler shall:
i. Possess and maintain all required food-related permits issued by the West Allis Health Department.
ii. Direct vending equipment and displays, including signage, away from the street.
iii. Display food and signage in a manner in which attention to it is not focused from the street and which does not require or encourage prospective buyers to enter or walk upon the street to examine it.
iv. Notify the City Clerk~~/Treasurer~~ within 10 days of the event whenever anything occurs to change any fact set out in the application or information of any permit.
v. Comply with all inspection requests and orders from the City, including but not limited to inspections and orders from the Health Department, ~~Building Inspection and Zoning~~Code Enforcement Department, and Fire Department.
vi. Comply with all lawful orders or requests from an officer of the West Allis Police Department or other police agency.
vii. Comply with all local, state, and federal laws and regulations.

14. Penalties.
a. Any person violating this section shall, upon conviction for a first offense, forfeit not less than fifty dollars ($50.) nor more than five hundred dollars ($500.), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in § 800.095(4), Wis. Stat. Each and every day during which any such violation continues shall constitute a separate violation.
b. Any person violating this section shall, upon conviction for the second or subsequent offenses, forfeit not less than three hundred dollars ($300.), nor more than two thousand dollars ($2,000.), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in § 800.095(4), Wis. Stats. Each and every day during which any such violation continues shall constitute a separate violation.
15. Severability. If any provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the section shall not be affected thereby.
16. Distance Measurements. For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the edge of the property line when measuring from real estate or the nearest edge of an object or line when measuring from a crosswalk, bus stop, or fire hydrant, or similar object, to the nearest edge of a food peddler's cart, vehicle, or container.

[Ord. O-2012-0021, 6/19/2012]

SECTION 8: **AMENDMENT** "9.02 Alcoholic Beverages" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

9.02 Alcoholic Beverages

1. State Regulations. Except as otherwise provided herein, the provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of alcohol beverages, are adopted by reference and made a part hereof with the same force and effect as if fully set forth herein.

   1m. Pursuant to Wis. Stat. § 125.51(3)(b), a retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold.
2. License Required. No person, firm, partnership, corporation or association shall, within the City, sell, barter, exchange, offer for sale or have in possession with intent to sell, deal or traffic in fermented malt beverages or intoxicating liquor, in any quantity whatsoever, or cause the same to be done without having procured a license.
3. Applications for Class "A" and "B" Retail License.
   a. When and Where Filed. A written application for the licenses required by this section shall be filed with the City Clerk upon forms provided by the City Clerk. The application shall be filed with the City Clerk not less than fifteen (15) days prior to the granting of such license. Except as otherwise provided in this chapter, the license fee shall be paid prior to the issuance of the license by the City Clerk. **[Ord. O-2018-0037, 9/18/2018]**

      Such application shall be filed and completed in accordance with Sec. 125.04(3) of the Wisconsin Statutes. The City Clerk shall not accept an application from a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.
   b. Original Applications. Applicants seeking to establish a new licensed premise shall, upon application, pay a two hundred dollar ($200) fee to defray a portion of the costs of building, plumbing, electrical, health and fire inspections. The fee shall be nonrefundable, but shall be applied to the license fee.
   c. Publication. The application shall be published at least once in the official City newspaper, and the costs of publication shall be paid by the applicant.
   d. Notice of Change In Application. If a licensee files with the clerk a written description of a change in fact pursuant to Wis. Stat. 125.04(3)(h)(h), the clerk shall update the city's records to reflect that change, unless the change is an extension of premises. No extension of premises is valid unless approved by the common council in accordance with WAMC 9.02(24).
   e. Late Application. The Common Council may meet to consider and act upon any application for a Combination Class B or Combination Class A license, which has not been timely filed so that the Common Council may act upon the application at its regular meeting prior to the commencement of the license year, provided that any such application has been filed with the City Clerk at least fifteen (15) days prior to the special meeting of the Common Council. A late filing fee of one thousand dollars ($1,000) shall accompany each such application to defray administrative expenses. The late filing fee shall be nonrefundable unless a quorum of the Common Council is not able to meet and shall be in addition to the license fee. **[Ord. O-2005-0033, 6/21/2005]**
   f. Provisional Retail License. Pursuant to Wisconsin Statutes Section 125.185,

the City Clerk is authorized to issue provisional retail licenses to applicants who have possessed the same retail license for the sale of alcoholic beverages within the past year. If a new license applicant is approved by the License & Health Committee but pending before the common council, the City Clerk is also authorized to issue a provisional retail license to that applicant only if the applicant has obtained all health, occupancy, or other licenses and permits required by the committee. The fee for such license shall be fifteen dollars ($15) and shall be paid to the Clerk before issuance.

3m. Class "C" Licenses. **[Ord. 6329, 9/2/1997]**

i. Filing of Applications. A written application for a Class "C" license shall be filed with the City Clerk upon forms provided by the City Clerk. The application shall be filed with the City Clerk not less than fifteen (15) days prior to the granting of such licenses. Except as otherwise provided in this chapter, the license fee shall be paid prior to the issuance of the license by the City Clerk. **[Ord. O-2018-0037, 9/18/2018]**

The application shall be filed and completed in accordance with Sec. 125.04(3) of the Wisconsin Statutes. The City Clerk shall not accept an application from a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.

ii. Publication. The application shall be published at least once in the official City newspaper and the costs of publication shall be paid by the applicant.

iii. Granting of License. A Class "C" license may be granted to an applicant only if the applicant meets the qualifications set forth in sec. 125.04(5) of the Wisconsin Statutes; the premises to be licensed is a restaurant in which the sale of alcohol beverages accounts for or will account for less than fifty percent (50%) of gross receipts; and the restaurant does not contain a barroom.

(1) In addition to the restrictions on location of a "Class A" and "Class B" premises under Wis. Stat. 125.68(3), no "Class C" license may be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any public or parochial school, hospital or church, except that this prohibition may be waived by a majority vote of Common Council. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license or permit. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, or hospital to the main entrance of the premises covered by the license. The prohibition in this subsection does not apply to any premises covered by a "Class C" license on the date this ordinance is published or premises covered by a "Class C" license prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

iv. (Reserved)

4. Floor Plan and Plan of Operation.

a. (Reserved).

b. In any application for an alcohol beverage retail establishment license, excepting special Class B Beer and Wine Licenses, the applicant shall file a detailed floor plan on an 8 1/2-inch by 11-inch sized sheet of paper for each floor of the licensed premises. The floor plan shall include:

i. Area in square feet and dimensions of the licensed premises.

ii. all entrances and exits to the premises together with a description of

how patrons will enter the premises, the proposed location of the waiting line, and the location where security searches or identification verification will occur.

iii. Locations of all seating areas, bars, and, if applicable, food preparation areas.
iv. Locations and dimensions of any alcohol beverage storage and display areas.
v. Locations and dimensions of any outdoor areas available at the premises for the sale, service or consumption of alcohol beverages.
vi. North point and date.
vii. Any other reasonable and pertinent information the License and Health Committee may require either for all applicants or in a particular case.

c. Plan of Operation. A completed plan of operation on forms provided therefor by the Clerk. The plan of operation shall require: **[Ord. O-2014-0019, 4/1/2014; Ord. O-2018-0037, 9/18/2018]**
   i. The current or planned hours of operation for the premises.
   ii. The legal occupancy capacity of the premises.
   iii. What plans the applicant has to insure the orderly appearance and operation of the premises with respect to noise and litter. This shall include a description of designated or likely outdoor smoking areas, the number and location of exterior and interior trash receptacles.
   iv. What other types of business enterprises, if any, are planned or currently conducted at the premises.
   v. What other licenses and permits, if any, are planned or currently issued for the premises.
   vi. For applications for premises in locations that have not been licensed previously or within the past year under Section 9.02, whether the premises is less than three hundred (300) feet from any school, hospital, or church, pursuant to Section 9.02(4)(c)1 and Section 125.68(3) of the Wisconsin Statutes.
   vii. The number of security personnel expected to be on the premises, their responsibilities, and the equipment they will use in carrying out their duties.
   viii. Any other reasonable information the License and Health Committee may require either for all applicants or in a particular case.
d. Renewals. For any renewal application for an alcohol beverage retail establishment license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application, the licensee may re-file the previous documents. The License and Health Committee may require changes to a floor plan or plan of operation based on the licensee's past operation.
e. Alterations/Amendments. The floor plan and plan of operation are subject to approval by the License and Health Committee prior to the granting of the license and may be subject to the issuance of any building, zoning, or other permits. Applicants seeking such alterations or amendments shall submit a written notice of such changes to the City Clerk The Common Council may approve or disapprove the change in the floor plan or plan of operation under the same standard as the review of a new license application. The License and Health Committee may change all or part of the plan of operation or may impose additional requirements to address problems created by the licensee's operation. Applicants seeking an alteration or amendment to the floor plan or plan of operation shall pay a fee as specified in the most recent Schedule of Fees resolution and upon application.

4m. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to an alcohol beverage license shall be true. Any person who submits in writing any untrue statement to the City in

connection with any such license or application shall forfeit not more than five hundred dollars ($500) together with the costs of prosecution, and in default shall be imprisoned in the Milwaukee County House of Correction for the maximum number of days set forth in Section 800.095(1)(b) of the Wisconsin Statutes. In addition, any license granted shall be subject to revocation and no alcohol beverage license of any kind whatsoever shall thereafter be granted to such person for a period of one year from the date of such revocation. **[Ord. O-2013-0014, 4/2/2013]**

5. Outdoor Premises
    a. Definitions
        i. "Indoor premises" means any part of the premises that is an enclosed place as that term is defined in Wis. Stat. 101.123(1)(ak).
        ii. "Outdoor premises" means any part of the premises that is not an indoor premises.
    b. Regulations. All outdoor premises shall comply with the following regulations:
        i. Containers. No licensee may allow glass beverage containers in an outdoor premises.
        ii. Noise Limit. No outdoor premises may be the source of sound that measures over 100 decibels (A-weighted) within 100 feet from the outdoor premises. The common council may set different noise limits for a particular outdoor premises if the licensee agrees to those alternate noise limits.
        iii. Bordering. The border of any outdoor premises shall be physically marked with fencing, vegetation, barriers, or other objects or markings accurately indicating the limits of the outdoor premises.
        iv. Lighting. Any lighting for an outdoor premises may not project directly to an area beyond the indoor and outdoor premises.
        v. Closing Hours. No outdoor premises may remain open between the hours of 10 p.m. and 10 a.m. The common council may set different closing hours for a particular outdoor premises if the licensee agrees to those alternate closing hours.
6. Investigation. The City Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department and Building Inspector of each application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.
7. Qualifications. In addition to the qualifications under § 125.04(5) of the Wisconsin Statutes, no license related to alcohol beverages may be issued to any person who has had any licensed denied within prior 6 months.
8. Granting of License
    a. Upon the approval of an application by the Common Council, the City Clerk shall issue to the applicant a license, subject to the provisions of this code.
    b. In lieu of Common Council approval, the City Clerk is authorized to issue temporary Class "B" licenses and permit underage persons to be on the premises as provided in Wis. Stat. § 125.26(6), issue temporary "Class B" licenses and permit underage persons to be on the premises for the purpose of acting as designated drivers as provided in Wis. Stat. 125.51(10), and issue operator's licenses as provided in Wis. Stat. § 125.17(1) to any of the following applicants:
        i. A person who is not a reviewable applicant.
        ii. A reviewable applicant who has been granted an operator's license by the common council on a prior date and has no arrest or conviction

record since the prior license was granted.

c. Under this paragraph, "reviewable applicant" means any person who has any of the following:
    i. A pending criminal charge for any offense under Wis. Stat. § 111.335(4)(a);
    ii. A conviction for an offense counted under Wis. Stat. § 343.307 within two years of the application date;
    iii. A second or subsequent conviction for an offense counted under Wis. Stat. § 343.307 within five years of the application date;
    iv. Convictions for three or more violations of Wis. Stat. § 343.44 within two years of the application date;
    v. A conviction for any offense under Wis. Stat. Ch. 125 or any offense for which the consumption, possession, or sale of alcohol is an element within ten years of the application date, except no violation of Wis. Stat. § 125.07 may be considered unless the applicant has committed two ore more violations within one year;
    vi. A conviction for a felony offense where the sentence for confinement, extended supervision, or probation has ended within five years of the application date; or
    vii. Convictions for three or more misdemeanors within five years of the application date.

d. For any temporary Class B license, the clerk shall notify the Alderpersons of the district in which the event is to be held that a license has been issued.

e. Applications for a temporary license must be received in the Clerk's Office at least five (5) business days prior to the event. An application for a temporary license received in the Clerk's Office five (5) business days prior to the event without approval of the Common Council must be accompanied by a late fee of fifteen dollars ($15) in addition to the temporary licensee fee to defray administrative costs. An application filed less than five (5) business days prior to the event must be accompanied by a late fee of twenty-five dollars ($25) in addition to the temporary license fee to defray administrative costs.

9. Transfer and Lapse of License.

a. A license shall be transferable from one premises to another, if such transfer is first approved by the Common Council. No licensee shall be entitled to more than one (1) transfer in any one license year. Application for transfer shall be made on a form furnished by the City Clerk at least fifteen (15) days prior to the next available meeting of the License and Health Committee. Proceedings for such transfer shall be had in the same form and manner as the original application. Whenever a license is transferred, the City Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. The licensee shall pay a fee as specified in the most recent Schedule of Fees resolution. **[Ord. O-2018-0037, 9/18/2018]**

b. A license shall be transferable from one person to another, as set forth in Sec. 125.04(12)(b) of the Wisconsin Statutes. If licensed premises are transferred to a new owner or tenant, the new occupant must apply for and receive, prior to commencing operations, a Class "B" retailer's license. This section shall apply to licenses held by corporations which transfer same to another corporate entity with or without changing agents to the agent or to other persons. The prospective licensee shall file a new application and pay the required fee, as if it were making an original application. If the applicant is a tenant or subtenant, he shall first secure and present to the Common Council written approval of such tenancy from the owner of such premises.

Preference to applicants for a transfer of any license issued under this subsection shall be given to licensee-tenants who are evicted or threatened with eviction for a refusal to pay an increase in rental in excess of ten percent (10%) of the rentals prevailing for the year next preceding the application for such transfer. A demand upon the part of the landlord that such tenant improve

or cause improvements to be made to the real property or to the personal property appurtenant to the licensed premises at a cost which exceeds ten percent (10%) of the rentals prevailing for the year next preceding the application for such transfer shall be construed to be a demand upon the part of the landlord for an increase in rentals in excess of ten percent (10%) of such period.

c. Whenever any licensee under this section shall not conduct his licensed business at the authorized location for a period of thirty (30) consecutive days, the license shall become subject to revocation, unless such thirty-day period shall, for good cause shown, be extended by the Common Council. **[Ord. 6224, 4/2/1996]**

10. Numbering, Expiration, and Posting of Licenses. **[Ord. O-2006-0016, 4/18/2006; Ord. O-2013-0014, 4/2/2013]**
    a. Each license holder shall be assigned a number which shall remain the same for that license holder annually except that the year when the license year commences shall change each license year, shall state clearly the specific premises for which granted, the date of issuance, the fee paid, the name of the licensee, and a statement that the license shall expire on the 30th day of June thereafter, unless revoked by state law or City ordinance.
    b. Every person licensed under this section shall post the license and maintain it posted while in force in a conspicuous place in the room or place where alcohol beverages are drawn or removed for service or sale. It shall be unlawful for any person to post the license upon premises other than those identified in the application and grant, or to knowingly deface or destroy the license.
11. Lost Licenses. Whenever a license issued under this section or under Section 9.03 shall be lost or destroyed without fault on the part of the holder or his agent or employee, a duplicate license in lieu thereof under the original application shall be issued by the City Clerk upon payment of the fee and satisfying himself as to the facts.
12. General Conditions upon all Licenses. All retail Class A and B licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto:
    a. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or State laws.
    b. The license holder, and/or the employees and agents of the license holder, shall cooperate with police investigations of disturbances, intoxicated persons, underage persons and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee. **[Ord. O-2008-0047, 10/7/2008]**
    c. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
    d. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.

12m. Conditions upon Specific Licenses. The common council may impose any of the following conditions specifically upon a new Class A or Class B license at the time the license is granted. The council may impose any of the following conditions specifically upon an existing licensee only with the licensee's consent.

a. The license shall conduct a principal business on the premises particularly described by the common council. Examples include those types of businesses described in Wis. Stat. § 125.32(3m).

b. The licensee shall maintain the property and licensed premises so it is consistent with the landscaping and architectural design plans approved by the common council.

c. The licensee shall video record all activities taking place on the licensed premises, except within bathrooms and areas inaccessible to customers, and retain a copy of that video for at least 7 days. The video resolution must have at least 640 pixels horizontally and 480 pixels vertically. The licensee shall provide a copy of any video recording in the licensee's possession within 48 hours after receiving a request for video from a law enforcement officer.

d. The licensee shall maintain certain security measures particularly described by the common council. Examples include lighting requirements, staffing minimums, and photographic identification scanners.

e. The licensee shall maintain the layout of the licensed premises consistent with the layout plan approved by the common council.

f. The licensee may not promote or conduct certain activities particularly described by the common council. Examples include live music and drink specials.

13. Restrictions.
    a. In General. The following restrictions shall apply to the granting of licenses:
        i. A retail Class "B" fermented malt beverage or intoxicating liquor license shall be issued only for that portion of the premises located on the street level, unless specifically extended by the authority of the Council. This subsection shall not apply to a bona fide club, hotel, bowling alley, lodge room, labor union or ex-servicemen's post.
        ii. No retail Class B fermented malt beverage or intoxicating liquor license or Class C license shall be issued unless the premises is conformed to the sanitary, safety and health requirements of the State Building Code, and the licensee satisfactorily demonstrates compliance with the rules promulgated by the Department of Agriculture, Trade, and Consumer Protection in regard to restaurant sanitation during a sanitation inspection from the West Allis Health Department as set forth in Wis. Stat. Sec. 125.68(5) and West Allis Revised Municipal Code Section 7.04(6). **[Ord. O-2017-0013, 3/21/2017]**
        iii. No retail alcohol license shall be issued if the premises is not contiguous.
    b. It shall be unlawful for any person to sell, dispense or serve alcohol beverages by means of a drive-through facility. In this section, "drive-through facility" means any vehicle related commercial facility in which a service is provided or goods, food or beverages are sold, served or dispensed to an operator or passengers of a vehicle without the necessity of the operator or passengers disembarking from the vehicle. **[Ord. 6110, 7/19/1994]**
    c. No "Class A" license may be granted for any premises where gasoline or diesel fuel is sold at retail in connection with the premises, except that this restriction does not apply if:
        i. The "Class A" license contains the condition that retail sales of intoxicating liquor are limited to cider; or
        ii. The premises for which the "Class A" license is issued is connected to premises where gasoline or diesel fuel is sold at retail by a secondary doorway that serves as a safety exit and is not the primary entrance to the "Class A" premises.

14. Health Rules. Each premises shall be maintained in a sanitary manner and shall be a safe and proper place for the purpose for which used. The Health Commissioner of the City may make reasonable and general rules for the sanitation of all places of business possessing licenses under this section. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations and infractions thereof may be punished as a violation of this section.
15. Closing Hours. **[Ord. O-2018-0037, 9/18/2018]**
    a. No premises for which a Class "B," "Class B," or a Class C license or permit is issued may remain open between the hours of 2:00 a.m. and 6:00 a.m. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. except that, on the Sunday that daylight saving time begins as specified in Sec. 175.095(2) of the Wisconsin Statutes, the closing hours shall be between 3:30 a.m. and 6:00 a.m. On January 1 premises operating under a Class "B" or "Class B" license are not required to close.
    b. Between 9:00 p.m. and 8:00 a.m. no person may sell fermented malt beverages or intoxicating liquor on Class B or Class C licensed premises in an original unopened packages, container or bottle or for consumption away from the premises.
    c. Class "A" and "Class A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 9:00 p.m. and 8:00 a.m. Section 9.02(18)(a) of this Code does not apply to Class "A" premises between 9:00 p.m. and 8:00 a.m. or at any other time during which the sale of fermented malt beverages or intoxicating liquor is prohibited.
    d. Hotels and restaurants, the principal business of which is the furnishing of food and lodging to patrons, bowling centers, movie theaters, painting studios, indoor golf and baseball facilities, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified in paragraph (a) of this subsection.
    e. No person shall enter or remain upon licensed premises while such premises are closed, pursuant to statute or ordinance. This section shall not apply to the license holder or agents and employees of the license holder who are performing bona fide services related to the licensed business.
16. Operator's Licenses. **[Ord. O-2003-0038, 6/3/2003; Ord. O-2013-0014, 4/2/2013]**
    a. Operator's License. An operator's license shall entitle the holder thereof to work as an operator upon premises licensed under a retail Class "A" intoxicating liquor or fermented malt beverage license, a retail Class "B" intoxicating liquor or fermented malt beverage license, or a retail Class "C" wine license. Such licenses will be issued by the Common Council only to persons meeting the requirements set forth in Sections 125.04(5) and 125.17(6) of the Wisconsin Statutes. The license shall be valid for a period of two (2) years, except that it shall be deemed to have been issued July 1 and shall expire on June 30 of the second year.
    b. Provisional Operator's License. **[Ord. O-2018-0037, 9/18/2018]**
        i. The City Clerk is the official charged with issuing and revoking a provisional operator's license. A provisional license requires an additional fee as specified in the most recent Schedule of Fees resolution.
        ii. Standards for a provisional license, unless the applicant has a certified copy of a license issued by another municipality, are as follows:
            (1) The applicant has applied for an operator's license;
            (2) The applicant for a provisional operator's license shall complete an application attesting he/she has not been convicted of any crime against life and bodily injury, against children, or a violent crime against a child, as set forth in Sec. 111.335 (4) of the Wisconsin Statutes, or crime that substantially relates to the licensing activity. Any false statements made by the licensee on the application may result in revocation of the license by the City Clerk.

(3) No provisional operator's license may be issued to a person who has been previously denied an operator's license by the Council.
(4) The applicant must provide evidence of completion or enrollment in a responsible beverage server course.

iii. Such provisional license shall be valid for not to exceed sixty (60) days or until action of the Common Council, whichever first occurs.

c. Temporary License. The City Clerk is authorized to issue a temporary operator's license to applicants meeting the qualifications of Subsection **(a)** if the applicant will be employed by or donating his services to nonprofit corporations and has not held another temporary license during the license year. The temporary license shall be valid for up to fourteen (14) days and the period for which it is valid shall be stated on the license.

d. Application. A written application shall be filed biennially with the City Clerk, stating the name, residence, age and sex of the applicant. The application shall be referred to the Chief of Police for a report. A license fee and record check fee must accompany the application. There will be no refund of the fees if the license is not subsequently granted.

e. Possession. Each person who holds an operator's license shall carry that license on his person while engaged in serving alcoholic beverages.

17. Loitering by Underage Persons Where Alcohol is Illegally Served. **[Ord. 6188 (repeal & recreate), 9/19/1995]**

a. No underage person shall enter, remain or loiter in any public or private place with the knowledge that any fermented malt beverage or other alcohol beverage is being sold, dispensed, served, given away or made available to underage persons.

b. This subsection shall not apply to underage persons who are accompanied by a spouse who has attained the legal drinking age or a parent or guardian.

c. No adult may knowingly suffer or permit any underage person to enter, remain or loiter in any premises, public or private, where alcohol beverages are served, sold, dispensed, given away or made available to underage persons, unless such underage person is accompanied by a spouse who has attained the legal drinking age, a parent or guardian.

18. List of Employees and Performers.

a. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License shall maintain a current list of all persons employed to work in the premises. The list shall also include those persons employed to work after closing hours for the purposes of cleaning the premises.

b. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License who affords patrons entertainment by, or performance of, any act, stunt, music, song or dance by performers under his auspices, whether such performances are paid or not, shall maintain a current list of all performers who perform in the licensed premises.

c. The lists required above shall contain the name or names (legal, trade and alias), current address and date of birth of each employee or performer and shall be provided to any police officer upon request.

19. Entertainment Standards.

a. No person shall, on a licensed Class "B" fermented malt beverages or intoxicating liquor premises, perform acts of or acts which constitute or simulate:

i. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; or,

ii. The touching, caressing or fondling of the breast, buttocks, anus or genitals; or,

iii. The displaying of human genitals, buttocks or pubic area or the female breast below the top of the areola.

b. No person shall, on a licensed premises, use artificial devices or inanimate objects to perform, simulate or depict any of the prohibited conduct or

activities described in subsection **(a)**.

c. It shall be unlawful for any person to show, display or exhibit on a licensed premises, any film, video, still picture, electronic reproduction or any other visual reproduction or image of any act, other visual reproduction or image of any act or conduct described in subsections **(a)** and **(b)**.

d. No person holding a Class "B" fermented malt beverage or intoxicating liquor license, nor his agents or employees, shall allow or permit in or upon the licensed premises any act or conduct described in subsections **(a)**, **(b)** and **(c)**.

20. License Suspension, Revocation or Nonrenewal. **[Ord. O-2013-0014, 4/2/2013]**

a. Causes. Any license issued under this section may be suspended, revoked, or non-renewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or not renewed for the following causes:

i. The making of any material false statement in any application for a license.

ii. The conviction of the licensee, his agent, manager, operator, or any other employee for keeping a gambling house or a house of prostitution or any felony related to the licensed operation.

iii. A showing that the licensee has violated any state law or City ordinance prohibiting the sale of intoxicating liquors or fermented malt beverages to underage persons or to any person who is intoxicated or bordering on intoxication.

iv. The violation of any of the applicable provisions of Section 9.02.

v. The violation of any of the excise laws of this state, or failure to provide proof that the licensee is in good standing as required by Sections 77.61(1) and 125.04(5)(a) of the Wisconsin Statutes.

vi. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience or prosperity of the immediate neighborhood.

vii. Failure of the licensee to operate the premises in accordance with the floor plan or plan of operation submitted pursuant to Section 9.02(5).

viii. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholders holding twenty percent (20%) or more of the corporation's total or voting stock, or proxies for that amount of stock, or any of the offenses enumerated in Section 125.12(2)(ag) of the Wisconsin Statutes.

ix. Any of the grounds set forth in Section 125.12(2)(ag) of the Wisconsin Statutes.

x. The licensee is a habitual law offender as set forth in 125.04(5)(b) of the Wisconsin Statutes.

xi. The failure to pay any tax or forfeiture as provided in Section 1.08(a).

xii. The City has been notified pursuant to Section 125.33(7)(b) and 125.69(4)(b) of the Wisconsin Statutes, that the licensee has failed to pay for alcohol beverages.

b. State Law Applicable. Except as otherwise provided herein, the provisions of Section 125.12(2)(ag) to (c) and 125.12(3) of the Wisconsin Statutes, shall be applicable to proceedings for the suspension, revocation, and nonrenewal of all licenses granted under this section.

c. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion, upon sworn written charges made and filed with the Clerk/Treasurer by the Chief of Police, or upon a sworn written complaint filed with the Clerk/Treasurer by any City resident.

d. Procedure.

i. Upon receipt of a sworn complaint, either from the Chief of Police, a

resident of the City, or upon directive of the Committee, the License and Health Committee shall direct the City Attorney to prepare a summons and have the summons and complaint served upon the licensee pursuant to Section 125.12(2)(ar) of the Wisconsin Statutes.

ii. The summons and complaint shall contain: the date and time for appearance by the licensee; a statement of the Common Council's intention to suspend, revoke, or not renew the license in the event any of the allegations are found to be true; a statement of the reasons for suspension, revocation, or nonrenewal; notification to the licensee of an opportunity to be heard, respond to and challenge the reasons for suspension, revocation, or nonrenewal and to present and cross examine witnesses under oath; notification to the licensee of the right to be represented by counsel of the licensee's choice and at the licensee's expense.

iii. If the licensee fails to appear on the date and time designated in the summons, the License and Health Committee may enter a default judgment and take the allegations of the complaint to be true. The License and Health Committee shall then deliberate on what sanction, if any, to impose consistent with Section 125.12 of the Wisconsin Statutes.

iv. If the licensee appears before the License and Health Committee at the date and time designated in the summons and denies the material charges contained in the complaint, an evidentiary hearing shall be scheduled. If the licensee does not appear or appears but does not deny the material charges contained in the complaint, the complaint may be taken as true and the Committee shall hear the arguments of the complainant and, if applicable, the licensee in connection with whether to non-renew, revoke or suspend the license and the length of the suspension.

v. If the matter proceeds to hearing before the Committee, the following procedures shall apply:

(1) The complainant shall first present evidence in support of the complaint.

(2) After the complainant rests, the licensee may present evidence in opposition to the charges.

(3) The complainant and licensee may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross examination.

(4) The complainant and licensee shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.

(5) Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.

(6) At the close of testimony, the complainant and licensee shall be given a reasonable time to make arguments upon the evidence produced at hearing.

e. Miscellaneous Procedural Matters.

i. At all stages of the proceedings, the licensee shall be entitled to appear in person or by an attorney of his own expense.

ii. If the complaint is in the name of the Committee or is brought by a City official in his/her official capacity, the complainant shall be represented by a prosecuting City Attorney.

iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the prosecuting City Attorney.

iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be

administered and subpoenas issued upon request of either side. The Chair shall ensure that an orderly hearing is conducted in accordance with the provisions of this section. The Chair shall rule on objections to the admissibility of evidence. Any ruling of the Chair shall be final unless appealed to the Committee and a majority vote of those members present and voting reverses such ruling.

v. An audio recording or stenographic record shall be made of all proceedings at the hearing. Any interested party may obtain a copy of the recording or transcript at his or her own expense.

f. Findings and Recommendations.

i. After the close of the hearing, the Committee shall deliberate and reach a decision. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk/Treasurer with a copy to the licensee and complainant. The findings and recommendations shall be distributed to each member of the Common Council.

ii. The licensee and complainant may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk/Treasurer before the close of business on a day that is at least three (3) working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.

g. Common Council Action.

i. Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk/Treasurer shall notify the licensee and complainant by U.S. first class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.

ii. Unless an alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the complainant nor the licensee shall be permitted to make oral arguments.

iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote. Upon an affirmative vote suspending, revoking, or not renewing the license(s), the Clerk/Treasurer shall give notice to the person whose license is affected. If the Common Council finds the complaint to be untrue or unsupported by sufficient evidence, the proceedings shall be dismissed without cost to the accused.

h. Surrender of License.

i. A licensee may, at any time during the license year surrender a license to the City Clerk/Treasurer, along with a statement, in writing, that the licensee no longer wishes to conduct licensed activity at the licensed premises.

ii. The Clerk/Treasurer shall notify the License and Health Committee of the surrender. Except as set forth in Subsection (h)3. below, the surrender shall operate to extinguish any right the licensee had to the license or to conduct licensed activity at the premises listed in the license.

iii. If a summons and complaint has been issued against the licensee seeking suspension, revocation, or nonrenewal of the license, the

surrender of the license shall be deemed a request and the matter shall be referred to the License and Health Committee. The Committee may approve the request or deny the request and proceed to hearing.

iv. Any request to have a surrendered license returned shall be treated as a new license application and the requestor must fill out the required applications and pay the required fees. The request shall thereafter be treated as all other new license applications.

21. Fees.
    See Fee Schedule.
22. Presence of Underage Persons On Specified Dates When No Alcohol Beverages Are Sold. **[Ord. O-2012-0020, 6/19/2012]**
    a. Underage persons may enter or remain on a Class "B" or "Class B" licensed premises, as set forth in Wisconsin Statutes § 125.07(3)(a)(10), under the following conditions:
        i. Notification of Dates. The licensee or agent shall notify the Police Chief at least seven (7) days prior to any date on which underage persons will be permitted to enter and remain on the premises. The time period may be waived by the Police Chief or a designee upon determination of good cause or special circumstances.
            (1) Each event shall require separate notification. Notification shall be in writing and contain the following information: dates and times of the event; specific nature of the event, including description of entertainment; number of persons expected on the premises.
        ii. Regulations. The operation of a licensed premises during those times when underage persons are on the premises under this section shall be subject to the following regulations:
            (1) There shall be at least a one-hour period between the serving of the last alcohol beverage and the commencement of operations under this section.
            (2) No alcohol beverages may be consumed, sold or given away in any part of the licensed premises.
            (3) All alcoholic beverages on tables shall be removed.
            (4) The licensee, the agent named in the license if the licensee is a corporation, or a person who has an operator's license shall be on the premises during the event unless all alcohol beverages are stored in a locked portion of the premises.
            (5) The licensee shall be responsible for the adequate supervision of the premises, and such supervision shall consist of adult persons twenty-one (21) years of age or older.
            (6) Closing hours shall be no later than 1:00 a.m. on weekdays and 1:30 a.m. on Saturdays and Sundays.
            (7) No persons under age seventeen (17) shall be allowed on the premises, unless accompanied by a parent.
            (8) All underage persons must be off the licensed premises at least thirty (30) minutes prior to the resumption of alcohol beverage sales.
23. Late Fees.
    See Fee Schedule.
24. Extension of Premises
    a. Temporary Extension
        i. A licensee may apply for a temporary extension of premises by submitting a request to the city clerk in a form approved by the clerk and paying the fee listed on the Fee Schedule.
        ii. Each licensee shall provide a description of the temporary premises and any other information required by the city clerk. The request shall list specific dates for which the licensee requests an extension of premises or list a range of dates not to exceed 6 months for which the licensee requests an extension of premises.

iii. Upon receiving a request under this paragraph, the city clerk shall notify the Planning Department, ~~Building Inspection and Neighborhood Services~~Code Enforcement Department, Health Department, and Police Department of the request, and the departments may provide information regarding the request to the common council.

iv. The common council shall determine whether to grant a request for temporary extension of premises under the same standards as a new license application. A temporary extension of premises creates a property interest only for the dates and times approved by the common council. Upon expiration of a temporary extension of premises, the temporary premises ceases to exist. Approval of a temporary extension of premises does not create a right to future approval.

b. Permanent Extension. A licensee requesting a permanent extension shall pay the fee listed in the Fee Schedule at the time of the request. The council shall determine whether to grant the request for permanent extension of premises under the same standards as a new license application.

SECTION 9: **AMENDMENT** "9.037 Public Entertainment License" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

9.037 Public Entertainment License

1. Definitions
   a. "Premises" means the area described within a license issued under this section.
   b. "Public entertainment" means any activity or equipment made available with or without fee to the general public for amusement including, but not limited to: bowling centers, dance halls, roadhouses, billiard and pool tables, amusement devices, theater, live or pre-recorded music, movies, and other places of amusement. This definition applies to any entertainment provided commercially for gain by membership, season ticket, invitation, or other system open or offered to the public generally.
2. License Required. Except as stated in sub. 3, no person may provide public entertainment without a license issued under this section.
3. Exceptions. No license is required under this section for any of the following activities:
   a. Public entertainment provided by a charitable, nonprofit, or educational institution, religious organization, or governmental entity upon land owned and exclusively occupied by that entity.
   b. Public entertainment provided by an organization formed for the purpose of ballet performance and instruction and which has received tax exempt status from the United States Internal Revenue Service.
   c. Billiard tables provided on the premises of bona fide clubs or social organizations not operating for private profit which provide other membership privileges and activities, even though there is a charge for playing billiards.
   d. Dancing instruction for compensation without any performance for the general public.
   e. Television or music intended to entertain only employees and not customers.
   f. Public entertainment provided on the grounds of and during a special event

permitted under WAMC 6.032.

4. Application
    a. Any person seeking a public entertainment license shall file a complete application with the city clerk in a form approved by the clerk.
    b. At the time of filing an application, the applicant shall submit:
        i. A nonrefundable license fee in the amount stated on the Fee Schedule at the time of application.
        ii. A plan of operation with a floor plan of the premises
    c. The clerk shall notify the Fire, Health, ~~Building Inspection and Neighborhood Services~~Code Enforcement, Planning, and Police Departments of each application received. Each department shall report to the common council any information that may disqualify the applicant.
5. Disqualifications. Any applicant may be disqualified for a license if any of the following applies to the applicant or to any members, shareholder, and officers of any applicant that is not an individual:
    a. The applicant has an arrest or conviction record, subject to Wis. Stat. 111.335(4).
    b. The applicant made false statements on the application or to the common council or a committee thereof.
    c. The applicant violated the license regulations in this section.
    d. The applicant has been denied a license or had a license revoked in the 12 months preceding the application date.
    e. The activities on the premises will cause or have caused a nuisance.
6. Term, Issuance, and Renewal
    a. Regular License
        i. For a new application, the common council may grant a license to any applicant who is not disqualified.
        ii. A license shall be valid on the date of issuance and expire on June 30 of each year.
        iii. For a renewal application, the common council shall grant the license unless the applicant is disqualified.
    b. Temporary License
        i. The common council may grant a temporary license to any applicant who is not disqualified.
        ii. A license shall be valid only on the dates approved by the common council.
    c. The city clerk shall issue any license granted by the common council. Licenses are non-transferable.
    d. The city clerk shall notify any applicant whose application was denied of the applicant's appeal rights under WAMC 2.48(5).
7. Regulations. Licenses granted under this section are subject to the following regulations:
    a. The licensee shall display a copy of the license prominently on the premises.
    b. The licensee shall file updated information with the city clerk within 10 days after any information on a license changes.
    c. No person may refuse the entry of police officers, health officers, building inspectors, or zoning inspectors on to the premises at all reasonable hours.
    d. No person may permit disorderly, riotous, or indecent conduct at any time on any premises.
    e. No premises may remain open between the hours of 11:00 p.m. and 9:00 a.m. of any day, unless the common council expands the open hours for the premises. No premises may remain open outside of the hours set forth by the common council.
    f. The premises may not violate a health, zoning, or building code provision.
    g. No person under the age of 18 may be permitted on a premises where amusement devices are offered to the public before the hour of 3:00 P.M. on any day that the West Allis - West Milwaukee public schools are in session, unless accompanied by their legal parent or guardian.
    h. Any amusement device on a premises shall be arranged so that persons using

the amusement device will not obstruct a path at least 3 feet wide on the side of the user opposite of the amusement device.

i. No licensee may transfer a license to another person.
j. No person may violate any conditions imposed upon a specific license at the time the license was granted or imposed on an existing licensee with the licensee's consent.

Penalties. Any person who violates any provision under this section shall forfeit up to $500 for each violation. Each day that any ongoing violation continues is a separate offense.

8. Suspension, Revocation, and Non-Renewal
    a. Authority. The common council may suspend, revoke, or refuse to renew a public entertainment license if the applicant becomes disqualified.
    b. Commencement. Based on allegations submitted to the license and health committee, an alderperson may approve the issuance of a summons and complaint against a license. The complaint shall contain the allegations. The summons shall state the date on which and location where the licensee must appear. The summons and complaint shall be signed by a member of the committee or an attorney therefore. Service shall be in the manner provided under Wis. Stat. Ch. 801 for service in civil actions in circuit court
    c. Procedure.
        i. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.
        ii. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the municipal governing body and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked.
        iii. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both. If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked.
        iv. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
        v. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused.
    d. Judicial Review. The suspension, revocation, or nonrenewal of any license may be reviewed by writ of certiorari to the Milwaukee County Circuit Court.

Wis. Stat. 60.23(10), 62.26(1)

SECTION 10: **AMENDMENT** "9.128 Trailer And Truck Rental" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

9.128 Trailer And Truck Rental

1. License. No person, firm or corporation shall engage in the business of renting utility trailers, travel trailers, camping trailers, truck campers, motorized camping vans and/or van-type trucks, unless licensed by the City and except in accordance with the terms and requirements of this section. For purposes of this section, the definition of "utility trailer," "travel trailer," "camping trailer," "truck camper" and "motorized camping van" shall be the same as these terms are defined in sections 12.16(31) through (35) of this Code.
2. License Application.
    a. Written applications for original and renewal licenses to rent such trailers and/or trucks shall be on forms provided by the City Clerk. The license year shall be from July 1 to June 30. Any license granted under authority of this section shall be nontransferable as to licensee or premises covered by such license.
    b. The license application shall contain the following information:
        i. Name and address of applicant.
        ii. Address, location and legal description of the premises for which the license is sought. The applicant shall submit with the application for a license, a plot plan drawn to accurate scale showing the location on such premises of any buildings or structures, driving lanes, entrances and exits and parking areas for such trailers and trucks or for any motor vehicles.
        iii. If the applicant is a partnership, association or corporation, the application shall set forth the names and addresses of the partners, officers, or members together with the information required in Paragraph 1 hereof. If the applicant is a corporation, the application shall set forth such facts together with the state of incorporation. The application shall also contain the names and addresses of one or more persons whom such applicant shall designate as manager or person in charge of the premises.
    c. Any application for such trailer and truck rental license, including renewal applications, shall be filed with the City Clerk not less than thirty (30) days prior to the date the license is desired or required to be obtained, and no license shall be issued until at least thirty (30) days has elapsed after the application therefor has been filed.
    d. Whenever anything occurs to change any facts set out in any application, the licensee shall file with the City Clerk within ten (10) days after the occurrence thereof a notice in writing of such change.
3. Fees. The annual license fees for such trailer and truck rental operation shall be eight dollars ($8.00) per license year, payable to the City Clerk/Treasurer upon application, for each trailer or truck to be located on such premises. **[Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]**
4. Reports Required. License applications shall be referred by the City Clerk to the Director of the Code Enforcement Department ~~of Building Inspections and Zoning~~ and Fire Chief who shall inspect the premises to be licensed and shall report on same to the Common Council within fifteen (15) days after referral. The inspection shall certify that the subject premises are in conformance with all applicable codes and regulation. Where violations of existing codes and regulations exist, these must be corrected prior to the issuance of the license.
5. Common Council Action. Upon receipt of said reports and upon finding by the Common Council that the following requirements have been met and the granting of

the license will not adversely affect the public health, welfare and safety, the license shall be granted by the Common Council, signed by the City Clerk and thereafter issued by the City Clerk to the licensee upon presentation of a receipt of payment of the required fees from the City Treasurer.

a. The premises and all structures thereon shall be so situated and constructed that the rental of such trailers and/or trucks may be conducted in a sanitary manner, shall comply with municipal and state safety fire requirements, zoning and building codes and shall be open for inspection during normal business hours by proper health, fire and police authorities.
b. Premises shall be kept reasonably clean and free of litter and debris. No refuse, trailer or truck parts or accessories, or junked trailers or trucks, shall be permitted on the premises unless they are stored within a structure or container approved by the Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~.
c. Areas used for parking such trailers shall provide at least one hundred (100) square feet of space for each such trailer; areas used for parking van-type trucks and all other motor vehicles shall provide spaces of a size required in Sections 12.12(3) and 12.43(2) of this Code, whichever is applicable. Such areas shall be surfaced with bituminous asphalt or concrete, shall be provided with underground storm drains as required by Sections 16.09(21) and (22) of this Code, shall provide adequate driving lanes, entrances and exits, and all lanes, drives, entrances, exits and parking spaces shall be clearly marked.
d. Where a property line of a premise to be licensed abuts upon a residential zoned district as established in Chapter XII of this Code or is separated from such district by an alley, there shall be provided a solid wall, fence or hedge not less than four (4) feet high nor more than six (6) feet high along the abutting lot line and shall be installed in accordance with Section 10.035 of this Code. Where such property line abuts an alley, the Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~ may authorize openings in such wall, fence or hedge to permit access to the premises from such alley for entering, exiting and parking and in the interest of safety may authorize a reduction in height requirements of such wall, fence or hedge.
e. The licensee shall have procured all other required permits and license, including, but not limited to, an occupancy permit pursuant to Section 12.44 of this Code and, where required, an off-street parking permit pursuant to Section 10.13 of this Code.

6. Revocation of License. The license provided herein shall be revocable at any time by the Common Council after a hearing at which it has been found the licensee has failed or refused to comply with the terms and conditions of this section or lawful orders issued hereunder. A revocation hearing shall be held by the Common Council upon its own motion or upon a complaint in writing duly signed and verified by the Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~. Such complaint shall state the nature of the alleged failure to comply with this section of lawful order issued hereunder. A copy of the complaint, together with a notice of hearing, shall be served upon the licensee not less than ten (10) days prior to the date of hearing.
7. Enforcement. The Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~ is hereby designated as the administrator of this section. He shall cause to have inspected at the time that any application, including renewal applications for a license, is received, or upon written complaint of violations of this section, all premises covered by this section. Upon a finding that a licensee is in violation of this section, the Director shall issue a written order requiring compliance within thirty (30) days of date of order with the terms of this section. Should the licensee fail to comply with the order, the Director shall submit in writing a complaint to the Common Council which shall hold a hearing, as prescribed in section (6) above.

SECTION 11: **AMENDMENT** "9.13 Salvage And Recycling Centers" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

9.13 Salvage And Recycling Centers

1. License Required. No person or persons, association, partnership, firm or corporation shall keep, conduct or maintain with the City any building, structure, yard or place for keeping, storing or piling in commercial quantities, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper or other metal, furniture, motor vehicles or other articles, which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classed as junk or recyclable material, whether within a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided. One carrying on the aforesaid business shall be referred to herein as a "salvage dealer."
2. Every applicant for a license to engage in the business of salvage dealing shall file with the City Clerk a written application upon a form prepared and provided by the City Clerk, signed by the applicant or applicants. The application shall contain: **[Ord. O-2015-0015, 2/17/2015]**
    a. The names and residences of the applicants, if an individual, partnership or firm, or the names of the principal officers and their residences, if the applicant is an association or corporation.
    b. Whether the applicant or applicants or officers or managers of a corporation have committed a crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation; and, if so, what offense, when, and in what court.
    c. Whether the applicant or applicants or officers or manager of applicant has been employed by a salvage dealer or has been a salvage dealer.
    d. The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold or otherwise handled.
    e. The premises where such business is to be located or carried on.
    f. Whether the business intends to deal in, accumulate or store junked motor vehicles or parts thereof.
3. Notarization. Every application for a license to engage in the business of salvage dealer shall be signed and acknowledged before a notary public or other officer authorized to administer oaths.
4. Requirements for License.
    a. The City Clerk shall report each application to the Police Chief, Health Commissioner, Fire Chief, Director of Development, and Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~, who shall inspect or cause to be inspected such premises and applicants to determine whether they comply with all laws, ordinances, rules and regulations. **[Ord. O-2015-0015, 2/17/2015]**
    b. The premises of the salvage dealer and all structures thereon shall be so situated and constructed that the business may be carried on in a sanitary and safe manner and shall be arranged so that thorough inspections may be made at any reasonable time by the proper health, fire, building, zoning, and police authorities. **[Ord. O-2015-0015, 2/17/2015]**
    c. Prior to the license being granted, the applicant shall submit a site and landscape/screening plan to the Plan Commission for approval. The grant of a license under this section is subject to approval of said plans by the Plan Commission and implementation of the plans by the licensee. When reviewing the plans, the Plan Commission shall include a requirement that the premises be enclosed with fencing and landscaping, which in combination, are no less

than seven (7) feet in height, effectively screening the salvage business from abutting private and public properties. No junk or other materials of the salvage business shall be stored or piled so as to extend above the height of the enclosure, nor shall any such material be stored outside the enclosed area.

d. If the salvage dealer intends to deal in, accumulate or store junked motor vehicles or parts thereof, the Common Council, under authority of § 175.25(1) of the Wisconsin Statutes, shall specify the quantity and manner of storing junked automobiles outside of building on the premises and shall establish setback requirements, pursuant to § 175.25(2) of the Wisconsin Statutes.

e. The burning of auto bodies, tires, furniture, paper, plastic and other material is prohibited.

5. License Fee. Every salvage dealer shall pay an annual license fee of two hundred thirty dollars ($230.00). All licenses shall be issued as of July 1 and shall continue in force until June 30 next succeeding the date of issuance, unless sooner revoked. **[Ord. O-2009-0033, 11/3/2009]**
6. Issuance of License. Upon the filing of an application as provided in the preceding subsection, the Clerk shall, upon approval of such application by the Common Council and the payment to the City of the license fee, issue to the applicant a license to engage in the business, as provided in Subsection (1). All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the salvage business, the date of issuance and expiration of the license and the name and address of the licensee.
7. Posting License. Every salvage dealer licensee shall at all times keep the license posted in a conspicuous place on the premises described in the application for such license. No person shall post such license upon premises other than those mentioned in the application, or knowingly deface or destroy any such license.
8. Change of Location. Every salvage dealer's license shall designate the place of business in or from which the salvage dealer shall be authorized to carry on such business. No licensee shall remove his or its place of business from the place designated in the license until authorization has been secured from the City, and the same shall have been endorsed upon the license.
9. Restrictions.
    a. No salvage dealer shall carry on the business at or from any other place than the one designated in the license, nor shall the business be carried on while the license is suspended or after it has been revoked or has expired.
    b. Hours of operation may be regulated by the License and Health Committee to such hours as reasonable, given the location of the salvage business.
10. Rules by Health Commissioner. The Health Commissioner shall formulate reasonable rules and regulations relating to the conduct of the business of salvage dealing, which shall protect the health of the community. No salvage dealer shall violate any such rule or regulation.
11. Concealing Identity of Used Cars. No person or corporation shall knowingly buy, sell, receive, dispose of, conceal, or have in his/her possession any motor vehicle, part or accessory from which the manufacturer's serial number or any other number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of such vehicle, part, or accessory. Every person to whom is offered for sale, storage, or wreckage any motor vehicle, part or accessory from which has been removed, defaced, covered, altered, or destroyed the manufacturer's serial number or any other number or identification mark shall immediately notify the West Allis Police Department of such offer. **[Ord. O-2015-0015, 2/17/2015]**
12. Lost or Stolen Materials. Any salvage dealer or peddler having or receiving any goods, articles, or other materials, which he or she knows or has reason to believe are lost or stolen, shall notify the Police Department of said materials and the reasons why it is believed they are lost or stolen. **[Ord. O-2015-0015, 2/17/2015]**
13. Suspension and Revocation of License. The procedure for the suspension, revocation, and nonrenewal of license shall be as set forth in Section 9.35(3) of this Code, except that any summons and complaint shall be served upon the licensee no less than ten (10) days prior to the hearing. **[Ord. O-2015-0015, 2/17/2015]**

14. Regulations. **[Ord. O-2015-0015, 2/17/2015]**
    a. Definitions.
        i. "Regulated property" shall mean aluminum siding, gutters, downspouts, screens, windows, window frames and doors, metal bathtubs and sinks, nonplastic pipe, copper, nonferrous metal items other than aluminum cans, batteries used in motor vehicles, telecommunication wire, sheet metal, stained glass, traffic signs, aluminum light poles, water meters, cemetery monument plaques, fixtures from houses of worship, catalytic converters, and manhole covers, including lids, grates, and frames.
        ii. "Truckload and bulk purchases" shall mean the purchase of property by weight, or in quantity, without unloading or closely inspecting individual items of property when purchased. Truckload and bulk purchases shall be at least six (6) discrete items if purchased in quantity and not less than two hundred (200) pounds if purchased by weight.
    b. Identification. No salvage dealer shall purchase any regulated property without first obtaining adequate identification, as defined in Section 9.15(3)(a) of this Code, from the seller.
    c. Recordkeeping.
        i. For each purchase, receipt, or exchange of any regulated property from a customer, every salvage dealer licensed under this section shall complete a property transaction form. Such form shall contain a transaction number; the date of the transaction; the printed name and address of the seller; the type and weight of the property purchased, by the truckload or in bulk if a truckload or bulk purchase, along with any other additional description of the property; the amount paid for the property; and the seller's signature. The form shall be kept either as a computer file or in a written document approved by the Chief of Police or the Chief's designee. No entry on such a form may be erased, mutilated, or changed. The salvage dealer shall maintain computerized files and written property transaction forms and retain them for not less than one (1) year after the date of the transaction. **[Ord. O-2015-0027, 4/21/2015]**
        ii. For each purchase, receipt, or exchange of any regulated property from a customer, every salvage dealer licensed under this section shall keep a permanent record and written inventory in such form as the Chief of Police shall prescribe, in which the dealers shall record legibly in English the name, address, and date of birth of each customer and driver's license number or number of other adequate identification presented. The dealer shall also record the date, time, and place of the transaction; the amount paid for the property; and an accurate and detailed account and description of each item being purchased, including, but not limited to, any trademark, identification number, serial number, model number, brand name, description by weight and design of such article, and other identifying marks and identifying descriptions of personal nature. The written inventory shall be kept in a computerized file or in ink, and no entry in such inventory shall be erased, mutilated, or changed. The dealer shall retain each record and inventory for not less than one (1) year after the date of transaction. **[Ord. O-2015-0027, 4/21/2015]**
        iii. Every dealer shall on a weekly basis prepare a list that contains the name and address of each customer during the week for which the list was prepared, the date, time, and place of each transaction with each of those customers, and a detailed description of the regulated property, including the serial number and model number, if any. The dealer shall retain the list for not less than one (1) year after the date on which the list was prepared.
        iv. The dealer shall also obtain a written declaration of the seller's

ownership which shall state whether the regulated property is totally owned by the seller, how long the seller has owned the regulated property, whether the seller or someone else found the regulated property, and, if the regulated property was found, the details of its finding. The dealer shall retain an original and duplicate of the declaration for not less than one (1) year after the date of the transaction. The declaration shall be written on a form that the Chief of Police shall prescribe.

v. The seller shall sign, in ink or by electronic signature, his or her name in such inventory register and on the declaration of ownership. **[Ord. O-2015-0027, 4/21/2015]**

vi. Such inventory registers, declarations of ownership, and weekly lists shall be made available to any police officer for inspection at any time that the dealer's principal place of business is open or within one (1) business day of an officer's request.

d. Exceptions to Recordkeeping.

i. The description of the property purchased by salvage dealers by the truckload or in bulk shall be limited to a listing of the quantity or the weight purchased by category of regulated property purchased and shall be exempt from the property description provisions of Subsection (c)2.

ii. Salvage dealers making truckload and bulk purchases shall include a color photograph of the truckload or bulk purchase as a whole and not of individual items purchased.

e. Electronic Reporting.

i. Any dealer shall electronically report each item of regulated property purchased or received using a computer program approved by the West Allis Police Department. Such report shall occur no more than twenty-four (24) hours after the article is purchased or received and shall obtain a complete description as required in Subsection (14)(c)2 and a clear, unaltered digital photograph of any regulated property without a serial or identification number.

f. Holding Periods.

i. Any regulated property purchased or received by the salvage dealer shall be kept on the dealer's premises or other place for safekeeping not less than forty-eight (48) hours after the date of purchase or receipt. Any regulated property shall be held separate and apart from any other transaction and shall not be changed or altered in any manner. The dealer shall permit the Chief of Police or any other police officer designated by the Chief to inspect the regulated property during the holding period. If the Chief of Police or any other police officer designated by the Chief has reason to believe any regulated property was not sold by the lawful owner, he or she may cause any regulated property purchased or received to be held for an additional length of time as he or she deems necessary after the elapse of the initial forty-eight-hour holding period for identification by the lawful owner.

g. Report to Police. All salvage dealer licensees and their employees shall report to the police any item presented to them during the course of business that the licensee or employee has reason to believe was stolen, either by the person presenting the item or another party.

h. Wholesale Lots. This subsection shall not apply to the buying, handling, and selling of scrap metal in wholesale lots from regularly established foundries, mills, manufacturers, or licensed salvage dealers.

15. Transactions with Minors. **[Ord. O-2015-0015, 2/17/2015; Ord. O-2015-0027, 4/21/2015]**

a. No salvage dealer may engage in a transaction of purchase, receipt, or exchange of any regulated property from an unemancipated minor unless the

minor is accompanied by his or her parent or guardian at the time of the transaction or the minor provides written consent from his or her parent or guardian to engage in the transaction.

16. Transaction Involving Article Not Owned. **[Ord. O-2015-0015, 2/17/2015]**
    a. No person shall sell, leave, or deposit any item with or to a salvage dealer if the item of property is not owned by the person; the item of property is the property of another, regardless of whether the transaction is occurring with the permission of the owner; or another person has a security interest in the item of property.
    b. This subsection shall not apply to any person selling, leaving, or depositing any item with or to a salvage dealer if the person is any of the following: a duly executed power of attorney for the owner of the item of property; a personal representative of the estate to which the item of property belongs; or a recipient of a lawful written authorization to sell, leave, or deposit the item of property issued by the owner of the property prior to the time of the transaction.
17. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to a salvage dealer license shall be true. **[Ord. O-2015-0015, 2/17/2015]**
18. Conditions of License. All licenses granted hereunder shall be granted subject to the following conditions and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto: **[Ord. O-2015-0015, 2/17/2015]**
    a. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of city ordinances or state laws.
    b. The license holder and/or the employees and agents of the license holder shall cooperate with police investigations of theft, fraud, burglary, and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a violation of the law, including, but not limited to, loitering, disturbance of the peace, or suspected stolen items occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
    c. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.
19. Penalties. **[Ord. O-2015-0015, 2/17/2015]**
    a. Any person, firm or corporation violating this section shall, upon conviction for a first offense, forfeit not less than fifty dollars ($50) nor more than one thousand dollars ($1,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Sec. 800.095(1)(b)1, Wis. Stat.
    b. Any person, firm or corporation violating this section shall, upon conviction for the second or subsequent offenses, forfeit not less than five hundred dollars ($500), nor more than two thousand dollars ($2,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Sec. 800.095(1)(b)1, Wis. Stat.

[Ord. 6093 (repeal & recreate 9.13), 4/19/1994]

SECTION 12: **AMENDMENT** "9.21 Manufactured And Mobile Home Community Licenses" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

9.21 Manufactured And Mobile Home Community Licenses

1. State Laws Adopted. Except as otherwise provided herein, Wisconsin Statute Sections 66.0435 and 101.935, Safety and Professional Services (hereinafter "SPS") Chapter 326, and SPS Section 302.33 of the Wisconsin Administrative Code, as related to manufactured and mobile homes, as they are from time to time amended, are hereby adopted and by reference made part of this section as if fully set forth herein.
2. License Required. No person shall construct, maintain, or operate a manufactured and mobile home community in the City without a license from the Common Council and the Health Commissioner. Only a person who complies with the requirements of this section shall be entitled to receive and retain a license.
3. License Application. A written application for the licenses required by this section shall be filed with the City Clerk upon forms provided by the City Clerk. Initial license fees for both the community license and health license shall be paid at the time the application is filed. Renewal license fees shall be paid prior to the expiration of a license, and no person shall operate any manufactured and mobile home community until all renewal fees have been paid. Any renewal license fee paid on July 1 or later shall be subject to a late fee. A licensee or applicant shall notify the City Clerk in writing if any information listed in the application form has changed within ten (10) days of such change.
    a. Applications shall contain the following information:
        i. Name, street address, phone number, date of birth, and email address of the person applying for the license. If the applicant is not an individual, the corporation name as registered with the Wisconsin Department of Financial Institutions, federal employer identification number, and names and addresses of the partners or the applicant's principal officers and registered agent.
        ii. The name, street address, phone number, and email address of the registered contact person for the manufactured and mobile home community.
        iii. A scale drawing of the manufactured and mobile home community prepared by a registered professional engineer, surveyor, or architect and certified by him or her as such. The drawing shall contain accurate dimensions of the community in feet; location and width of all roads and approaches, the method of ingress and egress from, and dimensions and locations of public highways; the complete electric service installation and the location of poles, wire service outlets, and lighting facilities; all snow storage areas and utility easements; a complete layout of unit spaces and number of square feet therein, together with the dimensions thereof; the location of the electric power distribution systems, water mains, or wells for water supply outlets for domestic water users; location of sanitary facilities, bathrooms, garbage disposal units, incinerators, sanitary sewers, sewer drain lines, and any other building or structure contemplated to be used by the applicant in connection with said business; and the location of required vehicle and supplementary parking spaces for vehicles, boats, and other towed vehicles. Each unit space shall bear a number in accordance with a numbering system approved by the Cold Enforcement Director ~~of the Department of Building Inspection and Neighborhood Services~~. Every renewal application shall be accompanied by a scale drawing in accordance with the foregoing

requirements for an original application when any changes have been made or are proposed which are not shown on previous submittals.

iv. An affidavit that states that the applicant is the owner or lessee, manager, and operator of such manufactured and mobile home community; that he or she shall be responsible for the proper upkeep, maintenance, and sanitary condition of the premises; and that he or she shall keep the premises, buildings, and all equipment in a state of good repair and in full compliance with all laws and applicable ordinances.

4. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to a license issued under this section shall be true.
5. Investigation. The City Clerk shall notify the Fire Chief, Police Chief, Health Commissioner, and Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ (hereinafter "Director") or their designees of each application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.
6. Granting of License. Licenses are to be granted subject to the following standards:
    a. All necessary equipment, roads, sanitary facilities, lighting facilities, water facilities, and other facilities that are required to operate such community shall be erected and installed.
    b. All necessary occupancy permits shall be obtained from the Code Enforcement Department ~~of Building Inspection and Neighborhood Services~~.
    c. Municipal sanitary facilities shall be available on the community's premises.
    d. The applicant shall pass a background check and pay the required record check fee.
    e. Compliance with the applicable ordinances of the City and State Statutes, as well as payment of all outstanding obligations due the City.
    f. Compliance with all Health Department regulations and inspections, including the payment of any inspection fees.
7. Transfer of License. Any license granted pursuant to this section may be transferred to another person, subject to Common Council approval on the same basis as a new applicant, during the license year upon filing an application therefor and payment of a transfer fee in the sum of ten dollars ($10). The applicant shall be subject to a background check and pay the required record check fee.
8. License Year. License periods shall be for one (1) year, and shall commence as of the first day of July and shall expire on the 30th day of June of the following year.
    a. Licenses granted for the 2015-2016 license year shall be extended until June 30, 2016.
9. Fees.
    a. License Fees. The annual license fee for a manufactured and mobile home community is two dollars ($2) for each space located on the premises.
    b. Health Department Permit Fee. The annual permit fee shall be as listed in SPS Section 302.33(3). The plan examination and inspection fee shall be as listed in SPS Section 302.33(2).
    c. Monthly Permit Fee. Pursuant to Wis. Stat. Sec. 66.0435(3), each licensee shall pay a monthly permit fee as determined by the City Assessor. The community licensee shall be responsible for collecting the proper amount from each unit's owner or occupant. All fees shall be due to the City Treasurer on or before the 10th day of the month following the month for which such fees are due.
10. Responsibilities of Licensee. Every person licensed to operate and manage a manufactured and mobile home community shall be responsible for:

a. Maintaining all records pertaining to the management, operation, and supervision of the manufactured and mobile home community for the current licensing year and previous two (2) licensing years.
b. The maintenance of an orderly and clean manufactured and mobile home community and the maintenance of all streets, roadways, or thoroughfares necessary as fire lanes of a manufactured and mobile home community free and clear of all refuse, rubbish, snow, ice, or other materials or objects.

c. The numbering of all units, which numbers shall correspond to the number shown in the registry signed by each new arrival, permitting such person to occupy a given site.
d. The proper illumination on the licensed premises of all streets, roadways, private driveways, and entrances and exits to and from the premises from thirty (30) minutes after sunset to thirty (30) minutes before sunrise on the succeeding day.
e. The prompt reporting to the Police Department of any violation of an ordinance, statute, or other law committed on the premises that the licensee knew or should have known about.
f. The observation of fire prevention rules and laws; the keeping of all buildings, fences, illumination, streets, roadways, water systems, sewer systems, and electric streetlighting systems in good serviceable condition, clean, sanitary, and in good repair; and the keeping of the entire premises clean and sanitary so as to minimize obnoxious odors, rodent harborage, flies, mosquitoes, vermin, or other insects.
g. The maintenance of a register of all owners and occupants of manufactured and mobile homes located in the manufactured and mobile home community.

11. Availability of Licensee. The licensee's registered contact person shall, during reasonable hours, be available in the community, in close proximity to the community, or via electronic or telephonic means.
12. License Condition. The licensee shall appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
13. Revocation of License.
    a. Causes. Any license issued under this section may be suspended, revoked, or nonrenewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or nonrenewed for the following causes:
        i. The making of any material false statement in any application for a license.
        ii. The violation of any applicable provisions of this section.
        iii. The violation of any of the applicable provisions of Wisconsin Statute Sections 66.0435 and 101.935, SPS Chapter 326 and SPS Section 302.33 as related to manufactured and mobile homes, as they are from time to time amended; the violation of any City building and zoning code, health code, or any other ordinance or law relating to the construction, maintenance, use, or occupancy of the premises.
        iv. The failure to conduct the licensed activity at the authorized location for a period of thirty (30) consecutive days, unless such thirty-day period shall, for good cause shown, be extended by the Common Council.
        v. The operation of the premises in such a manner that it constitutes a public and private nuisance, is designated a chronic nuisance premises under Section 18.04 of this Code, or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience, or prosperity of the immediate neighborhood.
        vi. The failure to pay any tax or forfeiture as provided in Section 1.08(9) (a) and (b).
    b. Commencement of Proceedings. Suspension, revocation, or nonrenewal

proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion or upon written charges made and filed with the City Clerk by the Health Commissioner, Police Chief, Director, or any resident of the City of West Allis.

c. Procedure. The procedure shall be the same as in Section 9.02(20)(d) through (h), except that the summons and complaint shall be served on the licensee no later than ten (10) days prior to the hearing.

d. Disqualification for License.
    i. Whenever a license is not renewed or is revoked, the City Clerk shall enter it into record, and no other license shall be granted to such person within twelve (12) months of the date of its nonrenewal or revocation, nor shall any part of the money paid for any license be refunded.
    ii. If the license was not renewed or revoked for a reason relating to the fitness of the location, no other license for a manufactured and mobile home community at that location shall be granted within twelve (12) months from the date of the nonrenewal or revocation of the license.

e. Appeal. Within twenty (20) days of the date of the revocation or suspension, the licensee may appeal the decision to the Circuit Court by filing a written notice of appeal with the City Clerk, together with a bond executed to the City, in the sum of five hundred dollars ($500) with two (2) sureties or a bonding company approved by the City Clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the licensee.

14. Penalties.
    a. Every person convicted of a violation of any of the provisions of this section, except for Subsection (9)(c), shall for each offense be punished by a forfeiture of not less than twenty-five dollars ($25) nor more than one thousand dollars ($1,000), together with the cost of prosecution; in default of payment of such forfeitures and costs, by imprisonment in the Milwaukee County House of Correction or Milwaukee County Jail until payment of such forfeiture and costs, but not in excess of the number of days set forth in Section 800.095(1)(b)(1) of the Wisconsin Statutes. Each and every day constitutes a separate offense. Additionally, where appropriate, legal or equitable actions may be commenced to enjoin any person from violating any of the provisions of this section.
    b. Every person convicted of a violation of Subsection (9)(c) shall for each offense be punished by a forfeiture of twenty-five dollars ($25), together with the cost of prosecution; in default of payment of such forfeitures and costs, by imprisonment in the Milwaukee County House of Correction or Milwaukee County Jail until payment of such forfeiture and costs, but not in excess of the number of days set forth in Section 800.095(1)(b)(1) of the Wisconsin Statutes. Each failure to report constitutes a separate offense. Additionally, where appropriate, legal or equitable actions may be commenced to enjoin any person from violating any of the provisions of this section.

[Ord. O-2004-0001, 1/6/2004; Ord. O-2009-0033, 11/3/2009; Ord. O-2016-0008, 3/15/2016]

SECTION 13: **AMENDMENT** "9.31 Entertainment Clubs" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

9.31 Entertainment Clubs

1. Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
    a. "City" means the City of West Allis.
    b. "Entertainment Club; means commercial premises which are open to the public, a substantial function of which is to offer patrons an opportunity to engage in social activities such as dancing, or the enjoyment of live or prerecorded music, or the enjoyment of entertainment provided by dancers or other performers. As an incidental function, an entertainment club may sell and serve food and non-alcoholic beverages to its patrons. The term "entertainment club" does not include the following: premises licensed by the City to serve alcohol beverages unless the premises are operating alcohol free pursuant to sections 125.07(3)(a)8 or 10, Wis. Stats., in which case the premises shall be considered a entertainment club; theaters where the patrons sit in parallel rows of fixed seats; full service restaurants where the only entertainment consists of background music which is incidental to the primary function of serving food; a banquet, party or celebration consisting of invited guests which is not open to the public; dances or events sponsored and operated by a governmental entity, or an educational institution.
    c. "Club premises" means any place where an entertainment club is operated or maintained, including all hallways, bathrooms, parking areas, private sidewalks, and other adjacent portions of the premises which are accessible to the public during operating hours.
    d. "Licensed Premises" means the building or that portion thereof in which the entertainment club's business is conducted. Such licensed premises shall be identified on a drawing of the premises to be attached to the application. The Common Council may approve the applicant's designation of the licensed premises or may alter it.
    e. "Over Twenty-One Club" means any entertainment club which restricts or is required to restrict its admissions to persons age 21 years and over.
    f. "Adult Oriented Establishments" are defined in Section 9.28(1)(a) of the Revised Municipal Code.
    g. "Person" means one or more natural persons, corporations, partnerships, associations, or other entities capable of having an action at law brought against such entity.
    h. "Teen Club" means any entertainment club which restricts or is required to restrict its admissions to persons under 21 years of age.

2. Entertainment Club.
    a. License Required. It is unlawful for any person to own, lease, operate, manage or maintain an entertainment club in the City without first obtaining an entertainment club license as set forth herein.
3. License Application. An applicant for an entertainment club license shall provide the following information on a form provided by the City Clerk/Treasurer:
    a. The name(s) (including aliases), addresses and dates of birth of the applicant, any partner or limited partner in a partnership application, and each corporate officer and director.
    b. The address of the establishment to be licensed.
    c. Whether the applicant or any person named in subsection 9.31(3)(a) is currently operating or has previously operated, in this or any other municipality or state, under an entertainment club license; whether the applicant or person required to be named in subsection 9.31(3)(a) has ever had such license suspended or revoked; the reason(s) therefore; and the business entity and/or trade name under which the applicant operated that was subject to the suspension or revocation.
    d. If the applicant is a corporation, or limited liability company, the name of the corporation, or limited liability company, the date and state of incorporation, and the name and address of the registered agent.
    e. Proof of ownership, lease, or other legally enforceable right to possess, use, and control the premises where the licensed club is to be located.

4. Additional Application Materials. In addition to the written application, an applicant shall also furnish to the Clerk/Treasurer the following:
    a. A written statement setting forth all measures proposed to insure that adequate traffic control, crowd monitoring and security, both inside and outside the premises, will be maintained, and that the ages of patrons admitted to the club will be monitored.

    b. A written statement electing whether the entertainment club will be operated either exclusively as a teen club or an over twenty-one club.
    c. A written statement of whether the applicant or the applicant's partners or offices, directors, or any other person involved in the operation or management of the entertainment club has been convicted within the preceding five years of any crime or ordinance violation involving firearms, gambling, racketeering, controlled substances, sexual offenses, prostitution, assault, contributing to the delinquency of a minor, or other offenses involving the allowance or suffering of minors in places where they are not to be admitted.
5. Duty to Cooperate. The applicant shall have a duty to cooperate in the application and investigation process. Failure or refusal of the applicant to completely and truthfully provide responses to the application questions, to give any information relevant to the application or investigation, or refusal to appear at any reasonable time and place for examination regarding the application and/or operation of an entertainment club shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof.
6. Investigation. Upon receipt of an application and fee, the Clerk/Treasurer shall refer the application to the Police Department, Fire Department, Code Enforcement Department ~~of Building Inspection and Zoning~~, and the Health Department. Each department except the Police Department shall make an investigation of the premises to ensure that it complies with applicable state and city laws. The Police Department shall make an investigation of the applicant and the statements made in the application. Each department shall notify the Clerk/Treasurer as to the results of its investigation.
7. Standards for Granting and Issuance or Denial of License. The Common Council shall consider the following factors in acting on an application:
    a. Whether the entertainment club proposed by the applicant will comply with the provisions of this section and all other applicable rules, regulations, ordinances, and state laws.
    b. Whether the application is complete or if it contains any material misrepresentation(s).
    c. Whether the application shows that adequate measures for the protection of the public health, safety, and welfare in terms of traffic control, crowd monitoring and security, both inside and outside the premises, and the monitoring of the ages of patrons admitted to the entertainment club will be provided.
    d. Whether, subject to Sections 111.321, 111.322, and 111.335, Wis. Stats., the applicant or other persons required to be named in Subsection 9.31(3)(a) have been convicted of violating this ordinance or any other offense substantially related to operating an entertainment club. Convictions for events occurring within five (5) years of the date of application shall be considered except that if any such convictions exist, the Common Council may consider prior convictions to determine a pattern of conduct. **[Ord. O-2015-0049, 10/6/2015]**
    e. Whether the applicant, if a corporation or limited liability company, is in good standing and licensed to do business in the State of Wisconsin.
    f. Whether the applicant has substantially complied with all building, zoning, plumbing, electrical, fire, and health codes.
8. Fees. A nonrefundable license fee of two hundred fifty dollars ($250.00) shall be submitted with the application for an entertainment club license. **[Ord. O-2009-0033, 11/3/2009]**
9. Operating Rules and Regulations. The following operating rules and regulations shall

apply to all entertainment clubs in the City:

a. Persons of the following ages shall not be permitted to enter or remain on the premises of a teen club:
    i. Under the age of 16 years unless accompanied by a parent or legal guardian.
    ii. 21 years of age or older except for bona fide employees or entertainers hired by the licensee to work in the club and while actually performing work-related functions, or a parent or guardian accompanying a person under 21 years of age present in the club.

b. No person under the age of 21 years shall be permitted nor may a licensee suffer or permit a person under the age of 21 years to enter or remain on the licensed premises of an over twenty-one club unless accompanied by a parent or legal guardian except for bona fide employees or entertainers hired by the licensee to work in the club and while actually performing work related functions.
c. Teen clubs shall be closed between the hours of 10:30 p.m. and 3:00 p.m. of each day.
d. Over twenty-one clubs shall be closed between the hours of 2:00 a.m. and 11:00 a.m. of each day.
e. The licensee shall maintain a current list of all persons employed to work in or entertain at the licensed premises. Said list shall contain the name or names (legal, trade, and alias), current address and date of birth of each employee or entertainer. Such list shall be provided to any police officer upon request.
f. The licensee shall employ an adequate number of qualified security personnel who will be present on the club premises during all operating hours and at such times before and after operation so as to maintain peace and order and to ensure compliance with all applicable laws of the City and State of Wisconsin.
g. The licensee shall meet all obligations as set forth in its application and approved by the Common Council.
h. The licensee shall insure that no alcohol beverages or controlled substances are offered for sale or consumed on the entertainment club premises.
i. It shall be the obligation of the licensee to summon the police when any person is or appears to be, under the influence of, or affected by the use of, alcohol or controlled substances, or whose conduct creates a public disturbance or poses a physical danger to the safety of others present.
j. All portions of the licensed premises which are available for public use shall be adequately illuminated. Such illumination shall not be less than 10 foot-candles at floor level at all times when the licensed premises are open to the public or when any member of the public is permitted to enter or remain on the licensed premises.
k. The licensee shall prevent loitering, the creation of public nuisances or disturbances of the peace by any patron or patrons of the entertainment club on the club premises or in the immediate vicinity.

10. Access by Police Officers. Any police officer of the City shall have free access to all entertainment clubs for the purpose of inspection and to enforce compliance with the provisions of this ordinance at all times that the licensed premises are open to patrons and such other times as would be reasonable under the circumstances.
11. Location.
    a. Entertainment clubs may be located as a special use in business districts as provided in Chapter **12** of this code. **[Ord. 6532, (amend), 9/5/2000]**
    b. No teen club shall be located on premises used at any time as an adult oriented establishment or as a facility to serve alcohol beverages.
    c. No teen club shall be permitted to be operated on the same premises as an over twenty-one club.
12. Checking the Age of Patrons.
    a. The licensee shall require picture identification upon which it is reasonable to rely showing the date of birth of each person admitted to an entertainment club. It is unlawful for a person to knowingly or recklessly suffer or permit a

person to enter or remain on the licensed premises of an entertainment club in violation of the age restrictions of this ordinance.

b. It is unlawful for any person to enter or remain upon the licensed premises of an entertainment club if the person does not meet the age restrictions of this ordinance.

c. It is unlawful for any person to misrepresent his or her age for the purpose of obtaining or attempting to obtain admission to an entertainment club in violation of the provisions of this ordinance.

13. Responsibility of Licensee. Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the licensee and the licensee shall be subject to the penalties for such act or omission in the same manner as if the licensee committed the act or caused the omission.
14. Suspension or Revocation of License. In addition to the penalties specified for violation of the provisions of this section, a license issued under this section may be suspended for ten (10) to ninety (90) days or be revoked by the Common Council after written notice to the licensee, a hearing before the License and Health Committee, and a recommendation by said Committee to the Common Council. The Common Council shall then act on the Committee's recommendation after affording the licensee an opportunity to submit its views, in writing, to the Common Council. A licensee whose license has been revoked shall not be eligible for a license for a period of two (2) years from the date of revocation.
15. Penalty. Any person violating any provision of this ordinance shall forfeit not less than fifty dollars ($50.00) or more than five hundred dollars ($500.00) for each offense, together with the costs of prosecution; and, in default of payment of such forfeiture and costs, by imprisoned in the Milwaukee County House of Corrections until payment of the forfeiture and costs, but not in excess of the number of days set forth in § 800.095(4), Wis. Stats. Each and every day a violation of a provision of this ordinance continues constitutes a separate offense.
16. Nuisance. Any violation of this ordinance is declared to be a nuisance. In addition to any other relief provided by this ordinance, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. The application for relief may include seeking a temporary restraining order, temporary and/or permanent injunction, and such other relief, as the City Attorney deems appropriate.
17. Severability. The provisions of this ordinance are severable. If any provisions of this ordinance or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions(s) or applications(s.)

[Ord. 6520 (create) 6/6/2000]

SECTION 14: **AMENDMENT** "10.13 Off-Street Parking Lots" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.13 Off-Street Parking Lots

1. Regulation: Construction Requirements.
    a. Definitions. Off-street parking lots are hereby defined as follows:
        i. Vacant lots or lands upon which motor vehicles in any number, with or without fee, are habitually parked or stored.
        ii. Residential lots or lands upon which a principal residential building is located and upon which motor vehicles in excess of three (3) are habitually parked or stored.
        iii. Commercial, business or industrial lots or lands upon which a

principal building (nonresidential) is located and upon which more than three (3) motor vehicles are habitually parked or stored.

iv. Included in the definition of off-street parking lots are used car lots and parking or storage lots maintained in conjunction with an industrial or commercial building or business. This enumeration is not exclusive. Not included are parking lots maintained in conjunction with a church, school or playground where use is occasional rather than daily, and safety and other problems are minimized.

b. License Required: Fees. No person, firm or corporation shall construct, operate or maintain an off-street parking lot without first having secured a license from the Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~. Premises licensed under Section 9.125 of this Code for used automobile dealers purposes shall conform to all provisions of this section, but shall be exempt from payment of any fee under this section. The license year shall extend from May 1 to April 30. Licenses shall be issued only upon compliance with minimum construction and maintenance standards, as set forth herein.

c. Application. A license shall be granted only upon written application filed with the Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~, giving the licensee's name, address, the location of the off-street parking lot, the zoning and the dimensions of the lot. A plan or sketch shall be submitted with the application showing entrances and exits, type of surfacing to be installed and the location and dimensions of any buildings or structures thereon. The Building Inspector may require such additional information as in his judgment may be necessary in the public interest. Prior approval of the Board of Public Works shall be required for all driveway installations.

d. Minimum Construction and Maintenance Standards. Off-street parking lots shall be designed, constructed and maintained with macadam, concrete, sealcoat or similar suitable surface to eliminate dust, dirt and mud. Entrances and exits shall be clearly visible and marked where, in the judgment of the Building Inspector, safety requires it. The Building Inspector may impose such additional construction and maintenance requirements as are necessary to eliminate dust, mud and dirt and to safeguard the public safety. Lots and adjoining sidewalks and driveways shall be kept reasonably clean. No vehicles shall be permitted to project into the public sidewalk, alley or street, not shall any vehicles be allowed to encroach upon abutting premises owned by others. Wheel chocks, guard rails or bumper posts, so designed and permanently constructed as to prevent the intentional or accidental movement of any automobile from the premises onto or across the public highway or public sidewalk or onto premises owned by others, shall be provided on each off-street parking lot, as herein defined.

e. Issuance of Permit. Upon an application properly executed and minimum construction and maintenance standards being duly met, the Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~ shall issue an off-street parking lot license.

f. Exceptions.

i. Parking Emergencies. The Chief of Police may declare off-street parking emergencies during such times as State Fair week and similar events, during which the provisions of this subsection shall not apply.

ii. Churches, Schools, Playgrounds. Off-street parking lots maintained in conjunction with a church, school or playground, where the use is occasional, and dust, dirt, mud and safety and other problems are minimized, shall be exempt from the provisions of this subsection.

iii. Municipal Parking Lots. Off-street parking lots owned or operated by the City shall conform to minimum construction and maintenance standards, but shall not be required to be licensed.

2. Vocational School Parking Lot. No motor vehicle shall be parked in the parking lot

immediately adjacent to the West Allis Vocational School, 1216 S. 71 St., and commonly known as the Vocational School parking lot, unless permission has been obtained from the Director of the Vocational School and the vehicle has been marked with an identifying tag or insignia issued for that purpose.

3. Municipal Market Site.
    a. No operator of any vehicle shall park a vehicle on the Municipal Market Site for a period of time longer than one (1) hour from May 1 to December 1 on market days only, between the hours of 1 p.m. and 9 p.m.
    b. Parking at any other time on the Municipal Market Site shall be prohibited, except at such times and under such terms and regulations as the Market Commission may establish.
4. Library Parking Lots.
    a. The following regulations are established for parking on lots operated in connection with municipal branch libraries:
        i. Parking of vehicles shall be restricted to library patrons and employees.
        ii. Vehicles may be parked only between the hours of 8:00 a.m. and 10:00 p.m. Parking during any other hours is prohibited.
5. Extensions.
    a. Application. The owner or owners of lots or lands ordered improved by the Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~ to conform with the surfacing and/or drainage requirements of this section may apply to the Safety & Development Committee for an extension of time in which to comply with any such order. All such orders shall contain a statement regarding an owner's rights under the provisions of this subsection. Applications for an extension shall be filed with City Clerk within thirty (30) days of the date of the service of the order for improvement.
    b. Hearings. The Safety & Development Committee shall fix a reasonable time for a hearing of an application. Notice of hearing shall be mailed to the applicant and to the owners of the land immediately adjacent to the land included in the application extending one hundred fifty (150) feet therefrom and the owners of the land directly opposite thereto extending one hundred fifty (150) feet from the street frontage of such opposite land. In addition, notice shall be published in the official City newspaper as a Class 1 notice, pursuant to Chapter 985 of the Wisconsin Statutes. The Safety & Development Committee shall have the power to adjourn the hearing at the request of the applicant for good and sufficient reason. At the hearing, the applicant and any parties in interest may appear and may offer testimony which is relevant to the hearing. The proceedings at such hearing, including the findings and decision of the Committee, shall be summarized, reduced to writing and entered as a matter of public record in the office of the City Clerk.
    c. Grant of Extension. Within a reasonable time after hearing, the Safety & Development Committee shall grant an extension for a period not to exceed three (3) years from the date of the order for improvement, if it finds that any such extension will not have a substantial adverse effect upon the health, safety or property interests of individual persons or the public generally. In making its findings, the Safety & Development Committee shall consider, among other things, hazards or injury to persons or property which may result in the absence of proper drainage and/or proper surfacing. In granting any such extension, the Committee may stipulate such conditions as may be necessary for the protection of any such health, safety or property interests. Only one extension shall be granted for any off-street parking lot. A copy of the decision of the Committee shall be mailed to or served on the applicant and other persons appearing of record at the hearing.
    d. Application Fee. A fee of twenty five dollars ($25.) shall accompany an application to defray a portion of the publication and administrative costs in processing the application. The fee shall not be refunded in whole or in part under any circumstances.

e. Penalties. The proper filing of an application for extension within the time provided herein shall toll all penalties provided for any violations of the order for improvements until a final decision has been issued on the merits of such application.
f. Exceptions. This subsection shall not apply to off-street parking lot improvements required in connection with the erection, enlargement or expansion of any building or structure.

SECTION 15: **AMENDMENT** "11.12 Snow And Ice Removal" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

11.12 Snow And Ice Removal

1. Duty to Remove. The owner of any premises shall remove and clear, or cause to be removed and cleared, any snow or ice from the public sidewalk in front of their premises, or other areas as indicated in this Section.
2. Removal by the City.
    a. If the owner of any premises shall fail to remove or clear the snow or ice as provided in this Section, the Director of Public Works and/or the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ and/or their respective designee is authorized to remove and clear the snow or ice.
    b. The Director of Public Works and/or the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ and/or their respective designee is authorized to clear and remove the snow or ice from any public sidewalk abutting or adjoining the premises of any person who, because of physical disability, is unable to comply with the provisions of this section.
    c. The expense of snow or ice removal by the Director of Public Works and/or the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ and/or their respective designee, as herein provided, shall be charged against the owner of the premises abutting or fronting upon any such sidewalk and may be entered as a special tax against such premises to be collected in all respects like other taxes upon real estate, as provided in Sec. 66.0907(5) of the Wisconsin Statutes.
    d. The Board of Public Works shall establish rules consistent with this Section governing snow removal by the Director of Public Works and/or the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ and/or their respective designee and the charges to be assessed for any such work.
3. Areas To Be Cleared or Removed.
    a. Public sidewalks shall be cleared to a minimum width of three (3) feet.
    b. Curb ramps at corners shall be cleared to a minimum width of three (3) feet, including the portion of the street to the plowed area.
    c. Fire hydrants shall be cleared to allow full access around the hydrant from the street. All properties within one hundred fifty (150) feet of a fire hydrant shall be responsible for clearing the hydrant.
4. Compliance Time.
    a. All snow and ice shall be cleared or removed, which shall be completed by the time listed below:
        i. Within twenty-four (24) hours after the end of a snow event.
        ii. Within twenty-four (24) hours after the formation of ice.
        iii. Within twenty-four (24) hours after snow has been blown or drifted back onto a previously cleared area.
    b. For the purposes of this section, a "snow event" shall mean the continuous

accumulation of more than one-half (1/2) of an inch of snow, as recorded at General Mitchell Airport in Milwaukee.

5. Casting Snow on Public Ways. No person shall plow, shovel or otherwise deposit snow or ice, or cause snow or ice to be plowed, shoveled or otherwise deposited, from private property or driveway approach between the sidewalk and gutter line upon any street or alley pavement, sidewalk or other public way in the City.

6. Any person who shall fail to comply with the provisions of this section shall forfeit not less than two hundred dollars ($200) nor more than five hundred dollars ($500) for each offense, together with the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
7. Casting Snow on Private Property. No person shall plow, shovel, or otherwise deposit snow or ice, or cause snow or ice to be plowed, shoveled, or otherwise deposited from private property onto the property of another without the consent of the landowner.
8. When ice cannot be removed due to thickness, temperature, compaction or other factors, an abrasive material designed to prevent ice accumulation such as salt or sand shall be used temporarily until the ice may be removed. The abrasive surface shall be applied in a way to prevent slipping on the ice and shall be maintained in sufficient amounts until the ice may be removed or melts.

[Ord. O-2007-0050, 12/18/2007; Ord. O-2015-0053, 12/15/2015; Ord. O-2016-0006, 2/2/2016; Ord. O-2018-0044, 11/20/2018]

SECTION 16: **AMENDMENT** "11.19 Post-Construction Stormwater Management" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

11.19 Post-Construction Stormwater Management

1. Authority. This ordinance is adopted by the Common Council under the authority granted by § 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under § 62.23, Wis. Stats., that relate to stormwater management regulations.
2. Findings of Fact. The Common Council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:
    a. Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
    b. Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
    c. Alter wetland communities by changing wetland hydrology and/or by increasing pollutant loads.
    d. Reduce the quality of groundwater by increasing pollutant loading.
    e. Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainageways, and other minor drainage facilities.
    f. Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
    g. Undermine floodplain management efforts by increasing the incidence and levels of flooding; and

h. Aggravate excessive infiltration and inflow of water into sanitary sewer connections during peak storm events causing the conveyance system to surcharge, overflow or backup into basements.

3. Purpose. This ordinance integrates federal and state construction post-construction site stormwater water quality standards with duties to reasonably manage the quantity of water run-off for regional flood abatement. This chapter implements the Milwaukee Metropolitan Sewerage District rules on release rates for new development and or redevelopment, to reduce the probability of increased regional floods.

4. Stormwater Quality and Quantity Management Applicability.
    a. The water quality management duties apply to property development/redevelopment as required by Wisconsin Department of Natural Resources NR 151, and the water quantity management duties apply to development/redevelopment sites as required by Milwaukee Metropolitan Sewerage District Chapter **13** rules.
    b. Notwithstanding the applicability requirements in Paragraph (a), this ordinance applies to post-construction sites of any size that, in the opinion of the City Engineer, are likely to result in runoff that exceeds the capacity of the existing drainage facilities or the level of flooding protection in a watercourse, causes undue channel erosion, increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
    c. Comity. State agencies should design and incorporate best management practices for surface water quality and stormwater quantity management for new impervious surfaces. The runoff management techniques should be the same as flood abatement plans and techniques utilized by local governments in the watershed. The lead agency preparing an environmental assessment for a federal or state project shall identify the mitigating runoff management techniques to prevent increases in peak flood flows from new impervious areas.
5. Definitions.
    a. "Best management practice" or "BMP" means structural or nonstructural measures, practices, techniques or devices employed to:
        i. Avoid or minimize sediment or pollutants carried in runoff to waters of the state; and/or
        ii. Manage the rate or volume of runoff.
    b. "Business day" means a day the City of West Allis City Hall is routinely and customarily open for business.
    c. "Cease and desist order" means a court-issued order to halt land-disturbing construction activity that is being conducted without the required permit.
    d. "Development" means construction of residential, commercial, industrial or institutional land uses and associated roads, including redevelopment.
    e. "Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City Engineer by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.
    f. "Land-disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land-disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
    g. "Maintenance agreement" means a legal document that provides for long-term maintenance of stormwater management practices.
    h. "New development" means development resulting from the conversion of previously undeveloped land or agricultural land uses.
    i. "Redevelopment" means new construction, modification or replacement of older development.
    j. "Responsible party" means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain

post-construction stormwater BMPs.

k. "Runoff" means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

l. "Site" means the entire area included in the legal description of the land on which the land-disturbing construction activity occurred.

m. "Stop-work order" means an order issued by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer which requires that all construction activity on the site be stopped.

n. "Stormwater management plan" means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.

o. "Stormwater management system plan" is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

p. "Water quality management" means the stormwater standards and duties established under the Clean Water Act, 33 U.S.C. § 1251 et seq., parallel state law regulating the discharge of pollutants, and implementing regulations.

q. "Water quantity management" means stormwater duties and practices to abate peak flood flows during regional storm events pursuant to Chapter **13** of the Milwaukee Metropolitan Sewerage District rules as implemented and enforced by this municipality.

6. Technical Standards. The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of stormwater practices needed to meet the requirements of this ordinance:

   a. Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Chapter NR 151, Wis. Adm. Code.

   b. Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used, provided that the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer has approved the methods.

   c. The rainfall data from the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation - Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013, or more protective data shall be the basis for the analyses required by this ordinance for water quantity analysis.

7. Performance Standards.

   a. Responsible Party. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.

   b. Plan. A written stormwater quality and quantity management plan in accordance with Subsection (9) shall be developed and implemented for each post-construction site.

   c. Requirements. The water quality plan required under Subsection (7)(b) shall include the following:

      i. Total Suspended Solids. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as defined by the Wisconsin Department of Natural Resources under Chapter NR 151, Wis. Adm. Code.

      ii. Water Quantity and Management of Peak Runoff.

         (1) BMPs shall manage the volume, timing, and peak flow rate of runoff to prevent increases in the regional flood and stream bank erosion rates and in accordance with Milwaukee Metropolitan Sewerage District's Chapter **13** rules.

         (2) These BMPs may be implemented on either a watershed basis or an individual site basis.

         (3) When implemented on a watershed basis, the BMPs implemented at a particular site shall comply with the findings of the relevant local or regional stormwater management plan,

rather than Subdivisions 4 and 5.

d. Alternate Requirements. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may establish stormwater management requirements more stringent than those set forth in this section if the City Engineer determines that an added level of protection is needed to protect sensitive resources.

8. Permitting Requirements, Procedures and Fees.

a. Permit Required. No responsible party may undertake a qualifying land-disturbing construction activity without a Stormwater Management Plan approved by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer prior to commencing the proposed activity. A Stormwater Permit shall be issued by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer upon the satisfactory installation of the approved stormwater management system.

b. Permit Application and Fees. Any responsible party desiring a permit shall submit to the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer a Stormwater Management Plan as described in Subsection (9). The fee for the Stormwater Permit shall be determined by the plan review cost to the City.

c. Review and Approval of Permit Application. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer shall review the stormwater management plan as follows:

i. Within twenty (20) business days of the receipt of a complete stormwater management plan, the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer shall inform the applicant whether the plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.

ii. If the stormwater management plan is approved, the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer shall grant permission to proceed with obtaining required Building Permits.

iii. If the stormwater permit application, plan or maintenance agreement is disapproved, the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer shall detail in writing the reasons for disapproval.

iv. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may request additional information from the applicant. If additional information is requested, the City Engineer shall have the option to restart the review time from the time of receiving the complete plan.

v. Failure by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer to inform the permit applicant of a decision within twenty (20) business days of a complete submittal shall be deemed an approval of the submittal and the applicant may proceed as if a permit had been issued.

d. Permit Requirements. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action to suspend or revoke this permit may be appealed in accordance with Subsection (14).

i. The responsible party shall design and install all structural or identify nonstructural stormwater management measures, or both, in accordance with the approved stormwater management plan and this permit.

ii. The responsible party shall notify the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ at least five (5) business days before commencing any work in conjunction with the stormwater management plan, and within five (5) business days upon completion of the stormwater management practices. If required as a special condition under Subsection (8)(e), the responsible party shall make additional notification according to a schedule set forth by the Director of Building Inspection and Neighborhood Services, so that practice installations can be inspected during construction.

iii. Practice installations required as part of this ordinance shall be certified "as built." Completed stormwater management practices must pass a final inspection by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

iv. The responsible party shall maintain all stormwater management practices until the responsibility is transferred to the Common Council, or subsequent private owners as specified in the approved maintenance agreement.

v. The responsible party authorizes the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Subch. VII of Ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Subsection (11).

vi. If so directed by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainageways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

vii. The responsible party shall permit property access to the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

viii. Where site development or redevelopment involves changes in direction, increases in the peak rate or the total volume of runoff, the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

e. Permit Conditions. Permits issued under this subsection may include reasonable and necessary conditions established by Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer in addition to the requirements needed to meet the performance standards in Subsection (7) or a financial guarantee as provided for in Subsection (11).

f. Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer notifies the

responsible party that all stormwater management practices have passed the final inspection required under Subsection (8)(d)3.

9. Stormwater Management Plan.
    a. Plan Requirements. The stormwater management plan required under Subsection (8)(b) shall contain at a minimum the following information:
        i. Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
        ii. A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
        iii. Pre-development site conditions, including:
            (1) One or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed two (2) feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the regional flood (the one-percent probability storm event) floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to § NR 811.16, Wis. Adm. Code.
            (2) Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
        iv. Post-development site conditions, including:
            (1) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
            (2) Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
            (3) One (1) or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed two (2) feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and

direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainageway; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

(4) Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(5) Results of investigations of soils and groundwater required for the placement and design of stormwater management measures. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.

v. A description and installation schedule for the stormwater management practices needed to meet the performance standards in Subsection (7).

vi. A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.

vii. Other information requested in writing by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.

viii. All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

10. Maintenance Agreement.

a. Maintenance Agreement Required. The maintenance agreement required under Subsection (8)(c)1 and 3 for stormwater management practices shall be an agreement between the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.

b. Agreement Provisions. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Subsection (9)(a)6:

i. Identification of the stormwater facilities and designation of the drainage area served by the facilities.

ii. A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under Subsection (8)(b).

iii. Identification of the responsible party(s), organization or city, county, town or village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan required under Subsection (8)(b).

iv. Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management

practices in accordance with the schedule included in Paragraph (b).

v. Authorization for the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer, its designee to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

vi. Agreement that the party designated under Paragraph (b)3, as responsible for long-term maintenance of the stormwater management practices, shall be notified by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer.

vii. Authorization of the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer to perform the corrected actions identified in the inspection report if the responsible party designated under Paragraph (b)3 does not make the required corrections in the specified time period. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subch. VII of Ch. 66, Wis. Stats.

11. Financial Guarantee.

a. Establishment of the Guarantee. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer. The financial guarantee shall be in an amount determined by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer that the requirements of this ordinance have not been met.

b. Conditions for Release. Conditions for the release of the financial guarantee are as follows:

i. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer shall release the portion of the financial guarantee established under this section, less any costs incurred by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

ii. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices, less any costs incurred by the

Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

12. Fee Schedule. The fees referred to in other sections of this ordinance shall be established by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer and may from time to time be modified by resolution. A schedule of the fees established by the City Engineer shall be available for review in the City Engineering Department.
13. Illicit Discharge Prohibition and Disconnection.
    a. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process.
    b. Applicability. This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer.
    c. Responsibility for Administration. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may be delegated to persons or entities acting in the beneficial interest of or in the employ of the City.
    d. Illicit Discharge Prohibitions.
        i. No person shall discharge or cause to be discharged into the municipal storm sewer system or watercourses any materials, including but not limited, to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
        ii. Exemptions. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
            (1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated: typically less than one PPM chlorine), firefighting activities, and any other water source not containing pollutants.
            (2) Discharges specified in writing by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer as being necessary to protect public health and safety.
            (3) Dye testing is an allowable discharge, but requires a verbal notification to the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer prior to the time of the test.
            (4) The prohibition shall not apply to any non-stormwater discharge permitted under an WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Wisconsin Department

of Natural Resources, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

e. Illicit Connection Prohibitions. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

f. Suspension of MS4 Access.

i. Suspension due to Illicit Discharges in Emergency Situations. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State of Wisconsin. If the violator fails to comply with a suspension order issued in an emergency, the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State of Wisconsin, or to minimize danger to persons.

ii. Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer notify a violator of the proposed termination of its MS4 access. The violator may petition the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer for a reconsideration and hearing.

g. Monitoring of Discharges.

i. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

ii. Facility operators shall allow the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a WPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

iii. Unreasonable delay in allowing the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a WPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

iv. If the Code Enforcement Director ~~of Building Inspection and~~

~~Neighborhood Services~~ or the City Engineer has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may seek issuance of a search warrant from any court of competent jurisdiction.

h. Requirement To Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.

i. Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

j. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the State of Wisconsin said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

14. Enforcement.
    a. Any land-disturbing construction activity, post-construction runoff, or illicit discharge initiated after the effective date of this ordinance by any person subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
    b. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer shall notify the responsible party of any noncomplying land-disturbing construction activity, post-construction runoff, or illicit discharge. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, or additional enforcement action that may be taken. Any technique that effectively provides

actual and verifiable notice may be used.

c. If the violations are likely to result in damage to properties, public facilities, or waters of the state, the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may enter the land and take corrective actions necessary to prevent such damage. The costs incurred by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer plus interest and legal costs shall be paid by the responsible party.

d. If the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer determines that any person is in violation of this ordinance or a stormwater permit, the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may issue a notice of violation, a stop-work order, a cease and desist order, or revoke the permit, or refer the noncompliance to the City Attorney for civil enforcement, penalties, injunctive orders or other appropriate relief.

e. Every violation of this ordinance is a public nuisance. Any person who violates this ordinance shall be subject to a forfeiture of not less than ten dollars ($10.) or more than ten thousand dollars ($10,000.) per offense, together with the costs of prosecution. Each day each violation continues shall constitute a separate offense.

f. When the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices, has failed to comply with schedules in a stormwater management plan, or has failed to comply with the terms of the illicit discharge suspension, the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer or a party designated by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said lands approved plan. The Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Subsection (11) of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with the property taxes.

~~**[Ord. O-2005-0012, 3/1/2005; O-2011-0012, 5/3/2011; Ord. O-2017-0005, 2/7/2017]**~~

SECTION 17: **AMENDMENT** "12.06 Definitions" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

12.06 Definitions

Whenever a term defined in this Section appears in the text of this Subchapter, its meaning shall be construed to be the definition set forth in this Section.

Accessory Building. A subordinate building whose use is incidental to that of the main building and which is located on the same lot as the main building.

Accessory Building — Residential. An attached or detached private garage (see definition of "Garage, Private"), a storage shed, a gazebo, or other residential structure that is subordinate and incidental to the one- or two-family dwelling main building and is located on the same lot as such main building. **[Ord. O-2006-0013, 4/4/2006]**

Accessory Structure, Residential. An attached or detached permanent structure (other than recreational equipment or swimming pools), such as a storage shed, a gazebo, or other residential structure that is subordinate and incidental to the one- or two-family dwelling main building and is located on the same lot as such main building. **[Ord. O-2014-0036, 6/17/2014]**

Accessory Use. A subordinate use of a premises or portion thereof which is clearly and customarily incidental to the principal use of the premises and which is located on the same lot as the principal use, except for such accessory parking facilities as are specifically authorized to be located elsewhere. Accessory uses are permitted as a matter of right in all Zoning Districts identified in this Subchapter. Such uses must not alter the character of the area or be detrimental thereto, and are subject to all applicable general and specific regulations set forth in this Subchapter. **[Ord. O-2015-0002, 1/6/2015]**

Adult Day Care. A facility which is operated by a person to provide temporary care during a portion of the day for elderly, handicapped or otherwise disabled adults.

Adult-Oriented Establishment. A series of uses related to or regulated for adult use, as defined in Chapter **9** of the City Code.

Alcohol beverage sales. Any commercial premises requiring a Class "A" license in accordance with licensing requirements of the State of Wisconsin and Section 9.02 of the City of West Allis Revised Municipal Code to sell fermented malt beverages (beer and/or cider) and/or intoxicating liquor (including wine) for consumption off-premises. **[Ord. O-2017-0016, 3/21/2017]**

Alley. A public or legally established right-of-way, other than a street, which affords only a secondary means of vehicular access to abutting properties.

Animal Grooming. Any commercial establishment at which dogs, cats or other animals are bathed, groomed, clipped, trimmed or shorn or other such treatment is administered, and where no animals are kept or maintained on the premises overnight. Animals prohibited under Section 7.12 of the Revised Municipal Code shall not be permitted. Animal reproduction shall not be permitted. **[Ord. O-2015-0016, 3/3/2015]**

Antique. An old collectable item regarded as being of value or interest to a collector. It is collected or desirable because of its age/vintage, beauty, rarity, condition, utility, personal emotional connection, and/or other unique features. It is an object that represents a previous era or time period in human society. Antiques are usually objects which show some degree of craftsmanship, or a certain attention to design. For the purposes of this ordinance, antique dealers are subject to the licensing requirements provided in Section 9.15 of the Revised Municipal Code. **[Ord. O-2013-0022, 5/7/2013]**

Apartment. A dwelling unit.

Apartment Hotel. A hotel in which not more than thirty percent (30%) of the guest rooms or suites are reserved for transient occupancy.

Art Galleries. A commercial establishment for the display or sale of works of art. **[Ord. O-2017-0050, 11/21/2017]**

Artist's/maker studio: Workspace for artists, artisans, or crafts persons who are engaged in the creation, teaching, or performance of the fine and applied arts and also allows the sale of fine and applied art products as an associated use.

Asphalt, cement, mixing, stone processing and/or crushing: A use in which the principal activity is the processing, handling, sale and transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials.

Automobile Convenience Store. A place of business where miscellaneous merchandise and/or food and beverages are sold, as well as gasoline, oil and other basic automobile supplies, but where no servicing or repair work on vehicles is conducted.

Automobile Repair. Any commercial activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines or trailers; collision service, such as body, frame or fender straightening and repair; overall painting and vehicle rustproofing; refinishing or steam cleaning.

Automobile Service Station. A building or place of business where gasoline, when stored in underground tanks, lubricating oils and greases, tires, batteries and other automobile accessories may be supplied and installed at retail. Minor repairs and servicing may also occur on the premises. Automobile service stations do not include open sales lots or long-term storage of vehicles.

Basement. A portion of a building having part, but not less than one-half (1/2), of its floor to clear ceiling height below the average finished ground grade adjoining the building. When a basement is used as a garage for the use of occupants of the building or for other common facilities for the operation of the building, other than for dwelling or lodging, offices or commercial activities, it shall not be counted as a story.

Bed and Breakfast. Any place of lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or other transients, is the owner's personal residence, is occupied by the owner at time of rental, and in which the only meal served to guests is breakfast.

Boarding House, Rooming House. A building containing a single dwelling unit and where lodging is provided for three (3) or more roomers, with or without meals, for compensation.

Body Piercing establishment. Any establishment that perforates any human body part or human tissue, except an ear, and placing a foreign object in the perforation in order to prevent the perforation from closing. **[Ord. O-2016-0020, 5/3/2016]**

Bulk. Any one or a combination of the following structural or site design characteristics: building height, lot coverage, gross floor area, density, floor area ratio, yards and open space.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or personal property, and separated from other like structures, either by an open space or at lot lines, by solid walls through which there is no opening.

Building Area. The total area of a building bounded by its exterior walls.

Building Coverage. The horizontal area measured within the outside of the exterior walls of the ground floor of all principle and accessory buildings on a lot. The area shall include cantilevered habitable building areas and exclude unroofed areas of decks, platforms, patios, terraces and similar areas. **[Ord. O-2006-0013, 4/4/2006]**

Building Height*. The vertical distance measured from the established grade to the highest point of the roof. When a building is located on sloping terrain, the height may be measured from the average finished grade at the front building wall. Chimneys, towers, spires, parapets, elevator and mechanical penthouses, cooling towers and similar projections other than signs shall not be included in calculating building height.

Building Inspector. The Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~ of the City or a duly authorized representative.

Building material sales: An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term includes a lumberyard, home improvement center or garden supply center and may include outdoor storage or tool and equipment sales or rental.

Business. Any occupation, employment or enterprise in which merchandise is exhibited, sold, stored or manufactured, or which occupies time, attention, labor and materials, or where services are offered for compensation.

Camping Trailer or Travel Trailer. A vehicle without independent motive power, designed to be drawn on the highway by a motor vehicle and intended to be used primarily for temporary, recreational living purposes, including trailers which can be expanded with canvas or other collapsible materials and mobile homes less than twenty (20) feet in length.

Carport. A roofed shelter primarily used for motor vehicles with two (2) or more open sides.

Child Care Home/Center or Day Nursery. A facility or dwelling which is operated by a person, whether licensed or not, to provide care and supervision for four (4) or more children (other than the operator's own family or children for whom the operator is the legal guardian or children of the operator's immediate relatives), under the age of seven (7) for less than twenty-four (24) hours a day for two (2) or more consecutive weeks.

City. The City of West Allis.

City Planner. City Planner means the Planning and Zoning Manager.

Editor’s Note: The definition of “clinic,” amended 10/5/2004 by Ord. O-2004-0041, which immediately followed, was repealed 1/20/2015 by Ord. O-2015-0001.

Community Living Arrangements. As defined in sec. 46.03(22) of the Wisconsin Statutes. No community living arrangement may be established within two thousand five hundred (2,500) feet of any other such facility. No community living arrangement shall be permitted in the City if the total capacity exceeds the density limits, as set forth in sec. 62.23(7)(i) of Wisconsin Statutes. Agents for a facility may apply for an exception to the criteria set forth in this Section, which may be granted at the sole and absolute discretion of the Common Council.

Crematory. Any device used to incinerate human or animal bodies or body parts; also, a business establishment containing such a device.

Distribution facility: Uses conducted within a completely enclosed building and engaged in the wholesale sales, bulk storage and distribution of goods. Such establishments provide storage, movement, or sale of merchandise and bulk goods, including importing, wholesale or retail sales of goods received by the establishment but not sale of goods for individual consumption. Such uses may also include incidental retail sales and wholesale showrooms. This definition does not include a “self-storage facility” or a “trucking and transportation terminal.”

Drive-In Restaurant. A vehicle-oriented eating establishment that furnishes the patron with food in a ready-to-consume state, primarily in disposable containers, and where the consumption of food is allowed either in (1) the main building; (2) a motor vehicle parked on the premises; (3) another facility on the premises outside the main building; or, (4) off the premises.

Dwelling Unit, Efficiency. A dwelling unit consisting of one principal room with a kitchen and bathroom facilities included within the unit.

Dwelling, Multiple Family. A building, or portion thereof, used or designed as a residence for three (3) or more families living independently of each other in separate dwelling units. This definition includes three (3) family buildings, four (4) family buildings, apartment houses and townhouses.

Dwelling, Net Unit Density. Density shall have as its basis the net land area of a parcel, excluding public rights-of-way. Density is the area required for a residence divided into an acre (43,560 square feet). The result is expressed as "dwelling units per acre."

Dwelling, Single-Family. A residential building used or designed as a one (1) family dwelling unit.

Dwelling, Two Family. A residential building used or designed for two (2) dwelling units. This building may also be termed a duplex.

Family. One or more persons related by blood or marriage, or group of not more than five (5) persons not related by blood or marriage, maintaining a common household in a dwelling unit.

Family Day Care Home. A dwelling licensed as a day care center by the Wisconsin Department of Health and Social Services, under sec. 48.65 of the Wisconsin Statutes, where care is provided for not more than eight (8) children.

Fence. Any permanent partition, structure or gate erected as a dividing structure, barrier, enclosure or means of protection.

Floor Area, Gross. For the purpose of determining Floor Area Ratio (FAR), the Gross Floor Area (GFA) of a building or buildings shall be the sum of the gross horizontal areas of the several floors of the building(s) measured from the exterior faces of the exterior walls or from the centerline of party walls separating two buildings. In particular, the GFA shall include:

1. Floor space used for or capable of use for storage purposes, office space, or similar activities, but not including any space where the floor to ceiling height is less than six (6) feet.
2. Basement space used for or capable of use for storage purposes, office space or similar activities.
3. Elevator shafts and stairwells at each floor.
4. Finished attic floor space, provided there is structural headroom of more than six (6) feet.
5. Interior balconies and mezzanines.
6. Enclosed porches and breezeways.
7. Accessory uses other than floor space devoted exclusively to off-street parking or loading.
8. For the purposes of determining Floor Area Ratios, GFA shall not include:
9. Floor space devoted exclusively to accessory off-street parking or loading.
10. Floor space used for heating, cooling, mechanical and similar equipment.
11. Water tanks and cooling towers.
12. Terraces and open porches.

Floor Area Ratio. The numerical value obtained through dividing the Gross Floor Area (GFA) of a building or buildings by the total area of the lot or parcel of land on which the building or buildings are located. The total area of the lot or parcel shall include all the land within its boundaries, including the buffer areas.

Food Pantries. An entity that distributes or facilitates the giving of goods. This use classification includes, but is not limited to, soup kitchens, and drop-off and distribution facilities for clothing and household goods. **[Ord. O-2016-0035, 9/20/2016]**

Food production and processing. An establishment that manufactures food products or ingredients to be sold to retailers or wholesalers for final consumption, or for distribution or further processing, including, but not limited to, the transformation of livestock. **[Ord. O-2015-0002, 1/6/2015]**

Food production, limited. An establishment that manufactures food products to be sold to consumers, retailers or wholesalers for final consumption or distribution, including, but not limited to, bakeries, caterers, candy and ice cream stores, delicatessens and meat markets, breweries, distilleries, and services based for mobile food services; this does not include the transformation of livestock. **[Ord. O-2015-0002, 1/6/2015]**

Fueling Station - Personal, passenger and consumer vehicles: Uses engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops. (Note: Fleet vehicle fueling facilities are part of the "Commercial vehicle service" definition). Fueling stations may dispense conventional vehicle fuels and/or alternative vehicle fuels.

Garage, Commercial. Any premises, except those described as a private, public, parking and/or storage garage, available to the public and used principally for the storage of motor driven vehicles, for remuneration, hire or sale, and where such vehicles may be equipped for operation, repaired, rebuilt, reconstructed, washed or otherwise serviced.

Garage, Private. An accessory attached or detached building designed and used primarily for the storage and parking of vehicles owned and operated by the occupants of the lot on which the building is located. Vehicle repair is prohibited in a private garage. **[Ord. O-2006-0013, 4/4/2006]**

Garage, Public. A building used for other than private care and storage of vehicles, which may include the retail sale of lubricants, air, water and other operating commodities for motor vehicles.

Garage, Storage. A building, or portion thereof, designed or used exclusively for the storage of motor vehicles and in which those vehicles are NOT equipped, repaired, hired or sold, except that fuel, oil and grease may be dispensed within the building for the vehicles stored there.

Grocery store. An establishment that sells staple food, meats, produce, and dairy products and usually household supplies, and includes no form of food production. **[Ord. O-2015-0002, 1/6/2015]**

Heavy Industrial use: Typical uses accommodate high intensity industrial activities and often includes very large structures, extensive outdoor storage and exterior equipment operations. It accommodates uses that may require large trucking, rail, shipping or freight operations. Most sites within the Heavy Industrial District have already been developed. Where possible, Heavy Industrial uses should be separated from residential neighborhoods to reduce potential for adverse impacts on residential uses or in areas where the relationship to surrounding land use would create fewer problems of compatibility such as smoke, noise, glare or vibration. This term includes, but is not limited to, the production or processing of the following:

- Animals or poultry (transformation/processing, not including slaughter).
- Asphalt, paving, and roofing materials.
- Battery manufacture and reprocessing.
- Cement, stone processing, mixing or crushing, not including mining or extraction.
- Chemicals and chemical products, including ammonia, chlorine, household cleaners, detergent, and fertilizer.
- Machinery and equipment, such as engines and turbines, and machine tools.
- Metal-working, such as stamping, welding, machining, extruding, plating, grinding, polishing, cleaning, and heat treating.
- Oil-based paints, varnishes, lacquers, and enamels.
- Petroleum and coal products, not including mining or extraction.
- Plastics and synthetic resins and fibers.
- Primary metals, including steelworks, rolling and finishing mills, forge and foundries.
- Pulp or paper products.
- Tanning hides and leather.
- Tires and inner tubes

Home Occupation. Any occupation which is clearly incidental and secondary to the use of a premises for single- two-family or residential condominium dwelling unit purposes and which is carried on in whole or in part within the dwelling unit or any accessory building by a person who resides on the premises. **[Ord. O-2010-0030, 9/7/2010]**

Hospitals. A state-licensed facility providing health services and medical, psychiatric, or surgical care to persons, primarily as inpatients. **[Ord. O-2015-0001, 1/20/2015]**

Hotel/Motel. A place, other than a bed and breakfast or tourist rooming house, where sleeping accommodations are offered for pay to transients, in five (5) or more rooms, and all related rooms, building and areas.

Instruction and/or Training Facility. An establishment for the purpose of providing personal instruction or training with a minimum class occupancy of more than fifteen (15) people counting staff and instructors, including, but not limited to, music, dance, martial arts, physical fitness, counseling, trade and business. **[Ord. O-2017-0007, 2/23/2017]**

Instruction and/or Training Facility, Small. An establishment for the purpose of providing personal instruction or training with a maximum class occupancy of no more than fifteen (15) people counting staff and instructors, including, but not limited to, music, dance, martial arts, physical fitness, counseling, trade and business. **[Ord. O-2017-0007, 2/23/2017]**

Junk or Salvage facility - A building or open space where waste, scrap, used or second-hand materials are bought, sold, exchanged, dismantled, sorted, stored, baled, packed, crushed, processed or handled for reclamation, disposal or other similar purposes. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, machinery, vehicles, paper, rags, rubber tires, bottles, plastics, and aluminum cans. Typical uses include but are not limited to junk yards, material reclamation, recycling facilities, vehicle salvage, waste transfer stations.

Kennels. Any commercial establishment where more than two (2) cats, dogs or other animals not prohibited by Section 7.12 may be kept for boarding, breeding, sale or sporting purposes. **[Ord. O-2015-0016, 3/3/2015]**

Land. A lot.

Large Conventional Radio or Television Antenna. Any antenna, other than a satellite television antenna, that is located outside of a main or accessory building that is more than ten (10) feet from the ground or base to the highest point of the antenna.

Light Industrial use: Typical uses are lower-intensity, non-nuisance uses such as warehousing, wholesaling, shipping, light fabrication, limited production and processing and assembly, labs, research and development facilities and related uses which may be located in proximity to residential and commercial districts. Trucking, deliveries, loading and outdoor storage may be an accessory of such land use, but is not the principal land use. This term includes, but is not limited to, the production or processing of the following:

- Furniture and fixtures
- Household appliances and components
- Measuring, analyzing, and controlling instruments.
- Musical instruments.
- Office, warehousing and distribution.
- Pharmaceuticals, health and beauty products.
- Precision machined products.
- Telecommunications products.
- Electrical equipment, such as motors and generators, lighting, wiring and transmission, and distribution equipment.
- Fabricated plastic and rubber products, except tires and inner tubes.
- Glass and glass products,
- Gypsum, drywall, and plaster products.
- Latex paints.

- Lumber and wood products, including plywood.
- Textiles and fabrics

Limited production and processing: Small-scale activities that are compatible with commercial or retail sales and services. These uses produce minimal off-site impacts due to their limited nature and scale. Limited production and processing includes, but is not limited to, the following uses:

- Artist/maker and craft studios.
- Apparel and other finished products made from fabrics.
- Computers and accessories, including circuit boards and software.
- Electronic components and accessories.
- Film, video, and audio production.
- Food and beverage products, not including transformation/live slaughter, grain milling, cereal, vegetable oil, or vinegar production.
- Precision medical and optical goods.
- Sign fabrication shops.

- Wood and metal crafts and carving/engraving.
- Wood furniture and upholstery.

Live-work unit: A dwelling unit in combination with a shop, office, studio, or other workspace within the same unit where the resident occupant both lives and works.

Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot, Corner. A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street and any two (2) chords of which form an angle of one hundred twenty degrees (120°) or less as measured on the lot side.

Lot, Depth. The depth of a lot is calculated as the mean distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

Lot, Interior. A lot other than a corner lot.

Lot, Through. An interior lot having frontage on two (2) nonintersecting streets. A through lot is considered to have two (2) front yards for purposes of this Subchapter.

Lot Coverage. The percentage of the lot which is covered by building area.

Lot Line, Front. In the case of an interior lot, a line separating the lot from the street. On a corner lot, either line separating the lot from the street may be designated as the front lot line.

Lot Line, Rear. A line opposite and most distant to the front line and separating the lot from other lots, parcels, alleys or public ways.

Lot Line, Side. Any lot line other than the front or rear lot line.

Lot Width. The width of a lot shall be measured as the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Main Building. The building in which the principal use of the lot is conducted. Only one main building is permitted on a lot under any type of use.

Manufactured or Mobile Home. A structure, transportable in one or more sections, which is built on a chassis and designed and constructed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. A motorized camping van (recreational vehicle) or travel trailer is NOT considered a mobile home.

Medical Clinics. A facility providing medical or surgical services or alternative medicine, for the diagnosis and treatment of persons on an outpatient basis, including offices of health practitioners such as a doctor, dentist, chiropractor, optometrist or podiatrist; not including classes as a primary use. **[Ord. O-2015-0001, 1/20/2015; Ord. O-2017-0044, 10/17/2017]**

Medical Service Facility. An outpatient facility which provides blood or blood plasma donation services, kidney dialysis, birth center services, or treatment of sexually transmitted diseases.

Mixed Use. A development that consists of a combination of residential and commercial principal uses within a building or planned development. **[Ord. O-2004-0041, 10/5/2004]**

Narcotic Treatment Services Facility. A facility that exclusively provides an opioid treatment system that 1) includes a physician who administers or dispenses a narcotic drug to a narcotic addict for treatment or detoxification treatment with a comprehensive range of medical and rehabilitation services, 2) is approved by the state methadone authority and the designated federal government's regulatory authority, and 3) is registered with the U.S. drug enforcement administration to use a narcotic drug for treatment of a narcotic addiction.

Nominal price retail store. A business that primarily offers or advertises for sale to the public inexpensive, general merchandise, at a price of $10.00 per item or less.

Non-conforming Building. See Section 12.12 of this Subchapter.

Non-conforming Use. See Section 12.12 of this Subchapter.

Nursing Homes. A facility that meets the definition in Section 50.01(3), Wis. Stats., and that is licensed under Section 50.03(1), Wis. Stats. **[Ord. O-2003-0014, 2/18/2003]**

Open Space. Lands devoted to outdoor recreation space, greenery and resource protection. Developed open space may include, but is not limited to, playground fixtures, shelters and tennis courts.

Outdoor Sales and Display. A use subordinate to the principal retail use of the premises establishment and maintenance is subject to approval of a site plan, pursuant to Section 12.13 of this Subchapter, and the applicable regulations governing the use in the Zoning District in which it is permitted.

Outdoor storage: Commercial, business or industrial lots or lands used to provide an off-street for storage of goods, material, merchandise or vehicles, including fleet and/or dealer inventory where the storage space is not located in a structure and is in the same place for more than twenty-four (24) hours.

Parking lot, Accessory: Residential, commercial, or industrial lots or lands where off-street surface parking spaces for privately owned passenger motor vehicles exist when incidental to a principal building on the same property. Transitional uses shall be included within this definition.

Parking lot, Non-Accessory: Commercial or industrial lots or lands used for off-street privately owned passenger motor vehicle parking spaces, with or without fee, upon which motor vehicles of any number are provided and where the parking spaces are not located in a structure and the parking of vehicles is the principal use of the premises. Storage uses are not included within this definition (see outdoor storage).

Parking structure, Accessory: Commercial or industrial lots or lands where off-street parking spaces for privately owned passenger motor vehicles exist when incidental to a principal building on the same property. This term includes parking spaces that are integrated into a structure that houses the principal building located on the property.

Parking structure, Non-accessory: Commercial, business or industrial lots or lands where off-street parking spaces, with or without fee, are provided for privately owned passenger motor vehicles of any number, and adjacent access drives, aisles and ramps, that are located in a structure with two (2) or more levels, where the parking structure is the principal structure of a property. Storage uses are not included within this definition (see outdoor storage).

Patio or Terrace. A level, landscaped and/or surfaced area at or within two (2) feet of the finished grade and not covered by a permanent roof.

Pawn shop. A store that engages in the business of lending money on the deposit or pledge of any article or jewelry with an expressed or implied agreement of understanding to sell it back at a subsequent time at a stipulated price. For the purposes of this ordinance, pawn shops are subject to the licensing requirements provided in Section 9.15 of the Revised Municipal Code. **[Ord. O-2015-0029, 5/7/2015]**

Person. An individual, firm, partnership, association, corporation or organization of any kind.

Pet Shops. Any commercial establishment wherein animals or birds are kept or maintained for and prior to sale. This definition does not include establishments which are keeping or maintaining for sale only fish or other aquatic or nonmammalian amphibious species. Animals prohibited under Section 7.12 of the Revised Municipal Code shall not be permitted; animal reproduction shall not be permitted. **[Ord. O-2015-0016, 3/3/2015]**

Platform. An unroofed structure, including balconies and decks, adjacent to or attached to a building intended for outdoor living, access or recreation purposes.

Porch. A roofed, open area usually attached to or part of and with direct access to and from a building.

Premises. A lot and/or any buildings and structures thereon.

Principal Use. The primary or predominant use of a premises.

Printing, Commercial. A printing establishment (dealing directly with consumers and serving businesses) providing design, marketing and print fabrication services, including digital printing, lithography, photocopying, screen printing, web and graphic design, engraving and embroidery. Such uses shall include a retail showroom and/or office component as part of their storefront floor area. Trucking and distribution is not customary to such uses. **[Ord. O-2017-0043, 10/3/2017]**

Printing, Manufacturing. A nonretail printing establishment providing design, marketing and print fabrication services, including digital printing, lithography, photocopying, screen printing, web and graphic design, engraving and embroidery. Such uses rely heavily upon trucking and distribution. **[Ord. O-2017-0043, 10/3/2017]**

Public Services and Public Utilities: uses within this category include facilities such as public works facilities and garages, water treatment plants, public and/or private utility substations, safety/service facilities, water towers and similar land uses.

Radio and Television Antenna. Any structure, for either transmission or reception of radio or television signals, other than a satellite television antenna, that is located outside of a main or accessory building.

Recreation facility - Indoor: A facility for the indoor conduct, viewing, participation or entertainment of recreational, sport activities or games of skill. This term includes, but is not limited to, a volleyball court, tennis court, bowling alley, ice or roller skating rink, swimming pool, billiard hall, arcade, basketball court, batting cages, soccer, golf range, sport team practice facility.

Recreation facility - Outdoor: A facility for outdoor conduct, viewing, participation or entertainment of recreational, sport activities or games of skill which may include one or more structures. This term includes, but is not limited to, a golf range, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, golf course, or water park.

Recreational Vehicle. A motor vehicle designed to be used primarily for temporary living quarters, most notably for recreational purposes, within which there are permanently attached facilities and equipment for cooking, eating and sleeping.

Resale store. A store that sells secondhand goods, as permitted within the respective zoning district, which are acquired on an individual item basis via purchase or consignment, including antiques and hobby shops, but not to include thrift stores (no donations), even if thrift is accessory to the primary use. No unwanted items may be accepted and discarded on site. **[Ord. O-2015-0029, 5/7/2015]**

Research and development facility: An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing.

Restaurant. A public eating establishment in which the primary function is the preparation and serving of food for sale to patrons. Food may be wholly consumed on the premises or may be taken from the premises or may be consumed in motor vehicles parked on the premises.

Safety/service facility: A private or government facility for public safety, service, and emergency services, including a facility that provides police or fire protection and public-related services.

Satellite Dishes (Antennas). An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

Secondhand jewelry store. A store that engages in the sale of secondhand jewelry in which twenty percent (20%) or more of the floor area for display space or business operations is devoted to secondhand transactions and/or the buying of jewelry or precious metals. For the purposes of this ordinance, secondhand jewelry stores are subject to the licensing requirements provided in Section 9.15 of the Revised Municipal Code. **[Ord. O-2015-0029, 5/7/2015]**

Self-service storage facility: A facility consisting of individual self-contained storage units or spaces leased to individuals, organizations, or businesses for storage of personal or business property.

Setback. The distance maintained between a street right-of-way or lot line and the nearest supporting member of any structure or building on the lot.

Short-Term Rental. A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

Sign. A name, identification, description, display or illustration which is affixed to or painted on or represented directly or indirectly upon a building or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

Special Use. A use which is required for the public convenience but is potentially incompatible with typical permitted uses in a Zoning District and has an impact on the surrounding area that cannot be predetermined and controlled by general use regulations.

Storage Shed. A building used for residential material storage but not used for vehicle parking or vehicle storage. **[Ord. O-2014-0036, 6/17/2014]**

Story*. That part of a building included between the surface of one floor and the surface of the next floor or the ceiling above. A basement shall not be counted as a story if one-half (1/2) is located below the finished grade level.

Story, Half. A partial story under a sloping gable, hip or gambrel roof which does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent dwelling unit.

Street. Public or legally established right-of-way which includes the entire width between the boundaries of such right-of-way for the purpose of vehicular travel.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

Subchapter. This portion of the City Code, Subchapter I of this Chapter **12**.

Substation/distribution equipment: A facility other than a transmission tower enclosed or outdoor that aids in the distribution of a utility, including, but not limited to, electric power or telephone service or in the transmission of voice, data, text, internet, sound, or video between network termination points.

Tattoo establishment. Any establishment that inserts pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin. **[Ord. O-2016-0020, 5/3/2016]**

Thrift store. A store that sells secondhand goods, as permitted within the respective zoning district, which are acquired via donation. **[Ord. O-2015-0029, 5/7/2015]**

Tobacco Paraphernalia. "Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines and any other item designed for the smoking or ingestion of tobacco products. Tobacco paraphernalia includes electronic cigarettes, personal vaporizers, electronic nicotine delivery systems or any item designed to atomize liquid solutions that simulate smoking. **[Ord. O-2016-0032, 7/5/2016]**

Tobacco Products. "Tobacco products" means any substance containing any tobacco leaf, including but not limited to cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco and smokeless tobacco. Tobacco products include e-liquids such as propylene glycol, glycerin, nicotine, flavorings or other products for the use in electronic cigarettes, personal vaporizers or electronic nicotine delivery systems. **[Ord. O-2016-0032, 7/5/2016]**

Tobacco Retailer. A "tobacco retailer" is any establishment that either devotes twenty percent (20%) or more of floor area or display area to the sale or exchange of tobacco products or tobacco paraphernalia. **[Ord. O-2016-0032, 7/5/2016]**

Tourist Rooming House. All lodging places, other than hotels, motels, and bed and breakfasts, in which sleeping accommodations are offered for pay to tourist or transients. A tourist rooming house is a type of short-term rental.

Transit Facilities. A building or other area used for the storage of transit equipment or as a depot waiting or boarding area for transit passengers.

Truck Campers. Any camping unit without wheels or other means of mobility, designed to be attached to, or mounted, either permanently or temporarily, upon a motor vehicle and designed primarily for recreational living quarters.

Trucking, freight and transportation terminals: A facility used to engage in the dispatch, long-term or short-term storage of trucks, buses, taxies and other vehicles, including busing facilities, towing or hauling uses, movers of household or office furniture, appliances and equipment from one location to another including the temporary on-site storage of those items, parcel service delivery vehicles, truck-based freight service and operations, line-haul loading and unloading, destination sorting, terminal operations, and local delivery. Repair and maintenance of vehicles stored on the premises may also be included.

Usable Satellite Signal. A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to the picture quality of a signal received from local commercial television stations by way of a television antenna which conforms with the Zoning Ordinance and all other applicable ordinances of the City of West Allis.

Use. The function or kind of activity for which a premises is designed, arranged or occupied. For the purpose of this Subchapter, the actual use for which a premises is occupied shall in every case be construed as the use of such premises, regardless of any conflict with design, arrangement or intention.

Utility Trailer. A vehicle without motive power designed to be drawn upon a highway by a motor vehicle and intended to be used for general light cartage purposes.

Variance. A modification of the literal provisions of this Subchapter granted when strict enforcement would cause practical difficulty or unnecessary hardship owing to circumstances unique to the individual property for which the variance is granted.

Vehicle Sales and Rental: Uses that provide for the sale and/or rental of motor vehicles (personal/passenger and consumer vehicles or commercial vehicles) including recreational vehicles and equipment. Maintenance and repair services may be accessory uses when located on the same lot as the principal use. Typical examples include vehicle dealerships and rental agencies.

Vehicle Service facility - Commercial vehicles: Uses that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or similar large vehicles and vehicular equipment. This definition includes fleet vehicle fueling facilities and truck stops which may dispense conventional vehicle fuels and/or alternative vehicle fuels.

Vehicle Service facility - Personal, passenger and consumer vehicles: Commercial or industrial uses that provide for the service, maintenance and repair of motor vehicles and recreational vehicles and/or equipment for personal/passenger and consumer vehicles. Typical examples include body and paint finishing shops, commercial and passenger vehicle repair and maintenance and fuel stations. Towing or storage of vehicles, boats and recreational vehicles and vehicular equipment when accessory to the principal use and located on the same lot.

Veterinary Clinic. A state-licensed facility providing health and medical services, or surgical care to animals. **[Ord. O-2015-0016, 3/3/2015]**

Wind Energy System. Equipment that converts and then stores or transfers energy from the wind into usable forms of energy [as defined by Wis. Stat. § . 66.0403(1)(m)]. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system. **[Ord. No. O-2008-0056, 2/3/2009]**

Yard. An open space extending along a lot line and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Front*. A yard extending along the full width of the front lot line between side lot lines.

Yard, Rear. A yard extending along the full width of the rear lot line between side lot lines.

Yard, Side. A yard extending along a side lot line between the front and rear yards or between the front lot line and rear yard line where no front yard is required.

Zoning Map. The Official Zoning Map of the City of West Allis. See Section 12.05 of this Subchapter.

SECTION 18: **AMENDMENT** "12.20 Off-Street Parking Regulations For Single- And Two-Family Dwellings" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

12.20 Off-Street Parking Regulations For Single- And Two-Family Dwellings

1. Applicability. This section shall apply to all single- and two-family dwellings. No single or two-family dwellings shall hereafter be erected, expanded or structurally altered unless the requirements of this section, as applied to the entire dwelling, are complied with.
2. Schedule. Two (2) spaces minimum plus one additional space for each bedroom over three (3).
3. Types of vehicles. **[Ord. O-2008-0044, 10/21/2008]**
    a. Private passenger vehicles and residentially used trailers, open or enclosed, are permitted and must be on paved surfaces.
    b. No more than one of the following types of commercial vehicles or commercial vehicle attachments are permitted per property and must be on paved surfaces (also see Section 12.17 of the RMC regarding home occupancy vehicle and business use restrictions):
        i. A car, minivan or sport utility vehicle (SUV);
        ii. A pickup truck (excluding flatbeds and tow trucks) with no more than two (2) axles and four (4) wheels;
        iii. A van, defined as a smaller [not to exceed twenty-one (21) feet in length], one-piece, boxlike vehicle that resembles a panel truck, often has double doors both at the rear and along the curb side, and that has an enclosed space to transport cargo or passengers, or is equipped with living quarters for traveling and camping; with no more than two (2) axles and four (4) wheels;
        iv. A trailer, defined as an enclosed nonmotorized vehicle designed to be pulled by an automobile or truck, and not to exceed twelve (12) feet in length; or
        v. Snow plows attached to a vehicle between the dates of November 1 and May 1.
        vi. A tow truck or a flatbed hauler truck (maximum single vehicle capacity) when the operator is on-call and is a City towing contractor in accordance with Section 9.24 of the Municipal Code. When parked in a residential district the tow truck and/or flatbed hauler vehicle shall be kept empty (without vehicle in tow). **[Ord. O-2011-0081, 11/15/2011]**
    c. The following restrictions shall be placed on off-street parking of vehicles and vehicle attachments:
        i. Pickup trucks, vans, or trailers are permitted to have a rooftop rack.
        ii. Vehicles or vehicle attachments may not contain visible bulk refuse, construction waste, garbage, hazardous waste, infectious waste, refuse, rubbish, or solid waste, as defined in Section 7.05(1).
        iii. Loading and/or unloading of materials onto and/or off of commercial vehicles shall not be permitted.
        iv. Commercial vehicles or vehicle attachments shall not be parked in the required front yard setback as stated in each residential zoning district.
    d. This section shall not prohibit the temporary parking of commercial vehicles while they are being used to perform a service or make deliveries at the location where parked.
4. Location. All required parking spaces shall be located on the premises. Unenclosed parking spaces are permitted on paved driveways of not less than eight and one-half (8 1/2) feet in width in front, side and rear yards as follows:

a. Front yard parking.
    i. Dwelling with attached garage. On a paved driveway or surface which is located in the area between the front of the attached garage and the front lot line and which does not exceed the width of the garage.

    ii. Dwelling without attached garage. On a paved driveway of not less than eight and one-half (8.5) feet in width, which does not encroach in an area extending the full width of the lot between the line established by the front of the dwelling and the front lot line. Any such driveway shall have street access. **[Ord. 6202, 11/21/1995]**
    iii. For front yard parking only one driveway per dwelling is permitted.
b. Side and rear yard parking. On a paved driveway which is connected to a street or alley.

5. Drainage. Parking areas shall be graded and drained to prevent run off onto adjacent properties in accordance with requirements of the ~~Building Inspection~~Code Enforcement Department.
6. Surface. Parking areas shall be designed, constructed and maintained with all-weather durable and dustless pavements of bituminous concrete or asphalt and shall be of sufficient strength to maintain the surface and support the normal load placed thereon.

SECTION 19: **AMENDMENT** "12.75 Shoreland-Wetland Zoning Ordinance For The City Of West Allis" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.75 Shoreland-Wetland Zoning Ordinance For The City Of West Allis

1. Statutory Authorization, Findings of Fact, Statement of Purpose and Title.
    a. Statutory Authorization. This ordinance is adopted pursuant to the authorization in secs. 61.35 and 61.351 for villages; or, secs. 62.23 and 62.231 for cities; and, secs. 87.30 and 144.26 of the Wisconsin Statutes.
    b. Findings of Fact and Purpose. Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:
        i. Promote the public health, safety, convenience and general welfare;
        ii. Maintain the storm and flood water storage capacity of wetlands;
        iii. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
        iv. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
        v. Prohibit certain uses detrimental to the shoreland-wetland area; and,
        vi. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.
2. General Provisions and Zoning Maps.
    a. Compliance. The use of wetlands and the alteration of wetlands within the shoreland area of the municipality shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. (However, see section (4) of this ordinance for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit, unless otherwise expressly excluded by a provision of this ordinance.

b. Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if sec. 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when sec. 30.12(4)(a) of the Wisconsin Statutes applies.

c. Abrogation and Greater Restrictions.
    i. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under secs. 61.35, 62.23 or 87.30 of the Wisconsin Statutes, which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
    ii. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

d. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Chapter NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

e. Severability. Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

3. Shoreland-Wetland Zoning District.

a. Shoreland-Wetland Zoning Maps. The following maps are hereby adopted and made part of this ordinance and are on file in the office of the City Clerk:
    i. Wisconsin Wetlands Inventory Maps stamped "REVISED" on March 9, 1989.
    ii. Federal Emergency Management Agency "Flood Boundary and Floodway Map," April 15, 1981.
    iii. Southeastern Wisconsin Regional Planning Commission "Floodplain Delineation Map," January, 1995.
    iv. United States Geological Survey quadrangle map.

b. District Boundaries.
    i. The shoreland-wetland zoning district includes all wetlands in the municipality which are five (5) acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this ordinance and which are:
        (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance.
        (2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by

reference and made a part of this ordinance. Floodplain zoning maps adopted in section (3)(a)l. shall be used to determine the extent of floodplain areas.

ii. Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate District office of the Department for a final determination of navigability or ordinary high-water mark.

iii. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate District office of the Department to determine if the shoreland-wetland district boundary, as mapped, is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit, in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in sections (3)(c) and (3)(d), the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

iv. Filled Wetlands. Wetlands which are filled prior to October 27, 1988, the date on which the municipality received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this ordinance.

v. Wetlands Landward of a Bulkhead Line. Wetlands located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982, under sec. 30.11 of the Wisconsin Statutes, are not subject to this ordinance.

c. Permitted Uses. The following uses are permitted subject to the provisions of Chapters 30 and 31 of the Wisconsin Statutes, and the provisions of other local, state and federal law, if applicable.

i. Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:

(1) Hiking, fishing, swimming and boating;

(2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

(3) The practice of silviculture, including the planting, thinning and harvesting of timber.

ii. Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:

(1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

(2) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

(3) The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including

limited excavating and filling necessary for such construction or maintenance;

(4) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district, provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in Section (6)(a)3. of this ordinance;

(5) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

iii. Uses which are allowed upon the issuance of a building permit and which may include wetland alterations only to the extent specifically provided below:

(1) The construction and maintenance of roads, which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under Section (3)(c) of this ordinance provided that:

(A) The road cannot, as a practical matter, be located outside the wetland;

(B) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in Section (6)(a)3. of this ordinance;

(C) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

(D) Road construction activities are carried out in the immediate area of the roadbed only; and,

(E) Any wetland alteration must be necessary for the construction or maintenance of the road.

(2) The construction and maintenance of nonresidential buildings provided that:

(A) The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;

(B) The building cannot, as a practical matter, be located outside the wetland;

(C) The building does not exceed five hundred (500) square feet in floor area; and,

(D) Only limited filling and excavating necessary to provide structural support for the building is allowed.

(3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

(A) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;

(B) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;

(C) The construction and maintenance of roads necessary

for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Section (3)(c)3.a. of this ordinance; and,

(D) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:

(A) The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

(B) Only limited filling or excavating necessary for such construction or maintenance is allowed; and,

(C) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in Section (6)(a)3. of this ordinance.

d. Prohibited Uses.

i. Any use not listed in Section (3)(c) of this ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section (6) of this ordinance.

ii. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

4. Nonconforming Structures and Uses.

a. The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

i. The shoreland-wetland provisions of this ordinance authorized by sec. 62.231 of the Wisconsin Statutes, shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure in existence on the effective date of the shoreland-wetland provisions, or of any environmental control facility in existence on May 7, 1982, related to such a structure. All other modifications to nonconforming structures are subject to sec. 62.23(7)(h) of the Wisconsin Statutes, which limits total lifetime structural repairs and alterations to fifty percent (50%) of current fair market value.

ii. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.

iii. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this ordinance adopted under secs. 61.351 or 62.231 of the Wisconsin Statutes, may be continued although such use does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.

iv. The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of sec. 30.121 of the Wisconsin

Statutes.

v. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

5. Administrative Provisions.

a. Zoning Administrator. The Code Enforcement Director ~~of Building Inspections and Zoning~~ is appointed Administrator for the purpose of administering and enforcing this ordinance and shall have the following duties and powers:

i. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.

ii. Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.

iii. Keep records of all permits issued, inspections made, work approved and other official actions.

iv. Have access to any structure or premises at all reasonable hours for the purpose of performing these duties.

v. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the Department.

vi. Investigate and report violations of this ordinance to the appropriate municipal planning agency and the district attorney, corporation counsel or municipal attorney.

b. Zoning Permits. Unless another section of this ordinance specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section (8)(b)6. of this ordinance, or any change in the use of an existing building or structure is initiated.

i. Application. An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:

(1) General Information.

(A) Name, address and telephone number of applicant, property owner and contractor, where applicable.

(B) Legal description of the property and a general description of the proposed use or development.

(C) Whether or not a private water supply or sewage system is to be installed.

(2) Site Development Plan. The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

(A) Dimensions and area of the lot;

(B) Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;

(C) Description of any existing or proposed on-site sewage systems or private water supply systems;

(D) Location of the ordinary high-water mark of any abutting navigable waterways;

(E) Boundaries of all wetland;

(F) Existing and proposed topographic and drainage features and vegetative cover;

(G) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;

(H) Location of existing or future access roads; and,

(I) Specifications and dimensions for areas of proposed wetland alteration.

ii. Expiration. All permits issued under the authority of this ordinance

shall expire six (6) months from the date of issuance.

c. Certificates of Compliance.
    i. Except where no zoning permit or conditional use permit is required, no land shall be occupied or used; and, no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:
        (1) The certificate of compliance shall show that the building or premises, or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.
        (2) Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
        (3) The certificate of compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this ordinance.
    ii. The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof, pursuant to rules and regulations established by the municipal governing body.
    iii. Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

6. Amending Shoreland-Wetland Zoning Regulations.
    a. The municipal governing body may alter, supplement or change the district boundaries and the regulations contained in this ordinance, in accordance with the requirement of sec. 62.23(7)(d)2. of the Wisconsin Statutes, NR 117, Wis. Adm. Code, and the following:
        i. A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the municipal planning agency;
        ii. All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after Class II notice, as required by sec. 62.23(7)(d)2. of the Wisconsin Statutes. The appropriate District office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
        iii. In order to insure that this ordinance will remain consistent with the shoreland protection objectives of sec. 144.26 of the Wisconsin Statutes, the municipal governing body may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:
            (1) Storm and flood water storage capacity;
            (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
            (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
            (4) Shoreline protection against erosion;
            (5) Fish spawning, breeding, nursery or feeding grounds;
            (6) Wildlife habitat; or,
            (7) Areas of special recreational, scenic or scientific interest,

including scarce wetland types and habitat of endangered species.

iv. Where the District office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Section (6)(a)3. of this ordinance, the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

v. The appropriate District office of the Department shall be provided with:

(1) A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within ten (10) days after the submission of those recommendations to the municipal governing body.

(2) Written notice of the action on the proposed text or map amendment within ten (10) days after the action is taken.

vi. If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Section (6)(a)3. of this ordinance, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than thirty (30) days have elapsed since written notice of the municipal approval was mailed to the Department, as required by Section (6)(a)5.b. of this ordinance. If, within the thirty (30) day period, the Department notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality, as provided by secs. 62.231(6) and 61.351(6) of the Wisconsin Statutes, the proposed amendment shall not become effective until the ordinance adoption procedure under secs. 62.231(6) or 61.351(6) of the Wisconsin Statutes, is completed or otherwise terminated.

7. Enforcement and Penalties. Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the municipal planning agency and the district attorney, corporation counsel or municipal attorney who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than ten dollars ($10) nor more than five hundred dollars ($500) per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state or any citizen thereof, pursuant to sec. 87.30(2) of the Wisconsin Statutes.

8. Definitions.

a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

b. The following terms used in this ordinance mean:

i. "Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

ii. "Boathouse," as defined in sec. 30.121(1) of the Wisconsin Statutes,

means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

iii. "Class II public notice" means publication of a public hearing notice under Chapter 985 of the Wisconsin Statutes, in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing.

iv. "Conditional use" means a use which is permitted by this ordinance, provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning agency designated by the municipal governing body.

v. "Department" means the Wisconsin Department of Natural Resources.

vi. "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and, the deposition or extraction of earthen materials.

vii. "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

viii. "Environmental control facility" means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplements or replaced by other pollution control facilities.

ix. "Fixed houseboat," as defined in sec. 30.121(1) of the Wisconsin Statutes, means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

x. "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under sec. 144.26(2)(d) of the Wisconsin Statutes, not withstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under secs. 61.351 or 62.221 of the Wisconsin Statutes, and Chapter NY 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if;

(1) Such lands are not adjacent to a natural navigable stream or river;

(2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; or,

(3) Such lands are maintained in nonstructural agricultural use.

"Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261

Wis. 492 (1952); and, DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons."

xi. "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

xii. "Planning agency" means the municipal plan commission created under sec. 62.23(1) of the Wisconsin Statutes, a board of public land commissioners or a committee of the municipality's governing body which acts on matters pertaining to planning and zoning.

xiii. "Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and, three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

xiv. "Shoreland-wetland district" means the zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance.

xv. "Unnecessary hardship" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purpose of this ordinance.

xvi. "Variance" means an authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

xvii. "Wetlands" means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

xviii. "Wetland alteration" means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

[Ord. 6203, 11/21/1995]

SECTION 20: **AMENDMENT** “12.88 Historic Preservation” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.88 Historic Preservation

1. Purpose and Intent. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archaeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:
    a. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the City of West Allis' cultural, social, economic, political and architectural

history.

b. Safeguard the City of West Allis' historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
c. Stabilize and improve property values, and enhance the visual and aesthetic character of the City of West Allis.
d. Protect and enhance the City of West Allis' attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

2. Definitions. The definitions shall be as follows:
    a. Certificate of Appropriateness. The certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
    b. Commission. The Historical Commission of the City of West Allis.
    c. Historic District. An area designated by the Common Council of the City of West Allis on recommendation of the Commission that contains two or more historic improvements or sites.
    d. Historic Site. Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
    e. Historic Structure. Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City of West Allis, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
    f. Improvement. Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.
3. Historical Commission Composition. The Historical Commission composition is set forth in Sec. 2.55(4) of the Revised Municipal Code.
4. Historic Structure, Historic Site and Historic District Designation Criteria.
    a. For purposes of this subchapter, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archaeological or cultural significance to the City of West Allis such as historic structures, sites, or districts which:
        i. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
        ii. Are identified with historic personages or with important events in national, state or local history; or
        iii. 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
        iv. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
        v. Have yielded, or may be likely to yield, information important to prehistory or history.
    b. The Commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation, providing such are in conformance with the provisions of this subchapter.
5. Powers and Duties.
    a. Designation. The Commission shall have the power, subject to Section 12.88(6), to designate historic structures and historic sites and to recommend designation of historic districts within the City of West Allis' limits. Such designations shall be made based on Section 12.88(4). Historic districts shall be approved by the Common Council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this subchapter.

b. Regulation of Construction, Reconstruction, Alteration and Demolition.
    i. No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property to demolish such property unless a certificate of appropriateness (C of A) has been granted by the Historical Commission. Also, unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.
    ii. Upon filing of any application for a certificate of appropriateness with the Commission, the Commission shall approve the application unless:
        (1) In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
        (2) In the case of the construction of a new improvement upon a historic site or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
        (3) In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
        (4) The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of West Allis and state;
        (5) In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
    iii. If the Commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the certificate of appropriateness. The Commission shall make this decision within forty-five (45) days of the filing of the application.
    iv. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City of West Allis. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.
    v. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
c. Appeals. Should the Commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Common Council within thirty (30) days. In addition, if the Commission fails to issue a certificate of appropriateness, the Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this subchapter.
d. Recognition of Historic Structures, Sites and Districts. At such time as a

historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property, at City of West Allis expense, a suitable plaque declaring that such property is a historic structure, site or district.

6. Procedures.
    a. Designation of Historic Structures and Historic Sites.
        i. The Commission may, upon application by the property owner, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Section 12.88(4) above. At least ten (10) days prior to such hearing, the Commission shall notify the owners of record, as listed in the office of the City of West Allis Assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.
        ii. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the Commission may designate the property as either a historic structure, or a historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, Code Enforcement Director~~. Building Inspection Division~~, Plan Commission, and the City Assessor. The Commission shall cause the designation or rescission to be recorded, at City of West Allis expense, in the County Register of Deeds office.

    b. Creation of Historic District.
        i. For preservation purposes, the Historical Commission shall, upon application by the property owner, select geographically defined areas within the City of West Allis to be designated as historic districts and shall prepare a historic preservation plan for each. A historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the City of West Allis, after application of the criteria in Section 12.88(4) above. Each historic preservation plan prepared for or by the Historical Commission shall include a cultural and architectural analysis: supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.
        ii. Review and Adoption Procedure.
            (1) Historical Commission. The Historical Commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of the public hearing shall be sent by the City Clerk to the Alderpersons of the Aldermanic district or districts in which the historic district is located, and the owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed historic district. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historical Commission shall vote to recommend, reject or withhold action on the plan.
            (2) The Common Council. The Common Council, upon receipt of the recommendations from the Historical Commission, shall hold a public hearing, notice to be given as noted in

subparagraph a. above, and shall, following the public hearing, either designate or reject the historic district designation of the historic district, shall constitute adoption of the plan prepared for that district, and direct implementation of said plan.

7. Interim Control. No building permit shall be issued by the Building Inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historical Commission at which a nomination form is first presented until the final disposition of nomination by the Historical Commission or the Common Council of the City of West Allis unless such alteration, removal or demolition authorized by formal resolution of the Common Council of the City of West Allis as necessary for public health, welfare or safety. In no event shall delay be for more than one hundred eighty (180) days.
8. Penalties for Violations. Any person or persons violating any provision of this subchapter shall be fined fifty dollars ($50) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Building Inspector.
9. Separability. If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the remainder of the subchapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

[Ord 6644, 12/17/2002]

SECTION 21: **AMENDMENT** "13.02 Department Of Building Inspections And Zoning" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.02 ~~Department Of Building Inspections And Zoning~~Code Enforcement Department

1. ~~Under~~ Supervision ~~of Director of Building Inspections and Zoning~~. The Code Enforcement Department ~~of Building Inspections and Zoning~~ shall be under the supervision of the Code Enforcement Director ~~of Building Inspections and Zoning~~. The Building Inspector may employ qualified persons who shall bear the title of Assistant Building Inspectors. The Assistant Building Inspectors shall perform such inspection work, as the Building Inspector may direct, and shall perform such other duties as the Building Inspector may assign to them from time to time.
2. Records. There shall be kept in the Code Enforcement Department ~~of Building Inspections and Zoning~~ a record of all applications for building permits in a book for such purpose and each permit shall be regularly numbered in the order of its issue. A record shall also be kept showing the number, description and size of all buildings erected, indicating the kind of materials used and the cost of each building, and the aggregate cost of all buildings of the various classes. A record shall also be kept of all inspections made and of all removal and condemnation of buildings and a record of all fees collected, showing the date of their receipt and delivery to the City Treasurer. The Inspector shall make an annual report to the Common Council of these matters.

~~**[Ord. 6451, repeal S. 13.016, 8/3/1999]**~~

SECTION 22: **AMENDMENT** "13.03 Director Of Building Inspections And Zoning" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.03 ~~Director Of Building Inspections And Zoning~~Code Enforcement Director

1. Appointment Qualification and Bond. See section 2.32 of this Code.
2. ~~"Director of Building Inspections and Zoning" Defined. Where, hereafter in this Chapter, the term "Director of Building Inspections and Zoning" is used, it shall be held to mean the Director of Building Inspections and Zoning or his authorized representatives.~~ (Reserved.)
3. Head of ~~Building Inspections and Zoning~~Code Enforcement Department. The ~~Building Inspections and Zoning~~Code Enforcement Director ~~Department~~ shall have charge of the Code Enforcement Department ~~of Building Inspections and Zoning~~, as set forth in section 13.02 of this Code.~~:~~
4. Supervision ~~of Building Inspections and Zoning Department~~. The functions of the Code Enforcement Director ~~of Building Inspections and Zoning~~ shall be performed under the supervision of the Code Enforcement Director ~~of Building Inspections and Zoning~~. The Code Enforcement Director ~~of Building Inspections and Zoning~~ shall have, except where otherwise provided in this Chapter, the general management and control of all matters pertaining to building and zoning inspection, and shall enforce all state laws and City ordinances and lawful orders relating to the construction, alteration, repairs, removal and safety of buildings and other structures and permanent building equipment. The Inspector shall have full power to pass upon any question arising under the provisions of this Chapter relating to buildings, subject to conditions contained in this Chapter.
5. Access to Premises. The Code Enforcement Director ~~of Building Inspections and Zoning~~ and ~~his~~ any subordinates may, at all reasonable times for any proper purpose, enter upon any public or private premises and make inspection thereof and require the production of the permit for any building, electrical or plumbing work or the required license therefor.

6. Interference with Code Enforcement Director ~~of Building Inspections and Zoning~~. Any person interfering with ~~such representatives of the City~~the Code Enforcement Director or any designee, while in the performance of their duties, shall, upon conviction thereof, be punished as hereinafter provided.

SECTION 23: **AMENDMENT** "13.04 Definitions*" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.04 Definitions~~*~~

For the purpose of this Code, certain terms, phrases and words and their derivatives shall be construed as set out herein. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Wherever a section or part is referred to in this Code by number, it shall be understood to refer to a section or part of this Code.

1. Accessory Buildings. See "garage." **[Ord. O-2016-0038, 8/2/2016]**
2. Alley. Any open public space or thoroughfare less than thirty (30) feet, but not less than ten (10) feet in width, which has been deeded to the public for public use or any public space which has been dedicated for public use as alley.
3. Alteration. Alter or alteration means any change, addition or modification in construction or use.
4. Approved. As to materials and types of construction, refers to approval by the Code Enforcement Department ~~of Building Inspections and Zoning~~, as the result of investigation and tests conducted by it, or by reason of accepted principles or tests by nationally recognized technical organizations, or by reason of approval by the Industrial Commission of the State of Wisconsin.

5. Attic. Attic or "attic story" is any story situated wholly or partly in the roof, so designated, arranged or built as to be used for business storage or habitation.
6. Basement. Basement is a story wherein on every side of the building the average floor line is below the grade and the average ceiling height in every elevation is not more than five (5) feet above such grade.
7. Bay Window. Bay window is a rectangular, curved or polygonal window, extending beyond the main wall of the building.
8. Building. Building is any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind; and, when separated by a fire wall, each portion of such building so separated shall be deemed a separate building.
9. Dead Load. Dead load in a building includes the weight of the walls, permanent partitions, framing, floors, roofs and all other permanent stationary construction forming a part of the building.
10. Existing Building. Existing building is a building already erected or one for which a legal permit has been issued prior to the adoption of this Code.
11. Exterior Walls. Outer walls or vertical enclosure of a building, other than a party wall.
12. Family. Family is one person living alone or a group of two (2) or more persons living together in an apartment, whether related to each other by birth or not.
13. Floor Area. Floor area is the area inside the exterior or fire walls of a building, exclusive of vent shafts and courts.
14. Footing. Footing is the spreading course at the base or bottom of a foundation wall, column or pier.
15. Foundation. Foundation is a substructure, including masonry walls, piers, footings, piles, grillage and similar construction, which is designed to transmit the load of any super-imposed structure to natural soil or bed rock.
16. Front of Lot. Front of lot means the front boundary line of lot bordering on the street and, in the case of a corner lot, may be either frontage.
17. Garage. Garage is a structure used for storing motor vehicles that has more than two (2) sides completely enclosed. **[Ord. O-2016-0038, 8/2/2016]**
    a. Private Garage. Private garage is a garage maintained primarily for the convenience of the owner, tenant or resident occupant of the premises and in which no business is carried on and no service is rendered to the public.
    b. Public Garage. Public garage is any garage other than a private garage.
18. Grade.
    a. For buildings or structures adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.
    b. For buildings or structures adjoining more than one street, the average of the elevations of the sidewalk at center of all walls adjoining streets.
    c. For buildings or structures having no wall adjoining the street, the average level of ground (finished surface) adjacent to the exterior walls of the building or structure. All walls approximately parallel to and not more than five (5) feet from a street line are to be considered as adjoining a street.
19. Height of Building. Height of building is the vertical distance from the "Grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.
20. Lintel. Lintel is the beam or girder placed over an opening in a wall and which supports the wall construction above.
21. Live Loads. Live loads are all imposed, fixed or transient loads other than "Dead Loads."
22. Lot. Lot is a parcel of land having its principal frontage upon a street or alley and occupied or to be occupied by a building and its accessory buildings, together with such open spaces, as are required by the Wisconsin State Building Code, this Code and the zoning ordinance of the City of West Allis.
23. Lumber Sizes and Grades. Lumber sizes and grades, whenever used in this Code, shall mean nominal sizes. The actual sizes shall not be less than the sizes specified by the American Lumber Standards Committee. All grades shall be determined using American Lumber Standards as a basis.

24. Masonry. Masonry is that form of construction composed of monolithic concrete or of stone, brick, concrete, gypsum, hollow clay tile, concrete blocks or tile or other similar solid or hollow incombustible building units or materials, or a combination of these materials, laid up unit by unit and set in approved mortar.
25. Solid Masonry. Solid Masonry means masonry without hollow spaces.
26. Built Up Masonry. Built up masonry is that form of construction composed of stone, brick, gypsum, hollow clay tile, concrete blocks or other similar solid or hollow incombustible building units or materials or a combination of these materials laid up unit by unit and set in approved mortar.
27. Monolithic Masonry. Monolithic masonry is a homogeneous mass of inert materials mixed with Portland cement and constructed in one continuous operation.
28. Motor Vehicle. Motor vehicle is any self-propelling vehicle which is registered to travel over the streets and highways. **[Ord. O-2016-0038, 8/2/2016]**
29. Repair. Repair means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "Repair" or "Repairs" shall not apply to any alteration.
30. Shaft. Shaft means a vertical opening through one or more floors of a building for elevators, dumb waiter, light, ventilation or similar purposes.
31. Shall. Shall, as used in this Code, is mandatory.
32. Story.
    a. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above shall be considered a story, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. A basement shall not be considered a story unless the ceiling thereof is more than five (5) feet above grade.
    b. A building shall be considered a two (2) story building when the bearing walls extend more than three (3) feet above the second floor or said wall is more than seventeen (17) feet high, measured from the grade up. No two (2) story residence bearing wall shall have a height to exceed twenty-two (22) feet measured from the lower edge of the first floor joists to the top of the wall.
33. Structure. Structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
34. Veneer. Veneer is the outer facing of brick, stone, concrete or tile attached to an enclosing wall for the purpose of providing ornamentation, protection or insulation, which cannot be considered as adding to the strength of the walls.
35. Bearing Wall. Bearing wall is a wall of which any portion supports a load other than its own weight.
36. Curtain Wall. Curtain wall is a fire resistive nonbearing wall between columns or piers which is not more than one story or eighteen (18) times its thickness in height.
37. Enclosing Wall. Enclosing wall is that portion of a building wall which is exterior to the lath, plaster and other interior wall finish.
38. Fire Separation Wall. Fire separation wall is a wall of masonry or reinforced concrete which subdivides a building to restrict the spread of fire, but is not necessarily continuous through all stories nor extended through the roof.
39. Interior Wall. Interior wall is a wall which is entirely enclosed by exterior walls of the building.
40. Nonbearing Wall. Nonbearing wall is a wall which supports no load other than its own weight.
41. Panel Wall. Panel wall is a nonbearing wall built between columns or piers and wholly supported at each story.
42. Parapet Wall. Parapet wall is that part of any wall entirely above the roof line.
43. Party Wall. Party wall is a wall used or adapted for joint service between two (2) buildings.
44. Retaining Wall. Retaining wall is any wall used to resist the lateral displacement of any material.
45. Fence. Fence shall mean a structure erected for the purpose of separating properties, or

enclosing or protecting or screening the property within its perimeter. A fence shall not include construction site barriers, or a chain link fence enclosure wholly within the property to which it pertains and which conforms to the setbacks for an accessory structure which does not exceed six (6) feet in height and which is used for the purpose of containing a domestic animal(s). **[Ord. O-2015-0045, 9/15/2015]**

Editor's Note: This ordinance also repealed former Subsection (45), Portland Cement Mortar.

46. Through Lot. Through lot shall mean an interior lot having frontage on two (2) nonintersecting streets. **[Ord. O-2015-0045, 9/15/2015]**

Editor's Note: This ordinance also repealed former Subsection (46), Lime-Cement Mortar.

47. Accessory Structure. Accessory structure is a building or structure (other than recreational equipment or swimming pools), such as a storage shed, a gazebo, or other structure that is subordinate and incidental to the main building which is not a garage. **[Ord. O-2016-0038, 8/2/2016]**
48. Storage Shed. Storage shed is a building or structure that is accessory to a main building and is used for the storage of items other than motor vehicles. **[Ord. O-2016-0038, 8/2/2016]**
49. Industrial Bucket or Container. An industrial bucket or container is an object that has a manufactured purpose or design to hold paint, solvents, salts, chemicals, or similar products. This definition pertains to containers or buckets with a volume of one (1) gallon or larger. This excludes containers that are designed by the manufacturer to be a decorative plant holder and are being used for that specific purpose. **[Ord. O-2016-0034, 9/6/2016]**
50. Construction Value. Construction value means the total cost of all construction work for which a permit is issued and shall include, where applicable, structural, electrical, plumbing, mechanical, interior and exterior finishes, normal site preparation, excavation, backfilling, overhead and profit. Construction value shall not include land purchase costs. The determination of construction value shall be made on actual or current averaged costs and is subject to verification by the Building Inspector. **[Ord. O-2016-0058, 12/6/2016]**
51. Area Calculation. Area calculation means the entire area of all principal floors, mezzanines, basements, attics and exterior porches, decks and platforms. This shall include all areas that could be used as finished or occupied areas with future alterations. Area calculation shall exclude crawl spaces with less than seventy-six (76) inches of ceiling height and attics with less than sixty (60) inches of ceiling height and that are only accessed by a scuttle or access panel. **[Ord. O-2016-0058, 12/6/2016]**

SECTION 24: **AMENDMENT** "13.05 Permits" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.05 Permits

1. Permits Required. Unless a permit is specifically not required through this Code, no building or structure, or any components of said building or structure, shall be constructed, altered, moved, demolished, erected, installed, enlarged, removed, converted, repaired, or undergo a change of occupancy without first obtaining a permit to do such from the Code Enforcement Department ~~of Building Inspections and Neighborhood Services~~.
2. No Permit Required. The following work does not require a building permit.
    a. Repairs. No permit is required for repairs and minor alterations that do not change the occupancy, life safety, area, structural strength, fire protection, egress or exiting system, lights or ventilation of the building.

b. Exterior Site Improvements. No permit is required for retaining walls less than five (5) feet in height or walks, driveways, stoops, outdoor patio areas and/or other similar improvements constructed of concrete, brick, or other hard surfaces within three (3) feet of grade.
c. Window Replacement and Awnings. For residential one- or two-family use properties, no permit is required to replace existing windows of the same dimension in the original opening, and no permit is required for awnings supported by an exterior wall.
d. Siding and Roofing. For residential one- and two-family use properties, no permit is required to install or replace nonstructural siding or roofing materials, including underlayment, on an existing dwelling or accessory building or structure.
e. Decks. No permit is required for decks less than twenty-five (25) square feet that are within four (4) feet of grade. No permit is required for replacing deck boards, stairs, guards or handrails on an existing deck.
f. Other Work. No permit is required for painting, replacing tiling, replacing flooring, replacing cabinetry, or other similar work.

3. Code Compliance. All work, including work exempted from permit requirements, shall conform to all applicable construction code requirements unless otherwise stated. An Inspector may require a permit to be issued for repairs ordered for code compliance.
4. Permit Required Before Commencing Work. The property owner shall not allow the performance of any work requiring a permit without first making application for and being issued a permit. It shall be unlawful to do any work without a permit except as regulated in Subsection **(2)** above. An authorized agent may act on an owner's behalf to obtain a permit, but the owner is responsible that a permit is obtained.
5. Work Performed Without a Permit. The owner shall correct any work done without a permit, unless specifically excluded through this code, either by obtaining a permit for said work, or by correcting or removing the work done to the satisfaction of the Code Enforcement Department ~~of Building Inspections and Neighborhood Services~~. Obtaining a permit for work done without a permit may include removing wall, floor or ceiling finishes and structures to be able to properly inspect the work, at the owner's expense. The work done will be required to meet this code for compliance as new work. Any work performed prior to permit issuance may be subject to increased permit fees as stated in the permit fee schedule.
6. Emergency Work. Emergency work may be allowed when the permit application is filed within the next business day. The Inspector shall be notified when emergency work is to commence prior to permit application.
7. Stop-Work Order. Whenever the Building Inspector finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Inspector is authorized to issue a stop-work order.
    a. The stop-work order shall be in writing and be issued by posting on the premises. Upon issuance of a stop-work order, the cited work shall immediately cease. The stop-work order shall state the reason for the order.
    b. Any person who shall continue any work after issuance of a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, is subject to penalties as prescribed by this Code.
    c. Any person removing a stop-work order without the authorization of the Inspector is subject to penalties as prescribed by this Code.

[Ord. O-2005-0023, 6/7/2005; Ord. O-2010-0010, 4/6/2010; Ord. O-2015-0045, 9/15/2015; Ord. O-2016-0038, 8/2/2016; Ord. O-2017-0047, 10/3/2017]

SECTION 25: **AMENDMENT** "13.06 Permit Application And Issuance" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.06 Permit Application And Issuance

1. Application for Permit. **[Ord. O-2011-0023, 7/5/2011]**
    a. Any owner of a premises, or person desiring a permit as required by this code shall file with the Inspector an application in writing on a form furnished for such purpose. Every application shall describe the land on which the proposed work is to be done by legal description, street address, or similar, that will readily identify the proposed building or work. Every application shall describe the use of the property, the construction to be done, the use or occupancy for which the proposed work is intended, the estimated cost of the construction, and any other reasonable information that may be required by the Inspector. The application shall be accompanied by plans, drawings, specifications, engineering details, and other information as required to provide sufficient detail for review in the issuance of a building permit. Application materials shall include, but not be limited to, when applicable: detailed and to scale footing, foundation, wall, floor, and roof plans; exterior elevation plans; floor plans indicating exits, windows, and room uses; section details of construction; itemized structural loads and calculations; equipment information; and other information as may be necessary to review an application and issue a permit.
    b. An application for commercial (non-1 or 2-family use property) building construction or HVAC construction shall include an application for plan review fee in accordance with the fee schedule as stated in Subsection 13.255. The City of West Allis is classified as a Second Class City by the State of Wisconsin and, as such, is authorized to provide plan review and inspections for all commercial building projects, regardless of size, except state-owned buildings.

    c. An application for commercial (non-1 or 2-family use property) building or HVAC construction shall include two (2) complete sets of paper plans and an acceptable readable electronic base copy (i.e., jpg, tif. pdf). Plan submittal shall include, but not be limited to, specifications for all components of the project, trusses, pre-cast concrete and laminated wood.
    d. For commercial building and HVAC construction projects, the following State of Wisconsin Department of Commerce (COMM) Codes are specifically referenced:
        i. Construction documents submitted for review shall be designed and sealed by a State of Wisconsin designer, such as an architect, engineer or other authorized licensed person in accordance with COMM 61.31 and ch. 443, State Statutes.
        ii. See COMM 61.30(4) and 61.40 for designer exception allowance for stated smaller construction projects.
        iii. See COMM 61.40 for supervision requirements by project designer regarding plan submittal, project construction supervision and supervision to submittal of completion statement of substantial compliance at project completion.
2. Cost of Construction. The applicant for a permit shall provide an estimated cost of construction at the time of application. Cost estimates shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. The estimated cost of construction may be set by the Building Inspector.
3. Survey Submittal. Whenever the proposed construction is for a new building or structure, or for an addition to an existing building or structure, the application shall include an accurate plat of survey containing the stamp of a licensed State of Wisconsin surveyor. The survey shall include, but not be limited to: the legal description of the lot or parcel of land as obtained from official records; the date of the survey; a scaled drawing of the parcel of land showing lot dimensions; the exact location of existing buildings and structures on the parcel of land at the time of the survey; the exact dimensions of buildings and structures and the distances to lot lines

and between buildings and structures. Similarly, the proposed addition to a building or structure is to be shown on the survey.

a. An existing, accurate and proper survey of the property may be used for permit application, with scaled additional information drawn thereon by any person. The Building Inspector may require a new survey if any information is suspect in the opinion of the Building Inspector.
b. The Building Inspector may allow the submittal of a scaled site plan in substitution of a plat of survey for permit applications for uncovered decks, platforms, stoops, sheds and other property improvements not excepted from permitting requirements. The site plan shall contain the information as required for a survey submittal, but not require a surveyor's stamp.

4. Submittal Documents. Construction documents shall be submitted with the application and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of the construction codes, as determined by the Inspector.
    a. One- and Two-Family Use Construction. Three (3) complete sets of construction documents shall be submitted with the application form for one- or two-family use properties.
    b. Multifamily, Commercial and Other. Four (4) complete sets of construction documents shall be submitted with the application form for construction work associated with non-one- or two-family use properties. These types of construction projects require submittal of documents prepared by a registered design professional in accordance with the State of Wisconsin Commercial Building Code.
5. Waiver of Plans. The Building Inspector may waive the filing of plans, a survey and/or site plan submittal requirements for construction projects if, in the opinion of the Inspector, the character of the work is sufficiently described in the application.
6. Application Review for Setting Grade. All initially constructed one- and two- family dwellings hereafter erected shall be set at a grade providing at least twelve (12) inch pitch from the building to the front lot line. The permit application shall be reviewed by the City Engineering Department, which shall establish the grade line. Denial of a permit for noncompliance with the grade dimensions may be appealed to the Board of Appeals, which may grant relief from hardship by reason of terrain and other unusual circumstances.
7. Roadway, Water, Sanitary and Storm Sewer Requirements. No permit will be issued for the erection of a building upon a lot within the corporate limits of the City unless the lot abuts upon a passable, hard paved surfaced roadway which will allow proper and ready access for fire, police and other municipal services and equipment, nor shall a permit be issued unless there are available abutting such lot public water, sanitary and storm sewer facilities for utility connection. The storm sewer connection may be conditionally waived where storm sewer is not readily available as a lateral into the lot or the main does not abut the lot being developed. The waiver shall not allow surface stormwater runoff from impervious areas and/or sump discharges to cause a nuisance to the public right-of-way or to abutting properties.
8. Zoning Approval. All building permit applications shall be reviewed for compliance with the Zoning Code.
9. Fire and Health Department Review. One set of plans submitted for a building permit for other than one- or two-family use properties shall be sent to the Fire and/or Health Department when required. Processing and issuance of the permit is not contingent upon Fire/Health Department approval(s).
10. Action on Application. The Inspector shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Inspector shall reject such application in writing, stating the reasons therefore. If the Inspector is satisfied that the information and construction documents submitted for the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Inspector shall approve the permit to be issued as soon as practicable.

11. Approval of Construction Documents. **[Ord. O-2011-0023, 7/5/2011]**
    a. When the Inspector approves an application for permit issuance, the construction documents shall be approved in writing or by stamp as "conditionally approved." One set of construction documents so reviewed shall be retained by the ~~Building Inspection~~Code Enforcement Department. One set shall be returned to the applicant at the issuance of the permit and it shall be kept at the site of work and open to inspection by the Inspector or his authorized representative.
    b. An application for plan review for commercial (non-1 or 2-family use property) construction or heating, ventilation, air conditioning (HVAC) when determined to be substantially conforming to the code, regulations and ordinances, shall be processed with a written notice to the submitter and building owner stating all conditions of approval. Additionally, plans shall be stamped "CONDITIONALLY APPROVED" and signed and dated by the certified commercial building inspector.
        i. All non-code complying and other conditions stated in the conditional approval notice shall be corrected or met before or during construction and before occupancy of the building.
        ii. A complete set of conditionally approved plans shall be kept at the project work-site and available to the Inspector at all times.
        iii. A conditional approval of a plan may not be construed as an assumption of any responsibility on the part of the City or the certified commercial building inspector for design or construction of the building.
        iv. If plan submittal does not substantially conform to the code, regulations or ordinances, a denial of plan approval shall be issued by the issuance of a notice in writing to the submitter and the building owner stating the reasons for denial. Plans shall be stamped "NOT APPROVED" and signed and dated by the certified commercial building inspector.

12. Holding Permit Issuance. Permit issuance may be held for the compliance with conditions that may be applied in the application review process by the Planning Division, the Plan Commission, the Engineering Department, the Fire Department, the City Attorney's Office and/or the Common Council.
13. Payment of Fee, Valid Permit. The fees for permits shall be assessed in accordance with the fee schedules of the Building Code (Chapter **13**), Electrical Code (Chapter **14**) and Plumbing Code (Chapter **16**), and payable at the time a permit is issued. A permit shall not be valid until the fee is paid and the permit number assigned.
14. Approved Construction Documents. Work shall be installed in accordance with the approved construction documents. Any changes made during construction shall be resubmitted for approval. The Inspector may assess a fee for resubmittal in accordance with the applicable fee schedule.
15. Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Inspector is authorized to grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days each. The extension shall be requested in writing with cause stated.
16. Expiration of Permit. **[Ord. O-2010-0010, 4/6/2010]**
    a. If any construction for which a permit has been issued is not started within one hundred twenty (120) days from the issuance of the permit, or if construction is suspended or abandoned for more than sixty (60) days, the permit shall expire and be void. No construction shall commence or resume unless a time extension is granted. The Building Inspector shall make the final determination as to if the permitted work has not started or has been suspended or abandoned. The permit shall not be considered expired until the Inspector has notified the permit holder in writing and offered a time extension as stated in Subsection (16)(c).

b. A building permit shall expire two (2) years from the date of issuance and be void. No construction shall resume unless a time extension is granted. The permit shall not be considered expired until the Building Inspector has notified the permit holder in writing and offered a time extension as stated in Subsection (16)(c).
c. An extension of time, not to exceed twelve (12) months, may be allowed to a voided permit if the permit holder provides a written request within thirty (30) days of notification stating reasonable cause and a time table for completion. An administrative fee of one-twelfth (1/12) of the original fee construction fees per month of extension may be charged after permit expiration at the discretion of the Building Inspector.
d. Any permit that includes exterior property improvements, including but not limited to, building or structure, i.e., siding, windows, roofing, gutters/downspouts, driveway, curb cut, parking lot, yard grading or drainage, and/or installing vegetation or other erosion or dust control improvement, shall be completed within two (2) years of the issuance of the permit and shall not be allowed an extension of time. If not completed within two (2) years, the noncompliance of completion shall be processed as a violation of the Property Maintenance Code.
e. Renewal of a permit may be allowed upon written request, filed within one hundred twenty (120) days after the permit has expired. The Director may reduce fees based upon inspection work completed. After one hundred twenty (120) days from the date the permit has expired, the permit shall be processed as a new permit.

17. Revocation of Permit. If, at any time, ordinances, laws, orders, plans and specifications are not being complied with, the Inspector may revoke the permit by written notice to the property owner and placarding of the property. When any such permit is revoked, it shall be unlawful to do any further work upon such building or premises until a new permit is issued, excepting such work as the Inspector shall order to be done to make the site safe or as a condition precedent to the issuance of a new permit.
18. Suspension of Permit. The Inspector is authorized to suspend a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. When a permit is suspended it shall be unlawful to do any further work unless authorized by the Inspector.

19. Validity of Permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data.
20. Refunds. A refund of fees paid may be allowed in accordance with the applicable fee schedule.
21. Access. Upon issuance of a permit, the property owner shall allow the Inspector reasonable access to the property for inspection for code compliance.
22. Priority Plan Review. A priority plan review is a service that expedites the plan review time frame to three (3) business days or less after the complete submittal of all required plan review documents. The permit issuance may be held until other municipal agencies or departments have authorized permit issuance. **[Ord. O-2016-0058, 12/6/2016]**

[Ord. O-2005-0023, 6/7/2005]

SECTION 26: **AMENDMENT** "13.07 Inspections" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.07 Inspections

1. General. Construction or work for which a permit is required shall be subject to inspection, and such construction or work shall remain accessible and exposed for inspection purposes until approved. The Inspector may inspect the work or allow construction to proceed without an inspection. The work may also be inspected at intervals approved by the Inspector. Inspection approval shall not presume to give authority to violate or cancel the provisions of this code or of other ordinances of the City. It shall be the duty of the owner to cause the work to remain accessible and exposed for inspection purposes. Neither the Inspector nor the City shall be liable for expenses entailed in the removal or replacement of any material required to allow inspection.
2. Administrative Approval. The Code Enforcement Director ~~of Building Inspections and Neighborhood Services~~ may defer certain inspections within administrative procedures.
3. Preliminary Inspection. Before issuing a permit, the Inspector is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.
4. Inspections. The Inspector shall be notified when the following work is ready for a required inspection, when applicable to the project. The Director or Building Inspector may waive any inspection required below at their discretion.
    a. Footing Inspection. Footings shall be inspected after excavations are complete, any required forms are in place, and any required reinforcing steel is in place. Materials for the footing shall be on the jobsite, except when concrete is ready mixed in accordance with the current building code.
    b. Concrete Foundation and Foundation Wall Inspection. Concrete foundations and foundation walls shall be inspected after any required forms are in place and any required reinforcing steel is in place. Materials for the concrete foundation or foundation wall shall be on the jobsite, except when concrete is ready mixed in accordance with the current building code.
    c. Backfill of Foundation Wall Inspection. Foundation walls shall be inspected prior to backfill being placed, and after any required foundation forms are removed, foundation drainage systems are installed, and any required foundation insulation is in place.
    d. Concrete Slab or Under-Floor Inspection. Concrete slabs shall be inspected after in-slab or under-floor reinforcing steel is in place, building service equipment, conduit, piping, accessories and other ancillary equipment items are in place, any required vapor barrier is in place, and any required slab insulation is in place, but before any concrete is placed.
    e. Framing Inspection. Framing of floors and walls shall be inspected after the roof deck or sheathing, all framing, trusses, fire blocking and bracing are in place. All pipes, chimneys and vents which are to be concealed shall be installed and the rough electrical and rough plumbing inspections have been approved by the Electrical and Plumbing Inspectors. Framing inspection approval is required prior to concealment by floor or wall materials. Truss installation specifications shall be on site and available to the inspector for the framing inspection.
    f. Insulation and Vapor Barrier Inspection. Any required insulation or vapor barrier shall be inspected after installation, but prior to concealment by floor or wall materials. Exterior house wrap materials shall be inspected prior to concealing with siding or other finished surfaces.
    g. Ceiling Inspection. All lay-in ceiling grid, framing, and HVAC ductwork shall be inspected in the area above the ceiling prior to concealment by ceiling tiles, drywall or other finish materials.
    h. Firewall Inspection and Fire Resistant Penetrations. All required firewalls shall be inspected during each layer of material installation to ensure compliance with the system's listing and installation instructions. Any penetrations in a

firewall shall be inspected after installation. The owner or contractor shall provide the inspector with documentation on the firewall and penetration systems used. Firewalls and penetrations shall be identified and marked per building code requirements prior to inspection.

i. Equipment Inspection. All equipment, to include but not limited to HVAC and associated mechanical and duct work, shall be inspected.

j. Other Inspections. In addition to the inspections specified above, the Inspector is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the building code and other laws that are enforced by the Department.

k. Final Inspection. Final inspection shall be made after any corrections from previous inspections have been completed and all work associated with an issued permit is completed. Completion statements from all designers, balance reports, and any other documentation shall be provided prior to, or at the time of, the final inspection as required by the building code.

l. Demolition Inspection. Buildings and structures being demolished shall be inspected after all building materials, foundations and slabs have been removed, but prior to backfilling any basement area or foundation holes. A final inspection is also required once the site is final graded and permanent vegetation is installed to prevent erosion.

m. Erosion Control Inspection. Erosion control measures shall be inspected after installation, but prior to disturbing the ground. Erosion control measures shall be periodically inspected during the construction project to ensure they are being maintained until permanent vegetation is installed to prevent soil erosion. A final inspection shall be required once permanent vegetation is installed and the soil erosion control measures have been removed.

5. Inspection Requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Inspector when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections made by the Inspector.

6. Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Inspector. The Inspector, upon notification, may make the requested inspection and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder where the same fails to comply with this code. Any inspections that do not comply with the code shall be corrected to comply with the code. The Inspector shall be notified when compliance is made and such portion may be reinspected by the Inspector.

7. Construction Under the UDC. Inspections listed in the State of Wisconsin Department of Safety and Professional Services Uniform Dwelling Code for dwellings constructed after June 1, 1980, shall be required by this code and performed by the Building Inspector.

8. Inspection Record Card. An inspection record card may be issued with a building permit. If an inspection record card is issued, the contractor or property owner shall post the card for the Inspector's signature/approval. The contractor or property owner shall request inspections as indicated on the inspection record card and this code section.

[Ord. O-2005-0023, 6/7/2005; Ord. O-2017-019, 4/18/2017]

SECTION 27: **AMENDMENT** "13.21 Sign Code" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

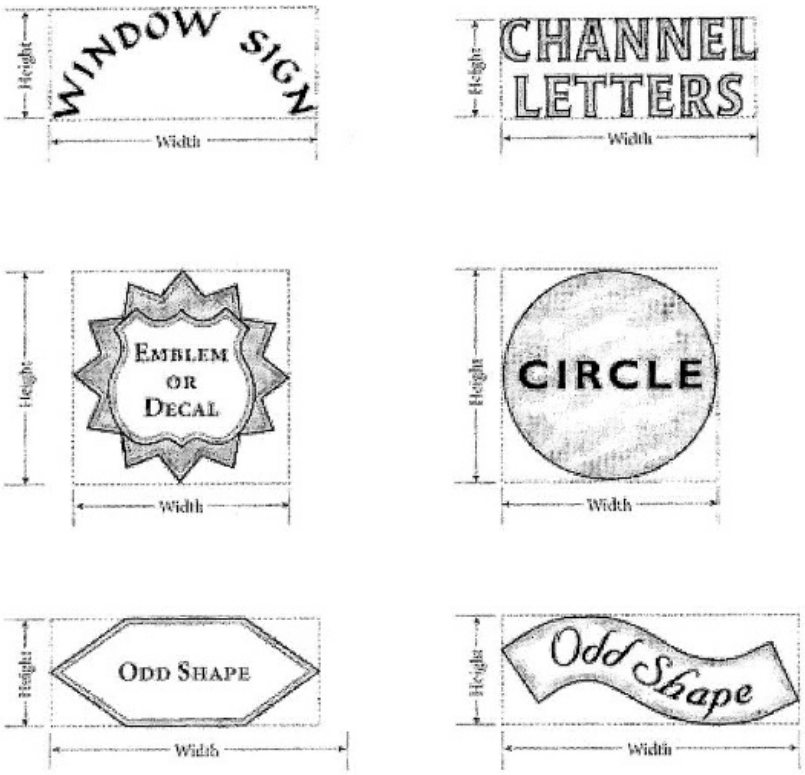
13.21 Sign Code

1. Purpose. It is declared that the regulation of signs within the City is necessary and in the public interest to:
    a. Protect property values within the City.
    b. Preserve the beauty and the unique character of the City by aesthetically complementing the development, which a sign identifies.
    c. Promote a healthy and properly designed business environment.
    d. Provide for the expression of both commercial and noncommercial speech.
    e. Provide for the identification and advertising needs of businesses.
    f. Safeguard the general public from damage and injury, which may be caused by the faulty and uncontrolled construction of signs within the City.
    g. Protect against hazards to vehicular traffic movement through improper placement of signs.
    h. Promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City.
    i. No regulation of sign content is intended to result from the application of this sign code.
2. Definitions. As used in this section:

    "Abandoned sign" means a sign or portion of a sign structure located on a property which becomes vacant and is unoccupied for a period of sixty (60) days or more, any sign or structure which pertains to a time, event or purpose which no longer applies or a sign which no longer directs attention to a business, activity or service offered or product sold on the premises.

    "Area of sign" means that area enclosed by one continuous line, connecting the extreme limits or edges of writing, representation or similar figures or characters together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed on a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any point. This area does not include the main supporting sign structure, but other ornamental attachments are to be included in determining area of sign. As shown below:

MEASUREMENT OF DISPLAY AREA



"Awning": means a roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

"Awning sign" means a sign attached to an awning.

"Banner" means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, fabric or similar flexible material of any kind. A flag shall not be considered a banner.

"Building front foot" means the maximum building width measured at grade level with the street.

"Bus shelter" means a structure which protects public transit system passengers from the climate while they wait for the arrival of their buses.

"Business front foot" means the lineal distance of the building space occupied by the particular business measured on a straight line parallel to the street. Where a business does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business.

"Change of Use" is deemed to have occurred whenever the type of business changes or when the occupant changes.

"Changeable copy sign" means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.

"Construction sign" means any sign giving the name or names of principal contractors, subcontractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other pertinent information included thereon.

"Creative sign" means any sign of unique design that exhibits a high degree of thoughtfulness, imagination, inventiveness and spirit, and that makes a positive visual contribution to the overall image of the City.

"Development sign" means any sign used to identify future residential or nonresidential development or such a development under construction.

"Directional sign" means any sign used to identify a certain location on a premises.

"Electronic message center sign" means a type of changeable copy sign upon which message or display is presented with patterns of lights or other means.

"Fascia" means a flat board, band, or face, used sometimes by itself but usually in combination with moldings, often located at the outer face of the cornice.

"Fixture" means a piece of equipment which has been permanently attached to real estate in such a way as to be part of the premises.

"Flag" means any national flag, flag of political subdivisions and symbolic insignia of any institution or business.

"Flashing sign" means a type of changeable copy sign upon which a message or display is presented more frequently than for three-second intervals.

"Freestanding sign" means any sign which is supported by structures or supports in or upon the ground and independent from any building.

"Grand opening sign" means a sign which calls attention to a new business or the announcement of a change in ownership of a business.

"Height of sign" means the overall height of a sign and/or the supporting structure of a sign, where applicable, measured from the top of the sign and/or supporting structure of the sign to the ground.

"Holders of permit" means, collectively, the owner(s) of the premises on which a sign is located and the lessee(s) of the premises to which such sign pertains.

"Illegal sign" means any sign, except the following:

A sign allowed by this section and not requiring a permit.
A sign allowed by this section carrying a valid permit.
A legal nonconforming sign.

"Informational sign" means a sign that indicates separate buildings or services on premises.

"Maintenance" means the replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of the copy.

"Master sign program" means the establishment of an identification program for any multi-tenant operation within the City, including, but not limited to, office parks, industrial and multi-tenant office and retail buildings, and buildings over twenty-five thousand (25,000) square feet of area. The intent of a master sign program is to give a uniform theme of size, color and style to signs in such a development.

"Minor tenant," as part of the Master Sign Program application process, means an individual tenant space of no more than three thousand (3,000) square feet and located within a portion of a multi-tenant commercial building (MTCB) of at least one hundred thousand (100,000) square feet or larger. **[Ord. O-2010-0037, 10/19/2010]**

"Multiple tenant commercial building (MTCB)" means a commercial development, which includes three (3) or more tenants, or a building area of twenty-five thousand (25,000) square feet or more, or buildings with frontage along an interstate highway.

"Nonconforming sign" means a sign that met code regulations when it was originally erected, either by adherence to a previous sign code or by a variance granted to that code, but which does not comply with all the present regulations of this section.

"Parapet wall" means a wall extending above the plate line of the building.

"Pennant" means a tapered or dovetailed banner, sign, or streamer, with or without any representation or writing thereon.

"Permanent sign" means any sign which is intended to be and is so constructed as to be lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in some permanent manner affixed to the ground, wall or building.

"Planned development" means a collection of like-use buildings, residential, office or industrial in nature, designed contemporaneously and in close proximity to each other as part of a single integrated project, including, but not limited to, residential subdivisions and office or industrial parks.

"Plate line" means the point at which any part of the main roof structure first touches or bears upon an external wall.

"Political sign" means a sign supporting a candidate for office or urging action on any other matter or social issue.

"Portable sign" means any sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building, including, but not limited to, signs on trailers.

"Projecting sign" means a sign attached to a wall and projecting away from the wall more than twelve (12) inches but not more than four (4) feet.

"Residential corridor" means a geographic area which predominately features homes.

"Roofline" means the highest point of the main roof structure or highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.

"Roof sign" means a sign extending above the roofline or located on the roof.

"Sale, lease and rent sign" means a temporary sign which indicates that some premises or vacant land is for sale, lease or rent.

"Sandwich board sign" means a two-sided portable sign constructed of wood, metal or similar rigid material generally displayed outside of a commercial establishment to identify a product or service.

"Seasonal sign" means a temporary sign for seasonal commercial establishments, including, but not limited to, garden centers, Christmas tree lots and fruit and vegetable stands.

"Shingle sign" means a sign used to identify a business whose front is under a roof overhang, covered walkway, covered porch or open lattice walkway.

"Sign" means any device, structure, fixture, banner or placard using graphics, symbols, and/or written copy for the primary purpose of identifying or advertising any establishment, product, goods or services. The term "sign" shall not include any flag.

"Sign value" means the amount reported on the sign permit, which includes the costs of design, materials, construction, and installation.

"Snipe sign" means any sign attached to public property or erected in or over the public right-of-way. This does not include a sign projecting into the public right-of-way for which a grant of privilege has been obtained or signs installed by City, county, state or federal government.

"Streamer" means the same as pennant, as defined in this subsection.

"Structure" means any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner.

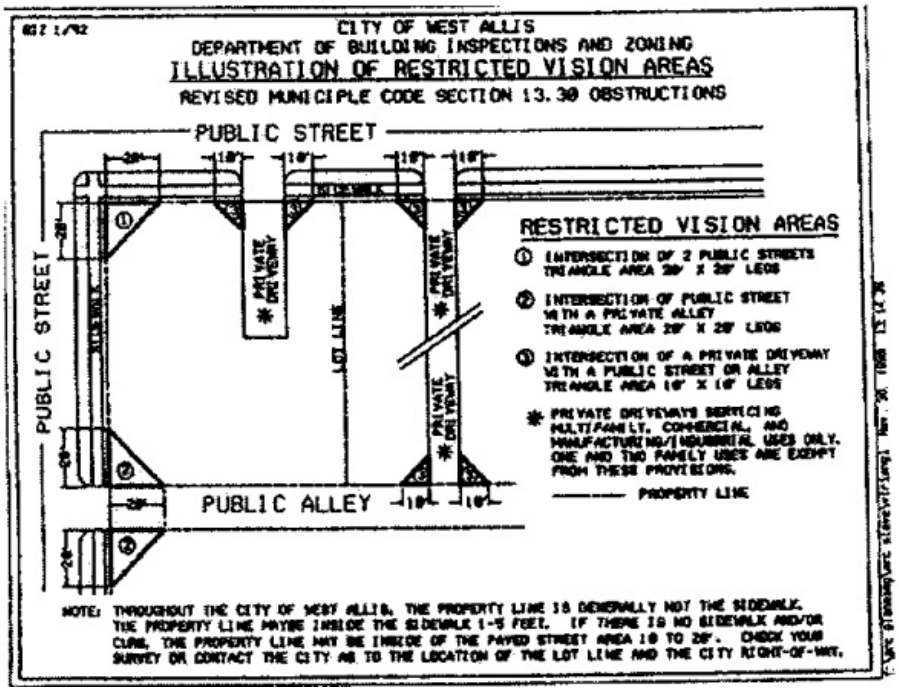
"Temporary sign" means a sign constructed of, but not limited to, cloth, canvas, wood, light fabric, cardboard, wallboard, plastic or other like materials, with or without frames, or any type of sign not permanently attached to the ground, wall or building which is permitted for display for a limited period of time only.

"Tenant directory board" means any sign on which the names of occupants or the uses of a building is given, including, but not limited to, those utilized at office buildings, retail centers and other MTCBs.

"Time and temperature signs" means a sign which conveys the time and/or temperature.

"Traffic directional sign" means a sign designed and located solely for the purpose of relieving traffic congestion and directing and promoting the safe flow of traffic.

"Vision triangle" means a restricted vision area at the intersection of two public streets, a public street and a private alley, and a private driveway and a public street or alley. Private driveways servicing one- and two-family uses are exempt from the vision triangle restriction.



"Wall sign" means a type of sign, the back of which is attached flat (parallel) to a building wall or structure, twelve (12) inches or less from the wall.

"Window sign" means any sign painted upon or attached to or displayed in a window or door in such a manner as to permit viewing from the exterior of the building or structure.

3. Requirement of Conformity. It shall be illegal for a sign to be erected, constructed, repaired, altered, located or maintained in the City, except as provided in this section.
    a. All signs constructed or maintained contrary to the provisions of this section are declared to be illegal.
    b. Any person or entity violating any provisions of this section or failing to comply with any orders or regulations made hereunder shall be subject to the penalties hereof and those otherwise provided by law.
    c. This section shall not apply to signs located in the C-1 Central Business District of the City.
4. Conformity of Nonconforming Signs.
    a. Any and all signs on a parcel which are nonconforming as of the date of the adoption of this Code (April 17, 2007) nonconforming being defined in Section 13.21(2) of this chapter and Sec. 62.23(7)(h), shall conform to this section: **[Ord. O-2008-0035, 7/1/2008]**
        i. When there is any alteration to a sign that requires a permit;
        ii. When there is any alteration to a building or site or structure that requires Plan Commission review;
        iii. When the total structural repairs or alterations in a nonconforming building, premises, structure, or fixture exceeds fifty percent (50%) of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use; or
        iv. When the nonconforming use of the building, premises, structure, or fixture is discontinued for a period of twelve (12) months.
    b. All signs subject to the conformity requirements of this section will have twelve (12) months from issuance of permit for an exterior alteration to a building or site or structure to meet the requirements. An extension of this time limitation may be granted by the Plan Commission in accordance with the following criteria:
        i. The applicant requesting the extension shall complete a signage application available from the ~~Department of Development~~Planning and Zoning Program Staff and shall submit an extension fee ~~of two hundred fifty dollars ($250.)~~in the amount listed on the Fee Schedule.

        ii. A written explanation for the extension of time shall accompany the signage application along with a timeline/schedule for obtaining necessary permits and a target date for construction start.
        iii. The request for extension shall be submitted within sixty (60) days of the expiration of the conformity requirements.
        iv. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the extension of time grant shall become null and void.
5. Procedures.
    a. Sign Application Review and Permitting Process.
        i. Sign review applications are available through the Planning and Zoning Program Staff~~Department of Development~~. All signs will be reviewed for approval pursuant to the administrative procedures as set by the ~~Department of Development~~Planning and Zoning Program Staff except for signs which do not require a permit under Section 13.21(6) of this section, temporary signs as described in Section 13.21(12), and Master Signage Program signs under Section, 13.21(13) of this section, which shall be reviewed and approved by the Plan Commission. Permits are granted from the ~~Building Inspections and Zoning~~Code Enforcement Department and will only be granted after approval from the ~~Department of Development~~Planning and Zoning Program Staff or

Plan Commission.

ii. The ~~Department of Development~~Planning and Zoning Program Staff decision on an application shall be issued within thirty (30) days of filing of the application with the office of the City Planner unless the applicant has agreed in writing to an extension, or additional information is required as detailed below.

(1) Should the applicant be required to supply additional information, the ~~Department of Development~~Planning and Zoning Program Staff shall notify the applicant within thirty (30) days of filing and the requested information shall be provided to the Planning and Zoning Program Staff~~Department of Development~~ within sixty (60) days of such notice, or the original application shall automatically be denied.

iii. Permits are granted from the ~~Building Inspections and Zoning~~Code Enforcement Department and will only be granted after approval from the ~~Department of Development~~Planning and Zoning Program Staff or Plan Commission.

iv. All applicants must submit five (5) color copies of sign proposals along with a signage review fee (see Chapter **12** of the Revised Municipal Code) to the Planning and Zoning Program Staff~~Department of Development~~. Such submissions shall detail the size of the sign, the method of attachment or support, the location(s) of the proposed sign(s), any other sign(s) located on the premises, the materials to be used, and any other information deemed necessary to properly review the proposal.

v. Multi-tenant applicants, who include buildings of three (3) or more tenants, or a building area of twenty-five thousand (25,000) square feet or more, or buildings with frontage along an interstate highway, should refer directly to Section 13.21(13) for detailed requirements relative to the Master Sign Program.

vi. Guidelines for Approval.

(1) The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of the area.

(2) The proposed sign conforms to the location, size and style and other requirements set forth in this section.

(3) The proposed sign conforms to the City's long-range planning for the area as set forth in the City's Master Plan as that term is defined in Chapter 62.23(3), Wisconsin Statutes, or relevant portions thereof.

(4) The proposed sign shares similar architectural or building material features of the principal building.

(5) Signs located in residential corridors may be further regulated by Plan Commission pursuant to Section 13.21(9), such as, but not limited to, lighting operations.

vii. The ~~Department of Development~~Planning and Zoning Program Staff may establish guidelines, which further define and interpret this section. Those guidelines, if any, shall be made available to all sign applicants.

viii. Any signage proposals that are denied by the ~~Department of Development~~Planning and Zoning Program Staff may be appealed to the Plan Commission in accordance with the variance procedure as stated in Section 13.21(9).

6. Permits, Inspections and Revocations.

a. A permit shall not be required for the following signs or activities; however, such signs or activities shall be subject to any and all applicable provisions of this section:

i. One (1) nonilluminated sign six (6) square feet or less in area unless otherwise specifically required by this section;

ii. Maintenance, including repainting or replacing faces of signs, or minor nonstructural repairs of signs (except electrical repair);
iii. Political signs;
iv. Window signs only as permitted under Section 13.21(18);
v. Rental, sale and lease signs six (6) square feet or less in area; and
vi. Address markers/signs; and
vii. Flags.

b. A permit shall not be required for the erection, construction, alteration, placement, maintenance or location of official traffic, fire and police signs, signals, devices and markings of the state and the City or other public authorities, or the posting of notices required by law or for other signs as approved by the Board of Public Works. See Section 13.21(11).

c. No person, firm or corporation shall erect, replace, construct, enlarge, alter, move, relocate or maintain any sign as governed by this section without first obtaining a sign permit from the ~~Building Inspections and Zoning~~Code Enforcement Department, except as said forth in Section 13.21(6)(a) and (b) above. Before a sign permit may be issued, it shall first be approved by the Planning and Zoning Program Staff~~Department of Development~~ in accordance with the procedure in Section 13.21(5), and conform to the requirements of this code, and the applicant shall pay the required fees. See Chapters **12** and **13** of the Revised Municipal Code for a fee schedule.
    i. Any owner of a premises or agent for the owner shall file an application for a sign permit on a form furnished for such purpose. Each application shall additionally include sufficient information to issue a permit to include plans and drawings detailing sign location information and sign construction information that indicates conformance with the construction standards of Section 13.21(7).
    ii. In addition to a sign permit, an electrical permit is also required for electrically operated signs.
    iii. As a condition of the issuance of a sign permit, the sign owner and owner of the premises upon which the sign is located agree to allow inspectors on the property for inspection of the installation and maintenance and further agree to promptly remove the sign should it become unsafe, inadequately maintained, dilapidated, abandoned, in nonconformance with this section, or if prescribed fees are not paid.

d. Unless waived by the ~~Building Inspections and Zoning~~Code Enforcement Department, all signs for which a permit is required shall be subject to the following inspections:
    i. Electrical inspection on all electrically operated signs.
    ii. Site inspection to insure that the sign has been constructed according to an approved application and a valid sign permit.
    iii. Inspection on a yearly basis to insure that the sign continues to conform to the permit and has been adequately and properly maintained.

e. Permit Revocation and Sign Removal.
    i. The ~~Building Inspections and Zoning~~Code Enforcement Department shall have the authority to revoke any sign permit upon determination that the sign authorized by the permit has been constructed or is being maintained in violation of the permit or the provisions of this section.
    ii. In revoking any sign permit and requiring the removal of any illegal sign, the ~~Building Inspections and Neighborhood Services~~ Code Enforcement Department shall give a written compliance order to the owner(s) of the premises on which such sign is located and/or to the occupant(s) of the premises to which such sign pertains. The order shall state the reasons and grounds for removal, specifying the deficiencies or defects in such sign, and the violations charged, if any. Such order shall specify what repairs, if any, will make the sign conform to the requirements of this section, specify that the sign must be removed or made to conform with the provisions of this section within the compliance period provided below and further state the appeals process provided below. A sign with an expired permit is an illegal sign and therefore does not require revocation of the permit.

iii. Compliance Period for Removal.
    (1) The compliance period for removal for permanent signs shall be thirty (30) days.
    (2) The compliance period for removal of temporary signs shall be forty-eight (48) hours.

iv. The decision of the ~~Building Inspections and Neighborhood Services~~ Code Enforcement Department to revoke the permit may be appealed to the Plan Commission. A written appeal must be filed within thirty (30) days from the date when the order was served. The Plan Commission shall consider this appeal at its next regularly scheduled meeting. The decision of the Plan Commission shall be the final determination as set forth in Sec. 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to Sec. 68.13 of the Wisconsin Statues and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.

v. If no appeal has been filed within the thirty-day appeal period, or if the Plan Commission has upheld the decision of the ~~Building Inspections and Neighborhood Services~~ Code Enforcement Department on appeal, the permit is deemed revoked and the sign is deemed illegal. The ~~Building Inspections and Neighborhood Services~~ Code Enforcement Department then shall initiate the procedure for the removal of the illegal sign.

vi. If after service of order the owner(s) and/or occupant(s) of the premises upon which the sign is located have not removed the sign or brought the sign into compliance with the provisions of the section by the end of the compliance period, the ~~Building Inspections and Neighborhood Services~~ Code Enforcement Department shall take such legal action as deemed appropriate.

vii. Removal. The ~~Building Inspections and Neighborhood Services~~ Code Enforcement Department is authorized to cause the removal of any sign adjudged to be illegal by a court of competent jurisdiction if the court so orders. The actual cost and expense of any such removal by the ~~Building Inspections and Neighborhood Services~~ Code Enforcement Department shall be charged against the owner of the property and may be entered as a special assessment against such premises to be collected in all respects like other taxes upon the real estate, as provided in Chapter 66.0907(3)(f) of the Wisconsin Statutes, except in the case of snipe signage in the public right-of-way.

viii. Re-erection of any sign or any substantially similar sign on the same premises after a compliance order has been issued shall be deemed a continuance of the original violation.

7. Sign Construction Standards. All signs shall be designed and constructed to comply with the provision of this code for use of materials, loads and stress as required by the International Building Code (IBC), in the most current edition as published by the International Code Council, Inc.
    a. Signs shall be designed and constructed to withstand wind pressure as provided in IBC Chapter **16**.
    b. Signs shall be designed and constructed with the allowable working stress conforming to IBC Chapter **16**. The working stress of wire rope and its fastening shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners. Exceptions:
        i. The allowable working stress for steel and wood shall be in accordance with IBC Chapters 22 and 23.
        ii. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth (1/5) of the ultimate strength of such chains, cables, guys or steel.
    c. Signs attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. All ferrous chain, wire ropes, guy rods and their fastenings and anchor bolts shall be galvanized or be of other approved equivalent protection. Wood blocks shall not be used for anchorage, except in the case of signs attached to buildings with wood walls. Signs shall not be supported by anchors secured to an unbraced parapet wall. Minimum anchorage for wall signs is three-eighths-inch diameter embedded at least five (5) inches. Minimum anchorage for projecting signs is five-eighths-inch and turnbuckles shall be placed in chains, guys or

steel rods supporting projecting signs.

d. All ferrous parts of signs subject to corrosion shall be protected and maintained free of corrosion.
e. Wood, approved plastic or other materials of combustible characteristic used as facings or in molding, cappings, nailing blocks, letters and latticing shall comply with Paragraphs 1 through 4 below, and shall not be used for other ornamental features of signs, unless approved.
    i. All signs greater than forty (40) square feet shall be constructed of metal or other approved noncombustible materials.
    ii. Plastic and other materials which burn at a rate no faster than two and five-tenths (2.5) inches per minute when tested in accordance with ASTM D 635 shall be deemed approved plastic and can be used as the display surface material and for letters, decorations and facings on signs and outdoor display structures.
    iii. The area of individual plastic facings of electric signs is limited by the area allowed for that type of sign but shall not exceed two hundred (200) square feet. If the total area of display surfaces exceeds two hundred (200) square feet, the area occupied or covered by approved plastics shall be limited to two hundred (200) square feet plus fifty percent (50%) of the difference between two hundred (200) square feet and the area of the display surface. The area of plastic on the display surface shall not exceed one thousand one hundred (1,100) square feet.
    iv. Letters and decorations mounted on approved plastic facing or display surface can be made of approved plastics.

f. No sign shall be illuminated by other than electrical means. Any open spark or flame design is not permitted unless specifically approved.
g. Signs that require electrical service shall comply with Chapter **14**, Electrical Code.
h. All internally illuminated signs shall bear the label of the manufacturer and approved testing agency and the listing number shall be reported on the sign permit application.
i. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door. A sign shall not be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

8. Maintenance.
    a. All signs and sign support structures, together with all parts to include, but not limited to, sign faces, supports, braces, base, guys and anchors, shall be kept in good repair and in proper state of preservation. Painted surfaces shall be maintained free of peeling, chipping paint. All metal parts and supports thereof shall be maintained free of corrosion.

    b. The ~~Building Inspections and Zoning~~ Code Enforcement Department shall have the authority at all reasonable times to inspect and order the painting, repair, alteration, maintenance or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. The ~~Building Inspections and Zoning~~ Code Enforcement Department shall follow the procedure of notification concerning such maintenance or removal as outlined in Section 13.21(6).
    c. When any sign, advertising structure or device, or a major part thereof, is blown down, destroyed, taken down or removed for any purpose, such structure shall not be re-erected, reconstructed, rebuilt, or relocated, except in conformity with the regulations of this section. Additionally, any existing sign, sign structure, awning, canopy, or other advertising structure requiring repairs at any one time in excess of fifty percent (50%) of the sign's original value shall not be repaired unless made to conform to the requirements of this section.
    d. An abandoned sign is prohibited and shall be made to conform to this code or removed by the owner of the sign or owner of the premises.
    e. Any sign which is located on a premises which becomes vacant or unoccupied for a period of six (6) months or more is considered abandoned and shall be removed.
    f. If a business on a property is suspended because of business or property ownership or

management change, for more than six (6) months, any signage associated is considered abandoned and shall be removed.

g. The Building Inspector may grant up to a six-month extension of time for the removal or intended compliance of a sign, to the sign owner, under the provisions of this subsection. A written request for an extension of time shall be submitted to the ~~Building Inspections and Zoning~~ Code Enforcement Department.

h. All signs, awnings, canopies, and other advertising structures projecting into the City right-of-way may be inspected yearly for maintenance and conformance with this code. An annual maintenance inspection fee shall be charged to the sign owner or property owner of each sign in place on January 1 and is due and shall be paid by March 15 of each year following original installation. The fee shall be in accordance with the fee schedule.

i. All signs, as designated in the ~~Building Inspections and Zoning~~ Code Enforcement Department fee schedule, may be inspected yearly for maintenance and conformance with the code. An annual maintenance inspection fee shall be charged to the sign owner of each sign and is due and shall be paid by March 15 of each year the sign exists. The fee shall be in accordance with the fee schedule.

9. Variance to Sign Code.

a. Purpose. Sign variances are intended to allow flexibility in sign regulations while fulfilling the purpose of this ordinance. Variance from specific regulations of this section may be granted by the Plan Commission, where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship; provided, that the spirit of this section shall be observed, public safety and welfare secured and substantial justice done. Nothing in this section, however, is intended to permit the erection or maintenance of signs which create the potential of public harm or for which there is no public benefit or which are in conflict with the City's Master Plan or relevant portions thereof.

b. Procedure.

i. Any person may request a variance from any provision or requirement of Section 13.21 of the Revised Municipal Code by submitting a written request to the Planning and Zoning Program Staff~~Department of Development~~ not less than 20 days before the next regularly scheduled Plan Commission meeting. A fee shall be required of the applicant at the time that a request for a hearing is made in accordance with Development Review Fees in Chapter **12** of the Revised Municipal Code.

ii. The Plan Commission shall review such requests for variances using the following criteria:

(1) The sign as proposed will not result in an undue concentration of signage, which renders it difficult or confusing to read existing signs.

(2) The proposed sign is unique and of exceptional design or style so as to enhance the area.

(3) Site difficulties: unusual site factors preclude the construction of a sign in accordance with this section, which would be visible to the roadway adjacent to the site frontage.

iii. Should the Plan Commission find that a variance should be granted, the application will be forwarded to the ~~Building Inspections and Zoning~~ Code Enforcement Department with directions to issue a permit in accordance with its decision. If the Plan Commission finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision, in writing within thirty (30) days of the date of such decision. The decision of the Plan Commission shall be the final determination as set forth in sec. 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to sec. 68.13 of the Wisconsin Statutes, and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.

10. Prohibited Signs, Lighting and Movement.

a. Lighting. Bare light bulbs shall not be permitted. No flashing, blinking or rotating lights shall be permitted for either permanent or temporary signs. Illumination shall be so installed to avoid any glare or reflection into any adjacent property, or onto a street

or alley to create a traffic hazard as determined by the ~~Building Inspections and Zoning~~ Code Enforcement Department.

b. Prohibited Signs. It is unlawful to erect or maintain the following signs: **[Ord. O-2012-0028, 3/6/2012]**
    i. Flashing signs.
    ii. Portable signs.
    iii. Pennants or streamers.
    iv. Abandoned signs/structures.
    v. Snipe signs—signs in, on or over public property; excluding those regulated in Section 13.21(11).
    vi. Signs that interfere with traffic.
    vii. Nonpolitical signs greater than six (6) square feet on a residential use property; not including residential properties over three-family, which are regulated by the Plan Commission under the master sign program, Section 13.21(13).
    viii. All prohibited signs not mentioned in this section.

11. Signs in the Public Right-of-Way.
    a. No sign, pennant, flag or banner shall be erected, placed, located or maintained within the limits of any street or highway unless allowed as hereafter stated. Street or highway limits include all the dedicated rights-of-way, encompassing the traveled portion of the highway, shoulders, sidewalks, ditches and adjacent dedicated areas. This prohibition applies to freestanding signs and those placed on trees, utility poles, fence post stakes and all other structures within the highway limits.
        i. Failure to comply with the provisions of this section shall be a violation of Sec. 86.19, Wisconsin Statutes, which is hereby adopted, as well as this section.
        ii. Any sign in violation of this section shall be removed without notice by the ~~Building Inspections and Neighborhood Services~~ Code Enforcement Department, the Police Department, or the Public Works Department.
        iii. This prohibition shall not apply to signs placed within the limits of streets or highways by duly constituted municipal, county or state authorities for the guidance or warning of traffic, as provided in Sec. 86.19(1) and (4), Wisconsin Statutes, or to mail boxes and paper boxes, bus shelters, or to banners, signs, pennants, flags or other related decorations hung over streets attached to public property as authorized by the Board of Public Works, in which case these will not require a permit under this section.
        iv. No sign shall be erected, placed, located or maintained at or near the intersection of any streets so as to obstruct free and clear vision or at any location where, by reason of position, shape and color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "look," "danger" or other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

    b. Signs on Public Property. No person shall erect, place or locate any sign in or on public property, with the exception of projecting signs, which are only allowed in the public right-of-way with a grant of privilege from the Board of Public Works.
    c. Guidance signs. **[Ord. O-2008-0038]**
        i. Any person or persons conducting a summer or winter resort, hotel, or any place of public entertainment or instruction, or any place of religious worship may be granted permission from the Board of Public Works for erection of guidance signs of a type approved by the Board of Public Works subject to the conditions contained in this subsection. The application shall be filed with the Planning and Zoning Program Staff~~Department of Development~~ along with a fee of five hundred dollars ($500) for the Public Works Department's cost for materials and labor of the manufacturing and erection of the guidance sign.
        ii. All guidance signs and their supports shall be constructed, erected and maintained by the Public Works Department, and guidance signs shall be uniform in size as prescribed by the Board of Public Works.

iii. No guidance sign may be permitted on freeways, including the national system of interstate highways.
iv. Only where such institution or business is located removed from the state trunk highway system, state connecting highway, county trunk highway, or arterial streets, as defined by the Wisconsin Department of Transportation, may such guidance signs be erected.
v. Such guidance signs may be erected at only two (2) intersections of the state trunk highway system/state connecting highway with county trunk highways or local roads, and at such intersections of county highways or local roads as are deemed necessary by the Board of Public Works.
vi. No person may be permitted to erect or maintain a guidance sign on a highway or road if that person has any advertising sign in the vicinity of the intersection where the guidance sign is proposed to be erected, or has a business sign on the same highway or road, or whose business's occupancy building is less than five thousand (5,000) square feet in area.
vii. No flashing, illuminated or reflecting signs or installation shall be permitted.
viii. No guidance sign may be erected upon a state trunk highway right-of-way at an intersection with the state trunk highway system until the location and manner of erection of the sign have the written approval of the Department of Transportation.
ix. Provisions from the Wisconsin Administrative Transportation Code 200.03 shall be complied with at all times.

12. Temporary Signs.
    a. Permit, Maintenance and Removal.
        i. The ~~Building Inspections and Neighborhood Services~~ Code Enforcement Department may issue a temporary sign permit as stated in this subsection. After permit application, a temporary sign permit may be issued for a time period specified unless as otherwise noted in this subsection.
        ii. Any temporary sign erected without a permit or for which the permit has expired may be removed by the Building Inspector with or without notice.
        iii. All temporary signs shall be maintained in good condition and removed promptly upon expiration of the permit or as ordered by the Building Inspector.
    b. Banners.
        i. Application for a banner sign shall include information and/or plans indicating the size of the sign, the advertising or copy on the sign, the location of the sign on the property, sign material type, and information regarding installation (attachment and/or support).
        ii. Each banner allowed may not exceed thirty-two (32) square feet in area.
        iii. No more than two (2) banners may be erected per business or occupant per calendar year, with each permit issued allowing a maximum of thirty (30) days for the banner to be posted on the property. Additionally, there may be no more than two (2) banners erected per site at one time.
        iv. A grand opening banner sign not exceeding thirty-two (32) square feet may be allowed for a new business for a period of thirty (30) days in addition to other banners allowed.
        v. Seasonal signs may be posted for the term of the season as stated on the issued permit.
        vi. The Code Enforcement Director ~~of the Building Inspections and Zoning Department~~ may allow a temporary sign to remain in place for up to ninety (90) days with one (1) ninety-day extension of time, while a business or property owner pursues a permanent sign.
    c. Construction and Development Signs.
        i. Construction and development signs are allowed to indicate the new business, development, contractor, subcontractor, architect or lending institution.
        ii. Application for each construction or development sign shall include information and/or plans indicating the size of the sign, copy on the sign, sign material type, the location of the sign on the property, whether single- or double-faced, and sign attachment and/or support information.

iii. One (1) development sign is allowed per street frontage and may not exceed thirty-two (32) square feet in area.
iv. Two (2) construction signs are allowed per street frontage and each sign may not exceed thirty-two (32) square feet in area.
v. Construction and development sign permits shall expire ten (10) days after the first occupancy and shall be removed promptly upon expiration.

d. Sale, Lease and Rent Signs.
i. Vacant land and land being developed may have a temporary sale, lease, and rent sign posted on each street which the land abuts. The sign shall be placed on the property being sold, leased or rented in accordance with this subsection.
ii. Residential use properties are allowed a sale, lease, or rent sign, not greater than six (6) square feet in area and may be double-faced. Freestanding signs shall not be greater than five (5) feet in height. No permit is required, and the sign shall be removed upon sale, lease or renting of the use advertised.
iii. Nonresidential use properties are allowed one (1) temporary sale, lease, or rent sign, which may be single- or double-faced and shall not exceed thirty-two (32) square feet in area. Freestanding signs shall not be greater than five (5) feet in height. A permit is required for each sign in access of six (6) square feet. Each sign shall be removed upon sale, lease, or renting of the use advertised, except as stated in Section 13.21(12)(d)(4). The notice to remove noncomplying signs shall be in accordance with the procedures outlined in Section 13.21(6).
iv. For new nonresidential developments, a temporary sale, lease, or rent sign permit may be issued for one hundred eighty (180) days and may be renewed for ninety-day periods until the development's units are ninety percent (90%) occupied or when two thousand (2,000) square feet of area or less remains to be sold, leased, or rented. The notice to remove noncomplying signs shall be in accordance with the procedures outlined in Section 13.21(6).

e. Political Signs. **[Ord. O-2010-0049, 11/16/2010]**
i. Section 12.04 of the Wisconsin Statutes is hereby adopted and incorporated herein.
ii. Yard signs on property zoned residential shall not exceed twenty-four (24) square feet in area.
iii. No sign shall be placed such that it interferes with the vision of vehicle operators upon the highway or obstructs pedestrian travel on the public sidewalk.
iv. Yard signs displayed in other than residential zoning districts shall not exceed forty-eight (48) square feet in area.
v. Political signs may be displayed during the election campaign period and must be removed within a reasonable time after the election.
vi. No permit shall be required for political signs.

13. Master Sign Program.
a. The purpose of the Master Sign Program is to advertise a center and its individual tenants and to allow qualified buildings and/or centers greater flexibility and increased signage area to the specific requirements as hereafter stated.
b. Application. **[Ord. O-2010-0037, 10/19/2010]**
i. An application for a Master Sign Program must first be filed with the Planning and Zoning Program Staff~~Department of Development~~. With the exception of minor tenant spaces, the Plan Commission shall review all Master Sign Program applications and proposals. The Plan Commission may approve, deny or request changes to a sign, based on the architecture of that sign.
ii. Sign applications that meet the definition of a minor tenant space may be staff approved. In such cases, the review of signage application conformance shall be limited to the minor tenant space only and not require the overall conformance of the multi-tenant commercial building.
c. The Plan Commission, in its discretion, will consider the type and location of the building site, the proposed tenant mix, the size of the development and such other

factors as it deems appropriate in evaluating a Master Sign Program.

d. Each individual sign proposed in accordance with an approved Master Sign Program must be applied for and permitted separately in accordance with this section, and in no event shall any recommendation or approval of a Master Sign Program be deemed an approval of or a permission to construct any particular sign under that program. After review and approval by the Planning and Zoning Program Staff~~Department of Development~~, all applications for permits for such individual signs must be filed with the ~~Building Inspections and Zoning~~ Code Enforcement Department.
e. The following entities may make application for the Master Sign Program:
    i. Multi-tenant commercial buildings (MTCBs) or centers of three (3) or more individual tenants or buildings of at least twenty-five thousand (25,000) square feet of building area.

    ii. Commercial or industrial uses which abut 1-94 and 1-894 right-of-way.
f. A Master Sign Program, as presented to the Plan Commission, shall include the following components:
    i. An aesthetically developed theme on color, size and style.
    ii. A proposed location of all signs for the building, development or center; where possible, signs shall be centered over tenant spaces.
    iii. The proposed size of individual signs which may be expressed in maximums and minimums for purposes of the proposed Master Sign Program, but which must be proposed in exact terms when application is made for such individual signs after approval of the program.
    iv. Type of signage proposed, e.g., individual letters, box, etc.
    v. Blueprints, drawings and written policies governing the color, size, style, location and other features of the proposed signs.
g. Freestanding signage (Master Sign Program).
    i. Multi-tenant commercial buildings, or buildings/centers greater than twenty-five thousand (25,000) and less than fifty thousand (50,000) square feet of building area may be permitted one (1) freestanding sign of no more than seventy-five (75) square feet in area, ten (10) feet in height, and subject to Plan Commission approval.
    ii. Buildings/centers greater than fifty thousand (50,000) and less than one hundred thousand (100,000) square feet of building area may be permitted one (1) sign per building/center of one hundred fifty (150) square feet in area, not to exceed twelve (12) feet in height, subject to Plan Commission approval.
    iii. Buildings/centers greater than one hundred thousand (100,000) and less than three hundred thousand (300,000) square feet of building area may be permitted one (1) freestanding sign per arterial street of one hundred fifty (150) square feet in area each, or one (1) sign per building/center of two hundred twenty-five (225) square feet in area, neither to exceed fifteen (15) feet in height, subject to Plan Commission approval.

    iv. Determination of signage area for buildings or centers greater than three hundred thousand (300,000) square feet of building area shall be determined by the Plan Commission.
    v. Where changeable copy or electronic message center signage is permitted pursuant to Section 13.21(19), the area of the changeable copy sign must be included in the total computation of allowable signage and subject to Plan Commission review.
    vi. The ~~Department of Development~~Planning and Zoning Program Staff and the Plan Commission shall not approve any Master Sign Plan greater than fifteen (15) feet in height, except for centers over three hundred thousand (300,000) square feet in building area, which height shall be subject to Plan Commission discretion.
    vii. Freestanding signs must be architecturally integrated with the principal building on the property. The base, sides, and top of the sign shall be constructed of masonry or other approved durable materials. The tone and texture of the base, sides, and top shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of

the principal building. The base of the sign shall be a minimum of two (2) feet in height.

viii. The color scheme of the sign shall complement the color scheme of the principal building.

ix. Architectural features (such as sills, piers, reveals, capstones, medallions, etc.) which are part of the architectural makeup of the principal building shall be incorporated into the sign.

x. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.

xi. The sign structure or post of a freestanding sign must be wrapped in or constructed of a material compatible with the materials utilized in the construction of the building to which the sign refers. The width of the base of the sign must be equal to or greater than the width of the sign face.

xii. Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The Plan Commission may reduce or waive this requirement if it is determined the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

h. Wall Signage (Master Sign Program).

i. Multi-tenant commercial buildings.

(1) Area. The maximum allowable area of wall signs for eligible multi-tenant commercial buildings shall be computed as one and five-tenths (1.5) square feet per lineal foot of each tenant's frontage.

(A) If applying the area formula above [Section 13.21(13)(h)(1)(a)] results in a sign area greater than two hundred (200) square feet, the individual tenant wall signs, when submitted to the ~~Department of Development~~Planning and Zoning Program Staff in conjunction with a Master Sign Program, shall be permitted an aggregate maximum area of two hundred (200) square feet, subject to Plan Commission approval.

(B) Where other wall-mounted signage (e.g. projecting signage) is permitted pursuant to Section 13.21(16), the area of the sign must be included in the total computation of allowable signage and subject to Plan Commission review.

(2) Number. Total number of wall signage permitted for a building or center or multi-tenant commercial building may be apportioned over two (2) building facades, but no more than one (1) sign per facade. Wall signage must be placed on an exterior wall of the business in which the sign identifies.

(3) Placement. A wall sign must be placed on an exterior wall of the tenant's space, which the sign identifies.

(A) A wall sign may not project more than twelve (12) inches from the wall surface.

(B) No part of a wall sign shall extend more than four (4) feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline.

(C) Wall signs facing an alley shall be no larger than five (5) square feet in area, shall be located on the rear entry door and shall not be illuminated. **[Ord. O-2008-0038]**

(4) Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/offsets and unique shapes are encouraged.

(A) The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated,

the sign face must be constructed of an opaque background.

(B) Exclusively flat wall signs shall not be acceptable. Acceptable alternatives include:

(a) Raised/channeled letters;

(b) Individual letters;

(c) Oddly shaped signs; and

(d) Two-inch thick (minimum) border around the wall sign.

ii. Buildings greater than twenty-five thousand (25,000) square feet of building area.

(1) Area. Buildings greater than twenty-five thousand (25,000) and less than fifty thousand (50,000) square feet of building area may be permitted wall signage no greater than two hundred (200) square feet in area, and subject to Plan Commission approval.

(2) Area. Buildings greater than fifty thousand (50,000) square feet and less than three hundred thousand (300,000) square feet of building area shall be permitted four hundred (400) square feet in wall sign area, plus additional signage area computed by the following formula: five-tenths (0.5) square foot times the setback length of the building from the street frontage.

(3) Number. Buildings greater than twenty-five thousand (25,000) and less than one hundred thousand (100,000) square feet of building area may be permitted two (2) wall signs on an exterior wall of the business in which the sign identifies.

(4) Number. Buildings greater than one hundred thousand (100,000) square feet and less than three hundred thousand (300,000) square feet of building area may be permitted three (3) wall signs on an exterior wall of the business in which the sign identifies.

(5) Placement. A wall sign must be placed on an exterior wall of the tenant's space, which the sign identifies.

(A) A wall sign may not project more than twelve (12) inches from the wall surface.

(B) No part of a wall sign shall extend more than four (4) feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline.

(C) Wall signs facing an alley shall be no larger than five (5) square feet in area, shall be located on the rear entry door and shall not be illuminated. **[Ord. O-2008-0038]**

(6) Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/offsets and unique shapes are encouraged.

(A) The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.

(B) Exclusively flat wall signs shall not be acceptable. Acceptable alternatives include:

(a) Raised/channeled letters;

(b) Individual letters;

(c) Oddly shaped signs; and

(d) Two-inch thick (minimum) border around the wall sign.

iii. Determination of wall signage area for buildings greater than three hundred thousand (300,000) square feet of building area shall be determined by the Plan Commission.

14. Freestanding signs.

a. Architecture and Landscaping.

i. Freestanding signs must be architecturally integrated with the principal building on the

property. The base, sides, and top of the sign shall be constructed of masonry or other approved durable materials. The tone and texture of the base, sides, and top shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building. The base of the sign shall be a minimum of two (2) feet in height.

ii. The color scheme of the sign shall compliment the color scheme of the principal building.

iii. Architectural features (such as sills, piers, reveals, capstones, medallions, etc.), which are part of the architectural makeup of the principal building, shall be incorporated into the sign.

iv. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.

v. The sign structure or post of a freestanding sign must be wrapped in or constructed of a material compatible with the materials utilized in the construction of the building to which the sign refers. The width of the base of the sign must be equal to or greater than the width of the sign face.

vi. Double-faced or V-shaped signs. A freestanding sign may be double-faced or V-shaped.

(1) Interior angle less than or equal to sixty degrees (60°). The area of double-faced or V-shaped signs with interior angles equal to or less than sixty degrees (60°) shall be expressed as the sum of the area of one face.

(2) Interior angle greater than sixty degrees (60°). Double-faced or V-shaped signs with interior angles exceeding sixty degrees (60°) shall be reviewed by the Plan Commission. The Plan Commission may approve, deny or request changes to a sign, based on the architecture of that sign. The area of double-faced or V-shaped signs with interior angles greater than sixty degrees (60°) shall be expressed as the sum of the areas of all the faces.

vii. Landscaping Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one (1) face of the sign. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The ~~Department of Development~~Planning and Zoning Program Staff may reduce or waive this requirement if it is determined the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

viii. The ~~Department of Development~~Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.

b. Size Requirements and Location.

i. Number. One (1) freestanding sign shall be permitted. Two (2) freestanding signs are permitted for qualified sites under the Master Sign Program [Section 13.21(13)].

ii. Area. The area of a freestanding sign shall be computed by the following formula: Either six-tenths (0.6) square foot times the lineal front foot of the lot line or eight-tenths (0.8) square foot times the building front foot, whichever is greater, to a maximum of fifty (50) square feet of area, as permitted by the ~~Department of Development~~Planning and Zoning Program Staff. Corner lots may use either the front or side dimensions. Should the ~~Department of Development~~Planning and Zoning Program Staff approve both a freestanding sign and a wall sign for a given building or center, the area permitted must be apportioned between these signs not to exceed one hundred twenty-five (125) square feet. For multi-tenant commercial buildings and buildings over twenty-five thousand (25,000) square feet in area, see Section 13.21(13).

iii. The sign may have multiple faces if so approved.

iv. Height. The maximum height of a freestanding sign may not exceed ten (10) feet. The applicant shall provide dimensions of the proposed sign. The height of a freestanding sign shall be regulated and approved by the ~~Department of Development~~Planning and Zoning Program Staff in consideration of the location of the proposed sign; the height, size, appearance, number and location of other signs in the vicinity of the proposed sign; the propriety of the proposed sign with respect to a Master Sign Plan, if any; and such other facts as the ~~Department of Development~~Planning and Zoning Program Staff deems appropriate.

v. Location. An offset of no less than one (1) foot from the ultimate right-of-way line should be maintained.

(1) The sign shall be located in an area of meaningful open space, which shall be appropriately landscaped, including some year-round plantings.
(2) Site consideration should be given to signs on corner lots, near driveways and/or alleys, etc. Signs are not to obstruct the vision triangle (see Figure 1 below). Signs proposed within the vision triangle shall require Plan Commission approval.

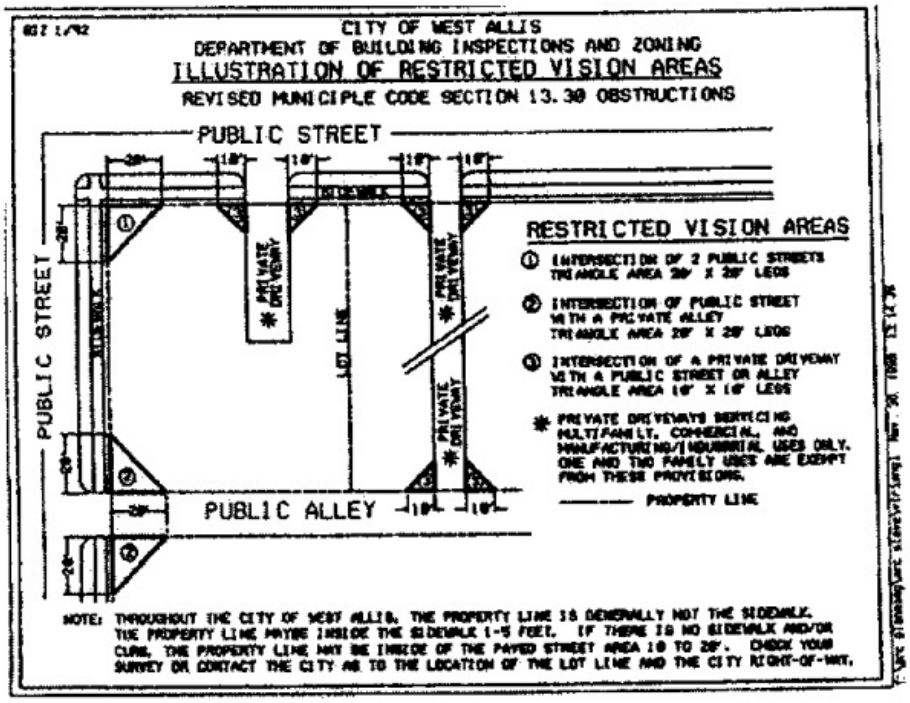


Figure 1: Vision Triangle Restrictions

15. Wall signs.
    a. Architecture and Design.
        i. Architecture. Wall signs must be architecturally integrated with the principal building on the property. The tone and texture of the sign shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building.
        ii. Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/offsets and unique shapes are encouraged.
            (1) The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
            (2) Exclusively flat wall signs shall not be acceptable. Acceptable alternatives include:
                (A) Raised/channeled letters;
                (B) Individual letters;
                (C) Oddly shaped signs; and
                (D) Two-inch thick (minimum) border around the wall sign.

b. Size Requirements and Location.
    i. Placement. A wall sign must be placed on an exterior wall of the business, which the sign identifies.
        (1) A wall sign may not project more than twelve (12) inches from the wall surface.
        (2) No part of a wall sign shall extend more than four (4) feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline. A wall sign may be allowed on a roof surface only if the roof surface is within twenty-five degrees (25°) of vertical, such as a mansard roof.
    ii. Number. Two (2) wall signs shall be permitted, or one (1) wall sign per street frontage, whichever is greater.
    iii. Area. The area of a wall sign shall be regulated and approved by the ~~Department of Development~~Planning and Zoning Program Staff in consideration of the factors enumerated in this subsection and shall be computed by the following formula: Either six-tenths (0.6) square foot times the lineal front foot of the lot line or eight-tenths (0.8) square foot times the building front foot, whichever is greater, to a maximum of one hundred twenty-five (125) square feet, as permitted by the ~~Department of Development~~Planning and Zoning Program Staff. Corner lots may use either the front or side dimensions. Should the ~~Department of Development~~Planning and Zoning Program Staff approve both a freestanding sign and a wall sign (or multiple wall signs in the case of a multi-frontage lot) for a given building or center, the area permitted must be apportioned between these signs not to exceed one hundred twenty-five (125) square feet.
    iv. Wall signs facing an alley shall be no larger than five (5) square feet in area, shall be located on the rear entry door and shall not be illuminated. **[Ord. O-2008-0038]**

16. Projecting Signs.
    a. Number. One (1) projecting sign is permitted per street frontage for each tenant. A grant of privilege will be required for signs over the right-of-way [see Section 13.21(11)].
    b. Area. The gross surface area of the sign shall be limited to a maximum of sixteen (16) square feet for single and multi-tenant buildings. Multi-story buildings are permitted an additional sixteen (16) square feet for each additional level to a maximum of one hundred (100) square feet in area.
    c. Location.
        i. Projection. The sign shall not project more than four (4) feet from the wall to which it is attached.
        ii. Clearance. No part of the sign shall be lower than eight (8) feet above the walk or surface below.
    d. Height.
        i. Signs attached to a one-story building shall not exceed fifteen (15) feet above the walk or surface below, subject to all the above limitations. Signs attached to multi-story buildings shall not extend above the roof, wall or parapet of the building to which it is attached.
17. Awnings.
    a. A grant of privilege is required for awnings over the right-of-way [see Section 13.21(11)].
    b. Area. The area of sign copy shall not exceed twenty-five percent (25%) of the face of the awning/canopy to which the sign is to be affixed (see Figure 2 below).
    c. Location.
        i. Projection. The sign may be affixed to any awning/canopy. An awning shall not project closer than two (2) feet to the edge of street curb.

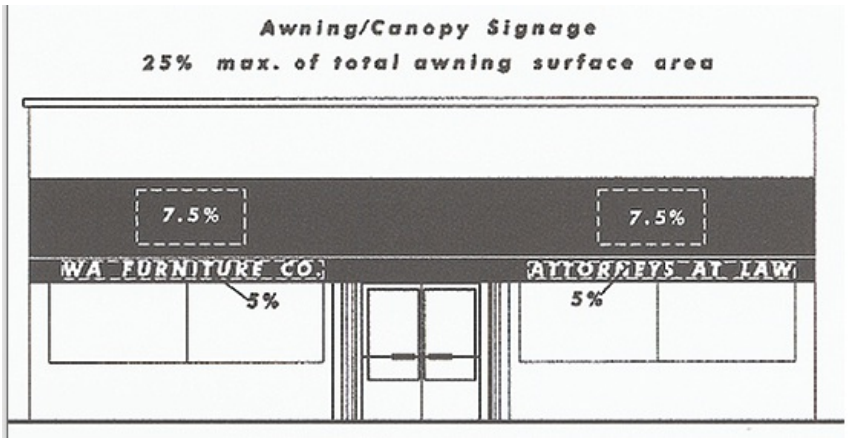


Figure 2: Awning Signage

ii. Clearance. The lowest part of the awning structure shall not be less than seven (7) feet above the adjacent street grade or walk area below. The height of the awning fringe shall not be less than six (6) feet nine (9) inches above the adjacent grade.

d. Materials. Plastic/vinyl awning materials are not permitted.

e. Illumination: Awnings may be illuminated.

18. Window Signs.

a. In no instance may window signs (see Figure 3 below) cover more than twenty percent (20%) of the window space. All window signs must be affixed to the interior of the window.

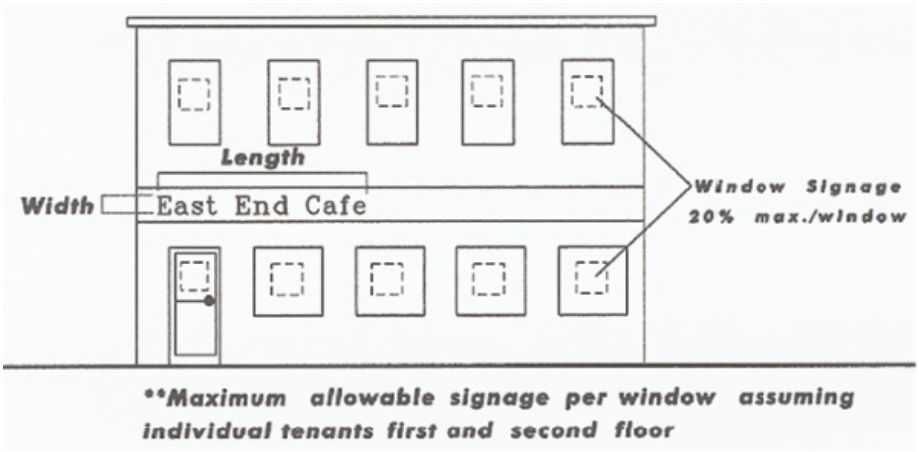


Figure 3: Maximum Window Signage

19. Changeable Copy Signs and Electronic Message Centers.

a. Area. The computation of sign area for changeable copy signs and electronic message centers shall be included in the total permitted sign area allowed for the building or development where changeable copy signs and electronic message centers are permitted by this section and/or by the Planning and Zoning Program Staff~~Department of Development~~.

i. The changeable copy portion of the sign must occupy a secondary position to the name of tenant. The area of changeable copy and electronic message centers shall not exceed thirty-five percent (35%) of the sign face, excepting gas stations for the purpose of displaying price.

b. Number. There shall be only one (1) changeable copy sign or electronic message

center on each lot or parcel of land.

c. Design. Changeable copy signs and electronic message centers must be integrated into the freestanding sign or projecting sign for such building or development.
    i. Electronic message centers may not change a message or display by an electronic process more frequently than three-second intervals.
    ii. The sign may be double-faced.
    iii. Each sign shall be permanently installed or located.
    iv. Each sign shall be placed in such a manner so as to not interfere with, confuse or present any hazard to traffic.

20. Tenant Directory Boards. Exterior tenant directory boards for the purpose of guiding pedestrians to individual businesses within a multi-tenant commercial building or center are allowed, subject to the provisions hereof. Letters on a tenant directory board, identifying occupants, may not exceed three (3) inches in height. Reorganization of a tenant directory board may be done for purposes of appearance or clarity. Changes in the structure, style or design of a tenant directory board or to add or delete the name of an occupant shall be allowed unless such tenant directory board is a legal nonconforming sign, in which case such tenant directory board must first be brought into compliance with all of the provisions of this section. Tenant directory boards shall match the color and style of the principal signage for the property and shall be located either within or outside in proximity to the main entrance area of the building. Tenant directory boards are allowed in addition to wall and freestanding signs, for a Master Sign Program. Tenant directory boards require a permit to be issued by the ~~Building Inspections and Zoning~~ Code Enforcement Department.
21. Directional Signs.
    a. Number. No more than one (1) single-faced, double-faced or four-sided freestanding sign shall be permitted for each driveway. No directional sign shall be greater than four (4) feet in height.
    b. Area. The area of each side of a directional sign shall not exceed six (6) square feet. If a driveway is shared by two (2) or more businesses or premises and each such business or premises would be permitted one (1) directional sign, pursuant to this section, such signs may be incorporated into one (1) eight-square-foot directional sign no greater than four (4) feet in height. The area of a directional sign is not calculated with the total signage area permitted on a site.
        i. Twenty-five percent (25%) of the area of each side of a directional sign may be used for the business name or logo.
    c. Location. An offset of no less than one (1) foot from the ultimate right-of-way line should be maintained.
    d. Design.
        i. Directional signs, including the base, must be architecturally integrated with the principal sign on the property. The tone and texture of the sign shall reflect the principal sign construction as close as possible or shall enhance the exterior architecture of the principal sign.
        ii. The color scheme of the sign shall complement the color scheme of the principal sign.
        iii. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
        iv. The ~~Department of Development~~Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.
    e. Directional signs may be approved administratively by the ~~Department of Development~~Planning and Zoning Program Staff.
22. Informational Signs.
    a. Signage developed for purely informational reasons, except menu boards, shall be allowed without the necessity of obtaining a permit, unless illuminated, so long as such signs comply with all other applicable provisions of this section. Such signs must be no greater than six (6) square feet in area. Examples of informational signs are signs indicating separate buildings or services on premises, e.g., body shop, car wash, and

drive-up window.

b. Informational signs consisting of menu boards may exceed six (6) square feet in area, provided, however, that no menu board, regardless of size, may be erected unless first reviewed by the ~~Department of Development~~Planning and Zoning Program Staff and a permit is obtained by the ~~Building Inspections and Zoning~~ Code Enforcement Department.
    i. Informational signs, including the base, must be architecturally integrated with the principal sign on the property. The tone and texture of the sign shall reflect the principal sign construction as close as possible or shall enhance the exterior architecture of the principal sign.
    ii. The color scheme of the sign shall complement the color scheme of the principal sign.
    iii. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
    iv. The ~~Department of Development~~Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.

23. Sandwich Board Signs.
    a. All applications for sandwich board signs shall be filed with the ~~Department of Development~~Planning and Zoning Program Staff for consideration. Applications shall include renderings of the sign and a scaled site plan delineating sign location. Permits, when approved, are valid for one (1) year and may be applied for through the ~~Building Inspections and Zoning~~ Code Enforcement Department.
    b. The City of West Allis reserves the right to restrict placement of signs during inclement weather, when a snow emergency has been declared, and special events, including, but not limited to, parades.
    c. General Requirements.
        i. Sandwich board signs shall only be permitted for commercially used buildings with a zero- to five-foot front yard setback off of the property line.
        ii. Sandwich board signs shall not be illuminated or have reflective surfaces. No additional items shall be affixed to the signs (i.e., balloons, streamers, flags, etc.).
        iii. Sandwich board signs shall not be displayed overnight and/or when the business is closed.
        iv. Number. One (1) sandwich board sign is allowed per business.
            (1) When there is one (1) entrance for multiple tenants, only one (1) sandwich board sign shall be permitted on that property.
        v. Area. The maximum sign face size shall be ten (10) square feet, with a base not exceeding two and five-tenths (2.5) feet in width. Two (2) sign faces are permitted. The total height of the sign shall not exceed four (4) feet.
        vi. Materials. Durable approved materials shall be used such as wood or metal, which are rigid, and make the sign self-supporting. No cardboard, plastic, or PVC pipe materials are permitted.
    d. Location—Right-of-Way. Sign placement conditions are as follows:
        i. If the sign will be located in the public right-of-way, then a grant of privilege is required pursuant to Section 13.21(11) and the applicant shall comply with any applicable special conditions in the grant of privilege, and the applicant shall provide an insurance certificate in a form approved by the City Attorney, in the amount of one million dollars ($1,000,000.), naming the City of West Allis as an insured party in connection with each sign.
        ii. Signs shall not be located less than six (6) inches from the face of the curb (unless located on premises).
        iii. Signs shall not be located within ten (10) feet of a fire hydrant or a building fire department connection.
        iv. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants.

v. Signs must not interfere with the vision clearance at corners and must be placed at least fifteen (15) feet from the corner (measured from street curb).
vi. Signs shall not be placed more than ten (10) feet from the business entrance in which the sign advertises, at ground level.
vii. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.
viii. The ~~City of West Allis Building Inspections and Zoning~~ Code Enforcement Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.

e. Location—Private Property. Sign placement conditions are as follows:
i. Signs shall not be located within ten (10) feet of a fire hydrant or a building fire department connection.
ii. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants.
iii. Signs must not interfere with the vision clearance at corners and must be placed at least fifteen (15) feet from the corner (measured from street curb).
iv. Signs shall not be placed more than ten (10) feet from the business entrance in which the sign advertises, at ground level.
v. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.
vi. The ~~City of West Allis Building Inspections and Zoning~~ Code Enforcement Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.

f. Any business that fails to comply with the provisions of this Code, after receiving one (1) written notification from the City of West Allis will lose its privilege to display a sandwich board sign for a one-year period.

24. Creative Signs.

a. Purpose. The purpose of the creative sign subsection is to establish standards and procedures for the design, review and approval of creative signs, such that consideration may be obtained from the Plan Commission to:
i. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit; and
ii. Provide a process for the application of sign regulations in ways that will allow for creatively designed signs that make a positive visual contribution to the overall image of the City, and in certain instances, a creatively designed sign may be permitted even though it is larger or unusual in design.

b. Applicability. An applicant may request approval of a sign permit under Section 13.21(6) to authorize on-site signs that employ standards that differ from the other provisions of this section but comply with the provisions of this subsection.

c. Design criteria. An application for a creative sign must first be filed with the ~~Department of Development~~Planning and Zoning Program Staff. The Plan Commission shall review all creative sign applications and proposals. The Plan Commission may approve, deny or request changes to a sign, based on design criteria of that sign. In approving an application for a creative sign, the Plan Commission shall ensure that a proposed sign meets the following design criteria:
i. Design quality. The sign shall:
(1) Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area.
(2) Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit.
(3) Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.

ii. Contextual criteria. The sign shall contain at least one (1) of the following elements:
(1) Classic historic design style;
(2) Creative image reflecting current or historic character of the City;
(3) Symbols or imagery relating to the entertainment or design industry; or
(4) Inventive representation of the use, name or logo of the structure or

business.

iii. Architectural criteria. The sign shall:

(1) Utilize and/or enhance the architectural elements of the building.

(2) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features/details of the facade.

25. (Reserved)

Editor's Note: Former Subsection (25), Violation, Penalties and Injunctive Action, was repealed by Ord. O-2014-0002, 2/4/2014. For current penalty provisions, see Section 13.26.

26. Severability. If any provision, clause, sentence, paragraph, subsection of part of this code, or application thereof to any person, firm, corporation of circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. It is the intent of the Common Council that this code would have been adopted had any such invalid provision or provisions not been included.

[Ord. 6552, 12/19/2000; Ord. 6560, 2/20/2001; Ord. O-2005-0031, 9/6/2005; Ord. O-2007-0006, 4/17/2007]

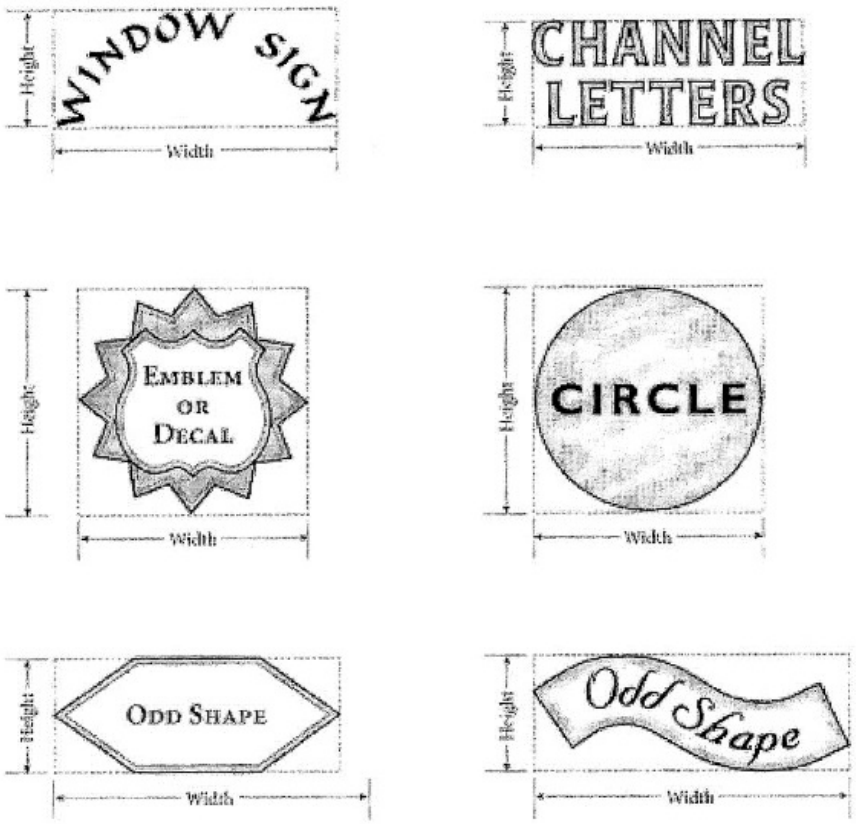
SECTION 28: **AMENDMENT** "13.215 Central Business District (Downtown) Sign Code" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.215 Central Business District (Downtown) Sign Code

1. Purpose. It is declared that the regulation of signs within the Central Business District (Downtown) is necessary and in the public interest to:
    a. Preserve the unique and historic character of the Downtown and protect property values within the City.
    b. Reduce visual clutter, establish and promote a clean and attractive environment and stimulate economic growth and stability.
    c. Promote a healthy and properly designed business environment by aesthetically complementing the development, which a sign identifies.
    d. Provide for the expression of both commercial and noncommercial speech.
    e. Provide for the identification and advertising needs of businesses.
    f. Safeguard the general public from damage and injury, which may be caused by the faulty and uncontrolled construction of signs within the City.
    g. Protect against hazards to vehicular traffic movement through improper placement of signs.

MEASUREMENT OF DISPLAY AREA



h. Promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City.

i. No regulation of sign content is intended to result from the application of this sign code.

2. Definitions. As used in this section:

"Abandoned sign" means a sign or portion of a sign structure located on a property which becomes vacant and is unoccupied for a period of sixty (60) days or more, any sign or structure which pertains to a time, event or purpose which no longer applies or a sign which no longer directs attention to a business, activity or service offered or product sold on the premises.

"Area of sign" means that area enclosed by one (1) continuous line, connecting the extreme limits or edges of writing, representation or similar figures or characters together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed on a sign. The area shall be determined using the largest sign area or silhouette visible at any one (1) time from any point. This area does not include the main supporting sign structure, but other ornamental attachments are to be included in determining area of sign. As shown:

"Awning" means a roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

"Awning sign" means a sign attached to an awning.

"Banner" means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, fabric or similar

flexible material of any kind. A flag shall not be considered a banner.

"Building front foot" means the maximum building width measured at grade level with the street.

"Bus shelter" means a structure, which protects public transit system passengers from the climate while they wait for the arrival of their buses.

"Business front foot" means the lineal distance of the building space occupied by the particular business measured on a straight line parallel to the street. Where a business does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business.

"Central Business District" means Downtown West Allis more specifically described as the C-1 Zoning District W. Greenfield Avenue between S. 70th Street and S. 76th Street.

"Change of Use" is deemed to have occurred whenever the type of business changes or when the occupant changes.

"Changeable copy sign" A sign or portion thereof on which the copy or display changes either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system, or via an electronic digital display using incandescent lamps, LEDs, LCDs or a flipper matrix or similar display.

"City" means the City of West Allis.

"Construction sign" means any sign giving the name or names of principal contractors, subcontractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other pertinent information included thereon.

"Creative sign" means any sign of unique design that exhibits a high degree of thoughtfulness, imagination, inventiveness and spirit, and that makes a positive visual contribution to the overall image of the City.

"Development sign" means any sign used to identify future residential or nonresidential development or such a development under construction.

"Directional sign" means any sign used to identify a certain location on a premises.

"Electronic message center sign" means a type of changeable copy sign upon which message or display is presented with patterns of lights or other means.

"Facade" means the exterior face of a building.

"Fascia" means a flat board, band, or face, used sometimes by itself but usually in combination with moldings, often located at the outer face of the cornice.

"Fixture" means a piece of equipment which has been permanently attached to real estate in such a way as to be part of the premises.

"Flag" means any national flag, flag of political subdivisions and symbolic insignia of any institution or business.

"Flashing sign" A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. For the purposes of this sign ordinance display at intervals three (3) seconds or more shall not be considered flashing.

"Freestanding sign" means any sign which is supported by structures or supports in or upon the

ground; and that is independent and detached from any building or other structure.

"Grand opening sign" means a sign which calls attention to a new business or the announcement of a change in ownership of a business.

"Height of sign" means the overall height of a sign and/or the supporting structure of a sign, where applicable, measured from the top of the sign and/or supporting structure of the sign to the ground.

"Holders of permit" means, collectively, the owner(s) of the premises on which a sign is located and the lessee(s) of the premises to which such sign pertains.

"Illegal sign" means any sign, except the following:

A sign allowed by this section and not requiring a permit.
A sign allowed by this section carrying a valid permit.
A legal nonconforming sign.

"Illuminated sign" means a type of sign in which the source of illumination is an integral part of the sign, either internally or externally.

"Informational sign" means a sign that indicates separate buildings or services on premises.

"Legal nonconforming sign" means a sign that met code regulations when it was originally erected, either by adherence to a previous sign code or by a variance granted to that code, but which does not comply with all the present regulations of this section.

"Maintenance" means the replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of the copy.

"Master sign program" means the establishment of an identification program for any multi-tenant operation within the City, including, but not limited to, office buildings and multi-tenant office and retail buildings, and buildings over twenty-five thousand (25,000) square feet of area. The intent of a master sign program is to give a uniform theme of size, color and style to signs in such a development.

"Mobile sign" means a sign mounted on a frame or chassis designed to be easily relocated or portable. This definition does not apply to signs mounted on trucks, taxicabs or other motor vehicles as an incidental use of such motor vehicles.

"Parapet wall" means a wall extending above the plate line of the building.

"Pennant" means a tapered or dovetailed banner, sign, or streamer, with or without any representation or writing thereon.

"Permanent sign" means any sign which is intended to be and is so constructed as to be lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in some permanent manner affixed to the ground, wall or building.

"Planned development" means a collection of like-use buildings, residential, office or industrial in nature, designed contemporaneously and in close proximity to each other as part of a single integrated project, including, but not limited to, residential subdivisions and office or industrial parks.

"Plate line" means the point at which any part of the main roof structure first touches or bears upon an external wall.

"Political sign" means a sign supporting a candidate for office or urging action on any other

matter or social issue.

"Portable sign" means any sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building, including, but not limited to, signs on trailers.

"Projecting sign" means a sign attached to a wall and projecting away (generally perpendicular) from a wall.

"Roofline" means the highest point of the main roof structure or highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.

"Roof sign" means a sign extending above the roofline or located on the roof.

"Sale, lease and rent sign" means a temporary sign, which indicates that some premises or vacant land are for sale, lease or rent.

"Sandwich board sign" means a two-sided freestanding sign constructed of wood, metal or similar rigid material generally displayed outside of a commercial establishment to identify a product or service.

"Seasonal sign" means a temporary sign for seasonal commercial establishments, including, but not limited to, garden centers, Christmas tree lots and fruit and vegetable stands.

"Shingle sign" means a sign used to identify a business whose front is under a roof overhang, covered walkway, covered porch or open lattice walkway.

"Sign" means any device, structure, fixture, banner or placard using graphics, symbols, and/or written copy for the primary purpose of identifying or advertising any establishment, product, goods or services. The term "sign" shall not include any flag.

"Sign value" means the amount reported on the sign permit, which includes the costs of design, materials, construction, and installation.

"Snipe sign" means any sign attached to public property or erected in or over the public right-of-way. This does not include a sign projecting into the public right-of-way for which a grant of privilege has been obtained or signs installed by City, county, state or federal government.

Storefront: The exterior facade of a building for a commercial use, visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

"Streamer" means the same as pennant, as defined in this subsection.

"Structure" means any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner.

"Temporary sign" means a sign constructed of, but not limited to, cloth, canvas, wood, light fabric, cardboard, wallboard, plastic or other like materials, with or without frames, or any type of sign not permanently attached to the ground, wall or building which is permitted for display for a limited period of time only.

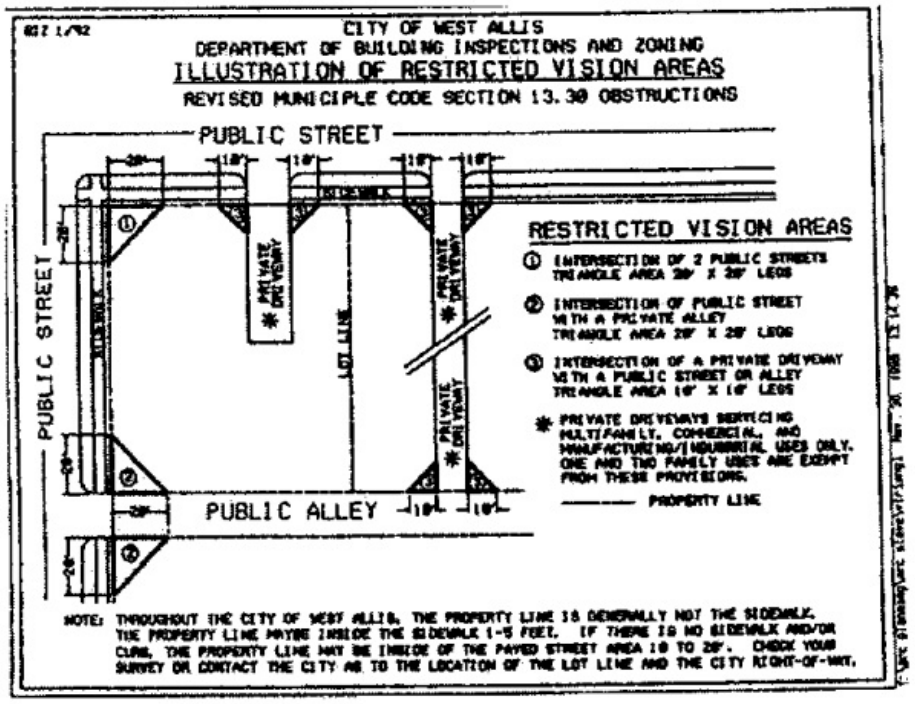
"Tenant directory board" means any sign on which the names of occupants or the uses of a building is given, including, but not limited to, those utilized at office buildings, retail centers and other multi-tenant commercial buildings.

"Time and temperature signs" means a sign which conveys the time and/or temperature.

"Traffic directional sign" means a sign designed and located solely for the purpose of relieving

traffic congestion and directing and promoting the safe flow of traffic.

"Vision triangle" means a restricted vision area at the intersection of two public streets, a public street and a private alley, and a private driveway and a public street or alley. Private driveways servicing one- and two-family uses are exempt from the vision triangle restriction.



"Wall sign" means a type of sign the back of which is attached (parallel) to a building wall or structure, twelve (12) inches or less from the wall.

"Window" means an opening in the wall of a building for admission of light and air that is usually framed by casements or sashes containing transparent material (usually glass).

"Window area" means the transparent portion of a window within a frame. The area of transparent glazing (glass), within the frame of a single window unit, section or bay. The window area is calculated by measuring the width of window glazing set within vertical dividers, or a buildings structural materials (ie. brick columns), by the window height. Non-transparent glass is not considered a window.

"Window display" means any merchandise, pictures, artwork or models of products or services viewable in a window or door in such a manner as to permit viewing from the exterior of the building or structure.

"Window sign" Any sign that is applied, painted, or affixed to a window, or placed inside a window area, within two (2) feet of the glass, facing the outside of the building as to be seen from the outside.

3. Requirement of Conformity. It shall be illegal for a sign to be erected, constructed, repaired, altered, located or maintained in the City, except as provided in this section.
    a. All signs constructed or maintained contrary to the provisions of this section are declared to be illegal.
    b. Any person or entity violating any provisions of this section or failing to comply with any orders or regulations made hereunder shall be subject to the penalties hereof and those otherwise provided by law.
    c. This section of the ordinance shall apply to signs located in the C-1. Central Business District of the City.
4. Conformity of Nonconforming Signs.

a. Any and all signs on a parcel which are nonconforming as of the date of the adoption of this Code (April 17, 2007) nonconforming being defined in Section 13.215(2) of this chapter and sec. 62.23(7)(h), shall conform to this section:
    i. When there is any alteration to a sign that requires a permit;
    ii. When an electrical permit for a sign is required;
    iii. When there is any alteration to a building or site or structure that requires Plan Commission review;
    iv. When the total structural repairs or alterations in a nonconforming building, premises, structure, or fixture exceeds fifty percent (50%) of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use; or
    v. When the nonconforming use of the building, premises, structure, or fixture is discontinued for a period of twelve (12) months.

b. All signs subject to the conformity requirements of this section will have twelve (12) months from issuance of permit for an exterior alteration to a building or site or structure to meet the requirements. An extension of this time limitation may be granted by the Plan Commission in accordance with the following criteria:
    i. The applicant requesting the extension shall complete a signage application available from the ~~Department of Development~~Planning and Zoning Program Staff and shall submit a ~~two hundred fifty dollar ($250.) extension fee~~fee in the amount listed on the Fee Schedule.
    ii. A written explanation for the extension of time shall accompany the signage application along with a timeline/schedule for obtaining necessary permits and a target date for construction start.
    iii. The request for extension shall be submitted within sixty (60) days of the expiration of the conformity requirements.
    iv. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the extension of time grant shall become null and void.

5. Procedures.
    a. Sign Application Review and Permitting Process.
        i. Sign review applications are available through the ~~Department of Development~~Planning and Zoning Program Staff. All signs will be reviewed for approval pursuant to the administrative procedures as set by the ~~Department of Development~~Planning and Zoning Program Staff except for signs which do not require a permit under Section 13.215(6) of this section, and temporary signs as described in Section 13.215(12). Permits are granted from the ~~Building Inspections and Zoning~~ Code Enforcement Department and will only be granted after approval from the ~~Department of Development~~Planning and Zoning Program Staff or Plan Commission.
        ii. All signs for which a permit must be obtained are subject to review and approval by the West Allis Business Improvement District Design Review Committee. Recommendations of the Committee will be forwarded to the ~~Department of Development~~Planning and Zoning Program Staff.
        iii. The ~~Department of Development~~Planning and Zoning Program Staff decision on an application shall be issued within thirty (30) days of filing of the application with the office of the City Planner unless the applicant has agreed in writing to an extension.
        iv. Permits are granted from the ~~Building Inspections and Zoning~~ Code Enforcement Department and will only be granted after approval from the ~~Department of Development~~Planning and Zoning Program Staff or Plan Commission.
        v. All applicants must submit five (5) color copies of sign proposals along with a signage review fee (see Chapter **12** of the Revised Municipal Code) to the ~~Department of Development~~Planning and Zoning Program Staff. Such submissions shall detail the size of the sign, the method of attachment or support, the location(s) of the proposed sign(s), any other sign(s) located on

the premises, the materials to be used, and any other information deemed necessary to properly review the proposal.

vi. Guidelines for Approval.

(1) The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of the area.

(2) The proposed sign conforms to the location, size and style and other requirements set forth in this section.

(3) The proposed sign conforms to the City's long-range planning for the area as set forth in the City's Master Plan as that term is defined in Chapter 62.23(3), Wisconsin Statutes, or relevant portions thereof.

(4) The proposed sign shares similar architectural or building material features of the principal building.

vii. The Business Improvement District in cooperation with the ~~Department of Development~~Planning and Zoning Program Staff may establish guidelines, which further define and interpret this section. Those guidelines, if any, shall be made available to all sign applicants.

viii. Any signage proposals that are denied by the ~~Department of Development~~Planning and Zoning Program Staff may be appealed to the Plan Commission in accordance with the variance procedure as stated in Section 13.215(9).

6. Permits, Inspections and Revocations.

a. A permit shall not be required for the following signs or activities; provided, however, that such signs or activities shall be subject to any and all applicable provisions of this section:

i. One (1) nonilluminated sign six (6) square feet or less in area unless otherwise specifically required by this section;

ii. Maintenance, including repainting or replacing faces of signs, or minor nonstructural repairs of signs (except electrical repair);

iii. Political signs;

iv. Window signs only as permitted under Section 13.215(16);

v. Rental, sale and lease signs six (6) square feet or less in area; and

vi. Address markers/signs; and

vii. Flags.

b. A permit shall not be required for the erection, construction, alteration, placement, maintenance or location of official traffic, fire and police signs, signals, devices and markings of the state and the City or other public authorities, or the posting of notices required by law or for other signs as approved by the Board of Public Works. See Section 13.215(11).

c. No person, firm or corporation shall erect, replace, construct, enlarge, alter, move, relocate or maintain any sign as governed by this section without first obtaining a sign permit from the ~~Building Inspections and Zoning~~ Code Enforcement Department, except as said forth in Section 13.215(6)(a) and (b) above. Before a sign permit may be issued, it shall first be approved by the ~~Department of Development~~Planning and Zoning Program Staff in accordance with the procedure in Section 13.215(5), and conform to the requirements of this code, and the applicant shall pay the required fees. See Chapters **12** and **13** of the Revised Municipal Code for a fee schedule.

i. Any owner of a premises or agent for the owner shall file an application for a sign permit on a form furnished for such purpose. Each application shall additionally include sufficient information to issue a permit to include plans and drawings detailing sign location information and sign construction information that indicates conformance with the construction standards of Section 13.215(7).

ii. In addition to a sign permit, an electrical permit is also required for electrically operated signs.

iii. As a condition of the issuance of a sign permit, the sign owner and owner of

the premises upon which the sign is located agree to allow inspectors on the property for inspection of the installation and maintenance and further agree to promptly remove the sign should it become unsafe, inadequately maintained, dilapidated, abandoned, in nonconformance with this section, or if prescribed fees are not paid.

d. Unless waived by the ~~Building Inspections and Zoning~~ Code Enforcement Department, all signs for which a permit is required shall be subject to the following inspections:
    i. Electrical inspection on all electrically operated signs.
    ii. Site inspection to insure that the sign has been constructed according to an approved application and a valid sign permit.
    iii. Inspection on a yearly basis to insure that the sign continues to conform to the permit and has been adequately and properly maintained.

e. Permit Revocation and Sign Removal.
    i. The ~~Building Inspections and Zoning~~ Code Enforcement Department shall have the authority to revoke any sign permit upon determination that the sign authorized by the permit has been constructed or is being maintained in violation of the permit or the provisions of this section.
    ii. In revoking any sign permit and requiring the removal of any illegal sign, the ~~Building Inspections and Zoning~~ Code Enforcement Department shall give a written compliance order to the owner(s) of the premises on which such sign is located and/or to the occupant(s) of the premises to which such sign pertains. The order shall state the reasons and grounds for removal, specifying the deficiencies or defects in such sign, and the violations charged, if any. Such order shall specify what repairs, if any, will make the sign conform to the requirements of this section, specify that the sign must be removed or made to conform with the provisions of this section within the compliance period provided below and further state the appeals process provided below. A sign with an expired permit is an illegal sign and therefore does not require revocation of the permit.
    iii. Compliance Period for Removal.
        (1) The compliance period for removal for permanent signs shall be thirty (30) days.
        (2) The compliance period for removal of temporary signs shall be forty-eight (48) hours.
    iv. The decision of the ~~Building Inspections and Zoning~~ Code Enforcement Department to revoke the permit may be appealed to the Plan Commission. A written appeal must be filed within thirty (30) days from the date when the order was served. The Plan Commission shall consider this appeal at its next regularly scheduled meeting. The decision of the Plan Commission shall be the final determination as set forth in sec. 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to sec. 68.13 of the Wisconsin Statutes and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.
    v. If no appeal has been filed within the thirty-day appeal period, or if the Plan Commission has upheld the decision of the ~~Building Inspections and Zoning~~ Code Enforcement Department on appeal, the permit is deemed revoked and the sign is deemed illegal. The ~~Building Inspections and Zoning~~ Code Enforcement Department then shall initiate the procedure for the removal of the illegal sign.
    vi. If after service of order the owner(s) and/or occupant(s) of the premises upon which the sign is located have not removed the sign or brought the sign into compliance with the provisions of the section by the end of the compliance period, the ~~Building Inspections and Zoning~~ Code Enforcement Department shall take such legal action as deemed appropriate.
    vii. Removal. The ~~Building Inspections and Zoning~~ Code Enforcement Department is authorized to cause the removal of any sign adjudged to be illegal by a court of competent jurisdiction if the court so orders. The actual

cost and expense of any such removal by the ~~Building Inspections and Zoning~~ Code Enforcement Department shall be charged against the owner of the property and may be entered as a special assessment against such premises to be collected in all respects like other taxes upon the real estate, as provided in Chapter 66.615(3)(f) of the Wisconsin Statutes, except in the case of snipe signage in the public right-of-way.

viii. Re-erection of any sign or any substantially similar sign on the same premises after a compliance order has been issued shall be deemed a continuance of the original violation.

7. Sign Construction Standards. All signs shall be designed and constructed to comply with the provision of this code for use of materials, loads and stress as required by the International Building Code (IBC), in the most current edition as published by the International Code Council, Inc.
    a. Signs shall be designed and constructed to withstand wind pressure as provided in IBC Chapter **16**.
    b. Signs shall be designed and constructed with the allowable working stress conforming to IBC Chapter **16**. The working stress of wire rope and its fastening shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners. Exceptions:
        i. The allowable working stress for steel and wood shall be in accordance with IBC Chapters 22 and 23.
        ii. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth (1/5) of the ultimate strength of such chains, cables, guys or steel.
    c. Signs attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. All ferrous chain, wire ropes, guy rods and their fastenings and anchor bolts shall be galvanized or be of other approved equivalent protection. Wood blocks shall not be used for anchorage, except in the case of signs attached to buildings with wood walls. Signs shall not be supported by anchors secured to an unbraced parapet wall. Minimum anchorage for wall signs is 3/8-inch diameter embedded at least five (5) inches. Minimum anchorage for projecting signs is 5/8-inch and turnbuckles shall be placed in chains, guys or steel rods supporting projecting signs.
    d. All ferrous parts of signs subject to corrosion shall be protected and maintained free of corrosion.
    e. Wood, approved plastic or other materials of combustible characteristic used as facings or in molding, cappings, nailing blocks, letters and latticing shall comply with Paragraphs 1 through 4 below, and shall not be used for other ornamental features of signs, unless approved.
        i. All signs greater than forty (40) square feet shall be constructed of metal or other approved noncombustible materials.
        ii. Plastic and other materials which burn at a rate no faster than 2.5 inches per minute when tested in accordance with ASTM D 635 shall be deemed approved plastic and can be used as the display surface material and for letters, decorations and facings on signs and outdoor display structures.
        iii. The area of individual plastic facings of electric signs is limited by the area allowed for that type of sign but shall not exceed two hundred (200) square feet. If the total area of display surfaces exceeds two hundred (200) square feet, the area occupied or covered by approved plastics shall be limited to two hundred (200) square feet plus fifty percent (50%) of the difference between two hundred (200) square feet and the area of the display surface. The area of plastic on the display surface shall not exceed one thousand one hundred (1,100) square feet.
        iv. Letters and decorations mounted on approved plastic facing or display surface can be made of approved plastics.
    f. No sign shall be illuminated by other than electrical means. Any open spark or flame design is not permitted unless specifically approved.
    g. Signs that require electrical service shall comply with Chapter **14**, Electrical Code.
    h. All internally illuminated signs shall bear the label of the manufacturer and approved

testing agency, and the listing number shall be reported on the sign permit application.

i. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door. A sign shall not be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

8. Maintenance.
    a. All signs and sign support structures, together with all parts, to include, but not limited to, sign faces, supports, braces, base, guys and anchors, shall be kept in good repair and in proper state of preservation. Painted surfaces shall be maintained free of peeling, chipping paint. All metal parts and supports thereof shall be maintained free of corrosion.

    b. The ~~Building Inspections and Zoning~~ Code Enforcement Department shall have the authority at all reasonable times to inspect and order the painting, repair, alteration, maintenance or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. The ~~Building Inspections and Zoning~~ Code Enforcement Department shall follow the procedure of notification concerning such maintenance or removal as outlined in Section 13.215(6).
    c. When any sign, advertising structure or device, or a major part thereof, is blown down, destroyed, taken down or removed for any purpose, such structure shall not be re-erected, reconstructed, rebuilt, or relocated, except in conformity with the regulations of this section. Additionally, any existing sign, sign structure, awning, canopy, or other advertising structure requiring repairs at any one time in excess of fifty percent (50%) of the sign's original value shall not be repaired unless made to conform to the requirements of this section.
    d. An abandoned sign is prohibited and shall be made to conform to this code or removed by the owner of the sign or owner of the premises. See Paragraph (2), "Abandoned sign."
    e. Any sign which is located on a premises which becomes vacant or unoccupied for a period of six (6) months or more is considered abandoned and shall be removed.
    f. If a business on a property is suspended because of business or property ownership or management change, for more than six (6) months, any signage associated is considered abandoned and shall be removed.
    g. The Building Inspector may grant up to a six-month extension of time for the removal or intended compliance of a sign, to the sign owner, under the provisions of this subsection. A written request for an extension of time shall be submitted to the ~~Building Inspections and Zoning~~ Code Enforcement Department.
    h. All signs, awnings, canopies, and other advertising structures projecting into the City right-of-way may be inspected yearly for maintenance and conformance with this Code. An annual maintenance inspection fee shall be charged to the sign owner or property owner of each sign in place on January 1st and is due and shall be paid by March 15th of each year following original installation. The fee shall be in accordance with the fee schedule.
    i. All signs, as designated in the ~~Building Inspections and Zoning~~ Code Enforcement Department fee schedule, may be inspected yearly for maintenance and conformance with the code. An annual maintenance inspection fee shall be charged to the sign owner of each sign and is due and shall be paid by March 15th of each year the sign exists. The fee shall be in accordance with the fee schedule.
9. Variance to Sign Code.
    a. Purpose. Sign variances are intended to allow flexibility in sign regulations while fulfilling the purpose of this ordinance. Variance from specific regulations of this section may be granted by the Plan Commission, where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship; provided, that the spirit of this section shall be observed, public safety and welfare secured and substantial justice done. Nothing in this section, however, is intended to permit the erection or maintenance of signs which create the potential of public harm or for which there is no public benefit or which are in conflict with the City's master plan or relevant portions thereof.

b. Procedure.
    i. Any person may request a variance from any provision or requirement of Section 13.21 of the Revised Municipal Code, by submitting a written request to the ~~Department of Development~~Planning and Zoning Program Staff not less than twenty (20) days before the next regularly scheduled Plan Commission meeting. A fee shall be required of the applicant at the time that a request for a hearing is made in accordance with Development Review Fees in Chapter **12** of the Revised Municipal Code.
    ii. The Plan Commission shall review such requests for variances using the following criteria:
        (1) The sign as proposed will not result in an undue concentration of signage, which renders it difficult or confusing to read existing signs.
        (2) The proposed sign is unique and of exceptional design or style so as to enhance the area.
        (3) Site Difficulties: unusual site factors preclude the construction of a sign in accordance with this section, which would be visible to the roadway adjacent to the site frontage.
    iii. Should the Plan Commission find that a variance should be granted, the application will be forwarded to the ~~Building Inspections and Zoning~~ Code Enforcement Department with directions to issue a permit in accordance with its decision. If the Plan Commission finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision, in writing within thirty (30) days of the date of such decision. The decision of the Plan Commission shall be the final determination as set forth in sec. 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to sec. 68.13 of the Wisconsin Statues and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.

10. Prohibited Signs, Lighting and Movement.
    a. Lighting. Unless otherwise noted in the specific subsection, no flashing lights shall be permitted for either permanent or temporary signs. Illumination shall be so installed to avoid any glare or reflection into any adjacent property, or onto a street or alley to create a traffic hazard as determined by the ~~Building Inspections and Neighborhood Services~~ Code Enforcement Department.
    b. Prohibited Signs, Lighting and Movement. It is unlawful to erect or maintain the following:
        i. Flashing signs.
        ii. Portable signs.
        iii. Pennants or streamers.
        iv. Abandoned signs/structures.
        v. Snipe signs—signs in, on or over public property; excluding those regulated in Section 13.215(11).
        vi. Signs that interfere with traffic.
        vii. Strobe lights, laser lights, mobile or ground mounted search lights.
        viii. Lighting which is used to outline a building, structure, or window (examples include but not limited to rope, LED, and fluorescent tube lighting).
        ix. All prohibited signs not mentioned in this section.
11. Signs in the Public Right of Way.
    a. No sign, pennant, flag or banner shall be erected, placed, located or maintained within the limits of any street or highway unless allowed as hereafter stated. Street or highway limits include all the dedicated rights-of-way, encompassing the traveled portion of the highway, shoulders, sidewalks, ditches and adjacent dedicated areas. This prohibition applies to freestanding signs and those placed on trees, utility poles, fence post stakes and all other structures within the highway limits.
        i. Failure to comply with the provisions of this section shall be a violation of sec. 86.19, Wisconsin Statutes, which is hereby adopted, as well as this section.
        ii. Any sign in violation of this section shall be removed without notice by the ~~Building Inspections and Zoning~~ Code Enforcement Department, the Police Department, or the Public Works Department.
        iii. This prohibition shall not apply to signs placed within the limits of streets or

highways by duly constituted municipal, county or state authorities for the guidance or warning of traffic, as provided in sec. 86.19(1) and (4), Wisconsin Statutes, or to mail boxes and paper boxes, bus shelters, or to banners, signs, pennants, flags or other related decorations hung over streets attached to public property as authorized by the Board of Public Works in which case these will not require a permit under this section.

iv. No sign shall be erected, placed, located or maintained at or near the intersection of any streets so as to obstruct free and clear vision or at any location where, by reason of position, shape and color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "look," "danger" or other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

b. Signs on Public Property. No person shall erect, place or locate any sign in or on public property, with the exception of awning, projecting and sandwich board signs, which are only allowed in the public right-of-way with a grant of privilege from the Board of Public Works.

12. Temporary Signs.

a. Permit, Maintenance and Removal.

i. The ~~Building Inspections and Zoning~~ Code Enforcement Department may issue a temporary sign permit as stated in this subsection. After permit application, a temporary sign permit may be issued for a time period specified unless as otherwise noted in this subsection.

ii. Any temporary sign erected without a permit or for which the permit has expired may be removed by the Building Inspector with or without notice.

iii. All temporary signs shall be maintained in good condition and removed promptly upon expiration of the permit or as ordered by the Building Inspector.

b. Banners.

i. Application for a banner sign shall include information and/or plans indicating the size of the sign, the advertising or copy on the sign, the location of the sign on the property, sign material type, and information regarding installation (attachment and/or support).

ii. Each banner allowed may not exceed fifteen (15) square feet in area.

iii. No more than one (1) banner may be erected per business or occupant per calendar year, with each permit issued allowing a maximum of sixty (60) days for the banner to be posted on the property.

iv. A grand opening banner sign not exceeding twenty (20) square feet may be allowed for a new business for a period of thirty (30) days in addition to other banners allowed.

v. Seasonal signs may be posted for the term of the season as stated on the issued permit.

vi. The Code Enforcement Director ~~of the Building Inspections and Zoning Department~~ may allow a temporary sign to remain in place for up to ninety (90) days with one (1) ninety-day extension of time, while a business or property owner pursues a permanent sign.

c. Construction and Development Signs.

i. Construction and development signs are allowed to indicate the new business, development, contractor, subcontractor, architect or lending institution.

ii. Application for each construction or development sign shall include information and/or plans indicating the size of the sign, copy on the sign, sign material type, the location of the sign on the property, whether single- or double-faced, and sign attachment and/or support information.

iii. One (1) development sign is allowed per street frontage and may not exceed thirty-two (32) square feet in area.

iv. Two (2) construction signs are allowed per street frontage and each sign may not exceed thirty-two (32) square feet in area.

v. Construction and development sign permits shall expire ten (10) days after the

first occupancy and shall be removed promptly upon expiration.

d. Sale, Lease and Rent Signs.
    i. Vacant land and land being developed may have a temporary sale, lease, and rent sign posted on each street which the land abuts. The sign shall be placed on the property being sold, leased or rented in accordance with this subsection.
    ii. Residential use properties are allowed a sale, lease, or rent sign, not greater than six (6) square feet in area and may be double-faced. Freestanding signs shall not be greater than five (5) feet in height. No permit is required and the sign shall be removed upon sale, lease or renting of the use advertised.
    iii. Nonresidential use properties are allowed one (1) temporary sale, lease, or rent sign, which may be single- or double-faced and shall not exceed twelve (12) square feet in area. Freestanding signs shall not be greater than five (5) feet in height. A permit is required for each sign in access of six (6) square feet. Each sign shall be removed upon sale, lease, or renting of the use advertised, except as stated in Section 13.215(12)(d)(4). The notice to remove noncomplying signs shall be in accordance with the procedures outlined in Section 13.215(6).

    iv. For new nonresidential developments, a temporary sale, lease, or rent sign permit may be issued for one hundred eighty (180) days and may be renewed for ninety-day periods until the development's units are ninety percent (90%) occupied or when two thousand (2,000) square feet of area or less remains to be sold, leased, or rented. The notice to remove noncomplying signs shall be in accordance with the procedures outlined in Section 13.215(6).

e. Political Signs.
    i. The sign area of a political campaign sign displayed in other than residential zoning districts shall not exceed twenty (20) square feet in area. The sign area of such signs displayed in residential zoning districts shall not exceed six (6) square feet in area. In any zoning district, such signs may be freestanding and shall not exceed six (6) feet in height.
    ii. No permit shall be required for political signs.

13. Awnings. Awning signs are permitted subject to the following regulations:
    a. A grant of privilege is required for awnings over the right-of-way [see Section 13.215(11)].
    b. Area. The area of sign copy shall not exceed twenty-five percent (25%) of the face of the awning/canopy to which the sign is to be affixed (see Figure 2 below).
    c. Location.
        i. Projection. The sign may be affixed to any awning/canopy. An awning shall not project closer than two (2) feet to the edge of street curb.

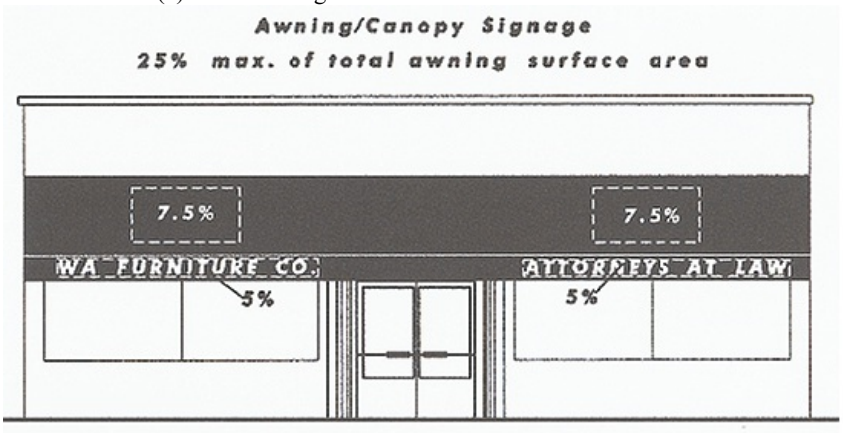


Figure 2: Awning Signage

        ii. Clearance. The lowest part of the awning structure shall not be less than seven (7) feet above the adjacent street grade or walk area below. The height of the awning fringe shall not be less than six (6) feet nine (9) inches above the adjacent grade.
    d. Materials. Plastic/vinyl awning materials are not permitted.

e. Illumination: Awnings may be illuminated.

14. Projecting Signs. Projecting signs are permitted subject to the following regulations:
    a. Architecture and Design.
        i. Architecture. Projecting signs must be architecturally integrated with the principal building on the property. The tone and texture of the sign shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building.
        ii. Design. Projecting signs shall be a minimum of one (1) inch in thickness. Decorative noncorrosive metal, or other approved durable material support arms are required. Signs with borders shall be constructed with a two-inch minimum border thickness. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/off-sets and unique shapes are required.
    b. Materials.
        i. Acceptable materials. Wood, aluminum, masonry, or similar product or polycarbonate or other approved durable materials. Painted wood relief letters, acrylic plastics, noncorrosive prefinished metals, painted laminated wood products clad in approved materials (clear acrylic), approved synthetic materials (fypon, synthetic wood products, foam plastics).
        ii. Nonacceptable materials. Exclusively painted flat laminated wood products (plywood, MDO, OSB, particle board or wood chip panels).
    c. Review. Any signage requests are subject to review and approval of the Downtown West Allis Business Improvement District Design Review Committee. The ~~Department of Development~~Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.
    d. Size Requirements and Location.
        i. Number. One projecting sign is permitted per street frontage for each tenant. A grant of privilege will be required for signs over the right-of-way [see Section 13.215(11)].
        ii. Area. The gross surface area of the sign shall be limited to a maximum of sixteen (16) square feet for single and multi-tenant buildings. Buildings over one-story are permitted an additional sixteen (16) square feet for each additional level to a maximum of one hundred (100) square feet in area.
        iii. Projection. The sign shall not project more than four (4) feet from the wall to which it is attached.
        iv. Clearance. No part of the sign shall be lower than eight (8) feet above the walk or surface below.
        v. Height. Projecting signs height shall not exceed a height, or encroach, within four (4) feet of the top of the parapet wall or roofline. No sign shall extend above the roof, wall or parapet of the building to which it is attached.

15. Wall Signs. Wall signs are permitted subject to the following regulations:
    a. Architecture and Design.
        i. Architecture. Wall signs must be architecturally integrated with the principal building on the property. The tone and texture of the sign shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building.
        ii. Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/off-sets and unique shapes are required. Surface mounted signs shall be a minimum of one (1) inch in thickness and installed with a one-inch minimum off-set from the building facade. Signs with borders shall be constructed with a two-inch minimum border thickness.
    b. Materials.
        i. Acceptable materials. Wood, aluminum, masonry, or similar product or polycarbonate or other approved durable materials. Painted wood relief letters, acrylic plastics, noncorrosive prefinished metals, painted laminated wood products clad in approved materials (clear acrylic), approved synthetic materials (fypon, synthetic wood products, foam plastics).
        ii. Nonacceptable materials. Exclusively painted flat laminated wood products

(plywood, MDO, OSB, particle board or wood chip panels).

c. Review. Any signage requests are subject to review and approval of the Downtown West Allis Business Improvement District Design Review Committee and the ~~Department of Development~~Planning and Zoning Program Staff. The ~~Department of Development~~Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.

d. Size Requirements and Location.

i. Number. One (1) wall sign for each business facade that abuts a street or open space greater than ten (10) feet in width.

ii. Area. The maximum sign area of each wall sign on a building's facade(s) (excluding alley elevations) shall be computed as one and five-tenths (1.5) square feet times the lineal front foot of the facade, to a maximum of fifty (50) square feet, whichever is less.

iii. Location. No wall sign shall project more than twelve (12) inches from the wall to which it is attached, nor shall it extend beyond the ends of the wall to which it is attached. A wall sign must be placed on an exterior wall of the business, which the sign identifies.

iv. Height. Wall signage height shall not exceed a height, or encroach, within four (4) feet of the top of the parapet wall or roofline. No sign shall extend above the roof, wall or parapet of the building to which it is attached. Signage may be allowed on canted roof surfaces, but only if the roof surface is within twenty-five degrees (25°) of vertical, such as a mansard roof.

v. Alley Entrances. Single or multi-tenant business establishments with alley entrances for customers shall be permitted one (1) shared wall sign to be located over or adjacent to such entrance. Such sign shall be limited to fifteen (15) square feet and shall not encroach into the right-of-way.

16. Window Signs. Window signs are permitted subject to the following regulations:

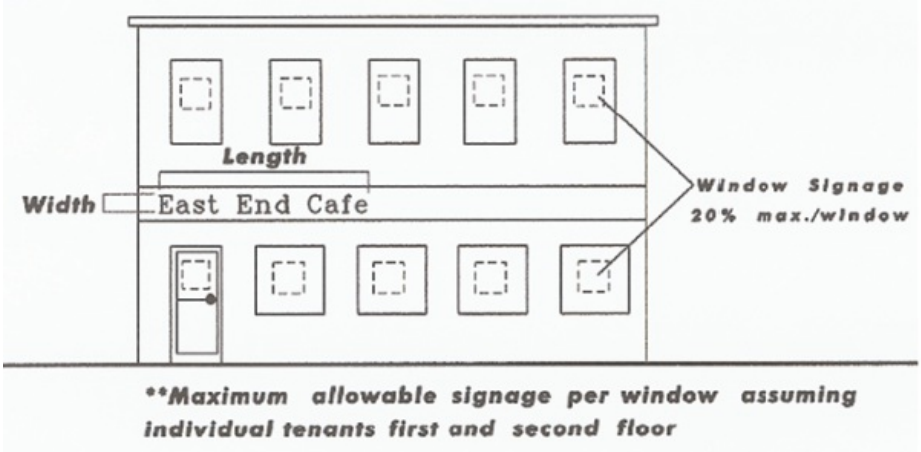


Figure 3: Maximum Window Signage

a. Area. In no instance may window signs (see Figure 3 below) cover more than twenty percent (20%) of the window space. All window signs must be affixed to the interior of the window.

17. Sandwich Board Signs.

a. All applications for sandwich board signs shall be filed with the ~~Department of Development~~Planning and Zoning Program Staff for consideration. Applications shall include renderings of the sign and a scaled site plan delineating sign location. Permits, when approved, are valid for one (1) year and may be applied for through the ~~Building Inspections and Zoning~~ Code Enforcement Department.

b. The City of West Allis reserves the right to restrict placement of signs during inclement weather, when a snow emergency has been declared, and special events, including, but not limited to, parades.

c. General Requirements.

i. Sandwich board signs shall not be illuminated or have reflective surfaces. No

additional items shall be affixed to the signs (i.e., balloons, streamers, flags, etc.). Signs shall not be located within City planting beds or against street trees and at least fifteen (15) feet from a street or alley corner.

ii. Sandwich board signs shall not be displayed overnight and/or when the business is closed.

iii. Number. Due to the unique nature of the downtown with many businesses in close proximity to each other, no more than twelve (12) signs shall be permitted within the District.

(1) When there is one (1) entrance for multiple tenants, only one (1) sandwich board sign shall be permitted on that property.

iv. Area. The maximum sign face shall not exceed ten (10) square feet, with a base not to exceed two and five-tenths (2.5) feet wide. Two (2) sign faces are permitted. The total height of the sign shall not exceed four (4) feet.

v. Term. Signs must be stored inside overnight or when the business is closed. Signs shall not be displayed during snow emergencies.

vi. Materials. Durable approved materials shall be used such as wood or metal, which are rigid, and make the sign self-supporting. No cardboard, plastic, or PVC pipe materials are permitted.

d. Location — Right-of-Way. Sandwich board signs may be located in the City's right-of-way. Sign placement conditions are as follows:

i. If the sign will be located in the public right-of-way, then a Grant of Privilege is required pursuant to Section 13.215(11). The applicant shall provide an insurance certificate in a form approved by the City Attorney, in the amount of one million dollars ($1,000,000.), naming the City of West Allis as an insured party in connection with each sign. Furthermore the applicant shall comply with any applicable special conditions in the grant of privilege.

ii. Signs shall not be located less than six (6) inches from the face of the curb, (unless located on premises). An unobstructed width of four (4) feet shall be provided for pedestrian traffic. Signs shall not be located within City planting beds or against street trees and at least fifteen (15) feet from a street or alley corner.

iii. Signs shall not be located within ten (10) feet of a fire hydrant nor a building fire department connection.

iv. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.

v. Signs must not interfere with the vision clearance at corners and must be placed at least fifteen (15) feet from the corner (measured from street curb).

vi. Signs shall not be placed more than ten (10) feet from the business entrance in which the sign advertises, at ground level.

vii. The ~~City of West Allis Building Inspections and Zoning~~ Code Enforcement Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.

e. Location — Private Property. Sandwich board signs may also be permitted on commercially used private property. Sign placement conditions are as follows:

i. Signs shall not be located within ten (10) feet of a fire hydrant nor a building fire department connection.

ii. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.

iii. Signs must not interfere with the vision clearance at corners and must be placed at least fifteen (15) feet from the corner (measured from street curb).

iv. Signs shall not be placed more than ten (10) feet from the business entrance in which the sign advertises, at ground level.

v. The ~~City of West Allis Building Inspections and Zoning~~ Code Enforcement Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.

f. Any business that fails to comply with the provisions of this Code, after receiving one

(1) written notification from the City of West Allis will lose its privilege to display a sandwich board sign for a one-year period.

g. Indemnification. The West Allis Business Improvement District shall indemnify and hold the City of West Allis harmless from and against any and all liability, loss, cost, damage or expense including reasonable attorney fees arising out of, or incurred in connection with each sign and/or damage to any buildings, properties, vehicles or persons injured from any action or inaction by the Downtown Business Improvement District.

h. Fee. A permit is required for each sign term.

18. Illuminated Signs. Illuminated signs are permitted subject to the following regulations:
    a. Internal Illumination. Signage background, copy and logos may be translucent.
    b. External Illumination. Signs may be indirectly lit by separate clearly articulated architectural lamps mounted to the exterior of the building, above and/or below the sign.
    c. Neon. The use of neon is permitted, provided the signage display and use of color is designed to complement the architectural character of the building to which the sign is affixed.
    d. Glare. All sign lighting shall be designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent streets or properties.
    e. Prohibitions. Flashing light is prohibited. Display at intervals three (3) seconds or more shall not be considered flashing.
    f. Changeable copy signage Brightness/Lighting limits. The night-time illumination of an EMC shall conform with the criteria set forth in this section.
        i. Measurement Criteria. The illuminance of a changeable copy sign shall not exceed 0.3 foot candles above ambient lighting levels as measured by an illuminance light meter set to measure foot candles accurate to at least two decimals. Illuminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the sign as set forth in the accompanying sign area versus measurement distance formula as follows: In feet, measurement distance equals the square root of the sum of the sign square footage multiplied by one hundred (100).

            Measurement Distance = Square Root (Area of Sign Sq. Ft. x 100)
        ii. Dimming Capabilities: All permitted changeable copy signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

19. Changeable Copy Signs. Changeable copy signs are permitted subject to the following regulations:
    a. Sign Type. Changeable Copy Signs are permitted as an accessory to certain types of signage including freestanding, projecting or window signage.
    b. Area.
        i. Freestanding or projecting changeable copy signage. When used as part of a freestanding or a projecting sign, a changeable copy signage shall not exceed 35% of the sign's area.
        ii. Window changeable copy signage. When used in a window, changeable copy signage shall not exceed 20% of the window area.
    c. Number.
        i. Freestanding or projecting changeable copy signage. When used as part of a freestanding or a projecting sign, one (1) changeable copy sign is allowed per property.
        ii. Window sign. When used in a window, a maximum of one changeable copy sign is allowed per storefront. In the case of a corner or double street frontage, only one changeable copy sign shall be allowed.
    d. Design.

i. Freestanding sign. When used in the form of a freestanding sign refer to the specific requirements in section 13.215(23) additionally:
   (1) The sign may be double-faced.
   (2) Each sign shall be permanently installed or located.
   (3) Each sign shall be placed outside vision angles and in such a manner so as to not interfere with, confuse or present any hazard to pedestrians or vehicle traffic.
   (4) Changeable copy signage shall not be allowed along the alley frontage.

ii. Projecting or window sign. When used as part of a projecting or as part of a window refer to the specific requirements in sections 13.215(14) and 13.215(16) relative to projecting and window signage, additionally. :
   (1) The sign may be double-faced.
   (2) Each sign shall be permanently installed or located.
   (3) Illuminated sign standards subject to 13.215(18)
   (4) Window signage shall be located on the interior side of storefront glass.
   (5) Changeable copy signage shall not be allowed along the alley frontage.

20. Tenant Directory Boards. Tenant directory board signs are permitted subject to the following regulations: Exterior tenant directory boards for the purpose of guiding pedestrians to individual businesses within a multi-tenant commercial building or center are allowed, subject to the provisions hereof. Letters on a tenant directory board, identifying occupants, may not exceed three (3) inches in height. Reorganization of a tenant directory board may be done for purposes of appearance or clarity. Changes in the structure, style or design of a tenant directory board or to add or delete the name of an occupant shall be allowed unless such tenant directory board is a legal nonconforming sign, in which case such tenant directory board must first be brought into compliance with all of the provisions of this section. Tenant directory boards shall match the color and style of the principal signage for the property and shall be located either within or outside in proximity to the main entrance area of the building. Tenant directory board signs shall be attached to the building. Tenant directory boards are allowed in addition to awning, wall and projecting signs. Tenant directory boards require a permit to be issued by the ~~Building Inspections and Zoning~~ Code Enforcement Department.
21. Directional Signs.
    a. Number. No more than one (1) single-faced, double-faced or four-sided freestanding sign shall be permitted for each driveway. No directional sign shall be greater than four (4) feet in height.
    b. Area. The area of each side of a directional sign shall not exceed six (6) square feet. If a driveway is shared by two (2) or more businesses or premises and each such business or premises would be permitted one (1) directional sign, pursuant to this section, such signs may be incorporated into one (1) eight-square-foot directional sign no greater than four (4) feet in height. The area of a directional sign is not calculated with the total signage area permitted on a site.
        i. Twenty-five percent (25%) of the area of each side of a directional sign may be used for the business name or logo.
    c. Location. An offset of no less than one (1) foot from the ultimate right-of-way line should be maintained.
    d. Design.
        i. Directional signs, including the base, must be architecturally integrated with the principal sign on the property. The tone and texture of the sign shall reflect the principal sign construction as close as possible or shall enhance the exterior architecture of the principal sign.
        ii. The color scheme of the sign shall complement the color scheme of the principal sign.
        iii. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.

iv. Any signage requests are subject to review and approval of the Downtown West Allis Business Improvement District Design Review Committee. The ~~Department of Development~~Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.

e. Directional signs may be approved administratively by the ~~Department of Development~~Planning and Zoning Program Staff.

22. Creative Signs. Creative signs are permitted subject to the following regulations:

a. Purpose. The purpose of the creative sign subsection is to establish standards and procedures for the design, review and approval of creative signs, such that consideration may be obtained from the Plan Commission to:

i. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit; and

ii. Provide a process for the application of sign regulations in ways that will allow for creatively designed signs that make a positive visual contribution to the overall image of the City, and in certain instances, a creatively designed sign may be permitted even though it is larger or unusual in design.

b. Applicability. An applicant may request approval of a sign permit under Section 13.215(6) to authorize on-site signs that employ standards that differ from the other provisions of this section but comply with the provisions of this subsection.

c. Design criteria. An application for a creative sign must first be filed with the ~~Department of Development~~Planning and Zoning Program Staff. The Plan Commission shall review all creative sign applications and proposals. The Plan Commission may approve, deny or request changes to a sign, based on design criteria of that sign. In approving an application for a creative sign, the Plan Commission shall ensure that a proposed sign meets the following design criteria:

i. Design quality. The sign shall:

(1) Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area.

(2) Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit.

(3) Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.

ii. Contextual criteria. The sign shall contain at least one of the following elements:

(1) Classic historic design style;

(2) Creative image reflecting current or historic character of the City;

(3) Public art, symbols or imagery relating to the entertainment or design industry; or

(4) Inventive representation of the use, name or logo of the structure or business.

iii. Architectural criteria. The sign shall:

(1) Utilize and/or enhance the architectural elements of the building.

(2) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features/details of the facade.

23. Freestanding Signs. **[Ord. O-2009-0028, 10/20/2009]**

a. Architecture and Landscaping.

i. Freestanding signs must be architecturally integrated with the principal building on the property. The base, sides, and top of the sign shall be constructed of masonry or other approved durable materials. The tone and texture of the base, sides, and top shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building. The base of the sign shall be a minimum of two feet in height.

ii. The color scheme of the sign shall complement the color scheme of the principal building.

iii. Architectural features (such as sills, piers, reveals, capstones, medallions, etc.), which are part of the architectural makeup of the principal building, shall be incorporated into the sign.

iv. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.

v. The sign structure or post of a freestanding sign must be wrapped in or constructed of a material compatible with the materials utilized in the construction of the building to which the sign refers. The width of the base of the sign must be equal to or greater than the width of the sign face.

vi. Landscaping Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The ~~Department of Development~~Planning and Zoning Program Staff may reduce or waive this requirement if it is determined the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

vii. The ~~Department of Development~~Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.

b. Size Requirements and Location.

i. Number. One freestanding sign shall be permitted on each lot or parcel of land.

ii. Area. The maximum area of a freestanding sign shall not exceed 25 square feet in area.

iii. The sign may have multiple faces if so approved.

iv. Height. The maximum height of a freestanding sign may not exceed eight (8) feet. The applicant shall provide dimensions of the proposed sign. The height of a freestanding sign shall be regulated and approved by the ~~Department of Development~~Planning and Zoning Program Staff in consideration of the location of the proposed sign; the height, size, appearance, number and location of other signs in the vicinity of the proposed sign; the propriety of the proposed sign with respect to a master sign plan, if any; and such other facts as the ~~Department of Development~~Planning and Zoning Program Staff deems appropriate.

v. Location. An offset of no less than one (1) foot from the ultimate right-of-way line should be maintained.

(1) The sign shall be located in an area of meaningful open space, which shall be appropriately landscaped, including some year-round plantings.

(2) Site consideration should be given to signs on corner lots, near driveways and/or alleys, etc. Signs are not to obstruct the vision triangle. (See Figure 1 below.) Signs proposed within the vision triangle shall require Plan Commission approval.

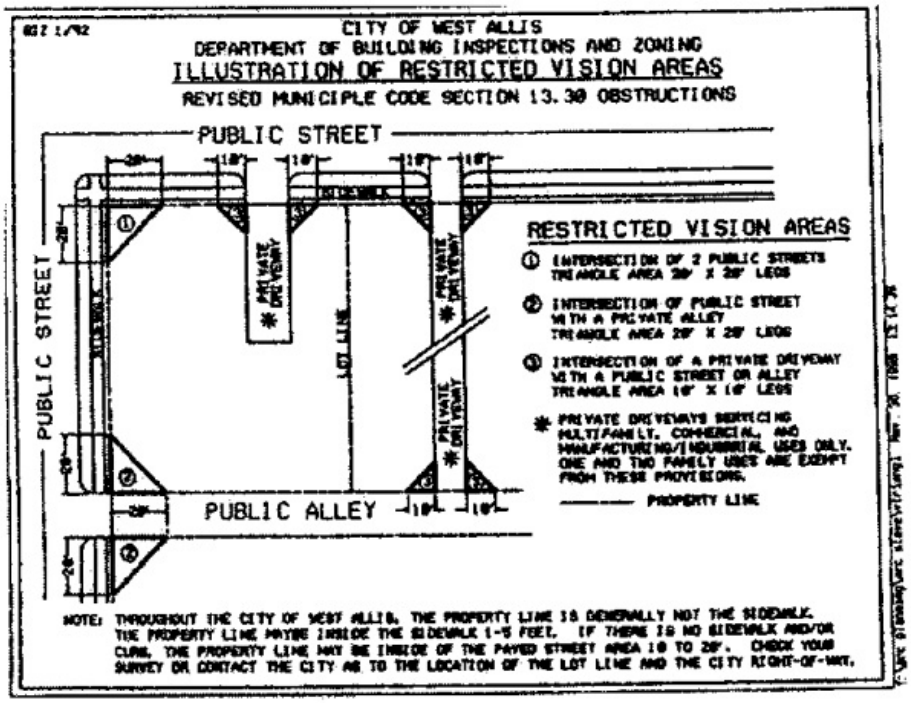


Figure 1: Vision Triangle Restrictions

24. (Reserved)

    Editor's Note: Former Subsection (24), Violation, Penalties and Injunctive Action, as amended by Ord. O-2009-0028, 10/20/2009, was repealed by Ord. O-2014-0002, 2/4/2014. For current penalty provisions, see Section 13.26

25. Severability. If any provision, clause, sentence, paragraph, subsection of part of this code, or application thereof to any person, firm, corporation of circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. It is the intent of the Common Council that this code would have been adopted had any such invalid provision or provisions not been included. **[Ord. O-2009-0028, 10/20/2009]**

[Ord. 6552, 12/19/2000; Ord. O-2007-0007, 4/17/2007]

SECTION 29: **AMENDMENT** "13.22 Razing Of Buildings And Structures" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.22 Razing Of Buildings And Structures

1. Scope. Buildings and structures shall be razed in accordance with this code section. For the purpose of this code section, "raze" means to demolish and remove a building or structure and all components thereof, to include, but not limited to, roofs, exterior and interior walls, foundations, footings and slab floors and restore the site to a dust-free and erosion-free condition.
2. Accessory Buildings. A building or structure that is accessory to the building or structure that is being razed shall also be razed unless approved by the Building Inspector.
3. Site Improvements. Unless approved by the Building Inspector or in accordance with an approved site plan, when a building or structure is razed, all site improvements shall also be demolished, to include, but not limited to removal of sheds, fences, slabs, stairs, walks, driveways, concrete and asphalt parking surfaces and other site improvements.
4. Backfill. Fill materials may include stone, earth or other commonly accepted nonorganic fill material. Concrete or masonry building materials may be used for fill if reduced to aggregate of less than three (3) inches in size. Fill materials shall be placed or compacted in such a manner as to minimize settling.
5. Site Restoration. After a building or structure is razed, the project site shall be restored to a dust-free, erosion-free condition in accordance with an approved site plan. In the absence of an approved site plan, the site shall be graded to prevent ponding and/or runoff. Topsoil shall be uniformly distributed to a minimum depth of four (4) inches and shall be seeded with perennial grass suitable for the local climate. Mulching, matting, netting or similar topsoil/seed stabilization methods shall be in place until grass is established.
6. Site Maintenance. The owner shall be responsible for post-demolition property maintenance as required under Section 13.28(10) of this Code.
7. Party Walls. When a building shares a party wall with an adjacent property, the owner of the property that is being razed shall be responsible for restoration of the exposed party wall in accordance with architectural plans approved by the Plan Commission.
8. Acknowledgement Required in lieu of Bond. Prior to razing any building or structure or any portion thereof, the owner or agent for the owner shall acknowledge that if any permitted work is left incomplete or in an unworkmanlike manner, the City may cause that work to be corrected or completed and impose a special charge against the property for current services rendered by allocating all or part of the cost of the service

to the property served. This acknowledgement is proper notice of a special charge pursuant to Wis. Stat. 66.0627(3)(a). To the extent the director deemsif practicable, the Code Enforcement Department ~~of Building Inspection and Neighborhood ServicesCity~~ will attempt to provide notice to the owner or agent and reasonable opportunity to correct or complete the work before causing that work to be completed or corrected.

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9. Zoning. Except for one- or two-family dwellings and their respective accessory structures, the Building Inspector shall not issue a raze permit until the owner or agent of the owner has submitted architectural plans and/or landscape/screening plans and obtained approval for said plans in accordance with Section 12.13 of the Code.
10. Historical Commission. The Building Inspector shall not issue a raze permit without notification to the Historical Commission.
11. Rodent Abatement. The Building Inspector shall not issue a raze permit without a written report from a state licensed pest control company certifying that the property is free from rodent activity and/or infestations.
    a. This requirement may be waived by the Health Department for demolition of small structures or buildings in areas of little or no rat activity.
    b. If demolition activity stops for a period of more than thirty (30) days, a new written report is required prior to continuing demolition activities.
    c. If rats or rodent infestations are found on-site, a state licensed exterminator, hired at the property owner's expense, shall eliminate the rodent infestation before demolition can begin. Rodent bait stations shall be placed around the perimeter of the property and alongside all buildings/structures on the property to be demolished. The bait stations shall be serviced and/or monitored for a minimum of two (2) weeks before an exterminator can declare the property rodent-free. A copy of the exterminator's service invoice(s), listing all dates of service, shall be sent to the Health Department accompanied by a letter from the exterminator declaring the property and all buildings/structures to be rodent-free.
    d. The permittee shall maintain the demolition site, so as to not allow rat harborage areas or rat feeding places.
12. Notification. The owner or agent for the owner shall be responsible for notifying City and state departments and utilities as follows.
    a. The Water Department shall be notified regarding removal of the water meter. The meter shall be removed prior to razing.
    b. The Engineering Department shall be notified for occupying the City right-of-way during demolition and for traffic and pedestrian protection requirements in accordance with Chapter **11** of the Code.
    c. The Fire Department shall be notified regarding cutting, welding, fire extinguisher placement, permits and other requirements.
    d. Utility companies (gas, electric, cable, phone, etc.) shall be notified to terminate service and remove all connections and meters from the property.
    e. In accordance with Wisconsin Administrative Code, Sections NR406, NR410 and NR447, the Department of Natural Resources shall be notified regarding asbestos abatement prior to disturbing any site.
13. Site Safety and Security. The project site shall be maintained safe and secured from public entry once a permit is obtained and shall remain until the site is restored to a dust-free and erosion-free condition.
    a. Vacant buildings that are to be razed shall have doors, windows and other openings secured to prevent public access during the permit application process and during the demolition. Perimeter fencing may serve in lieu of secured openings.
    b. Properties shall be protected at the property lines with fencing at least six (6) feet in height and lockable gates. Fencing shall remain in place during the demolition process. The requirement for fencing may be waived at the discretion of the Building Inspector.
14. Hazardous and Nuisance Conditions.
    a. Special demolition procedures requiring the use of explosives, toppling large

structures en masse or other special procedure shall not be conducted without the approval of the Building Inspector and the Fire Department.

b. Multi-story buildings. No roof, wall or floor shall remain unsupported at the end of each workday during demolition of a multi-story building.
c. Demolition activities shall not cause debris to fall or be projected onto the public way.
d. The Building Inspector may require that the site be watered to prevent wind blown dust from causing a public nuisance.
e. The demolition contractor shall be responsible for controlling and preventing wind blown debris from the demolition site.
f. The public way shall be cleaned of tracked or strewn debris before the end of each workday.
g. The Building Inspector may require more immediate corrective measures when deemed necessary to eliminate a public nuisance.

[Ord. O-2016-0016, 3/15/2016]

Editor's Note: Former Section 13.22, Awnings and Hoods, was repealed 9-6-2005 by Ord. O-2005-0031.

SECTION 30: **AMENDMENT** "13.28 Property Maintenance Code" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.28 Property Maintenance Code

1. Title. Section 13.28 shall be known and cited as the Property Maintenance Code of the City of West Allis (hereinafter Code).
2. Legislative Intent.
    a. Purpose. It is hereby declared that in order to arrest or prevent the deterioration of properties which can spread to surrounding properties and result in the depreciation of property values, and in order to protect the environment and preserve the aesthetic character of neighborhoods and the health, safety and welfare of the public, the City of West Allis adopts this Code.
    b. Scope. The provisions of this Code shall apply to all buildings in the City, including the premises on which they are located, together with all accessory buildings or structures, except as otherwise provided. **[Ord. O-2016-0038, 8/2/2016]**
3. Definitions. Where terms are not defined in this section and are defined in those Building, Zoning, Health and Fire Department Codes presently in force in the City, they shall have the meaning ascribed to them as in such codes. When terms are not defined under the provisions of this or any other City code, they shall have ascribed to them their ordinary accepted meanings or such as the context herein may imply.
    a. "City" shall mean the City of West Allis.
    b. Meaning of certain words. Whenever the words "building" or "premises" are used in this section, they shall be construed as though they were followed by the phrase "or any part thereof."
    c. "State Fair Parking District" shall mean an area bound by the north City limits to the north, 92nd Street to the west, the Union Pacific Railroad tracks to the south, and 70th Street to the east. **[Ord. O-2018-0042, 11/5/2018]**
4. Inspection of Premises.
    a. The Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~ is authorized to assign persons to administer this Code and directed to make inspections to determine the condition of buildings and premises in the City, as regulated by the Code.
    b. Inspections shall be made only under the following circumstances:

i. When the Building Inspector finds that there are reasonable grounds to believe that there are violations of the provisions of this Code which affect the health, safety or welfare of the public or as directed by the Common Council or District Alderperson.
ii. Upon a complaint in writing being made about the building or premises.
iii. It shall be the responsibility of the Building Inspector, whenever possible, to coordinate his inspections with those of other City Departments so as to minimize inconvenience to tenants and owners of properties.

c. In the event that the Building Inspector is denied voluntary access during a reasonable hour to any premises covered by this Code for the purpose of determining conditions that may be adverse to public health, safety and welfare, he may order an inspection in writing or secure a warrant under the terms of sec. 66.0119 of the Wisconsin Statutes.

d. Every occupant of a building shall give the owner or his agent access to the unit or premises at all reasonable times for the purposes of making such repairs as might be necessary to gain compliance with any provisions of this Code.

5. Service of Notices and Orders.
   a. Violations of this Code, as determined by the Building Inspector, shall be outlined in written form and shall be served upon all affected occupants or owners or their agents. Such notice and order shall be served by the Building Inspector, or by such employee of the City designated by him, or by mail to the last known address of the person to be notified.
   b. Such notices and orders shall include:
      i. An adequate description of the real estate so affected.
      ii. A statement of the alleged violation, including the corresponding reference to the Code requirement.
      iii. An order for remedial action to correct such violation.
      iv. A reasonable time for compliance to the Code requirements.
   c. The time period for compliance may be extended only at the discretion of the Building Inspector who shall base his decision on the seriousness of the problem and the time required to remedy it.
6. Emergency Orders. If the Building Inspector determines that a building or premises is in such condition that it constitutes a public nuisance or that there is great and immediate danger to public health, safety and welfare; or, that the building is unsanitary or unfit for human habitation, occupancy or use, he may post a notice on the premises to that effect, in accordance with the terms of sec. 66.0413 of the Wisconsin Statutes, in the same manner as described therein. In addition to posting such property as unfit, unsafe and/or unsanitary, he shall order the building or that portion of it so affected to be vacated in the manner prescribed by the applicable provisions of sec. 66.0413 of the Wisconsin Statutes. No person shall remove or deface any placard placed by the Building Inspector on any building which has been declared unfit or unsafe for human habitation or use.
7. Maintenance, Workmanship, Codes Referenced.
   a. Maintenance. Buildings and Structures, and parts thereof, shall be maintained in a safe and sanitary condition in accordance with Section 13.01(6).
   b. Workmanship. Installations, alterations, repairs and maintenance work shall be in accordance with Section 13.06(7).
   c. Codes Referenced. The Health and Sanitation Codes as in Chapter **7**, the Zoning Codes as in Chapter **12**, the Building and Heating/Ventilation Codes as in Chapter **13**, the Electrical Codes as in Chapter **14**, and the Plumbing Codes as in Chapter **14** of the City of West Allis Revised Municipal Code are hereby incorporated into this Code.
8. Responsibility of Property Owner and Tenant.
   a. Owner Responsibility. Property owners shall maintain their properties in a clean, safe, and sanitary condition to include, but not limited to; buildings, structures, and lot maintenance in accordance with this Code.
   b. Tenant Responsibilities. All tenants, occupants, renters or similar users of

properties shall maintain their property use areas, to include their personal property located thereon, in accordance with this Code and in a clean, safe and sanitary condition and shall notify the property owner of any unsafe or unsanitary condition found in a building, structure or common area on the subject property.

c. All other requirements of this code are the joint responsibility of the owner and occupant(s).

d. Extermination of Pests; Responsibilities. Whenever insect or rodent infestation occurs in a single unit of the building, the occupant(s) of such unit shall be responsible for the extermination. Whenever insect or rodent infestation occurs in more than one (1) unit in a building or in shared or common areas of a building containing two (2) or more units, the owner of the building shall be responsible for the extermination.

9. Minimum Standards for Buildings and Structures. All buildings and structures and appurtenances shall be maintained in good repair as to prevent deterioration and infestation by rodents and insects. The exterior of all buildings and structures shall be maintained and not permitted to be a blighting influence to the surrounding properties, the neighborhood or the City in general.

    a. Roofs, Walls, Foundations, Floors, Etc.

        i. All roofs, walls (including siding), and/or floor systems shall be weathertight and rodentproof, capable of affording privacy and maintained in good repair.

        ii. Exterior surfaces, to include, but not limited to, roofs, walls, siding, flooring and appurtenances to include, but not limited to, eaves, soffits, chimneys, porches, decks, guardrails and handrails, shall be weathertight and painted or provided with a comparable finish in order to prevent deterioration, exclude insects and rodents and preserve the visual aesthetic character of the neighborhood.

        iii. Chipping, flaking or peeling paint on any exterior surface is prohibited.

    b. Windows, Doors and Other Openings.

        i. All windows and doors, to include storms and screens to windows and doors, and all other openings shall be weathertight, rodent- and insect-resistant and maintained in good repair.

        ii. Exterior openings, to include but not limited to, windows, doors, storms, etc., shall be painted or provided with comparable finish in order to prevent deterioration and preserve the visual aesthetic character of the neighborhood.

    c. Porches, Decks, Stoops, Stairs, Etc.

        i. Every porch, deck, stoop, and all appurtenances thereto, to include, but not limited to, guardrails, handrails and steps shall be maintained in good repair.

        ii. Stairways shall be maintained with uniform risers and proper guardrails and handrails.

    d. Gutters, Downspouts and Extensions.

        i. Habitable buildings of one- and two-family properties shall have gutters and downspouts with extensions to carry stormwaters away from such buildings.

        ii. All buildings on commercial properties are to direct downspouts and extensions directly into on-site storm systems, when available, or surfaced drained away from buildings in accordance with the Plumbing Code.

        iii. Gutters, downspouts, extensions and parts thereof shall be maintained in good repair and in working order.

    e. Accessory Buildings and Structures. **[Ord. O-2016-0038, 8/2/2016]**

        i. Every accessory building or structure shall be maintained as stated in Subsections (a) through (d).

        ii. Accessory structures shall be maintained in accordance with Chapter 12 and Section 13.23 of this Code.

iii. Accessory buildings and structures shall have weather-tight, secure and properly operating overhead, service and other access doors.

f. Infill of Exterior Openings and Other Exterior Building Changes.
   i. Infill of openings, such as windows, and other exterior changes to any building or structure shall be made with the use of approved materials.
   ii. For multi-family, commercial, manufacturing, institutional and two-family (original construction after February 15, 2000), changes to exterior openings and other exterior building changes shall be approved in accordance with section 12.13, Architectural and Site Plan Review and Procedures. Building permits are required for exterior changes.

g. Corrosion of Metal.
   i. All ferrous (metal) equipment, trim, metal parts or other shall be protected and maintained free of rust or corrosion.
   ii. Rusted/corroded metal equipment, trim or metal parts are not permitted.

h. Address of Property To Be Posted.
   i. The assigned address of each property shall be posted in a conspicuous place on the front of each main building so as to be easily seen and read from the public street.
   ii. Each property abutting an alley shall post the assigned address as to be readily visible from the alley.

i. Building Permits Required. Building permits for additions, alterations, structural changes and repairs are required in accordance with section 13.05.

10. Outdoor Areas to be Maintained. Outdoor areas shall be maintained in a clean and sanitary condition and shall not be permitted to be a blighting influence to the surrounding properties, the neighborhood or the City in general.
    a. Vacant Lots. The provisions of this Code, to the extent practical, shall also apply to vacant lots.
    b. Lawn Areas. **[Ord. O-2012-0022, 7/3/2012; Ord. O-2018-0025, 6/5/2018]**
       i. Grass shall not exceed six (6) inches in height.
       ii. Noxious weeds are not permitted and shall be destroyed, as provided in § 66.0407 of the Wisconsin Statutes.
       iii. Lawn areas shall be graded properly to allow for maintenance. This section shall include any damaged or unimproved areas, whether caused by people, vehicles, or naturally, which create a condition that allows for eroded dust, soil, dirt, or mud from the property to become deposited on adjacent private or public property.
       iv. If the property owner fails or refuses to maintain lawn areas as provided in this subsection, the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or his or her designated agent is authorized to perform the required maintenance after providing written notice to the property owner and/or posting notice on the property at least three business days prior to performing the maintenance. The cost of such maintenance shall be charged against the owner of the property as provided in §§ 66.0627 and 66.0703 of the Wisconsin Statutes.
    c. Public Property Abutting Private Property. The public areas between the property line and the paved street shall be maintained by the abutting property owner in accordance with Section 11.13.
    d. Sidewalks, Driveways and Other Improvements.
       i. Sidewalks, walks, driveways, open parking areas, retaining walls and other concrete, asphalt, brick, gravel, stone or similar areas shall be maintained in sound condition and in good repair.
       ii. Property conditions resulting in dust, dirt, loose stones or other aggregate being deposited on public property is prohibited.
    e. Trees and Debris.
       i. Properties shall be kept free of diseased or fallen trees, branches or

bushes.

ii. Trees shall not be allowed to grow near the foundations of buildings and structures so as to damage the building or structure.

f. Fences. Every fence shall be maintained in a state of good repair.

g. Drainage of Premises.

i. Every premises shall be properly drained as to prevent stagnant water from accumulating thereon.

ii. Discharge of stormwater from sump pumps, gutter extensions and surface drainage shall be directed to drain away from habitable buildings and shall not cause a nuisance to the public streets, alleys or sidewalks.

h. Refuse Storage.

i. See Section 7.05 for specific refuse requirements.

ii. Refuse containers shall have tight-fitting covers, be maintained in good repair and shall be rodent- and water-proof.

iii. Refuse and rubbish shall be stored within proper containers excepting as permitted for recyclables and bulk refuse.

iv. Refuse containers shall not be stored in the front yard.

i. One- and Two-Family Off-Street Parking Areas. **[Ord. O-2010-0021, 6/1/2010; Ord. O-2018-0042, 11/5/2018]**

i. Off-street parking areas, including driveways access areas, shall be maintained in accordance with the Code in effect at the establishment of a parking area. Expanded parking areas shall conform to the Code in effect at the time of the expansion.

ii. Parking shall not be permitted on lawns or unimproved surfaces, except as permitted in Subsection (i)2a below.

(1) Parking on lawns or unimproved surfaces on private property is allowed in the State Fair Parking District only when all of the following requirements are met:

(A) Parking is allowed from one day prior to the start of the Wisconsin State Fair until one day after the end of the Wisconsin State Fair in the same calendar year.

(B) The owner of the property where the vehicles will be parked is not delinquent on payment of any taxes, fees or other monies to the City.

(C) The property where the vehicles will be parked does not currently have any outstanding property maintenance orders on it.

(D) The parked vehicles are entirely on private property; do not extend over sidewalks, streets or alleys; and do not interfere with the vision of vehicles or pedestrians at corners or intersections.

(E) If the property owner does not reside at the premises, the owner has registered their property in compliance with RMC 9.34.

(F) Parking of wagons, trailers, or any vehicles used to transport livestock is prohibited.

iii. Parking surfaces legally established as unimproved prior to February 26, 1956, and all other parking surfaces shall not be allowed to erode or otherwise deposit gravel or aggregate materials on adjacent private or public property.

iv. Parking areas shall be maintained to support the weight of vehicles using the area.

j. Multifamily and Commercial Off-Street Parking Areas. **[Ord. O-2018-0042, 11/5/2018]**

i. All off-street parking areas shall be improved and maintained in accordance with an approved site and landscaping plan approved by the Plan Commission in accordance with the Zoning Code.

ii. Parking shall not be permitted on unimproved surfaces or lawn areas.

iii. Parking areas shall be maintained to support the weight of vehicles using the area.

iv. Parking areas shall not be allowed to erode or otherwise allow dust, dirt, loose stones or aggregate to be deposited onto adjacent public and private properties.

k. Outside Storage of Materials.

i. All outdoor premises shall be kept free and clear of and shall not be used for the outdoor storage of materials, to include, but not limited to, lumber, metal scraps, motor vehicle parts, abandoned vehicles, discarded or nonfunctional household appliances or accessories, furniture and other articles which from its worn condition renders it practically useless for the purpose for which it was made. Private possessions stored inside a building, the outdoor storage of building materials while permitted construction or alterations are taking place on the site, recreational equipment useable and in good repair and all yard obstructions permitted by the Zoning Code are not applicable to this subsection.

ii. Outdoor storage of firewood shall be neatly stored in the rear yard of the property. The firewood must be cut to lengths of four (4) feet or less and measure less than two (2) feet in diameter. Outdoor storage of firewood shall not exceed four (4) cords. Firewood storage shall not include any chemically treated or painted wood.

iii. Commercial properties may also have materials stored outdoors consistent with the Zoning Code and the permitted use of the property.

iv. Use of industrial buckets or containers, whether the buckets or containers are used for the manufactured purpose or an alternate use, shall be limited to twenty-five (25) industrial buckets or containers per parcel. This prohibition pertains to residential properties consisting of four-unit multifamily dwellings and smaller. **[Ord. O-2016-0034, 9/6/2016]**

l. Prohibited Parking on Private Property. **[Ord. O-2017-0046, 11/7/2017]**

i. It is prohibited for vehicle owners or persons having custody of a vehicle to:

(1) Park or store any private passenger vehicle, truck, boat, camper, snowmobile, recreational vehicle, mobile home, trailer, or any similar vehicle on an unpaved surface or lawn.

(2) Park or store any vehicle not in accordance with the Zoning Code.

(3) Park, store, or advertise any vehicle that is for sale on a commercial parcel which is not licensed and permitted for vehicle sales.

(4) Park or store any vehicle on property with a principal use that is vacant.

(5) Park or store any abandoned vehicle, as defined in Section 6.015.

(6) Park or store any vehicle on property that has no principal use or does not have a commercial parking lot occupancy permit.

ii. It is prohibited for any person to permit or allow to remain the parking, storage, or advertising for sale of any vehicle that is prohibited in Subsection (l)1 of this section, on property that the person controls or owns.

11. Major Repairs — Demolition Ordered.

a. The Building Inspector may order the owner of premises upon which is located any building or part thereof which, in his judgment, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such

building or part thereof, or, if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove, at the owner's option.

b. Major Alterations and/or Repairs. If alterations and/or repairs in excess of fifty percent (50%) of the value of an existing building or structure are made to any existing building or structure within any period of twelve (12) months, the entire building or structure shall be made to conform with the requirements given herein for new construction; provided, however, that any existing building or structure which, for any reason, requires repairs at any one time in excess of fifty percent (50%) of the value thereof, not deducting from such value any loss caused by fire or any other reason, shall be made to conform to the requirements of this Code for new buildings or structures or shall be entirely demolished. "Value" shall mean the full assessed value as determined by the last value placed upon the building as published by the City at the adoption of the assessment role.

12. Failure to Comply with Order. The Code Enforcement Director ~~of Building Inspections and Zoning and his~~ and any designees are authorized to issue citations to enforce the provisions of this Code or may refer the matter to the City Attorney to commence legal action to effectuate the purpose of this Code.

Editor's Note: Former Subsection (13), Penalties for Violations, which immediately followed this subsection, was repealed 2/4/2014 by Ord. O-2014-0002. For current penalty provisions, see Section 13.26. Former Subsection (14), Property Maintenance Code Appeals Board, as amended, was repealed 8/2/2016 by Ord. O-2016-0037.

[Ord. 6311, 5/6/1997; Ord. 6579, 7/2/2001; Ord. O-2003-0076, 12/2/2003]

SECTION 31: **AMENDMENT** "13.33 Certificates Of Occupancy" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.33 Certificates Of Occupancy

1. Residential. No building, lot or premises may be occupied until a certificate of occupancy shall have been issued, unless as otherwise provided under this section.
   a. Certificate of Occupancy Required. No dwelling unit or accessory residential building hereafter erected, altered or residential use lot shall be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Occupancy shall have been issued by the Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~ or designee stating that the building complies with all zoning, building, fire and health laws and ordinances and with the provisions of these regulations.
   b. Change of Use. No change of use shall be made in any dwelling or part thereof now or hereafter erected or altered without a building permit having been issued by the Building Inspector, and no permit shall be issued to make such changes unless it is in conformity with the provisions of this Chapter or amendments thereto hereafter duly enacted. Nothing herein shall prevent the continuance of the present occupancy or use of any existing dwelling except as may be necessary for safety of life and property.
   c. Application and Issuance. Certificate of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration is completed. A record of all certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the property affected. The fee shall be as set forth in Section 13.255.
2. Nonresidential. No building, structure, lot or premises may be occupied until a

Business Occupancy Permit shall have been issued, unless as otherwise provided under this section.

a. Business Occupancy Permit Required. No building, structure, lot or premise shall be occupied or used in whole or in part for any commercial, industrial, or other nonresidential purpose without first applying for and obtaining from the Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~ or designee a Business Occupancy Permit. The Business Occupancy Permit is nontransferable and shall be valid only for the business, person, building, premises and structure named therein.

b. Initial Occupancy or Change of Occupancy. No person shall enter upon or engage in any commercial, industrial or other nonresidential activity in or upon any existing building, structure or premises without first applying and being issued a Business Occupancy Permit. A "change" in occupancy shall be deemed to take place and require a new permit whenever the type of usage changes or whenever the occupant changes. An occupant will not be deemed to have changed if the change is in name only; however, the occupant is required to submit to the Director information to support that the change is in fact limited to the name and does not otherwise affect the occupancy or use of the premises. The Director is authorized to approve any change in name of any occupant.

c. Application and Issuance. The application for a Business Occupancy Permit shall set forth the applicant's name, address, position or capacity in the business and the exact location of the building or premises wherein the business is to be carried on. The application shall state with particularity the scope, nature, type and extent of the business activity that the permit holder will engage in. No permit shall be issued to any person for any business operation which would violate the building, zoning, fire, health codes or other ordinances of the City, or which would violate any state statute or regulation promulgated pursuant thereto. The permit fee shall be as set forth in Section 13.255. The occupancy permit shall be posted in a conspicuous place in the building, structure or premises and shall not be removed, except by permission from the Director. Upon the cessation of business activities by the holder of any occupancy permit, the person shall immediately notify the Director of such fact.

d. A permit fee may be forfeited if the appointment is not canceled 24 hours prior to the scheduled inspection appointment time, if the applicant or their representative is not present at the inspection, or if the building is not open for inspection. The applicant may be required to reapply and a new application fee may be assessed. **[Ord. O-2016-0058, 12/6/2016]**

3. Home Business Occupancy Permits. Home Businesses are permitted in accordance with the zoning code. A Business Occupancy Permit shall be required for that portion of the residential property used as a business pursuant to Subsection 13.33(2). A Residential Occupancy Permit shall be required for the portion of the property used as residential premises pursuant to Subsection 13.33(1).
4. Temporary Occupancy. The Director or designee may issue a temporary occupancy permit or business occupancy permit for the temporary occupancy and use of any building, structure or premises, or part thereof, prior to the completion of the same and issuance of an occupancy permit, provided that such occupancy or use does not create a life or safety concern. A temporary occupancy permit shall be valid for a period of up to six (6) months and may be extended for up to one (1) additional six (6) month period. Upon expiration of a temporary occupancy permit where an occupancy permit is not issued, the Director shall order the occupancy or use to cease and shall take legal measures to ensure that said order is complied with.
5. Flood Districts. No vacant land in the floodplain shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until the applicant obtains a certificate of compliance from the Code Enforcement Director ~~of Building Inspections and Zoning~~, as provided in Section 12.70 of the Zoning Chapter.

~~[Ord 6149, 2/7/1995; Ord., O-2004-0042, 10/19/2004]~~

SECTION 32: **AMENDMENT** "13.34 Numbering Of Houses" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.34 Numbering Of Houses

1. Uniform System. A uniform system of numbering all dwellings and buildings fronting on all streets or alleys in the City is herewith established.
2. Base Lines.
    a. All dwellings and buildings shall be assigned an address by the Code Enforcement Department ~~of Building Inspection and Neighborhood Services (BINS)~~ based upon the address numbering system established in Milwaukee County.
    b. All even numbers shall be assigned to the dwellings and buildings on the east and north side of the street; and all odd numbers shall be assigned to the dwellings and buildings on the west and south side of the street.
    c. Starting with consecutive hundreds at each intersection, or as otherwise previously established, every fifteen (15) feet of property frontage shall constitute another potential address number.
3. Assigning and Placing Address Numbers.
    a. New Construction. ~~BINS~~ The Code Enforcement Department shall assign each dwelling or building an address based on the uniform system provided for in subsection (2). The address numbers shall be provided to the building permit holder or owner by ~~BINS~~ the Code Enforcement Department at a cost established in the fee schedule. The owner of the property shall install the address numbers on the building within fifteen (15) days of occupancy of the dwelling or building.
    b. Existing Dwellings or Buildings. ~~BINS~~ The Code Enforcement Department shall assign additional addresses or eliminate existing addresses required by alterations or additions to existing dwellings or buildings based on the uniform system provided for in subsection (2). The address numbers shall be provided to the building permit holder or owner by ~~BINS~~ the Code Enforcement Department at a cost established in the fee schedule. The owner of the property shall install the additional address numbers, or remove eliminated address numbers, on the building within fifteen (15) days of occupancy of the portion of the dwelling or building.
    c. Multiple Tenants at Same Location. ~~BINS~~ The Code Enforcement Department shall assign an address to every tenant that has its own entrance door on the exterior of a dwelling or building. Where one entrance door is used by multiple tenants in any dwelling or building, the property owner may use letters or suite numbers per an internal numbering system to distinguish individual tenant spaces at their discretion.
    d. Vacant Parcels and Parks. ~~BINS~~ The Code Enforcement Department may assign addresses to vacant parcels and parks for purposes of identifying them. In this case, the address is not required to be posted on the property.
4. Existing Address Numbers. It shall be the duty of the property owner building to maintain the address numbers and mounting bracket in good condition at all times. If the address numbers are damaged or missing, it shall be the property owner's responsibility to replace them within five (5) days.
5. Size and Location of Numbers. All address numbers placed on dwellings and buildings shall be distinctly legible and shall be posted in a conspicuous place on each dwelling or building so as to be visible from the street and alley. Address characters shall not be less than two (2) inches in height, and shall be placed on a contrasting background.
6. Erroneous Numbers.
    a. ~~BINS~~ The Code Enforcement Department shall notify the owner of any

dwelling or building for which an address number is required and which is not numbered in conformity with this section.

b. Duty of Owner. The owner shall replace any erroneous address numbers on the premises with the correct number assigned within five (5) days after receiving written notice.

SECTION 33: **AMENDMENT** "13.35 Swimming And Wading Pools" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.35 Swimming And Wading Pools

1. Location Regulated.
    a. No pool or appurtenances or fence required to isolate such pool shall be located in a required front yard.
    b. No pool shall be located, constructed, or maintained closer to any side line than three (3) feet.
    c. No pool shall be located, constructed, or maintained closer to any rear lot or parcel line than five (5) feet.
    d. No pool shall be located, constructed or maintained closer to a perpendicular line extending from the ground to the outermost projection of the roof of any house or building, detached garages excluded, than as follows:
        i. If the house or building is not in excess of thirty (30) feet in height, then the minimum distance from said perpendicular line shall be one-fourth (1/4) of the height of the house or building, but in no event less than six (6) feet.
        ii. If the house or building is greater than thirty (30), but not in excess of forty-five (45) feet in height, then the minimum distance from said perpendicular line shall be twenty-eight (28) feet.
        iii. If the house or building is greater than forty-five (45), but not in excess of sixty (60) feet in height, then the minimum distance from said perpendicular line shall be forty-eight (48) feet.
2. Height Regulated. Height of the house or building, for purposes of this section, shall be defined as follows: The vertical distance measured from the finished grade line of such house or building to:
    a. The highest point of the coping of fascia of flat roofs; or,
    b. The highest point of the eaves line on the side of the building facing the pool for gable, gambrel or hip roofs.
3. Fences Required.
    a. Every permanent or temporary swimming or wading pool which is not enclosed in a permanent building or like structure shall have erected around it a fence of a height not less than four (4) feet above the grade level and shall be so constructed so as to have no voids, holes or openings larger than five (5) inches in width or diameter. All points of entry into the pool area enclosure shall be equipped with gates. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. The wall of a dwelling or building faced to a pool may be incorporated as a portion of the fence.
    b. An above ground pool where the top of the pool is more than four (4) feet above the grade at any point around its perimeter is permitted without separate additional fencing; provided, however, that permanent access from grade to above ground pools having stationary ladders, stairs and ramps shall have safeguard fencing of minimum height and design as specified in (a) above.
4. Location of Fences. Location of the fence required in subsection **(3)** above, shall be subject to any other ordinances regulating the location, construction, and maintenance of fences in the City, in addition to one or more of the following:
    a. No fence shall be located, constructed, or maintained closer to said pool than

three (3) feet.

b. No fence shall be located, constructed or maintained closer to any house or building, detached garages excluded, than as follows:
    i. Any wall of the house or building may be incorporated as a portion of such fence.
    ii. If any wall of the house or building is not incorporated as a portion of such fence, then any fence located, constructed or maintained between said pool and any house or building shall not be closer to a perpendicular line of such house or building (section (1)(e)) than as follows:
        (1) If the house or building is fifteen (15) feet in height or less, then the minimum distance from said perpendicular line shall be ten (10) feet.
        (2) If the house or building is greater than fifteen (15), but not in excess of thirty (30) feet in height, then the minimum distance from said perpendicular line shall be fifteen (15) feet.
        (3) If the house or building is greater than thirty (30) feet, but not in excess of forty-five (45) feet in height, then the minimum distance from said perpendicular line shall be twenty-five (25) feet.
        (4) If the house or building is greater than forty-five (45) feet, but is not in excess of sixty (60) feet in height, then the minimum distance from said perpendicular line shall be forty-five (45) feet.

5. Unobstructed Area. Every permanent or temporary swimming or wading pool, which is greater in area than seventy-five (75) square feet and which is not enclosed in a permanent building or like structure, shall have a continuous unobstructed areaway around ninety percent (90%) of the pool of not less than three (3) feet in width.
6. Flood Lights. If overhead flood or other artificial lights are used to illuminate the pool at night, none of the lights shall be used after 10:00 P.M., if said pool is located within two hundred (200) feet of any building used for dwelling purposes. Such lights shall further be shielded to direct light only on the pool.
7. Permit Required. No pool, as contemplated by this section, in excess of seventy-five (75) square feet in area, shall be constructed or established unless a permit to do so is first obtained from the Building Inspector.
8. Plans to be Submitted. Any person, firm or corporation desiring to locate, construct or maintain any pool, as contemplated by this section, shall first submit plans to the Building Inspector, showing the size, depth and type of construction, a drawing to scale showing the location of the barrier and gates and location of the pool with reference to any house or building situated on the lot or parcel of land. If the plans and location of the contemplated pool conform to the requirements of this section, and all other regulations of the City, the Building Inspector shall issue a permit upon the payment of the fee provided in subsection **(7)**.
9. Inspection. The Code Enforcement Director ~~of Building Inspections and Zoning~~ shall periodically inspect all swimming and wading pools in the City to determine whether or not the provisions of this section are being complied with.
10. Nuisance.
    a. Every swimming and wading pool shall be designed, constructed, installed and maintained waterproof and leakproof. Swimming and wading pool water discharging on the premises on which the pool is located and flowing onto adjoining properties is a nuisance and shall not be permitted.
    b. Swimming and wading pools that are not watertight and leak water shall be drained in accordance with subsection 12.50(10)(c); thereafter, the cause of the leak shall be corrected to make the pool watertight before refilling the pool to prevent the surface and underground water nuisance.
    c. Water drained from every swimming and wading pool shall be conducted through a hose or pipe and discharged into the public street right of way curb or storm water drain system, surface storm water drain easements, catch basins, sumps or other open receptacles connected directly to the storm sewer.

Swimming and wading pool water shall not be discharged in or on the ground surface, except as specified herein, nor shall water be discharged in the public sanitary sewer.

d. Water distributed outside the pool caused by splashing, throwing, spouting or other means during activity in and around swimming and wading pools by persons shall be contained within the lot lines on which the swimming and wading pool is located. Such water entering on adjoining property shall be considered a nuisance and is prohibited.

11. For purposes of this section, "pool" means the structure, basin, chamber or tank used primarily for the purpose of swimming or wading which is greater in area than seventy five (75) square feet and has a depth at any point of more than (2) feet.

[Ord. 6149, 2/7/1995]

SECTION 34: **AMENDMENT** "13.36 Manufactured And Mobile Homes And Manufactured And Mobile Home Community Standards" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.36 Manufactured And Mobile Homes And Manufactured And Mobile Home Community Standards

1. Definitions.
   a. "Noncombustible Material" means a material that, in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat. Materials that are reported as passing ASTM E 136, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750 Degrees C, shall be considered noncombustible materials.
   b. "Storage Building" means a building of noncombustible walls and roof of prefabricated construction allowing for convenient disassembly and removal that is used as an accessory building to a manufactured home, located on the same space, but not attached to the manufactured home.
   c. "Storage Container" means an object built of noncombustible material for outside manufactured home storage.
2. State Laws Adopted. Except as otherwise provided herein, Wisconsin Statute Sections 66.0435 and 101.935, Safety and Professional Services (hereinafter "SPS") Chapter 326, SPS Section 321.40, and SPS Section 302.33, of the Wisconsin Administrative Code, as related to manufactured and mobile homes, as they are from time to time amended, are hereby adopted and by reference made part of this section as if fully set forth herein.
3. Parking of Manufactured and Mobile Homes Restricted. Except as provided in this section, no person shall park any manufactured or mobile home anywhere in the City other than in a licensed manufactured and mobile home community, except for sales display by manufactured and mobile home dealers that are validly licensed pursuant to Wis. Stat. Sec. 101.951. This section shall not apply to the parking of one (1) unoccupied manufactured or mobile home not to exceed thirty-five (35) feet in length per residential rear yard, which manufactured or mobile home shall not be connected with water, electrical, fuel supply, or sanitary facilities.
4. Permits for Change in Community. No alteration, extension, addition, modification, or change shall be made in the manufactured and mobile home community, its facilities, spaces, electric service, water supply, plumbing and sanitary facilities, buildings, or structures without first securing a permit from the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ (hereinafter "Director"). Application for a permit shall be accompanied by scale drawings and such other information as the Director may require. Permits shall be issued only where the requirements and

conditions of this section and other ordinances of the City and Wisconsin State Statutes are met. Permit fees shall be the same as listed in Section 13.255 of this Code.

5. Permit Required for Manufactured and Mobile Homes. Each licensee shall, within seventy-two (72) hours of the occupancy of a newly parked manufactured or mobile home, file a report with the Code Enforcement Department ~~of Building Inspection and Neighborhood Services~~ and office of the City Clerk that such manufactured or mobile home located in said community is occupied and specifying the name of the owner and principal occupant of the manufactured or mobile home, the trade name and size of the manufactured or mobile home, the date when first occupied, the number of persons occupying such manufactured or mobile home, and further specifying the space in the community upon which said manufactured or mobile home is placed. Upon inspection of said manufactured or mobile home and its connections to the utility services, if so connected, the Director or his/her designee shall, if the requirements of this section and other applicable ordinances of the City and laws of Wisconsin have been complied with, issue a permit permitting occupancy of such manufactured or mobile home, which permit shall be filed with the licensee of the community and retained by him or her until said manufactured or mobile home is moved from the space on which it is parked. The moving of said manufactured or mobile home from the space designated on the permit shall immediately void the permit so issued, and the licensee shall, within forty-eight (48) hours after the manufactured or mobile home has been so moved, return the permit to the Code Enforcement Department ~~of Building Inspection and Neighborhood Services~~ for cancellation. Should the Director or designee, upon inspection of a manufactured or mobile home, refuse to issue a permit because of its failure to comply with applicable City ordinances or state laws, the licensee and/or manufactured or mobile home occupant shall be given thirty (30) days to correct or change such items of non-compliance designated by the Director or designee. If the Director or his/her designee determines that occupancy would be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy, or use, the home occupant shall cease occupancy immediately until the Director or designee issues an occupancy permit. If not corrected, the licensee, upon notice from the Director or designee to remove such manufactured or mobile home, shall proceed within the time specified in the order, not to exceed five (5) days, to cause such manufactured or mobile home to be removed from such community.
6. Compliance with Code. All manufactured and mobile home owners and occupants of manufactured and mobile homes in a manufactured and mobile community shall comply with SPS Section 326.19, Wisconsin Administrative Code, as amended, including, but not limited to, registration and maintenance of their sites and units. In addition, owners and occupants of manufactured and mobile homes in a manufactured and mobile home community shall obey all orders from the City and comply with all federal, local, and state health and safety laws and regulations.
7. Requirements for All Manufactured and Mobile Home Communities.
    a. Community Map and Directory to be Posted. Each manufactured and mobile home community shall have a directory and map posted in a conspicuous place, designated by the Fire Chief or his/her designee, numbering the spaces within the community by lot and block designated, and a duplicate thereof shall be filed with the Director, the Fire Chief, Police Chief, Health Commissioner, and the City Clerk. The space number shall be a standard City building number available for purchase in the Code Enforcement Department ~~of Building Inspection and Neighborhood Services~~. Such number shall be attached to the wall of the manufactured and mobile home parallel to and visible from the fronting street or lane.
    b. Number of Occupants. Only one (1) person for each four hundred fifty (450) cubic feet of interior space of a manufactured or mobile home shall be permitted to occupy a manufactured or mobile home in any licensed community of West Allis.
    c. Visitor automobile parking may be allowed on one (1) side of roadways and lanes of twenty (20) or more feet in width; both sides of roadways and lanes of thirty (30) or more feet in width. No parking shall be allowed on said roadways and lanes within thirty (30) feet of all intersections and corners

within a manufactured and mobile home community.

d. Visitor parking restrictions shall be posted on the roadways and lanes by the manufactured and mobile home community licensee.
e. Permits for Storage Buildings.
    i. Licensees shall file an application for a building permit accompanied by a sketch of the unit space showing the dimensions of the space, location, and dimensions of the manufactured or mobile home on the space, and proposed location and dimensions of the storage building. The building permit fee schedule in Section 13.255(1)(c) shall apply.
    ii. Each building permit for the construction of a storage building shall be limited to the construction and maintenance of such storage building in conjunction with the manufactured or mobile home then on the space; in the event of the replacement of such manufactured or mobile home, the permit shall terminate. An expired permit may be reinstated if the storage building complies with all of the provisions of this section and the replacement manufactured or mobile home.
f. Number of Spaces. No community shall contain more than one hundred twenty-five (125) spaces, except communities that contained more than one hundred twenty-five (125) spaces as of January 1, 1972. Such nonconforming communities shall be limited to the number of spaces contained therein on January 1, 1972.
g. No manufactured and mobile home community shall be laid out, constructed or operated without City water and sanitary sewer facilities. No wastewater shall be thrown or discharged upon the surface of the ground.
h. Subject to Section 12.17 of the Revised Municipal Code, no business shall be conducted in any unit.

8. Zoning. No manufactured and mobile home community shall be constructed except in conformity with the zoning laws of the City. All manufactured and mobile home communities constructed prior to March 1, 2016 are considered nonconforming.
9. Minimum Standards.
    a. For all manufactured and mobile home communities hereafter constructed, the following minimal standards shall be applicable:
        i. It shall be permissible to remove the wheels and/or hitch of manufactured or mobile homes in manufactured and mobile home communities. It shall not be permissible to construct or cause to be constructed any permanent pier, post, or other structure to support the unit. Nothing herein contained shall prohibit the use of stabilizing equipment; nor shall this paragraph prohibit the skirting of any manufactured or mobile home. Skirting must be made of noncombustible material and commercially manufactured specifically for skirting purposes.
        ii. Shelter roofs hereafter erected shall be of metal or other noncombustible material, securely anchored to the ground, and shall have no side walls or side enclosures of any kind. The shelter roofs shall be limited in length to the length of the manufactured or mobile home, but no greater in length than thirty-five (35) feet, nor greater in width than ten (10) feet, and shall not be less than six (6) feet to the lot line adjacent to the shelter roof or nearest manufactured or mobile home, and shall not be less than six (6) feet above the grade immediately beneath any point of such roof section.
        iii. No licensee or manufactured or mobile home occupant shall erect upon any space or any place within the community, any tent, sectional, or prefabricated cabin or cottage or any other structures intended to be used for dwelling purposes, or to be used in connection with or added to any manufactured or mobile home legally located on a space in such manufactured or mobile home community, except as otherwise provided in this section.
        iv. All manufactured and mobile homes shall have a toilet and bath or shower facilities that are in good working order.

v. All plumbing installations shall comply with the Municipal Plumbing Code for manufactured and mobile homes.

vi. Subject to Section 12.17 of the Revised Municipal Code, no business shall be conducted in any manufactured or mobile home, manufactured and mobile home community, or manufactured or mobile home lot except those necessary for the operation of such community.

vii. All manufactured and mobile home communities shall be maintained in a clean, orderly, and sanitary condition at all times.

viii. Where fuel oil tanks are utilized they shall be placed at the rear or side of the unit in as close proximity to the rear of the unit as possible. The capacity of a fuel oil tank is limited to two hundred seventy-five (275) gallons. The supporting structure for the fuel tank must be of metal construction.

ix. Supplemental spaces for parking of automobiles, boats, camping trailers, utility trailers, and other vehicles which are the property of the occupants of the community may be provided for in the community in an area other than on the lot space provided or allocated for parking of the manufactured or mobile home, and parking of such equipment on any manufactured or mobile home space is prohibited.

x. All driveways or lanes in any manufactured and mobile home community shall have a minimum width of twenty (20) feet and shall be surfaced with bituminous concrete or similar material; shall at all times be maintained in good and dustproof conditions; shall be artificially lighted at night with at least an average of 0.5 FTC; and shall be kept unobstructed.

xi. Parking.

(1) No manufactured or mobile home shall be parked or placed on a space which is not equal to twice the floor area of the manufactured or mobile home being placed thereon; nor shall said manufactured or mobile home infringe upon any adjoining space or roadway, but shall be wholly contained within its space.

(2) Floor area shall be measured by the outside dimensions of the manufactured or mobile home, including all expandable floor area both horizontally and vertically where such expandable floor area is actually being used in connection with such manufactured or mobile home when situated on such space, plus floor area measured on the exterior or any storage building located on said lot space.

(3) One automobile will be permitted to be parked on a manufactured or mobile home space if the floor area of the manufactured or mobile home parked thereon measured as provided in Subsection (9)(a)11b covers no more than forty percent (40%) of the lot area, and then only if a parking area equal to the automobile size is provided of cement or bituminous material and connected by a driveway made of cement or bituminous material to a street.

(4) Supplemental spaces for parking for automobiles, boats, camping trailers, utility trailers, and other vehicles that are the property of the occupants may be provided for in the community in an area other than the driveways, lanes, or lot space allocated for parking of the manufactured or mobile home, and parking of such equipment shall not be permitted by the licensee on any manufactured or mobile home space.

xii. Decks and Porches.

(1) A single deck or porch may be attached or adjacent to each manufactured or mobile home entrance. The manufactured or

mobile home occupant and the licensee shall be responsible for maintaining the installation.

(2) Wall facing material for the deck or porch shall be metal or other noncombustible material. Decks or porches shall be limited to twenty-five (25) square feet in size.

(3) Stairs utilized in connection with a deck or porch having three (3) or more risers shall be provided with hand rails on both sides of such stairs.

xiii. Storage.

(1) No space may have more than one (1) storage container or storage building; no space shall contain a storage container and a storage building.

(2) No storage building one hundred fifty (150) square feet or larger shall be erected without a permit.

(3) No storage building or storage container shall be constructed of combustible materials.

(4) No storage building shall exceed two percent (2%) of the area of the lot.

(5) No storage container shall exceed twenty (20) square feet, limited in height to a maximum of five (5) feet.

(6) Each storage building or storage container shall have a rodent-proof floor constructed of metal, Portland cement, concrete, bituminous concrete, or masonry mortar jointed.

(7) Each storage building or storage container shall be located only within the rear one-fourth (1/4) of space area with a minimum setback to rear and side boundaries of unit space of five (5) feet.

(8) An open space of not less than one (1) foot shall be provided between the storage building or storage container and the nearest wall of the manufactured or mobile home on the space.

xiv. No accessory structure, as defined in Section 12.06 of this Code, shall be located on a space unless specifically allowed under this section.

10. Inspections. All manufactured and mobile home communities and units shall be subject to inspection by the Code Enforcement Department ~~of Building Inspection and Neighborhood Services~~, Health Department, and Fire Department during reasonable hours and with reasonable advanced notice, emergencies expected.
11. Variances. The Board of Appeals shall have jurisdiction over any request for a variance of a requirement under this section.

~~**[Ord. O-2016-0009, 3/15/2016]**~~

SECTION 35: **AMENDMENT** "14.20 Electrical Inspections, Division Of Department Of Building Inspections And Zoning" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

14.20 Electrical Inspections, Division Of ~~Department Of Building Inspections And Zoning~~Code Enforcement Department

Electrical Inspections shall be under the supervision of the Code Enforcement Director ~~of the Department of Building Inspections and Zoning~~. The Director may employ qualified persons who shall bear the title of Electrical Inspector and shall hold office for an indeterminate term, subject to removal only for cause. The Director shall have, except where otherwise provided in this Code, the general management and control of all matters pertaining to electrical inspections and shall enforce all State laws and City ordinances.

SECTION 36: **AMENDMENT** "14.21 Electrical Inspector" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

14.21 Electrical Inspector

1. Duties. The Electrical Inspector shall perform inspections as the Code Enforcement Director ~~of Building Inspections and Zoning~~ may direct and shall perform other duties as assigned from time to time.
2. Authority. The Electrical Inspector is authorized, directed and empowered to inspect any and all buildings, structures and premises, public and private, and to, as herein provided, condemn and order removed or remodeled and put into proper and safe condition for the prevention of fire and for safety of life and property, all electrical equipment installations and connections to electrical current for light, heat, power and/or communications purposes and to control the disposition and arrangement of the same so that persons and property shall not be in danger therefrom.

SECTION 37: **AMENDMENT** "14.75 Electrical Permit" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

14.75 Electrical Permit

1. Permit Required. No building structure or premise shall be wired for electric lights, meters, heating units, signs, refrigeration or other electrical wiring, nor shall any electrical equipment be installed, nor shall any alteration or change be made, in any wiring system, nor shall electric current be supplied to any new electrical system before notifying the Electrical Inspector and securing a permit and/or authority to proceed with the work.
2. Permit Not Required. No electrical permit shall be required for the following. Although exempted from permit requirements, all installations shall conform to current electrical code requirements. **[Ord. O-2016-0013, 3/1/2016]**
    a. One- or Two-Family Use Properties.
        i. A homeowner, who resides at the same single-family dwelling, may replace lights, switches, receptacles and fixtures in the same location. The homeowner is responsible to install code compliant devices per the Wisconsin Electrical Code, including, but not limited to, tamper-resistant, GFCI or weather-resistant receptacles where required.
        ii. Replacement equipment and appliances having a proper factory supplied flexible cord.
        iii. Installation of a paddle fan fixture or replacement paddle fan fixture where the existing supporting wiring and supporting electrical box is listed/labeled to support the fixture.
3. To Obtain a Permit. Except as in Paragraph (a) below, a licensed contractor shall first file, with the Electrical Inspector, an application for an electrical permit. The application shall state the name of the owner of the property, the address of the premise where the work is proposed, a description of all work proposed and other information as the Electrical Inspector may request. Required fees, as prescribed by this Code, shall accompany the application. **[Ord. O-2016-0013, 3/1/2016]**
    a. The requirement for a licensed contractor to file the permit application may be waived by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~, or designee, for a State of Wisconsin licensed Master Electrician doing work on his or her own single-family home, in which he or

she resides and for which he or she is listed as an owner on the title. The Master Electrician homeowner is still required to obtain a permit and pay the same required permit fees, as prescribed by this Code.

4. Temporary Work. On applying for a permit for temporary work, a specified period of time for which such wiring is to remain in service shall be stated. Service shall be disconnected at the end of this period and shall not again be connected without written permission from the Electrical Inspector. For buildings where conduit wiring is required, special permits for temporary work may be granted by the Inspector for the installation of exposed wiring of lights and power for building operations, display, decorative lighting, etc., for use for a limited period, subject to discontinuance and complete removal at expiration, and to condemnation and revocation within such period.
5. Emergency Work. In the case of emergency work, the electrical contractor doing or causing such work to be done shall report the same to the Electrical Inspector immediately after beginning work; and, such work shall be done in accordance with the provisions of this Code.
6. Issuance of Permit.
    a. No electrical work shall be performed until an electrical permit has been issued by the validation of the permit by the Electrical Inspector and proper fees have been paid for in the amount required by the fee schedule.
    b. If upon examination it is found that the information on the application is complete, the Electrical Inspector shall issue an electrical permit, provided that the permit holder agrees and expressly states that (s)he has been employed to perform the installation, is fully capable and in possession of knowledge and ability to design, lay out, install, alter or replace the work designated in the application, in accordance with the regulations of this Code, and with all other ordinances and laws pertinent thereto, and will install electrical equipment as described in the application for an electrical permit in a safe, legal and workmanlike manner.
    c. The Electrical Inspector may require the applicant to submit plans, drawings, specifications, schedules, literature or other materials, such as samples or test reports, as may be necessary to determine the compliance of equipment for safe installation and use.
    d. A fee may be assessed for plan review in accordance with the fee schedule.
    e. No other electrical work shall be done except work as described in the application for permit. Additional work not listed on the original permit shall require a new electrical permit to be secured prior to starting the new work.

SECTION 38: **AMENDMENT** "14.81 Inspections" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

14.81 Inspections

1. Inspections. Upon completion of any installation, alteration or replacement of electrical equipment which requires a permit, it shall be the duty of the electrical contractor making the installation, alteration or replacement to notify the Electrical Inspector, who may inspect the installation, alteration or replacement as soon thereafter as practicable. When any electrical equipment requiring a permit is to be concealed by the permanent placement of parts of the building, the electrical contractor installing the electrical equipment shall notify the Electrical Inspector to that effect, and such equipment shall not be concealed by the person installing such parts of the building until after it has been inspected and approved by the Electrical Inspector. On installations where the concealment of electrical equipment proceeds continuously, the electrical contractor installing the electrical equipment shall give the Electrical Inspector due notice and inspection shall be made periodically during the progress of the work as directed by

the Electrical Inspector.

2. Notification and Inspection of Work. The licensee shall notify the Electrical Inspector when work is ready to be inspected. The request shall include the contractor's name, the permit number, the location of the work to be inspected and other pertinent information necessary to allow to allow for the inspection.
3. Inspection of Work. The Electrical Inspector shall perform the requested inspection within two (2) business days, exclusive of Saturdays, Sundays and holidays, after receiving notification. If, after two (2) business days, an inspection has not been made, the contractor shall inform the Electrical Inspector of his or her intention to proceed with the work.
4. Inspection Types. Inspection types for an issued electrical permit:
    a. A rough-in inspection before concealment of electrical wiring or raceway piping;
    b. Final inspection for releasing the installation for its intended use; and
    c. Reinspections, as necessary, to confirm compliance and satisfactory completion of the electrical work.
5. Access. The electrical contractor shall provide access for any inspection that is not readily accessible for an inspection such as, but not limited to, rooftops, tunnels, etc.
6. Approval. If it is found that the installation complies with this code, the Electrical Inspector shall document approval of same and authorize concealment of the electrical wiring, connection of electrical service or final inspection approval of the installation for its intended use.
7. Certificate of Inspection. For connection of a new or replacement electrical service to any building, structure or premises, the Electrical Inspector shall issue a certificate of inspection to the electric company furnishing electrical power, and the power company shall not energize said service until receiving approval from the Electrical Inspector.
8. Disapproval. If the installation for which a permit has been issued is incomplete or not strictly in accordance with the code, the Electrical Inspector shall post a rejection notice. The notice shall not be removed until approved by the Electrical Inspector. The electrical contractor installing the faulty installation shall remove all hazards and make necessary changes or additions to comply with the code within ten (10) days and call for a reinspection. A reinspection fee may be assessed for reinspection and failure to adhere to the ten (10) day notice. The electrical contractor may extend the ten (10) day notice when approved by the Electrical Inspector, except for emergencies or other conditions involving public safety.
9. Authority to Remove. The Electrical Inspector shall have authority to cause the removal of any obstruction which may prevent the proper inspection of any electrical equipment. Concealment of electrical work before inspection by any person is a violation of this code.
10. Final Inspection. The electrical contractor shall promptly call for a final inspection when work is completed and before the electrical installation is used for its intended purpose. It is the responsibility of the electrical contractor to insure the electrical installation is safeguarded until approved by the Electrical Inspector. A penalty fee may assessed for failure of the electrical contractor to promptly request a final inspection.
11. Residential Affidavit Permit and Inspection. **[Ord. O-2007-0018, 5/15/2007]**
    a. A residential electrical affidavit permit may be issued to an electrical contractor to perform electrical work as limited within this subsection. The permit is limited to single- or two-family use properties only. The permit will not require an inspection, but the Electrical Inspector may review contractor work for a permit issued under this section. The permit shall contain the signature of the supervising electrician certifying that the covered repair, replacement, fished or exposed installation of electrical equipment conforms to all local and state laws and that all work described on the application will be, during installation and when completed, performed in a safe, legal and workmanlike manner.
    b. The residential affidavit permit shall allow the licensed electrical contractor to perform any two (2) of the following repairs, replacements, or installations, or any combination of two (2) items at any one (1) residential unit. An electrical contractor may only be issued one (1) affidavit permit per year. The residential

unit may only be allowed one (1) affidavit permit per year unless authorized by the Electrical Inspector.

i. Outlet for fixture, lamp, switch or receptacle
ii. Fixture replacement [total maximum five (5)]
iii. Motor, including disconnecting means (furnace, exhaust fan, etc.)
iv. Water heater
v. Dryer or dryer outlet
vi. Air-conditioner, including disconnecting means or air conditioner outlet
vii. Range or range outlet
viii. Garbage disposal, including disconnecting means
ix. Dishwasher, including disconnecting means

12. Stop-Work Order.
    a. When it is found that any electrical installation is being made, or that any electrical device, equipment or fixture is being installed contrary to the provisions of this code, or that such electrical installation, device, equipment or fixture is dangerous or unsafe, the Electrical Inspector may issue or cause to be issued a stop-work order. Any person violating this regulation shall be subject to penalty pursuant to Section 14.99 of this chapter.
    b. Such stop-work order shall be in writing and shall be served upon the owner of such property, a duly authorized agent or the person responsible for such work. The stop-work order shall set forth the reasons why such work is being stopped and the provisions of the code being violated.
    c. A stop-work order shall be posted in a conspicuous place upon the premises and it shall be unlawful for any person to remove such order or to perform any work on the electrical installation, device, equipment or fixtures so long as the stop-work order shall remain.
13. Unsafe Conditions, Owner Responsibility.
    a. The Electrical Inspector is authorized to inspect any building, structure, dwelling unit or equipment thereon which is reported or found to have electrical systems or parts thereof that are in violation of the electrical code or that are damaged, dangerous, unsafe, unsanitary or unfit for human habitation. The Electrical Inspector, upon presentation of proper credentials, may enter at any reasonable time any building, structure or premises to enforce this code. The Electrical Inspector is authorized to issue a notice or order upon the property owner to correct any violation of the electrical code observed by such Inspector. The property owner shall promptly authorize correction of code violations.
    b. The Electrical Inspector is authorized to order the discontinued occupancy or use of a building, structure, dwelling or equipment if, in the Inspector's judgment, the building, structure, dwelling or equipment is unsafe, dangerous, unsanitary or unfit for human habitation. An order is to be issued upon the owner and persons occupying or using the building, structure, dwelling unit or equipment. An order to discontinue occupancy or use shall identify the code violation that causes the building, structure, dwelling unit or equipment to be unsafe, dangerous, unsanitary or unfit for human habitation. The Code Enforcement Director ~~of the Department of Building Inspections~~ may also order the installation of temporary safeguards, and upon installation of such safeguards, may permit the occupancy or use to continue or resume on a limited basis until code violations have been corrected. 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 to make repairs.
    c. The owner of the property is responsible for correction of violations issued by the Electrical Inspector in a Notice or Order. The Electrical Inspector is authorized and may commence and prosecute legal action in municipal or circuit court.

[Ord. O-2005-0001, 1/4/2005]

SECTION 39: **AMENDMENT** "16.20 Administration" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

16.20 Administration

The Plumbing Inspection Division of the Code Enforcement Department ~~of Building Inspections and Zoning~~ shall be under the Supervision of the Code Enforcement Director~~, Department of Building Inspections and Zoning~~. The Director may employ qualified persons who shall bear the title of Plumbing Inspector and shall hold office for an indeterminate term subject to removal only for cause. The Director shall have, except where otherwise provided in this Code, the general management and control of all matters pertaining to plumbing inspections and shall enforce all State laws and City ordinances.

SECTION 40: **AMENDMENT** "16.60 Issuance Of Permit To Licensed Plumber" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

16.60 Issuance Of Permit To Licensed Plumber

To obtain a plumbing permit, a State of Wisconsin Licensed Master Plumber shall first file an application for permit with the Plumbing Inspector. The application form shall be provided by the Code Enforcement Department ~~of Building Inspections~~. The application shall state the name of the owner of the property, the address of the premises where the work is proposed, a description of all work proposed and other information as may be requested by the Plumbing Inspector. Required fees, as prescribed by the Code, shall accompany the applications.

SECTION 41: **AMENDMENT** "17.01 Definitions And Rules For Construction" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

17.01 Definitions And Rules For Construction

The following definitions and rules of construction shall be observed in interpretation of this Revised Municipal Code, unless otherwise expressly provided in any section hereof or unless the context of any section clearly requires otherwise.

1. Revised Municipal Code. The term "Revised Municipal Code," or the work "Code," unless context otherwise requires, shall be deemed to mean the same as "Revised Municipal Code of the City of West Allis, Wisconsin."
2. City. The word "City" shall be deemed to mean the City of West Allis, a municipal corporation in the State of Wisconsin.
3. Council and City Council. The word "Council" and the terms "City Council" or "Common Council" shall be deemed to mean the Common Council of the City of West Allis, a legislative branch of the City of West Allis.
4. Gender. When any subject matter, party or person is described or referred to by words importing the masculine, females, as well as males, firms, associations and corporate organizations, as well as individuals, shall be deemed to be included.
5. Number. When any subject matter, party or person is described or referred to by words importing the singular number, the plural and persons and bodies corporate shall be deemed to be included.

6. Person. The word "person shall include a firm, corporation, association or other organization acting as a group or unit, as well as an individual. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this Revised Municipal Code prescribing a penalty or fine, as to firms, associations and other organizations, the words shall include the partners, members or agents who are responsible for any violation of said section thereof and, as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of said section.
7. Evidence. Any printed copy of the Revised Municipal Code or any printed supplement thereto, containing a printed certificate of the City Clerk as to correctness, shall be received in evidence in any court for the purpose of proving any charter and ordinances therein contained with like effect and for the same purpose as the original ordinances, minutes or journals would be received.
8. Reference to Wisconsin Statutes. All references in this Code to any sections of the Wisconsin Statutes shall be taken to mean the most recently revised and published edition of the Wisconsin Statutes, as from time to time amended, modified, repealed or otherwise altered by the State Legislature.
9. Health Commissioner. Whenever the title "Health Officer" is used in this Code it shall be taken to mean "Health Commissioner." From time to time hereafter, as pages from this Code are reprinted, the City Clerk shall substitute the title of "Health Commissioner" for the title "Health Officer."
10. Wards and Aldermanic Districts. Wherever the word "Ward" is used in this Code it shall be taken to mean "Aldermanic District," until such time as the page where such reference is contained is reprinted. Following such new printing of a Code page, the word "Ward" shall mean that which was formerly denominated "Precinct," as used in this Code, it shall be taken to mean "Ward." From time to time hereafter, as pages from this Code are reprinted, the City Clerk shall substitute "Aldermanic District" or "Aldermanic Districts" for "Wards," and "Ward" or "Wards" for "Precinct" or "Precincts."
11. License and Health Committee. Whenever the term "Public Welfare Committee" is used in this Code, it shall be taken to mean "License and Health Committee." From time to time hereafter, as pages from this Code are reprinted, the City Clerk shall substitute the term "License and Health Committee" for "Public Welfare Committee."
12. Administration and Finance Committee. Whenever the term "Public Administration Committee" is used in this Code, it shall be taken to mean "Administration and Finance Committee." From time to time hereafter, as pages from this Code are reprinted, the City Clerk shall substitute the term "Administration and Finance Committee" for "Public Administration Committee."
13. Director of Planning & Housing. Whenever the title "City Planner" is used in this Code, it shall be taken to mean "Director of Planning & Housing." From time to time hereafter, as pages of this Code are reprinted, the City Clerk shall substitute the title of "Director of Planning & Housing" for the title "City Planner."
14. ~~Director of Building Inspections & Zoning. Whenever the title "Director of Building Inspection" is used in this Code, it shall be taken to mean "Director of Building Inspections & Zoning." From time to time hereafter, as pages of this Code are reprinted, the City Clerk shall substitute the title of "Director of Building Inspections & Zoning" for the title "Director of Building Inspection."~~(Reserved.)
15. Safety and Development Committee. Whenever the term "Public Safety Committee" is used in this Code, it shall be taken to mean "Safety and Development Committee." From time to time hereafter, as pages from this Code are reprinted, the City Clerk shall substitute the term "Safety and Development Committee" for "Public Safety Committee."
16. Alderpersons. Whenever the term "Alderman" is used in this Code, it shall be taken to mean "Alderperson." From time to time hereafter, as pages of this Code are reprinted, the City Clerk~~/Treasurer~~ shall substitute the term "Alderperson" for "Alderman." **[Ord. O-2003-0075, 11/18/2003]**
17. ~~Department of Building Inspections & Neighborhood Services. Whenever the terms "Department of Building Inspections & Zoning" and "Director of Building Inspections & Zoning" are used in this code, it shall be taken to mean "Department of Building~~

~~Inspections & Neighborhood Services" and "Director of Building Inspections & Neighborhood Services." From time to time hereafter, as pages of this Code are reprinted, the City Clerk/Treasurer shall substitute these new terms for the Department and its Director.~~ ~~**[Ord. O-2008-0053, 12/2/2008]**~~(Reserved.)

18. ~~City Clerk or City Treasurer. Wherever the term "Clerk/Treasurer" is used in this Code, it shall be taken to mean the City Clerk or the City Treasurer as the context and the operation of Section 2.10 determine is appropriate. From time to time hereafter, as pages of this code are reprinted, the City Clerk shall substitute these new terms.~~ ~~**[Ord. O-2014-0024, 5/20/2014]**~~(Reserved.)

SECTION 42: **AMENDMENT** "17.10 Citation Authority" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

17.10 Citation Authority

The Code Enforcement Director ~~of the Department of Building Inspection and Neighborhood Services~~, the Health Commissioner, the Director of Public Works, and the Director of Development, or their designees, shall have the authority, pursuant to Section 66.0113(2), Wis. Stat., to issue citations for violations of this Municipal Code. Such authority to issue citations is limited to the code or codes that such respective department is charged with enforcing. In addition, all sworn law enforcement officers of the West Allis Police Department are authorized to issue a citation for any violation of this Code. Community service officers, as designated by the West Allis Police Chief, have the authority to issue citations, pursuant to Wis. Stat. Section 66.0113(2), for any violation of Chapters **6**, **7**, **9**, **10**, or 11 of this Municipal Code. Parking control officers, as designated by the West Allis Police Chief, have the authority to issue citations, pursuant to Wis. Stat. Section 66.0113(2), for any violation related to parking, stopping, or standing of vehicular traffic contained within this Municipal Code or state statute related to parking, stopping, or standing of vehicular traffic and adopted by this Municipal Code.

~~**[Ord. O-2013-0052, 11/19/2013; Ord. O-2014-0003, 2/4/2014; Ord. O-2017-0024, 6/6/2017]**~~

SECTION 43: **AMENDMENT** "18.09 Nuisance Abandoned Buildings" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

18.09 Nuisance Abandoned Buildings

1. Legislative Findings.
    a. That there are a large number of vacant buildings scattered throughout the City that are not properly maintained.
    b. That such vacant buildings have reached a stage of disrepair and deterioration with the yards of said buildings having become untended and filled with junk so as to constitute a blighting influence.
    c. That such vacant buildings are subject to exterior vandalism and are broken into and subject to vandalism of the interior, are used for unsanitary or immoral purpose, and are potential fire hazards.
    d. That the state of disrepair and deterioration of such vacant buildings creates a public nuisance, constitutes a hazard to the health, safety and welfare of the public, and creates a blighting influence on the surrounding neighborhood.
2. Definitions.

a. "Abandoned building" means a building or structure, as defined in Section 12.06 of the Revised Municipal Code, that is vacant or not occupied by a rightful owner or tenant and also has one or more of the following characteristics:
    i. Is in violation of the lawn regulations set forth in Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
    ii. Is in violation of the minimum standards for buildings and structures set forth in Section 13.28(9) of the Revised Municipal Code.
    iii. Has junk, refuse, rubbish, etc., strewn around or stored on the property or otherwise has unlawful outdoor storage of materials or has an abandoned vehicle or vehicles (as defined in Section 6.015 of the Revised Municipal Code) on the property.
    iv. There are broken or open doors or windows or the exterior of a building's structure otherwise is not secured from the elements or entry by trespassers.
    v. Graffiti has not been removed from the buildings, structures, or equipment on the property as required by Section 18.08 of the Revised Municipal Code.
    vi. The buildings, structures or premises are otherwise dilapidated or deteriorated or create a dangerous condition.
    vii. Snow and/or ice have been allowed to accumulate and remain on the public sidewalk abutting the property contrary to Section 11.12 of the RMC.

3. Prohibition. No owner of any real property may maintain, allow or suffer an abandoned building to exist within the City.
4. Notification to Owner. The Code Enforcement Director ~~of Building Inspections and Neighborhood Services~~, Director of Public Works, or Health Commissioner or his or her designee shall mail or cause to be mailed, by first class mail to the last known address of the owner, a written order directing the owner to abate the specified conditions that constitute an abandoned building in a timely manner. The order shall include a list or description of the factors that are causing the blight or nuisance, a date of issue, a statement of the consequences of the failure to comply, an explanation of the right to petition the Property Maintenance Code Appeals Board for a hearing within ten (10) days, a statement that any property owner who does not file a petition for a hearing waives the right to assert that the property does not meet the definition of an abandoned building, and a statement informing the property owner that the property must be brought into compliance within ten (10) days. Such order shall also be posted on the front door or other conspicuous place on the property.
5. Appeal and Hearing Procedure.
    a. A property owner may appeal the order to the Property Maintenance Code Appeals Board, established pursuant to Section 13.28(14) of the Revised Municipal Code, by filing a written request for a hearing with the City Clerk within ten (10) days of the issuance of the abatement order.
    b. The appeal and hearing procedure shall conform to the standard rules and procedures of the Property Maintenance Code Appeals Board.
    c. Upon receipt of the hearing request, the Code Enforcement Director ~~of Building Inspections and Neighborhood Services~~, Director of Public Works, or Health Commissioner or his or her designee shall halt the abatement process under Subsection (6), pending decision of the Property Maintenance Code Appeals Board.
    d. If the Property Maintenance Code Appeals Board upholds the determination that the property is an abandoned building, the owner may appeal the decision within thirty (30) days to the Circuit Court of Milwaukee County.
    e. If a property owner does not file a timely written request for a hearing before the Property Maintenance Code Appeals Board, he or she waives the right to assert that the property is not an abandoned building and in need of abatement under this Section.
    f. Emergency Procedure. Notwithstanding the notice provisions of Subsection

(4) and the appeal procedures of Subsection (5), the Code Enforcement Director ~~of Building Inspections and Neighborhood Services~~, Director of Public Works, or Health Commissioner or his or her designee may take immediate steps, including taking action through a private contractor, to abate a condition or conditions that create an immediate threat to health or safety. The owner of the property may contest the need for such action and/or the cost thereof after the abatement, following the hearing procedures set forth in Subsection (5).

6. Abatement of Nuisance. Within ten (10) days of the date of the abatement order, if the owner has not filed an appeal or abated the nuisance, the Code Enforcement Director ~~of Building Inspections and Neighborhood Services~~, Director of Public Works, or Health Commissioner or his or her designee, or a private contractor chosen by the Code Enforcement Director ~~of Building Inspections and Neighborhood Services~~, Director of Public Works, or Health Commissioner or his or her designee, may enter the property and abate the conditions that give rise to the property being an abandoned building, except that the Code Enforcement Director ~~of Building Inspections and Neighborhood Services~~, Director of Public Works, or Health Commissioner, or his or her designee, or contractor may not occupy the premises or cause them to be occupied unless the City is the owner or otherwise has legal care and custody of the property. A property will be deemed abated when the criteria establishing an abandoned building have been removed, corrected or repaired.
7. Continuity of Abandoned Status. Once a property has been declared a nuisance abandoned property, the Code Enforcement Director ~~of Building Inspections and Neighborhood Services~~, Director of Public Works, or Health Commissioner or his or her designee shall continue to correct such deficiencies as they exist until the owner petitions the official who made the declaration and demonstrates that the owner can maintain the premises in conformance with State law and City ordinances. The petition shall be in writing to the official who made the nuisance determination. The official shall render a decision within thirty (30) days of receipt of the petition or the petition shall be deemed granted and the property will be removed from the list of nuisance abandoned properties. The determination of the declaring official may be appealed by an interested party as provided in Subsection **(5)**.
8. Costs. The cost of abatement shall be collected as a special charge against the property pursuant to Wis. Stat. Sec. 66.0627 for the costs of the services provided. If the special charge is not paid within thirty (30) days, the special charge shall be deemed delinquent. A delinquent special charge shall be a lien against the property as of the date of delinquency and shall be included in the current or next tax roll for collection and settlement under Chapter 74, Wis. Stat.
9. Prohibition and Penalties. No person shall remove, alter, deface, damage, or tamper with any items, including signs, locks, boards, or any other materials, used by a City Building Inspector or his or her designee to post or secure any nuisance abandoned property. Any person violating this Subsection shall be required to forfeit not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00). For a second or subsequent violation, the person shall be required to forfeit not less than one thousand dollars ($1,000.00) nor more than two thousand dollars ($2,000.00). The person shall be required to pay the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Sec. 800.095(4) of the Wisconsin Statutes, or by suspension of the defendant's operating privilege, pursuant to Secs. 343.30 and 345.47 of the Wisconsin Statutes. Each and every day that an offense occurs or continues constitutes a separate offense.

[Ord. O-2008-0030, 8/5/2008; Ord. O-2015-0046, 9/15/2015]

SECTION 44: **AMENDMENT** "18.10 Registration Of Properties Pending Foreclosure" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.10 Registration Of Properties Pending Foreclosure

1. Findings. The Common Council finds that a significant relationship exists among properties in the foreclosure process, the prevalence of blight and abandoned buildings, increased calls for police service, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Property owners involved in foreclosure have less incentive to maintain their properties, and properties in foreclosure have a higher incidence of building code violations than properties not in foreclosure. The foreclosure process may also result in abandonment. Abandoned buildings become havens for vandalism, arson and drug crimes, draining valuable governmental resources and creating a significant reduction in quality of life for the surrounding neighborhood. Registration, inspection and aggressive monitoring of properties in the foreclosure process help to stabilize and improve affected neighborhoods and aid in code enforcement efforts, as well as public safety. A mortgagee that does not register, inspect, secure, and maintain, as required in this section, places an undue and inappropriate burden on the taxpayers of the City and poses an increased risk to public health, safety and welfare.
2. Purpose and Scope. The purpose of this section is to establish a registration program to monitor all real properties pending foreclosure to identify at-risk properties and to regulate the securing and maintenance of abandoned properties in foreclosure. This section is intended to reduce and prevent neighborhood blight; to ameliorate conditions that threaten public health, safety and welfare; to promote neighborhood stability and occupancy by preserving the condition and appearance of properties; and to maintain property values and assessments. It is declared a matter of public policy and an exercise of the City's police power that mortgagees initiating foreclosure proceedings against a property are required to register with the City of West Allis. This registration process will give City departments the means of contacting those responsible for the foreclosure proceedings and mortgages at issue, those responsible for the inspections required in this section, and those responsible for the securing and maintenance of abandoned property as required in this section. The purpose of the registration fee is to partially recover administrative costs associated with this registry. Nothing in this section shall be construed as waiving, relieving, or otherwise excusing an owner of property from complying with applicable building codes and ordinances. The owner shall at all times comply with applicable building codes and ordinances, and the owner shall at all times remain responsible and liable therefor. Nothing in this section is intended to affect the right to foreclose as provided by state law.
3. Definitions. In this section:
    a. "Abandoned property" means any real property that is in mortgage default, bank owned (REO) and/or is vacant as a result of the relinquishment of occupancy, possession or control by a mortgagor and those claiming by, through or under the mortgagor, including tenants, whether or not the mortgagor relinquished equity and title. A property may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, which would lead a reasonable person to conclude that the property is abandoned, including:
        i. Violation of the lawn regulations as set forth in Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
        ii. Accumulation of newspapers, circulars, flyers, or mail.
        iii. Past-due utility notices.
        iv. Accumulation of junk, litter, trash, or debris.
        v. Absence of window treatments, such as blinds, curtains, or shutters.
        vi. Absence of furnishings and personal items.
        vii. Statements by neighbors, delivery agents, or similarly situated persons that the property is vacant.
        viii. Any of the items specified in Sec. 846.102(2), Wis. Stats.
        ix. Violation of the minimum standards for buildings and structures set

forth in Section 13.28(9) of the Revised Municipal Code.

x. Broken or open doors or windows or the exterior of a building's structure otherwise is not secured from the elements or entry by trespassers.

xi. Graffiti has not been removed from the buildings, structures, or equipment on the property as required by Section 18.08 of the Revised Municipal Code.

xii. The buildings, structures, or premises are otherwise dilapidated, deteriorated, or create a dangerous condition.

xiii. Snow and/or ice have been allowed to accumulate and remain on the public sidewalk abutting the property contrary to Section 11.12 of the Revised Municipal Code.

xiv. Any real property located in the City, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the mortgagee or trustee, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

b. "Accessible structure" means a building that is accessible through a compromised door, wall, window, or similar building feature and that is unsecured in a manner that allows access to interior space by unauthorized persons.

c. "Agent" means a person or entity, including a servicing company, acting on behalf of the mortgagee regarding the mortgage or mortgage loan, the foreclosure proceedings, or the mortgaged property, including the inspection, maintenance and securing duties required in this section, except that an attorney shall not be deemed to be an agent if the attorney is retained solely to represent the mortgagee or agent in connection with the foreclosure proceedings in court.

d. "Department" means the City of West Allis Code Enforcement Department ~~of Building Inspection and Neighborhood Services~~.

e. "Director" means the Code Enforcement Director ~~of the City of West Allis Department of Building Inspection and Neighborhood Services~~.

f. "Foreclosure" means the process prescribed by Chapter 846, Wis. Stats. and the process for nonjudicial sale authorized by a power of sale clause in a mortgage.

g. "Mortgage" means a written instrument creating a lien on real property whereby the property is used as security or collateral for performance of an act or payment of funds. For purposes of this section, mortgage also includes a land contract.

h. "Mortgagee" means the person or entity that lends money to a borrower for the purpose of purchasing a piece of real property or the person or entity to which the mortgage has been granted or assigned.

i. "Mortgagor" means the person or entity that obtained a mortgage to purchase or refinance a piece of real property.

j. "Occupied property" means a residential property with a structure on which any person, including an owner, operator, or tenant, but not a trespasser, lives, sleeps, cooks, or otherwise maintains actual possession.

k. "Person" means any person, firm, organization, or corporation.

l. "Residential property" means a property used in whole or in part for residential purposes, including single-family, two-family, and multifamily dwelling; mixed-use commercial and residential structures, but not residential condominium units.

m. "Servicing company" means a person or entity that provides services to the mortgagee or to an agent of a mortgagee, including debt servicing, collection of payments, administration of escrow and insurance accounts, managing loss mitigation, foreclosing, and securing and managing properties on behalf of the mortgagee or the mortgagee's agent.

4. Registration Required.
    a. Within five (5) working days of filing with the court of the foreclosure proceedings against a residential property, the mortgagee or agent shall register the property in the name of the mortgagee with the Department on a form or by an electronic process prescribed by the Director. This form shall include all of the following:
        i. Information identifying the property by address and tax key number.
        ii. The mortgagor of record and the mortgagee of record.
        iii. The Register of Deeds recording document number for the mortgage being foreclosed and the date of recording.
        iv. The current owner of the note or instrument secured by the mortgage, and the registered agent and registered office for that owner.
        v. The date of recording of the lis pendens for commencement of the foreclosure proceedings.
        vi. The case number of the foreclosure action and the plaintiff in the foreclosure action.
        vii. The servicing company or other agent acting on behalf of the mortgagee, and the registered agent and registered office for that servicing company or agent.
        viii. Contact information for a person with the mortgagee or agent who will be responsible for inspecting, securing, and maintaining the property as required under this section.
    b. A mortgagee or agent for a residential property in foreclosure proceedings for whom the proceedings were initiated prior to the effective date of this section and who remains subject to the foreclosure proceedings shall register with the City within thirty (30) days of the effective date of this section. The mortgagee or agent shall be subject to the requirements of this section, except for the initial inspection under Subsection (7)(a).
5. Amendment. Within twenty (20) days of a change in information for the registration of a property, including a change in ownership of the mortgage or a change in agent, servicing company or contact person, the mortgagee or the mortgagee's agent shall file an amended registration with the Department on a form or by an electronic process prescribed by the Director.
6. Termination of Registration.
    a. To terminate a registration, the mortgagee or the mortgagee's agent shall file a registration termination with the Department on a form or by an electronic process prescribed by the Director within ten (10) days of either of the following, whereupon the duties of the mortgagee or the agent under this section shall cease:
        i. A court-confirmed sale of the property in foreclosure with the deed having been issued in the foreclosure proceedings and the deed or evidence of the deed having been recorded in the Register of Deeds office.
        ii. A court order dismissing the foreclosure proceedings and a discharge of the lis pendens having been recorded in the Register of Deeds office.
    b. The mortgagee or agent shall provide in the termination filing the Register of Deeds recording information for one (1) of the following:
        i. The deed or the evidence of the deed, as provided in Subsection (6)(a)(1).
        ii. The lis pendens discharge, as provided in Subsection (6)(a)(2).
    c. If the court dismisses the foreclosure proceedings due to a discharge or satisfaction of the mortgage, the mortgagee or agent shall also provide with the termination filing the Register of Deeds recording information for the discharge or satisfaction of the mortgage.
7. Inspection of Abandoned Property.
    a. Initial Inspection. Whenever a mortgagee or agent initiates foreclosure proceedings against a property, the mortgagee or agent shall cause a physical inspection to be made of the property not later than thirty (30) days from the

date of filing of the foreclosure proceedings. One (1) or more photographs shall be taken of the property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.

b. Periodic Inspections. The mortgagee or agent shall perform a reinspection of the property subject to the foreclosure proceedings at least once every thirty (30) days following the initial inspection until a registration termination is filed. One (1) or more photographs shall be taken at each reinspection and shall be dated and preserved.

c. Records. A mortgagee or agent shall maintain written records, including photographs, of any inspection or reinspection required by this section, and, in the case of abandoned property, records of actions taken under Subsection (9). Written records and photographs of inspection and reinspection shall be made available to the Department upon request.

8. Notification of Abandoned Property. If inspection of the property required under Subsection **(7)** shows the property is abandoned, or if the mortgagee or agent otherwise becomes aware of abandonment, the mortgagee or agent shall file notification of the abandoned property within five (5) business days on a form or by an electronic process prescribed by the Director or his or her designee, that includes a description of the external condition of the property and whether there is an accessible structure on the property. The notification filing shall identify the person authorized by the mortgagee to enter upon the property and to conduct repairs or maintenance and secure access, as required in Subsection **(9)**.
9. Duty to Secure, Maintain, and Post Abandoned Property.
    a. The property maintenance duties of a mortgagee or agent with an abandoned property shall be limited to the following:
        i. Ensuring that there are no accessible structures on the premises.
        ii. Ensuring that there are no conditions upon the property presenting an immediate risk to public health, safety, or welfare, including:
            (1) Removing or abating fire hazards.
            (2) Removing or containing potentially toxic materials and explosives.
            (3) Securing the perimeters of swimming pools, ponds, or other bodies of water.
            (4) Maintaining public walkways and thoroughfares free from ice, snow, mud, and other debris consistent with the requirements of Section 11.12 of the Revised Municipal Code.
            (5) Mowing grass and eliminating weeds and other plant growth consistent with the requirements of Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
    b. A mortgagee or agent shall include a statement in the abandonment notification identifying action taken or planned to be taken to comply with the requirements of Subsection (9)(a).
    c. Upon filing notification of the abandoned property or at the time that notification is required to be made, and until there has been a registration termination filed regarding the abandoned property, the Director may make a finding that the condition of the property constitutes an immediate threat to public health, safety and welfare and, upon such finding, may issue a written order to the mortgagee or agent, or both, to abate the condition. Upon failure to comply with the Director's order within ten (10) days, the mortgagee or agent, or both, shall be responsible and shall be subject to a penalty in the same manner and to the same extent as the owner of the property under any of the following Revised Municipal Code sections:
        i. Sections 7.05 and 7.051, refuse and recycling collection; littering of premises.
        ii. Sections 11.07(7) and 11.12, sidewalks to be kept clean and unobstructed.
        iii. Section 6.015, abandoned vehicles.

iv. Section 18.03, public nuisances.
v. Section 7.035, noise control.
vi. Section 7.06, noxious chemicals.
vii. Section 13.35, swimming pools.
viii. Section 18.08, graffiti abatement.
ix. Sections 13.28(9) and 13.28(10), maintenance of premises.
x. Section 7.14(3), rat harborages.
xi. Section 13.18, condemnation of unsafe structures.

d. The minimum requirements of a mortgagee or agent for preservation and protection of residential property, absent a specific order of the Director to abate a condition of the premises, shall be consistent with 24 CFR 203.377 and the rules, regulations and other requirements published by the Federal Housing Administration (FHA) of the United States Department of Housing and Urban Development for the preservation and protection of single-family residential properties secured by FHA loans, as those requirements may be amended by FHA mortgagee letters or otherwise, and as applied by the FHA to the State of Wisconsin, including guidelines related to winterization and heating systems. The Director may issue a written order to the mortgagee or agent, or both jointly and severally, to abate the condition. The mortgagee or agent, or both, shall be held liable for failure to abate and for repayment to the City of the reasonable costs incurred by the City related to abatement of conditions that are subject to FHA guidelines specified in this subsection, or which are subject to an order under Subsection (9)(c) and which threaten public health, safety, and welfare.

e. A mortgagee or agent, upon receiving information or determining that the residential property is abandoned, and until the property is no longer abandoned, shall post and maintain signs affixed or adjacent to all entrances to the building indicating:
    i. The name, address and telephone number of the agent authorized by the mortgagee to be responsible for maintenance and management of the property, as specified under Subsection (8).
    ii. That no trespassing is allowed upon the premises without consent of the agent.

10. Fees.
    a. The fee for registration of property pending foreclosure shall be three hundred dollars ($300) and shall be due upon registration.
    b. The registration form and fee may be transmitted electronically or by any other means to be determined by the Director or his or her designee. The annual registration shall be valid from the date the property was initially obligated to register pursuant to the governing ordinance, the registration form is completed and filed with the Department or its designee and the registration fee is received by the Department or its designee.
    c. There shall be no fee for filing an amended registration or for filing a registration termination.
11. Penalties.
    a. Failure to Register or to File Amendment. Any mortgagee or agent that fails to register as required under Subsection (4), fails to file an amendment as required under Subsection (5), or fails to file a termination as required under Subsection (6), shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than five hundred dollars ($500) nor more than two thousand dollars ($2,000), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
    b. Failure to Inspect. Any mortgagee or agent that fails to inspect or reinspect a property as required under Subsection (7) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than two hundred fifty

dollars ($250) nor more than one thousand dollars ($1,000), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

c. Failure to Notify about Abandoned Property. Any mortgagee or agent that fails to file notification of an abandoned property as required under Subsection (8) shall be jointly and severally responsible and, upon conviction, shall forfeit not less than five hundred dollars ($500) nor more than two thousand dollars ($2,000) together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
d. Failure to Secure and Maintain Abandoned Property. Any mortgagee or agent having a duty to register abandoned property that fails its duty to secure and maintain the property as required under Subsection (9) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than eight hundred dollars ($800) nor more than two thousand five hundred dollars ($2,500), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
e. Failure to Maintain Records or to Post. Any mortgagee or agent that fails to maintain or provide records required in Subsection (7), or to post signage as required in Subsection (9) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than one hundred dollars ($100), nor more than five hundred dollars ($500), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

[Ord. O-2015-0042, 9/1/2015; Ord. O-2016-0018, 3-15-2016]

SECTION 45: **AMENDMENT** "1.04 Municipal Budget" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

1.04 Municipal Budget

1. Submission of Budget Requests. On or before September 1 of each year, each office or Department of the City shall file with the City Administrator~~Clerk/Treasurer~~ an itemized statement of disbursements made to carry out the powers and duties of such officer or Department during the preceding fiscal year and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer or Department during such year and of the condition and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year.
2. Form of Budget Requests. The budget of each officer or Department of the City shall be on forms prescribed by the Finance Director/Comptroller~~Director of Administration and Finance~~, who shall, prior to supplying such forms to the respective officer and Departments, insert the actual revenue and expenditures for such officer or Department

during the preceding fiscal year and the actual revenues and expenditures for the first six (6) months of the current year. Upon receipt of such forms from the Finance Director/Comptroller~~Director of Administration and Finance~~, the respective officers and Departments of the City shall insert thereon the estimated revenues and expenditures for the balance of the current year; also, detailed estimates of the same matters for the ensuing fiscal year. The Finance Director/Comptroller~~Director of Administration and Finance~~ shall also, in supplying the forms to respective officers and Departments, insert the actual amount budgeted for the respective accounts of such officer or Department by the Common Council for the current fiscal year. The respective officers and Departments of the City shall insert on such forms for informational purposes for the current fiscal year the differences, if any, between amounts budgeted for receipts and disbursements and the estimated receipts and disbursements for the current year.

3. Duties of ~~Director of Administration and Finance~~Finance Director/Comptroller. On or before September 1 of each year, the Finance Director/Comptroller~~Director of Administration and Finance~~ shall file with the City Administrator~~Clerk/Treasurer~~ a statement of all existing indebtedness, together with a schedule of principal and interest maturities on such indebtedness, for the ensuing year and a statement of all anticipated revenue from sources other than officers and Departments of the City. The statement of the Finance Director/Comptroller~~Director of Administration and Finance~~ shall also list all proposed appropriations for each non-Departmental activity and reserve account for the ensuing year, together with comparisons of such proposed appropriations and anticipated revenue with those for the preceding year, actual revenues and expenditures for the first six (6) months of the current year and estimated revenues and expenditures for the balance of the current year and surplus funds anticipated at the end of the current year, if any.
4. Schedule of Departmental Hearings. The City Administrator~~Clerk/Treasurer~~ shall present the aforesaid statements and proposed budgets of the various officers and Departments of the City to the Common Council at the first meeting of the Common Council on or after September 1 of each year. The Common Council shall thereupon determine a schedule for consideration of such proposed budgets with the various officers and Departments of the City and shall thereupon meet and discuss with those officers and Departments, at the dates and times indicated, or as determined from time to time.
5. Budget Analysis. The Finance Director/Comptroller~~Director of Administration and Finance~~ shall ~~make himself~~be available, as required by the Common Council, for advice and assistance and shall, if requested by the Mayor and the Common Council, analyze the proposed budgets, present reports to the Mayor and the Common Council and assist in the preparation of an operating City budget and a determination of the sum to be financed in whole or in part by a general property tax, funds on hand or estimated revenues from any source. The Mayor shall take specific budget recommendations, including a proposed budget ordinance, to the Common Council by not later than October 15 of each year.
6. Publication of Proposed Budget. After the Common Council has formulated a proposed operating City budget, it shall determine the time and place for a public hearing thereon. A summary of such budget and notice of the place where such budget in detail is available for public inspection and notice of the time and place for holding the public hearing thereon shall be published in the official City newspaper at least ten (10) days prior to the time of such public hearing.
7. Public Hearing. Not less than ten (10) days after the publication of the proposed budget and the notice of hearing thereon, a public hearing shall be held at the time and place stipulated in such notice, at which time any resident or taxpayer of the City shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.
8. Final Budget and Tax Levy. Following the public hearing on the proposed budget, the Common Council shall determine what alterations therein shall be made concerning the amount of tax to be levied, the amounts of the various appropriations and the purposes for such appropriations stated in such budget. After such alterations, if any, have been made, the Common Council shall determine by ordinance the total City

operating budget, the amount of the City levy for general property taxes and shall levy such tax by ordinance.

9. Changes in Budget. Following the determination by ordinance of the various appropriations and the purposes of such appropriations and the amount of the tax to be levied, the budget shall not be altered thereafter unless authorized by a vote of two-thirds (2/3) of the entire membership of the Common Council by resolution. Such resolution shall thereafter, within eight (8) days, be published in the official City newspaper.
10. School District Budget. This section shall, except as otherwise provided by State law, govern the procedure to be followed by the Board of Education of Joint City School District No. 1, in the preparation and submission of its proposed budgets.

SECTION 46: **AMENDMENT** "1.075 Stormwater Management System User Charges" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

1.075 Stormwater Management System User Charges

1. Purpose. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users of the City's stormwater management system. The proceeds of such charges will be used to fund the management of the City's stormwater system, to include but not be limited to, investment and reinvestment in, and the maintenance and improvement of new and existing infrastructures, and other improvements to the system that will reduce flooding and urban non-point source pollution in stormwater run-off consistent with federal and state regulations. The stormwater management system user charge ordinance is enacted pursuant to the authority of Wis. Stat. § 66.0821(4).
2. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this section shall be as follows:

   City means the City of West Allis.

   Committee means the Board of Public Works Committee of the West Allis Common Council.

   Common Council means the Common Council of the City.

   Debt service means, with respect to any particular fiscal year and any particular bond series, an amount equal to the sum of (i) all interest payable on such bonds during such fiscal year, plus (ii) any principal installments of such bonds during such fiscal year.

   Developed property means real property which has been altered from its natural state by the addition of any improvements, such as a building, structure or impervious surface.

   Dwelling unit means a single unit or apartment providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

   Equivalent run-off unit (ERU) means the estimated average impervious area of a single-family home within the City on the date of adoption of this section. Impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks. One ERU is equal to one thousand eight hundred twenty-seven (1,827) square feet of impervious area.

Extension and replacement means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the system, or land acquisition for the system and any related costs thereto, or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.

Fiscal year means a twelve-month period commencing on the First day of January of any year.

Impervious area or impervious surface means a horizontal surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as streets, roofs, sidewalks, parking lots and other similar surfaces.

Mobile home means a single residential unit (mobile home) within a mobile home park.

Multifamily means a residential property with two (2) or more dwelling units.

Nonresidential means any developed property not used, primarily, as a permanent residence, such as a commercial, industrial or an institutional property (schools, churches, hospitals, fraternal organizations, municipal facilities, etc.).

Operating budget means estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service of the system for each fiscal year.

Operation and maintenance means the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, the cost of regulatory compliance, the cost of materials and supplies used for current operations and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

Qualifying receiving stream means a receiving stream within the municipal boundaries of the City for which the City has or is expected to have little to no debt service costs or extension and replacement costs. Those portions of Honey Creek, Underwood Creek, and the Root River located within the municipal boundaries of the City are qualifying receiving streams.

Rate means the user fee charged on each ERU. The rate is determined by the Common Council for each fiscal year.

Revenues means all rates, fees, assessments, rentals, fines or other charges or other income received by the City, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account, as herein required, and any amounts contributed by the City, all as calculated in accordance with sound accounting practices.

Single-family home means a residential property with exactly one dwelling unit.

Stormwater management system, stormwater system or system means the existing stormwater collection system of the City, including but not limited to storm sewers, retention ponds, detention ponds and qualifying receiving streams, and all improvements thereto, which by this section are constituted as the responsibility of the

City, to be operated as an enterprise fund, and all activities undertaken to conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

Undeveloped land means any real property with no impervious area.

User charge means the charge established by the Common Council on developed property in the City to pay operations and maintenance, extension and replacement and debt service for the stormwater management system.

3. Disposition of Revenue.
    a. The user charges hereunder shall generate adequate annual revenues to pay costs for the stormwater management system.
    b. The portion of the total user charges collected which are designated for operation and maintenance, capital improvement projects and debt service shall be deposited in a separate nonlapsing fund known as the Stormwater Management System Fund and will be kept in three (3) primary accounts as follows:
        i. An account designated for the specific purpose of defraying operation and maintenance costs, excluding extension and replacement of the stormwater system (operation and maintenance account).
        ii. An account designated for the specific purpose of extension and replacement of the stormwater system over the useful life of the system (extension and replacement account).
        iii. An account designated for the specific purpose of payment of debt service (debt service account). The City may credit from this account to the general fund of the City sums to be expended for the retirement of outstanding stormwater system indebtedness of the City.
    c. Fiscal year end balances in the operation and maintenance account, the extension and replacement account and debt service account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purpose than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the operation and maintenance, extension and replacement and debt service accounts shall be returned to their respective accounts upon appropriate adjustment of the user charge rates allocation between the three Stormwater Management System Fund accounts. The user charge rates shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.
4. User Charges and Rates.
    a. User Charge. The Common Council shall require that adequate revenues are generated through user charges to provide for a balanced operating budget. The Common Council hereby authorizes the imposition of user charges on all developed property in the City.
    b. Customer Classes. For purposes of the imposition of the user charge, the customer base shall be divided into five (5) user classes. ERUs shall be allocated to each customer class as follows:

Customer Class	**Allocated ERUs**
Single-family	1 ERU
Mobile home	0.7 ERU per dwelling unit
Multifamily	0.5 ERU per dwelling unit
Nonresidential	See Subsection (4)(c)
Undeveloped lands	No charge

c. ERUs Allocated to Nonresidential Customer Class. The total ERUs allocated to a nonresidential property is calculated using the following formula:

ERUs	=	Total Impervious Area (sq. ft.) on the nonresidential property 1,827 Sq. Ft.

A nonresidential property with less than 0.5 ERU will be allocated zero ERUs.

d. Rates. The Common Council will establish a rate per ERU for each fiscal year. The rate established by the Common Council will be fair and reasonable and calculated to achieve a balanced operating budget for the system. The current rate will be on file in the office of the City Clerk~~/Treasurer~~.

e. Calculation. User charges to a customer shall be calculated as follows:

ERUs x Rate per ERU x Adjustment Multiplier = User Charge

The adjustment multiplier for each customer shall equal 1 unless a different adjustment multiplier is approved for the customer pursuant to Subsection (7) below.

5. Billing and Payment. Bills for the user charge shall be rendered as part of the water bill for the property and become due and payable on the same date as the water bill. The maximum penalty permitted by law for pass-due water charges shall be added to user charges not paid by the due date.
6. Lien. All user charges established hereunder shall be a lien upon the property served, pursuant to Wis. Stats. § 66.0821(4)(d), and shall be collected in the manner therein provided.
7. Adjustments.
    a. Intent. In certain situations, the amount of services used by and the costs of providing service to a property may be lessened due to unique characteristics of the property served. This section provides a procedure to seek adjustments of charges in those situations. In developing this process, the City recognizes that debt service costs and extension and replacement costs are incurred primarily to provide the capacity needed in the stormwater management system, and operation and maintenance costs are incurred to ensure the administration of the stormwater system, the day-to-day operation of the stormwater system and the needed capacity in the system.
    b. Requests for Adjustment. Requests for adjustments shall be limited to the nonresidential customer class. All such requests shall be submitted to the Director of Public Works, who is hereby given the authority to review the request and recommend to the Board of Public Works Committee of the West Allis Common Council whether an adjustment is merited based upon the guidelines established herein. The following procedure shall apply to all adjustment requests:
        i. Any nonresidential customer who believes the number of ERUs allocated to the nonresidential property to be incorrect or who believes the property is eligible for a lower adjustment multiplier as provided in Subsection (7)(c) may, subject to the limitations set forth in this section, submit an adjustment request to the Director of Public Works.
        ii. Adjustment requests shall be in writing and set forth, in detail, the grounds upon which relief is sought.
        iii. The nonresidential customer requesting the adjustment may be required, at his or her own expense, to provide supplemental information to the Director of Public Works, including, but not limited to, survey data approved by a registered professional land surveyor (R.P.L.S.) and engineering reports approved by a professional engineer (P.E.). Failure to provide such information may result in the denial of the adjustment request.
    c. Basis for Adjustment.

i. The allocated ERUs may be adjusted if the ERU square footage calculation as determined in Subsection (4)(c) is incorrect.

ii. A customer may be eligible for a lowered adjustment multiplier under the following conditions:

(1) If all of the stormwater from a nonresidential property discharges directly into a qualifying receiving stream without crossing the property of another, and the discharge does not result in the exceedence of federal, state or local water quality standards, the customer is eligible for an adjustment multiplier less than one but equal to or greater than the percentage equal to the City's Operation and Maintenance cost budgeted for the current year divided by the City's User Fee Revenue budgeted for the current year.

(2) If all of the stormwater from a nonresidential property discharges directly into a qualifying receiving stream without crossing the property of another, and the nonresidential customer is a holder of or has filed a proper and complete application for a Municipal Stormwater Discharge Permit as provided in Wis. Stat. § 283.33 and as further defined in Department of Natural Resources ("NR") 216.01 through 216.11 of the Wisconsin Administrative Code, the customer is eligible for a lowered adjustment multiplier which may be as low as zero.

(3) If all the stormwater from a nonresidential property discharges directly into a stormwater collection system constructed and maintained by the Milwaukee Metropolitan Sewerage District ("MMSD") without crossing the property of another, the customer is eligible for a lowered adjustment multiplier equal to zero.

(4) If all the stormwater from a nonresidential property discharges directly into a storm sewer constructed and maintained by the City on the nonresidential customer's property pursuant to an easement, and if after the stormwater travels through the easement area it is discharged as provided in Subsection (7)(c)(ii)2 or 3, the customer is eligible for a lowered adjustment multiplier which may be as low as zero.

(5) If a retention or detention basin is located on nonresidential property, the customer may apply for a lowered adjustment multiplier. In considering such a request, the Director of Public Works shall consider whether and to what extent the City's cost of providing service or making service available to a property has been lessened by the retention or detention basin. If the City's cost of providing service or making service available to a property has not been lessened by the retention or detention basin, the request for the lowered adjustment multiplier shall be denied. If the City's cost of providing service or making service available to a property has been lessened by the retention or detention basin, the adjustment multiplier shall be reduced to reflect the approximate reduction in the City's costs. The City's debt service costs and extension and replacement costs shall not be considered to be reduced unless the existence of a retention or detention basin results in a reduction of the size or scope of the City's stormwater collection system.

(6) If a nonresidential municipal property receives stormwater discharge directly from a public storm sewer and/or provides a benefit that exceeds the adverse impact to the public storm sewer system, the customer's adjustment multiplier shall be zero and no charge shall be billed. **[Ord. O-2013-0037, 10-1-**

iii. In considering a request for an adjustment, the Public Works Director may, in his or her discretion, separately examine multiple drainage areas on one piece of property and may recommend allowing an adjustment multiplier for a portion of the property if the characteristics of one or more drainage areas meets the criteria set forth in Subsection (7)(c)(ii).

iv. The Director of Public Works, in his or her discretion, may recommend allowing a lowered adjustment multiplier which may be as low as zero for a nonresidential property for reasons other than as specifically set forth in this Subsection (7)(c), provided that the adjustment is reasonable and not unjustly discriminatory.

d. Director of Public Works' Recommendation and Review Procedure.

i. The Director of Public Works shall issue a written recommendation as to whether the request for adjustment should be granted, denied, or granted in part and denied in part. The written recommendation shall also set forth the reason or reasons for such recommendation. The recommendation shall be sent to the nonresidential customer by certified mail, and shall be provided to the Board of Public Works Committee of the West Allis Common Council.

ii. Within thirty (30) days of receipt of the written recommendation from the Director of Public Works, the Committee shall determine whether to review the recommendation. If the Committee determines to review the recommendation, the nonresidential customer shall be notified of such intent to review by certified mail.

iii. As an alternative to review under Subsection (7)(d)(ii), a nonresidential customer may, within thirty (30) days of receipt of the written recommendation from the Director of Public Works, submit a written request to the Committee asking the Committee to review the recommendation. If the Committee receives a timely written request for review, the Committee shall review the recommendation.

iv. If no timely notice of intent to review is sent to the nonresidential customer pursuant to Subsection (7)(d)(ii) and no timely written request for review is received pursuant to Subsection (7)(d)(iii), the recommendation of the Public Works Director shall be final.

v. Committee review of the Public Works Director's recommendation shall be completed within forty-five (45) days of the date the notice of intent to review is sent to the nonresidential customer, or the date the written request for review is received, whichever is earlier. The Committee shall review the recommendation and determine whether the recommendation should be approved, rejected, or modified. The determination of the Committee shall be in writing and set forth, in detail, the reason or reasons for its decision and shall inform the nonresidential customer by certified mail.

vi. In reviewing a recommendation, the Committee shall apply the standard and review criteria contained in Subsection (7)(c) and the considerations set forth in Wis. Stat. § 660.0821(4)(c).

e. Application of Adjustments. Any ERU adjustment or adjustment multiplier granted shall thereafter be used to calculate the customer's user charges. The reduction shall only apply for the period of time subsequent to the filing of the request for adjustment. There shall be no retroactive adjustment for user charges imposed prior to the filing of the request.

8. Public Service Commission Complaint. Notwithstanding Subsection **(7)**, any user may file a complaint with the Public Service Commission claiming that the rates, rules and practices herein are unreasonable or unjustly discriminatory pursuant to Wis. Stat. § 66.0821(5).

9. Severability. If any provision or part of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be

affected thereby.

[Ord. 6271, 12/3/1996; 6299, 3/18/1997; Ord. 6409, 12/1/1998; Ord. 6589, 10/2/2001]

SECTION 47: **AMENDMENT** "1.085 Tax Exemption Reports" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

1.085 Tax Exemption Reports

Pursuant to Sec. 70.337 of the Wisconsin Statutes, property owners located within the City of West Allis that are exempt under Sec. 70.11 of the Wisconsin Statutes, shall file, by ~~January 31~~March 31 of each even numbered year, a tax exemption report with the City Clerk~~/Treasurer~~. The property owner shall use the form that is prescribed by the Department of Revenue.

SECTION 48: **AMENDMENT** "2.105 Copies Of City Records" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.105 Copies Of City Records

1. Charges and Fees. The City Clerk~~/Treasurer~~ is hereby authorized and directed to charge such charges and fees as outlined in the officially approved Common Council Notice of Public Access to Information and Records. **[Ord. 6056, 12/7/1993; Ord. O-2006-0072, 11/21/2006]**
2. Not to Apply to City Departments. Nothing contained in subsection **(1)** shall be construed as allowing the City Clerk to charge any fee for furnishing copies to any other officer or Department of the City; nor as limiting the authority of any Board or Commission authorized by law to make provision for charges and fees for the same or similar service covered by this section.
3. Fees Collected by City Clerk. The fees collected by the City Clerk, as provided in subsection **(1)**, shall be accounted for and paid over to the City Treasurer.

SECTION 49: **AMENDMENT** "2.54 Legislative Committee" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.54 Legislative Committee

1. Purposes. The Committee shall have the following purposes:
    a. To review and prepare recommendations relative to the City's official position on state and federal legislation, as well as state and federal administrative rules and policies.
    b. To coordinate and monitor all City Department activities with respect to state and federal legislation, as well as administrative rules and regulations.
2. How Constituted. The Committee shall consist of five (5) members as follows: **[Ord. O-2005-0010, 2/1/2005]**
    a. The Mayor, who shall serve as Chair.
    b. The Chairperson of the Advisory Committee, or his/her designee of another member of the Advisory Committee, who shall serve as Vice Chairperson.

[Ord. O-2012-0018, 6/5/2012]

c. The City ~~Administrative Officer, Clerk/Treasurer~~Administrator.
d. The City Attorney.
e. The Finance Director/Comptroller.

3. Appointments and Terms of Office. Appointments and terms of office are indefinite and follow the incumbency for the positions.
4. Organization and Procedure.
    a. The City Administrative Officer shall serve as Secretary to the Committee, being responsible for minutes, referrals, and communications.
    b. The meetings shall be held regularly during State legislative sessions, at the call of the Chair or majority of the Committee.
    c. A quorum shall consist of three (3) members and all official actions shall require a majority vote.
    d. The Mayor, as Chair, shall be the official spokesperson on all state and federal legislation and rulemaking. The Mayor is authorized to testify and send written communications on behalf of the City, consistent with the official position of the Legislative Committee and/or Common Council.
    e. Only upon specific delegation of such authority by the Mayor, Departments and Divisions of the City may testify and send written communications on behalf of the City, consistent with the official position of the Legislative Committee and/or the Common Council.
    f. The Legislative Committee, in the conduct of its routine review of legislative and rulemaking matters, shall concentrate its focus on those items that are of significance to City policy and operations. **[Ord. O-2015-0024, 4/7/2015]**
    g. When the City has no official position, when the City's official position is unclear, or when time is of the essence, the Mayor shall confer with the Common Council President, or President's designee, and the Chair of the appropriate Common Council policy committee, and then testify and send written communications on legislation and rulemaking. The Mayor shall file a report with the Common Council monthly on such activity.
    h. The City Administrator shall provide a copy of the minutes of each Legislative Committee session to each Alderperson, but the minutes shall not be referred to the Common Council for action. Any Alderperson who wishes to take a stance differing from that taken by the Legislative Committee may do so. **[Ord. O-2015-0024, 4/7/2015]**
    i. The Committee may adopt additional rules, not inconsistent herewith, for the transaction of its business.

[Ord. 6277, 12/3/1996]

SECTION 50: **AMENDMENT** "2.56 Youth Commission" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.56 Youth Commission

1. How Constituted. The Youth Commission shall consist of up to thirty (30) members appointed by the Mayor, subject to confirmation by the Common Council. Members shall be from the three (3) WAWM School District high schools. Additionally, members may be appointed to the Commission from any other high schools located in West Allis or students living in West Allis and attending private high schools outside West Allis, up to the full thirty (30) member Youth Commission.

    Current members of the Youth Commission may continue to serve through their senior graduation and the appointment process for new members will begin in September of each year, or as time allows.

In addition to the regular members of the Youth Commission, seven (7) adult advisors to the Youth Commission shall serve as ex officio members. Said members shall be the following individuals, or their designees: Mayor, Common Council President, School Board President, School Superintendent, Police Chief, and two (2) citizens at large.

2. Terms. Initial appointments for the Youth Commission members shall be for the period of one (1) year. Thereafter, members may be reappointed through senior graduation. Appointments of the adult advisors shall be for an indefinite term, except for the two (2) citizen members. Initial appointments of the two (2) citizen members shall be one (1) for two (2) years and one (1) for four (4) years. Thereafter, citizen appointments shall be for four (4) years.
3. Time and Place of Meeting. The Youth Commission shall meet at least once a month, but may meet more frequently as necessary. Meetings shall generally be held at City Hall but may, with sufficient advance announcement and reason, be held at another suitable place within the City in order to do its work.
4. Organization and Procedure.
    a. Upon the completing of appointments to the Youth Commission, a date will be set for nomination and election of a youth Chairperson and a youth Recording Secretary. The youth Recording Secretary will be responsible for taking the minutes. These officers shall serve annual terms.
    b. A quorum shall be a majority of youth members.
    c. Written minutes shall be kept, showing all actions taken and recommendations made. A copy of such minutes shall be filed with the City Clerk~~/Treasurer~~.
    d. The Youth Commission may adopt rules, not inconsistent herewith, for the transaction of its business.
    e. All official actions shall be made by a majority vote of those present constituting a quorum.
5. Functions and Duties. The purpose of the Youth Commission is to involve the youth of the City of West Allis in public decisions affecting them and to encourage them to take an active role in local government. The Youth Commission may develop community youth programs that promote said purpose, including, but not limited to, the following:
    a. Advise the Common Council annually of its activities, make recommendations to the Common Council in areas affecting the welfare of youth, either upon its own initiative or upon referral of matters to it by the Common Council.
    b. Respond, as necessary, to the needs of youth within the City.
    c. Recommend to appropriate agencies those community resources that should be instituted, improved, or enlarged in order to meet the needs of youth.
    d. Perform such other duties as may from time to time be assigned to it by the Common Council.
    e. Cooperate with other Boards, Commissions, and Committees of the City where matters affecting youth are involved.

[Ord. 6555, 1/2/2001]

SECTION 51: **AMENDMENT** "2.57 Requiring Attendance Of Board, Commission And Committee Members" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.57 Requiring Attendance Of Board, Commission And Committee Members

1. The Chair of each board, commission, or committee shall report to the Mayor each instance in which a member is absent from three (3) consecutive meetings or five (5) meetings out of twelve (12). This provision shall not apply to the Medical Advisor serving on the Board of Health. The Mayor shall take appropriate action to secure the

attendance of such members, including but not limited to, in the Mayor's discretion, requesting their resignation or that the Common Council remove the person from the board or commission or committee.

2. This section shall not apply to Alderpersons serving on committees of the Common Council.

~~**[Ord. O-2013-0003, 2/19/2013]**Editor's Note: This ordinance also stated that the City Clerk/Treasurer is to provide a copy of Section 2.57 to all current members of all boards, commissions and applicable committees and to all subsequent new members of such bodies.~~

SECTION 52: **AMENDMENT** "3.01 Council Meetings" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.01 Council Meetings

1. Regular Meetings. Regular meetings of the Common Council of the City of West Allis shall be held at the Council Chambers in the City Hall or such other place as the Common Council may designate on the first and third Tuesdays of each month or such other days that the Common Council may agree upon. The time of the Common Council meeting shall be established by the Common Council at its convenience. Public hearings may be taken up out of the regular order of business. Following a regular City election, the new Council shall first meet on the third Tuesday of April.
2. Special Meetings. Special meetings of the Common Council may be called by the Mayor (or in his/her absence, by the President of the Council), at such time as he/she may appoint, by written notice of the purpose and time thereof, to each member delivered to him/her personally or left at his/her usual abode, at least six (6) hours before the meeting. Upon petition of five (5) or more members of the Council, the Mayor (or in his/her absence, the President of the Council) shall call a special meeting of the Common Council. No other business shall be considered or transacted at any special meeting other than that for which the special meeting was called.
3. Adjournments. Any regular or special meeting may be adjourned by a majority of the members present.
4. Meetings Shall Be Public. All meetings of the Council shall be open and public and all of its procedure shall be recorded by the City Clerk~~/Treasurer~~, or under his/her authorization, in record books kept for that purpose.
5. Call To Order. "The Mayor or President or Acting President of the Council (as the case may be) shall promptly call each meeting of the Council to order at the hour fixed for the holding of such meeting."

   The direct line of succession and order shall be as follows: Chairpersons of the Administration & Finance Committee Chairpersons of the Board of Public Works Chairpersons of the Safety & Development Committee Chairpersons of the License & Health Committee Chairpersons of the Advisory Committee
6. Roll Calls And Quorum. Before proceeding to business, the roll of the members of the Council shall be called alphabetically, and the names of those present and those absent shall be recorded in the proceedings of the Council. Seven (7) members of the Council, or any greater number, shall constitute a quorum for transaction of business; but, a lesser number can adjourn and shall have the power to compel the attendance of absent members. The Mayor shall not be counted in determining whether a quorum is present.
7. Attendance; Leave Of Absence. No member of the Council, the City Clerk~~/Treasurer~~ or his/her designee, or other City official, Chief of Police or police officer, whose duty it shall be to attend, shall absent himself/herself from the meetings of the Council, unless for illness or other good cause.

8. Committee Members To Remain At Meeting. No members of any Committee shall, during a meeting of the Council, have the privilege of absenting themselves from such meeting by reason of membership in such Committee, except by special leave then given.
9. Disturbance; How Suppressed. Whenever any disturbance or disorderly conduct shall occur in the Council Chambers or rooms or halls adjacent thereto, the Mayor or other presiding officer of the Council shall have power and authority, with the aid of the Chief of Police, or other police officer in attendance upon the meeting of the Council, to cause the same to be cleared of those persons, as required or authorized by law.
10. Notice Of Meetings. Notice of meetings of the Common Council shall be given in accordance with the Open Meetings Law, Subchapter V, Chapter 19, Wisconsin Statutes.

[Ord. 6386, 2/17/1998; Ord. 6527, 8/1/2000; Ord. O-2003-0039, 6/3/2003; Ord. O-2003-0071, 11/18/2003]

SECTION 53: **AMENDMENT** "3.05 Rules Of Procedure For Common Council" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.05 Rules Of Procedure For Common Council

1. Standing Committees. **[Ord. O-2006-0009, 2/7/2006; Ord. O-2007-0019, 6/5/2007; Ord. O-2013-0029, 6/18/2013; Ord. O-2014-0025, 5/20/2014; Ord. O-2018-0019, 5/15/2018]**
    a. Standing Committees of the Common Council, and the number of Alderpersons assigned to each Committee shall be as follows:
        i. Public Works: five (5) members.
        ii. Safety and Development: five (5) members.
        iii. License and Health Committee: five (5) members.
        iv. Administration and Finance Committee: five (5) members.
        v. Advisory: five (5) members.
    b. Appointments to Standing Committees. Appointments shall be made according to City of West Allis Policies and Procedures Policy No. 301, Committees of the Common Council.
    c. Functional Responsibilities. Functional responsibilities are contained in City of West Allis Policies and Procedures Policy No. 301, Committees of the Common Council.
2. Committee Of The Whole. Any member of the Council may move to go into a Committee of the Whole to consider and report on any matter pending before the Council. A majority vote of the Council shall be required to convene a Committee of the Whole. The President of the Common Council shall preside as Chair of the Committee. The Committee shall consider any matter referred to it and make written report and recommendations thereon to the Council.
3. Select Or Special Committees. Select or Special Committees may be provided for on motion or by resolution, designating the number and object and, unless otherwise ordered, shall be appointed by the Mayor or other presiding officer of the Council.
4. Decorum and Points of Order. **[Ord. O-2011-0010, 3/15/2011]**
    a. The Mayor or other presiding officer shall preserve order and decorum, decide all questions of order and shall inform the Council, when necessary, on any point of order or practice. He/she may speak to points of order in preference to others and seek the advice of the City Attorney on such points of order or practice.
    b. The Mayor or other presiding officer shall ensure that no signs, placards, banners, or other similar items are displayed in the Council chambers during a Council meeting. Any person failing to remove such items shall be considered

to have caused a disturbance under Subsection 3.01(9) of the West Allis Revised Municipal Code.

5. Cameras, Sound Equipment And Lighting. Cameras and sound recording devices may be used in the Council Chambers, but only in such a manner as will cause a minimum of interference with or disturbance of the proceedings of the Common Council. Supplemental lighting for television, cable or video shall be used only with the exercise of extreme discretion in regard to the intensity and duration of such lighting with a view to creating the least amount of disturbance to the proceedings of the Council and the least amount of discomfort to members of the public in attendance.
6. Appealing Decisions Of Chair. Any member shall have the right to appeal from the decision of a presiding officer. No appeal shall be debatable and the appeal shall be sustained by a majority vote of the members present, exclusive of the presiding officer.
7. Introduction Of Matters To Council.
    a. Alderpersons To Present. No business shall be considered by the Council unless presented by a member of the Council, a Standing Committee of Council or by a City Board, Commission or Committee. All matters shall be introduced in a manner consistent with this chapter.
    b. Privilege Of Council Floor. The privilege of the floor of the Council shall be limited to members of the Council, except for public hearings and statements of citizens authorized in the order of Council business. Any member of the Council may yield the privilege of the floor to a City officer or employee or to a member of a City Board, Commission or Committee. The privilege of the floor may be granted to other persons upon approval of the Council.
    c. New Matters. All communications, petitions, proposed resolutions, proposed ordinances and other papers addressed to or intended for the Council shall be sent to the Clerk~~/Treasurer~~ who shall prepare and note on the file a brief statement of their contents.
8. Reference Of Ordinances, Resolutions, Communications, Etc.
    a. All communications and petitions directed to the Common Council shall be referred to the appropriate Standing Committee. However, any unsigned or anonymous correspondence or any communication that does not concern the City as a municipal corporation or the operation of the City shall not be introduced and referred. When a question arises as to whether a communication should be introduced, the Clerk, in consultation with the Council president and the City Attorney, shall determine whether a matter shall be introduced. **[Ord. O-2014-0076, 11/18/2014]**
    b. Every ordinance, resolution, communication and every matter appropriating money or creating a charge against any City funds (excepting motions approving claims duly audited by the Comptroller) shall be referred to an appropriate Committee or Committees by the presiding officer and shall not be acted upon by the Council until reported back from the Committee. Such referral and report back may be conducted at the same Council meeting. Legal claims and process shall be referred directly to the City Attorney pursuant to Policy No. 801.
    c. Objections To Reference. Whenever any matter is referred by the presiding officer to any Committee, any member of the Council may object to its being so referred and may make a motion for some other proper disposition thereof. Whenever any matter is referred to any Committee which required reference, any member, at the time it is so referred, may move to have such matter referred to a different Committee than the one named.
9. Reports Of Committees; Second Reading.
    a. Written Report. The Committee to whom a matter has been referred shall consider the same and submit a written report and recommendations thereon to the Council when it has completed its consideration or when requested by the Council. Upon the submission of the Committee report to the Council, the ordinance, resolution or other matter reported on by the Committee shall be read at length, if requested by any member of the Council.
    b. Time For Report. If the matter referred is not disposed of by the Committee within a reasonable length of time, the Council may fix a time within which

the committee shall make its report thereon to the Council. The City Clerk~~/Treasurer~~ shall make a quarterly report of all matters pending before each Committee at the second regular Council meeting in January, April, July and October of each year for the preceding three (3) months.

c. Recall To Full Council. Whenever, in the judgment of the Council, the Committee having a matter in charge has failed to report thereon with due diligence, the Council may at any meeting recall any matter referred to such Committee and refer the same to another or Special Committee or take other appropriate action. The Council may designate a time within which any Committee having a matter in charge shall report thereon and may, if the circumstances warrant such action, extend such time.

10. Procedure On Veto. Objections of the Mayor to any act (ordinance, resolution, motion) of the Council shall be presented to the Council attached, in the case of an ordinance or resolution, to the act of the Council to which objection is made. The written objections of the Mayor shall be treated as a communication. For the act of the Council to which such objections have been made to become effective, a vote by seven (7) members of the Council shall be required in favor of a motion that the act be made effective, notwithstanding the objections of the Mayor.
11. Council Agenda.
    a. Regular Agenda. The City Clerk~~/Treasurer~~ shall prepare a written agenda in advance of each meeting of the Common Council. This regular agenda shall contain an itemized listing, in the form provided herein, of all new matters to be introduced and all Committee reports to be acted upon by the Common Council. The regular agenda for each scheduled meeting of the Common Council shall be closed at 5:00 p.m. on the third working day prior to the day of the meeting. The agenda shall be available to the entire Council, staff, the press and the public forty-eight (48) hours in advance of each Council meeting.
    b. Supplemental Agenda. Following preparation of the regular agenda, additions to it may be prepared as a supplemental agenda. No supplemental agenda for any meeting of the Common Council shall be prepared by the City Clerk~~/Treasurer~~ unless authorized by the Mayor or an Alderperson. The supplemental agenda, when authorized, shall be in the form of the original Council agenda. A twenty-four-hour notice shall be given for supplemental agendas. However, if twenty-four (24) hours is impossible due to an emergency situation or impractical due to some overwhelming consideration, a minimum of at least two (2) hours must be given. Proper notice of all supplemental agendas must be provided to the City's official newspaper and any news media requesting it, as well as Alderpersons and appropriate City officials.
    c. New Matters.
        i. New matters shall be placed on the agenda by listing the summary statements attached to each item with notations for the proposed reference thereof. All or any of such items may, upon adoption of a motion to approve the proposed reference or upon order of the presiding officer in the absence of such motion, be referred as indicated upon such agenda without separate reading of each item, in full or by summary, by the Clerk~~/Treasurer~~.
        ii. Any member of the Common Council, upon request and without motion, shall obtain separate consideration of one or more new items upon such agenda for the purpose of having such items read at length by the City Clerk~~/Treasurer~~ or his/her designee or to request or move for a different referral or to put any motion relating thereto authorized by the rules of the Council.
    d. Committee Reports.
        i. The reports and recommendations of each Committee on all items upon which it has completed its consideration, and which are to be included on the agenda, shall be prepared in cumulative written form and submitted to the Clerk~~/Treasurer~~ in advance of the next

succeeding meeting of the Council. All such written reports shall contain an itemized summary of each matter to be reported on, shall contain the Committee's recommendation thereon and shall show, for each matter, the Committee vote thereon. Reports and recommendations of the Committees shall be signed by the Chair on behalf of the Committee's action or, in the absence of the Chair, the Vice Chair or Acting Chair shall sign. Official voting shall be recorded.

ii. The Council may act upon the entire Committee report upon motion to adopt, or at the request of any member, without motion, shall separately consider any item. Upon consideration of such written committee report by the Council, a motion to adopt any or all of the items upon such report within the scope of the motion, including the passage of an ordinance or the adoption of a resolution, and also including any amendments or substitutions to such ordinance or resolution recommended by the committee and contained upon such report.

iii. No Committee shall be precluded from orally presenting any or all of its report and recommendations to the Council on any matters.

iv. The Committee may act on any of the Council agenda items during the recess meetings and report them out as a recess meeting Standing Committee report.

e. Items on the regular and supplemental agenda may be deleted or corrected upon motion and action by the Council prior to and/or as a part of the approval to establish the agenda for that meeting.

12. Comments From Members Of Committees. In case all the members of any Committee required or entitled to report on any subject referred to them cannot agree upon a report, any member of the Committee may express his/her views accordingly.
13. Roll Call Vote.
    a. On Ordinances And Appropriations. On adoption of all ordinances and those resolutions, reports of Committees, regulations or other matters, appropriating moneys or creating any charge against any of the funds of the City, renewing taxes, renewing the appropriation of moneys or releasing, discharging or commuting a claim or demand of the City, the question shall be taken by call of the roll and shall be passed or adopted by a majority vote of all members of the Council.
    b. On City Officers. When voting for any City officer or on the confirmation of an appointment, the voting shall be by call of the roll.
    c. On Other Matters. On any other matter, it shall be in order to call for the ayes and noes, unless a roll call be requested by a member of the Council.
    d. Vote To Be Recorded. All roll call votes shall be duly entered in the journal by the Clerk~~/Treasurer~~ or his/her designee.
    e. Call Of The Vote. The Clerk~~/Treasurer~~ or his/her designee shall call the roll at each meeting in a descending alphabetical sequence commencing in order and continuing at each subsequent meeting with the next name in such order and ending with the name of the member who voted first at the preceding meeting.
14. Members Who Shall Vote. Every member, when a question is put, shall vote, unless the Council shall, for special cause, excuse him/her; but, it shall not be in order for a member to be excused after the Council has commenced voting.
15. Tie Vote; Mayor To Vote. The Mayor shall not vote, except in the case of a tie vote in the Council, when he/she shall cast the deciding vote.
16. Stating Of Motions Before Debate. When a motion is made, it shall be stated by the presiding officer or read by the Clerk~~/Treasurer~~ or his/her designee, previous to debate, upon request of any member.
17. Recognition For Debate. Whenever a member is to speak in debate or deliver any matter to the Council, he/she shall address himself/herself to the presiding officer and confine his/her remarks to the question under debate and avoid personalities.
18. Presiding Officer To Name First To Speak. When two (2) or more members seek recognition at the same time, the presiding officer shall name the member who is first

to speak.

19. Member May Speak Twice. No member shall speak more than twice on any question, except by leave of the Council.
20. Motions In Order During Debate. When a question is under debate, no motion shall be received except:
    a. To adjourn.
    b. To lay on the table.
    c. For the previous question.
    d. To postpone to a certain day.
    e. To commit to a Standing Committee.
    f. To commit to Select Committee.
    g. To amend.
    h. To postpone indefinitely.

    These several motions shall have precedence in the order in which they stand in this rule.
21. Motions To Adjourn; Lay On Table. A motion to adjourn shall always be in order; and, a motion to adjourn, to lay on the table and call for the previous question shall be decided without debate.
22. Motion For Reconsideration. It shall be in order for any member voting in the majority to move for a reconsideration of the vote on any question at the same or next succeeding meeting. A motion to reconsider being put and lost shall not be renewed.
23. Division Of The Question. Any member may call for a division of the question when the same can be separated into two (2) or more distinct propositions.
24. Moving Previous Question. Any member desirous of terminating the debate may call the previous question, when the question to be announced by the presiding officer shall be: "Shall the main question now be put?" Such motion shall be decided without debate. If a majority of the members present vote in the affirmative, the main question shall be taken without further debate and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment, if any, and then upon the main question.
25. Accounts To Be Audited And Verified. Every account presented to the Council to be audited shall be verified, as provided by law, and shall not be allowed or directed to be passed until it shall have been examined and certified as correct by the Committee on Administration & Finance, which shall be composed of five (5) members, and reported and audited by the Council.
26. Call Of The House.
    a. When Made. Any three (3) members of the Common Council may make a call of the house and require absent members to be sent for. A call of the house may only be used to establish a quorum.
    b. Putting Question On Call Of House. On a call of the house being moved, the presiding officer shall say: "It requires three (3) members to order the call of the house," and if three (3) or more shall agree, the call shall thereby be ordered.
    c. Doors To Be Closed. The officer acting as sergeant-at-arms shall close the doors and no member shall be allowed to leave the room.
    d. Absentees, How Brought In. The Clerk~~/Treasurer~~ or his/her designee shall immediately call the roll and shall furnish a list of the absentees without leave to the sergeant-at-arms, who shall forthwith proceed to find and bring in such absentees.
    e. Procedure While Under Call. While the Council is under call, no business shall be transacted except to receive and act on the report of the sergeant-at-arms, and no other motion shall be in order except to adjourn and motion to suspend further proceedings under the call, which motions shall be determined by ayes and noes and the motion to suspend further proceedings under the call shall not be adopted unless a majority of the members elect to vote in favor thereof, but a majority of those present may adjourn.
    f. Call Raised When Absentees Present. When the sergeant-at-arms shall report that all who were absent without leave are present, the call shall be at an end

and the business or motion pending at the time the call was made shall be proceeded with.

27. Quorum. The quorum for the Council shall be seven (7) Alderpersons.
28. Voting. A simple majority of those present constituting a quorum shall be necessary to take action. A minimum of seven (7) members voting aye or nay is required for official action. A member voting present on any action shall not be included when counting a quorum for that item.
29. Suspension Of Rules. These rules may be suspended by a vote of not less than seven (7) members of the Council. Unless unanimous consent is given, the vote on suspension shall be by vote on call of the roll.
30. Robert's Rules Of Order. The rules of parliamentary practice set forth in Robert's Rules of Order Newly Revised shall be the standard in all cases, to which they are applicable, and in which they are not inconsistent with these rules.
31. Motion to Place on File. Such a motion shall mean to take no action on the matter (other than that which may be appended to the motion) and to remove the matter from the Common Council agenda permanently. **[Ord. O-2016-0015, 3/1/2016]**
32. Exclusion of Certain Members from Certain Closed Session Committee Meetings. Pursuant to the authority set forth in Section 19.89, Wis. Stat., no member who has a claim or pending/threatened litigation against the City, or a pending quasi-judicial matter to be decided by the City may appear at a closed session of the Standing Committee, Committee of the Whole, or other select or special committee where the member's claim, pending/threatened litigation, or matter will be discussed. If more than one matter is being discussed during a closed session, this exclusion applies only to the portion of the closed session related to the discussion of the member's claim, pending/threatened litigation, or matter. **'**
33. Appearing Remotely. With the consent of the presiding officer of any governmental body subject to open meetings laws, an official may attend a meeting of that governmental body using telephonic or video conferencing. The type of technology used shall display or project the official's voice and image, if any, so any person who wishes to observe the proceedings is reasonably able to do so. The official appearing under this provision may participate to the same extent as though the official was appearing in person.

SECTION 54: **AMENDMENT** “6.035 Fair Housing” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

6.035 Fair Housing

1. Intent. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this City that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry. The Common Council hereby extends this ordinance governing equal housing opportunities to cover single-family residences, which are owner-occupied. The Common Council finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this City and should be regulated. This section shall be deemed an exercise of the police powers of the City for the protection of the welfare, health, peace, dignity and human rights of the people of this City.
2. Definitions. In this section:
    a. "Advertise" means to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing or rental of housing.
    b. "Age," in reference to a member of a protected class, means at least 18 years of age.

c. "Aggrieved person" means a person who claims to have been injured by discrimination in housing or believes that he or she will be injured by discrimination in housing that is about to occur.
d. "Complainant" means a person who files a complaint alleging discrimination in housing.
e. "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the complainant, the respondent and the City department in charge of handling Fair Housing Complaints.
f. "Condominium" has the meaning given in Wisconsin Statute sec. 703.02(4).
g. "Condominium Association" means an association, as defined in Wisconsin Statute sec. 703.02(1m).
h. "Disability" means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in Wisconsin Statute sec. 961.01(4), or a controlled substance analog, as defined in Wisconsin Statute sec. 961.01(4m), unless the individual is participating in a supervised drug rehabilitation program.
i. "Discriminate" means to segregate, separate, exclude or treat a person or class of persons unequally in a manner described in subsections (3), (4) or (5) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.
j. "Dwelling unit" means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons who are maintaining a common household, to the exclusion of all others.
k. "Family" includes one natural person.
l. "Family status" means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:
    i. A person is pregnant.
    ii. A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
    iii. A person's household includes one or more minor or adult relatives.
    iv. A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
    v. A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.
m. "Hardship condition" means a situation under which a tenant in housing for older persons has legal custody or physical placement of a minor child or a minor child is placed in the tenant's care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the minor child.
n. "Housing" means any improved property, or any portion thereof, including a mobile home as defined in Wisconsin Statute sec. 66.0435(1)(d) or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. "Housing" includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.
o. "Housing for older persons" means any of the following:
    i. Housing provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.

ii. Housing solely intended for, and solely occupied by, persons 62 years of age or older.

iii. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit.

p. "Interested person" means an adult relative or friend of a member of a protected class, or an official or representative of a private agency, corporation or association concerned with the welfare of a member of a protected class.

q. "Member of a protected class" means a group of natural persons, or a natural person, who may be categorized based on one or more of the following characteristics: sex, race, color, disability, sexual orientation as defined in Wisconsin Statute sec. 111.32(13m), religion, national origin, marital status, family status, lawful source of income, age or ancestry.

r. "Relative" means a parent, grandparent, great-grandparent, stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step grandchild, great-grandchild, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepbrother, stepsister, half brother or half sister or any other person related by blood, marriage or adoption.

s. "Rent" means to lease, to sublease, to let or to otherwise grant for a consideration the right of a tenant to occupy housing not owned by the tenant.

t. "Respondent" means the person, including natural and otherwise, accused in a complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing.

u. "Sexual orientation" has the meaning given in Wisconsin Statute sec. 111.32(13m).

3. Discrimination Prohibited. It is unlawful for any person to discriminate:

a. By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.

b. By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

c. By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

d. By advertising in a manner that indicates discrimination by a preference or limitation.

e. For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.

f. By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

g. In providing the privileges, services or facilities that are available in connection with housing.

h. By falsely representing that housing is unavailable for inspection, rental or sale.

i. By denying access to, or membership or participation in, a multiple listing service or other real estate service.

j. By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.

k. In making available any of the following transactions, or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:

i. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.

ii. Selling, brokering or appraising residential real property.

l. By otherwise making unavailable or denying housing.

4. Representations Designed to Induce Panic Sales. No person may induce or attempt to induce a person to sell or rent housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class, or by representations to the effect that such present or prospective entry will or may result in any of the following:
    a. The lowering of real estate values in the area concerned.
    b. A deterioration in the character of the area concerned.
    c. An increase in criminal or antisocial behavior in the area concerned.
    d. A decline in the quality of the schools or other public facilities serving the area.
5. Discrimination Against Persons with Disabilities Prohibited.
    a. Types of discrimination prohibited. In addition to discrimination prohibited under subsections (3) and (4), no person may do any of the following:
        i. Segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.
        ii. Segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.
        iii. Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.
        iv. Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.
    b. Animals assisting persons with disabilities.
        i. If an individual's vision, hearing or mobility is impaired, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from an individual as a condition of continued residence in housing or engage in the harassment of the individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the following apply:
            (1) Upon request, the individual shows to the lessor, seller or

representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.

(2) The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

ii. This subsection (Animals assisting persons with disabilities) does not apply in the case of the rental of owner-occupied housing if the owner or a member of his or her immediate family occupying the housing possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

6. Exemptions and Exclusions.
    a. Nothing in this section prohibits discrimination based on age or family status with respect to housing for older persons.
    b. Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.
    c. Nothing in this section shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.
    d. Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual that caused harm or damage, that directly threatened harm or damage, or that caused a reasonable fear of harm or damage to other tenants, persons employed on the property, or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the fact that a tenant has been or may be the victim of domestic abuse, as defined in Wisconsin Statute sec. 813.12(1)(am).
    e. It is not discrimination based on family status to comply with any reasonable federal, state or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.
7. Board Created; Membership Terms; Qualifications. There is hereby created a Fair Housing Board, consisting of five (5) members, residents of the City, who shall serve a three (3) year term, except that for the original appointment, two (2) shall be designated as having a three (3) year term, two (2) as having a two (2) year term, and one (1) as having a one (1) year term. The Board shall annually designate one (1) of its members as Chairman and one (1) as Secretary.
8. Appointment of the Board. The members of the Fair Housing Board shall be appointed by the Mayor, subject to the approval of the Common Council.
9. Authority of Board to Adopt Regulations. The Fair Housing Board shall adopt such rules and regulations as may be desirable to carry out the purposes and provisions of this section.
10. Annual Reports of the Board. The Fair Housing Board shall submit an annual report to the Mayor and Common Council concerning the enforcement of this section, including its recommendations relating thereto.
11. Administration.
    a. Authority and responsibility. The authority and responsibility for administering this section shall be in the Fair Housing Board of the City of West Allis, Wisconsin.
    b. Cooperation of Board and executive departments and agencies in administration of housing and urban development programs and activities to

further fair housing purposes. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this section and shall cooperate with the Board to further such purposes.

c. Functions of Board. The Fair Housing Board may:
    i. Make studies with respect to the nature and extent of discriminatory housing practices in the City of West Allis;
    ii. Publish and disseminate reports, recommendations, and information derived from such studies;
    iii. Cooperate with and render any technical assistance requested by federal, state, local and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;
    iv. Cooperate with and render such technical and other assistance to the community relations service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices, and
    v. Administer the programs and activities under its authority in a manner affirmatively to further the policies of this chapter.

12. Education and Conciliation; Conferences and Consultations; Reports. Immediately after the enactment of this section, the Fair Housing Board may commence such educational and conciliatory activities as in its judgment will further the purposes of this chapter. The Board may call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this section and suggest means of implementing it, and may endeavor with their advice to work out programs of voluntary compliance and of enforcement. The Board may consult with federal, state and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their locality, and whether and how enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Board's enforcement of this section. The Board shall issue reports on such conferences and consultations as it deems appropriate.
13. Fair Housing Administrative Enforcement.
    a. Person aggrieved; complaint; copy; investigation; informal proceedings; violations of secrecy; penalties. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the City of West Allis Clerk~~/Treasurer~~'s Office. Complaints shall be in writing and shall contain such information and be in such form as outlined in this section and as required by the Board. If the claim alleges that the City is the discriminatory party, the complaint will be received, but referred to the proper state or federal agency and notice of the same will be provided to the complainant by the City in writing. The Clerk shall refer the complaint to the Community Development Division. Within five (5) days of receipt of the referral of such a complaint, the Manager of the Community Development Division shall furnish a copy of the complaint to each member of the Board, as well as, the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice and inform said person or persons of his/her right to file an answer to said complaint within twenty (20) days of receipt of the same. Within ten (10) days after receiving a complaint, the Chairman of the Board shall make a determination as to whether or not to convene the Board for the purpose of discussing what action, if any, to take on the complaint. In the event the Chairman convenes the Board, said meeting shall take place no later than forty-five (45) days after the Chairman's receipt of the complaint. In the event the Board determines at a meeting to conduct a formal investigation of the complaint, it shall direct the Manager of the Community Development Division, or his/her designee, to investigate the complaint and report back to the Board within a specified amount of time not to exceed ninety (90) days from said directive of the Board. All other administrative departments of the

City shall cooperate as needed in the investigation of the complaint. Within a reasonable time as indicated by the Board, after the completion of the investigation and report to the Board, or after a decision by the Board that no action will be taken on the complaint, the Board shall give notice in writing to the person aggrieved as to whether the Board intends to resolve the complaint. If the Board decides to resolve the complaint, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be used as evidence in a subsequent proceeding under this section without the written consent of the person concerned. The Board may extend the timeframes as outlined in this subsection only at the discretion of the Board.

b. Complaint; limitations; answers; amendments; verification. A complaint under Subsection (13)(a) shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him/her and with the leave of the Board, which shall be granted whenever it would be reasonable and fair to do so, may amend his/her answer at any time. Both complaints and answers shall be sworn to before a notary public.
c. Burden of proof. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
d. Other remedies available; private civil actions. Nothing in this section shall be construed as prohibiting or in any way limiting the right of complainants to pursue in any appropriate court, any remedy or cause of action available to him/her under state or federal law.
e. Trial of action; termination of voluntary compliance efforts. Whenever an action filed by an individual, in either federal or state court, pursuant to applicable federal or state laws shall come to trial, the Board shall immediately terminate all efforts to obtain voluntary compliance.

14. Evidence.
    a. Investigations; access to records, documents, and other evidence; copying; searches and seizures; subpoenas; interrogatories; administration of oaths. Subject to the provisions of the Fourth Amendment to the United States Constitution relating to unreasonable searches and seizures, the Community Development Division, when conducting an investigation authorized by this section, shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take the record of the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The Board may issue subpoenas to compel its access to or the production of such materials, or the appearance of such person, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the courts of Wisconsin. The Board may administer oaths.
    b. Compensation and mileage fees of witnesses. Witnesses summoned by subpoena of the Board shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the Circuit Courts in the State of Wisconsin. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by the respondent.
    c. Enforcement of subpoena. In case of contumacy or refusal to obey a subpoena, the Board or other person at whose request it was issued may petition for its enforcement in the Circuit Court of Milwaukee County.
    d. Violations; penalties. Any person who willfully fails or neglects to attend and testify or to answer to any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Board, shall forfeit not more than five hundred dollars

($500.00) as in the discretion of the Board. Any person who, with intent thereby to mislead the Board, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Board pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by other means falsify any documentary evidence, shall forfeit not more than five hundred dollars ($500.00) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense.

e. City Attorney to conduct litigation. The City Attorney shall represent the Board in all litigation that the Board participates as a party or as amicus pursuant to this section.

15. Hearing Procedures. If the Board finds probable cause to believe that any discrimination has been or is being committed in violation of this section and that such discrimination cannot be eliminated by means of conference, conciliation and/or persuasion, the Board shall issue and serve a written notice of hearing specifying the nature and acts of discrimination of the complaint and/or those found during the investigation which appear to have been committed and requiring the person named, hereinafter called the "respondent," to answer the complaint in a hearing before the Board. The notice shall specify a time of hearing and place of hearing, not less than ten (10) days after service of the complaint. The testimony at the hearing shall be recorded by the Board. If, after the hearing, the Board finds upon majority vote and by a fair preponderance of the evidence that the respondent has engaged in discrimination in violation of this section, the Board shall make written findings and recommend such action by the respondent as will effectuate the purpose of this section and shall serve a certified copy of its findings and recommendations on the respondent and complainant together with an order requiring the respondent to comply with the recommendations. Failure to comply with such order shall be a violation of this section and shall subject the respondent to a forfeiture, as hereafter provided. If the Board finds that the respondent has not engaged in discrimination as alleged in the complaint, it shall serve a certified copy of its findings on the complainant and the respondent, together with an order dismissing the complaint. Where the complaint is dismissed, costs in an amount not to exceed one hundred dollars ($100), plus actual disbursements for the attendance of witnesses, may be recommended by the Board to be assessed against the City and may be paid in the discretion of the Common Council, where proper claim therefore is made by the respondent.
16. Judicial Review. Within thirty (30) days after service upon all parties of an order or determination of the Fair Housing Board under this section, the respondent, the complainant or the aggrieved party may appeal the order or the determination to the Circuit Court for Milwaukee County by the filing of a Petition for Review. The Circuit Court shall review the order or determination of the Fair Housing Board as provided in Wisconsin Statutes secs. 227.52 through 227.58.
17. Damages and Penalties.
    a. Any respondent who willfully violates this section, or any lawful order issued hereunder shall, for each such violation, forfeit not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense. In addition to the monetary penalty heretofore stated, the Fair Housing Board may order relief of an injunctive or other equitable manner. The Fair Housing Board may not order punitive damages. Any respondent adjudged to have violated this section within five (5) years after having been adjudged to have violated this section, for every violation committed within five (5) years, shall forfeit not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense.
    b. In addition to any damages ordered under Subdivision (17)(a), any respondent

who is not a natural person adjudged to have willfully violated this section, or any lawful order issued hereunder shall, for each such violation, forfeit not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense. Any respondent who is not a natural person adjudged to have violated this section within five (5) years after having been adjudged to have violated this section, for every violation committed within five (5) years, shall forfeit not less than five thousand dollars ($5,000) nor more than ten thousand dollars ($10,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense.

c. In the event that any person, natural or otherwise, fails to abide by an Order of Relief or Determination issued by the Fair Housing Board, the City Attorney, on behalf of the Fair Housing Board, may petition to the Circuit Court for Milwaukee County to enforce the Order or Determination of the Fair Housing Board.

18. Cooperation with Federal, State and Local Agencies Administering Fair Housing Laws; Utilization of Services and Personnel; Reimbursement; Written Agreements. The Board may cooperate with federal, state and local agencies charged with the administration of fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees. In furtherance of such cooperative efforts, the Board may enter into written agreements with such state or local agencies. All agreements and terminations thereof shall be published according to law.
19. Interference, Coercion, or Intimidation; Enforcement by Civil Action. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Subsections **(3)**, **(4)** and **(5)** of this section. This section may be enforced by appropriate civil action.
20. Discrimination by Licensed or Permitted Persons. If the Board finds probable cause to believe that an act of discrimination has been or is being committed in violation of this section by a person taking an action enumerated under Subsections **(3)**, **(4)** and/or **(5)** for which the person is licensed or permitted under City ordinances, the Fair Housing Board shall notify the licensing or permitting body of its findings and shall file a complaint with such body, together with a request that the body initiate proceedings to suspend or revoke the license or permit of such person, or take other less restrictive disciplinary action. Upon filing a complaint hereunder, the Fair Housing Board shall make available to the appropriate licensing or permitting body all pertinent documents and files in its custody and shall cooperate fully with such body in the proceedings.
21. Separability of Provisions. If any provision of this section or the application thereof to any person or circumstances is held invalid, the remainder of the section and the application of the provisions to other persons, not similarly situated or to other circumstances, shall not be affected thereby.

[Ord. O-2006-0006, 2/7/2006]

SECTION 55: **AMENDMENT** "7.035 Noise Control Regulations" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

7.035 Noise Control Regulations

1. Statement of Purpose. The City of West Allis recognizes that excessive noise and vibration are serious threats to the public health and welfare, public safety, quality of life and property values. Current science and technology permit abatement of noise and vibration sources which were not available in the past. Therefore, it is the policy

of the City to prevent and abate excessive noise and vibration which may jeopardize the public health, safety or welfare or which would cause harm to property values or which would impair the quality of life within the City.

2. Definitions. All terminology used in this section, not defined below or elsewhere within the West Allis Revised Municipal Code, shall be given the definitions provided by applicable publications of the American National Standards Institute (hereinafter "ANSI") or its successor body.
    a. "A-Weighted Sound Level" means the sound pressure level in decibels as measured on a sound level meter using the "A" weighting network. The level so read is designated as db(A) or dB(A).
    b. "Ambient Noise" means the sound level of the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources from near and far.
    c. "Authorized Emergency Vehicle" means the definition of this term as set forth in Sec. 340.01(3), Wis. Stats., and any subsequent modification, revision, or amendment of that term as set forth in that section of the Wisconsin Statutes.
    d. "Commercial District" means any area of the City designated on the official West Allis Zoning Map, pursuant to Chapter **12** of this Code, as C-1, C-2, C-3, C-4, or PDD-2.
    e. "Construction" means any activity necessary or incidental to the erection, demolition, assembling, altering, installing, repairing or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling.
    f. "Day" means the hours between 7:00 a.m. and 9:59 p.m.
    g. "dB(A)" means the symbol designation of a noise level, reported in decibels, using the A-weighting network of a sound level meter, as defined in ANSI S1.4, Specification for Sound Level Meters. For example, noise will be reported as seventy-two (72) dB(A). For purposes of this section, the noise shall be measured using the slow exponential time weighting characteristic of the sound level meter unless otherwise noted.
    h. "Decibel" means a unit of measure of the volume of a sound.
    i. "Emergency Work" means short-term operations which are necessary to protect the public health, safety and welfare of the citizens, including emergency utility and public works operations.
    j. "Impulse Noise" means any sound of short duration, usually less than one (1) second, with an abrupt increase, rapid decay, and a peak value that exceeds the ambient noise level by more than ten (10) dB(A). Examples of sources of impulse noise include explosions, drop forge impacts, and the discharge of firearms.
    k. "Manufacturing District" means any area of the City designated on the official West Allis Zoning Map, pursuant to Chapter **12** of this Code, as M-1.
    l. "Maximum Sound Level" (hereinafter "Lmax") means the maximum sound level over a measurement interval determined by using a sound level meter set to "fast" response time.
    m. "Motor Vehicle" means any vehicle, including a combination of two (2) or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail.
    n. "Night" means the hours between 10:00 p.m. and 6:59 a.m.
    o. "Noise Disturbance" means any sound or vibration which:
        i. May disturb or annoy reasonable persons of normal sensitivities; or
        ii. Causes, or tends to cause, an adverse effect on the public health and welfare; or
        iii. Endangers or injures people; or
        iv. Endangers or injures personal or real property.
    p. "Person" means any individual, association, partnership, joint venture, company, or corporation.
    q. "Place of Public Entertainment" means any building that is open to the public for entertainment purposes.
    r. "Plainly Audible Sound" means any sound for which the information content

is unambiguously communicated to the listener, such as, but not limited to, understandable speech, comprehension of whether a voice is raised or normal, repetitive bass sounds, or comprehension of musical rhythms, without the aid of any listening device.

s. "Power Tool" means any device powered mechanically, by electricity, by gasoline, by diesel fuel, or by any other fuel, which is intended to be used, or is actually used for, but shall not be limited to, the performance of such functions as cutting, nailing, stapling, sawing, vacuuming or drilling.

t. "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, but not including intra-building real property divisions.

u. "Residential District" means any area of the City, designated on the official West Allis Zoning Map, pursuant to Chapter **12** of this Code, as RE, RA-1, RA-2, RA-3, RA-4, RB-1, RB-2, RC-1, RC-2, or PDD-1.

v. "Root Mean Square" (hereinafter "RMS") means the square root of the mean-square value of an oscillating waveform, where the mean-square value is obtained by squaring the value of amplitudes at each instant of time and then averaging these values over the sample time.

w. "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium resulting in compression and rarefaction of that medium and which propagates at finite speed to distant locations. The description of sound may include any characteristics of such sound, including duration, intensity, and frequency.

x. "Sound Level Meter" means an instrument, either Type I or Type II, as defined by the most current ANSI specifications. A sound level meter for purposes of this section shall contain at least an A-scale and both fast and slow response.

y. "Sound Pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.

z. "Sound Reproduction Device" means any device, instrument, mechanism, equipment or apparatus for the amplification of any sounds from any radio, computer, stereo, CD player, musical instrument, television, loudspeaker or other sound-making or sound-producing device or any device or apparatus for the reproduction or amplification of the human voice or other sound.

aa. "Stationary Noise" means noise the source of which is either affixed to or operated upon a fixed point of land, building, or other real property.

ab. "VdB" means the vibration level as measured in decibels. The reference velocity in the United States is one (1) micro-inch per second. It is calculated as VdB = 20 x log10(v / (1 x 10-6 in./sec.)), where "v" is the RMS velocity amplitude, calculated as the average of the squared amplitude of the vibration, measured in inches per second.

ac. "Vibration" means a temporal and spatial oscillation of displacement, velocity, and acceleration in a solid material.

ad. "Vibration Velocity Level" (hereinafter "Lv") means ten (10) times the common logarithm of the ratio of the square of the amplitude of the RMS vibration velocity to the square of the amplitude of the reference RMS vibration velocity.

3. Scope and Enforcement. This section, in addition to other ordinances and statutes, shall apply to the control of noise and vibration originating within the City of West Allis. The West Allis Health Department is the primary agency responsible for the enforcement of this section, and the West Allis Police Department may also enforce the provisions of this section. The City of West Allis's policy is to comply with this section in its own operations and in the operations of its contractors and subcontractors.

4. Determining Sound Levels. Sound levels shall be measured using the following procedures:

    a. All persons conducting sound measurements to assess compliance with this section must be trained in the current techniques and principles of sound

measurement equipment and instrumentation.

b. Sound level shall be measured with a Type 1 or Type 2 sound level meter that shall, as a minimum standard, conform to the specifications of ANSI S1.4-1983 (Revised 2001) with Amendments S1.4A-1995 for Type 1 or Type 2 sound level meters and be capable of both fast and slow meter response.

c. The following steps must be followed when preparing to take sound level measurements:
    i. The sound level meter manufacturer's specific instructions for preparation and use of the sound level meter shall be followed.
    ii. The sound level meter shall be calibrated periodically, in accordance with the manufacturer's instructions.
    iii. When outdoor measurements are taken, a windscreen shall be placed over the microphone of the sound level meter in accordance with the manufacturer's instructions.
    iv. The sound level meter shall be placed at an angle to the sound source, as specified by the manufacturer's instructions, and placed at least four (4) feet above the ground. The meter shall be placed so as not to be interfered with during the taking of sound measurements.
    v. Impulsive noise shall be measured with the sound level meter set for fast meter response; all other noise shall be measured with the sound level meter set for slow meter response.
    vi. All sound level measurements shall be made using an "A" weighted network of the sound level meter.

5. Determining Vibration Levels. Vibration levels shall be measured using the following procedures:
    a. All persons conducting vibration measurements to assess compliance with this section must be trained in the current techniques and principles of vibration measurement equipment and instrumentation.
    b. The instrument manufacturer's specific instructions for preparation and use of the instrument shall be followed.
6. Maximum Permissible Sound Levels.
    a. General Limitations. Except as enumerated in Subsection (8) of this section below, in the following zoning districts, the noise emitted from any source of stationary noise shall not exceed the following dB(A) limits at any point beyond one hundred twenty-five (125) feet outside of the real property boundary of the source of the stationary noise or beyond one hundred twenty-five (125) feet of the noise source on public property:

Sound Pressure Level		
Zone	**Time**	**Decibel (dB(A) Level**
Residential, Park District	10:00 p.m. to 6:59 a.m.	55 dB(A)
	7:00 a.m. to 9:59 p.m.	65 dB(A)
Commercial, Manufacturing	10:00 p.m. to 6:59 a.m.	60 dB(A)
	7:00 a.m. to 9:59 p.m.	70 dB(A)

    b. A reduction of five (5) dB(A) will apply to each of the limitations set forth under Subsection (6)(a) for all impulse noises.
    c. When the ambient level is two (2) dB(A) or more above a noise limitation, a source may add no more than three (3) dB(A) to the ambient level.
7. Public Nuisance. Excessive noise and vibration, as defined in this section, is hereby deemed and declared to be a public nuisance and may be subject to summary abatement procedures, as provided in Section 7.03(3) and Section 18.04 of this Code. Such abatement shall be in addition to administrative proceedings, forfeitures, and penalties provided in this section.

8. Noise Disturbance Prohibited. No person shall make, continue, or cause to be made or continued, any noise disturbance. No person shall make, continue, or cause to be made or continued any noise which exceeds the noise limitations as set forth in this section.

   Unamplified, noncommercial public speaking and public assembly activities conducted at conversational voice levels on any public property or public right-of-way shall be exempt from the operation of this article if such sound is not plainly audible beyond one hundred fifty (150) feet or does not infringe on the legitimate rights of others.

   a. Sound Reproduction Devices. No person shall operate, play, or permit the operation of or playing of any sound reproduction device at night that is plainly audible across a real property boundary. No person shall operate, play, or permit the operation of or playing of any sound reproduction device during the day that is plainly audible from one hundred fifty (150) feet beyond the real property line of the premises from which it emanates or from the source if located in a public street, public park, or other public place.
   b. Sound Amplification Device. No person shall use or operate any sound amplification device, loudspeaker, public address system, or similar device at night that is plainly audible across a real property boundary. No person shall use or operate any sound amplification device, loudspeaker, public address system, or similar device during the day that is plainly audible at a distance of one hundred fifty (150) feet.
   c. Loading and Unloading. No person shall load, unload, open, close, or otherwise handle boxes, crates, containers, building materials, garbage cans, or similar objects at night, in a manner that is plainly audible across a real property boundary.
   d. Domestic Power Tools. No person shall operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, leaf blower, or similar device at night.
      i. This subsection does not apply to snowblowers being used to remove snow that has fallen within the past twenty-four (24) hours.
   e. Tampering. No person shall remove or render inoperative any noise control device, element of design, or noise label of any product other than for the purpose of maintenance, repair, or replacement; no person shall modify or replace any noise control device to increase the sound pressure level of the device.
   f. Multifamily dwellings. No person shall make, continue, or cause to be made or continued any noise disturbance at night that is plainly audible in another occupied space within any multifamily dwelling within the real property boundary.
   g. Places of Public Entertainment. No person shall operate, play or permit the operation or playing of any sound reproduction device, sound amplifier, or similar device, or any combination thereof, which produces, reproduces, or amplifies sound in any place of public entertainment at a sound level greater than one hundred (100) dB(A), as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign which is at least two hundred twenty-five (225) square inches in area is placed outside such place, near each public entrance, stating: "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT."
   h. Train Warning Devices. No person owning or operating any railroad, or any of its agents and employees, shall cause the ringing of any bell or the blowing of any whistle or horn within the City limits on any locomotive under his/her control, except in the event of an emergency to avoid an impending accident or where otherwise permitted by state or federal law.
   i. Motor Vehicles.
      i. Light Motor Vehicles. No person shall create or cause or permit noise levels from the operation of any motor vehicle of ten thousand (10,000) pounds' gross vehicle weight rating or less, including but not

limited to passenger automobiles, light trucks or motorcycles, in excess of eighty (80) dB(A) at any location within the corporate limits of the City of West Allis. Measurement shall be made at a distance of fifteen (15) feet or more from the closest approach of the vehicle.

ii. Heavy Motor Vehicles. No person shall create or cause or permit noise levels from the operation of any motor vehicle of more than ten thousand (10,000) pounds' gross vehicle weight rating in excess of eighty-six (86) dB(A) in a zone with a speed limit of more than thirty-five (35) miles per hour. Measurement shall be made at a distance of fifty (50) feet from the closest approach of the vehicle in use.

iii. Stationary Testing.

(1) Light Motor Vehicles. Motor vehicles of ten thousand (10,000) pounds' gross vehicle weight rating or less shall not exceed ninety-five (95) dB(A) at twenty (20) inches in a stationary run-up test. Such tests shall conform to the Society of Automotive Engineers Recommended Practices SAE J1169, a copy of which is on file in the office of the Health Commissioner.

(2) Heavy Motor Vehicles. Motor vehicles of more than ten thousand (10,000) pounds' gross vehicle weight rating shall not exceed eighty-eight (88) dB(A) measured at fifty (50) feet in a stationary run-up test. Stationary run-up tests shall conform to the Society of Automotive Engineers SAE Standard J366b, a copy of which is on file in the office of the Health Commissioner.

j. Refuse Collection Vehicles and Compacting Equipment.

i. No person shall collect refuse or permit the collection of refuse with a refuse collection truck at night.

ii. No person shall operate or permit the operation of the compacting equipment mechanism of any motor vehicle which compacts refuse at night.

k. Vibration. No person shall operate or permit the operation of any device or combination of devices that creates vibration which exceeds the amounts listed in the table below, as measured at or across a real property boundary of the premises from which it emanates or from the source if located in a public street, public park, or other public place.

Event Frequency	**Lv (VdB)**
Frequent (more than 70 events per day)	72
Occasional	75
Infrequent (less than 30 events per day)	80

9. Exemptions. The provisions of this section shall not apply to the following:

a. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work, or the emission of sound brought about by emergency conditions where such sound is a byproduct of activities necessary for the preservation of public safety or the protection of the health, safety and welfare of any person or property.

b. Warning devices necessary for the protection of public safety, the emission of any noise necessary for the protection of the health, safety, or welfare of person or property or to any noise which is either necessary or required by law.

c. The operation of authorized emergency vehicles.

d. Public works projects, at or adjacent to the construction site, as authorized by the United States government, the State of Wisconsin, and/or other political subdivisions.

e. Limited Exemptions for Construction Noise. The provisions of this section shall not apply to equipment used in commercial construction activities when such equipment has sound control devices no less effective than those provided in the original equipment, a muffled exhaust, and are in compliance with the pertinent standards of the United States Environmental Protection Agency.
    i. No person shall operate or permit the operation of any equipment used in construction work at night or on Sunday.
        (1) Emergency Work. The hour limitations in this subsection shall not apply to emergency work.

f. Special events permitted under section 6.032 of this Code.
g. Aircraft operations.
h. Any fireworks display permitted under and operated in compliance with Wis. Stat. Section 167.10.
i. Any bells or chimes of any building clock, public or private school building, church, synagogue, or other place of religious worship.

10. Notice of Violation.
    a. When the ambient noise or vibration level of a noise producing device equals or exceeds the decibel limits provided in this section, the Health Commissioner or his/her designee shall serve a notice, by first-class mail, on the owner and occupant of the premises that is creating or maintaining the noise. The notice shall be dated, contain a description of the violation, require the person to remove or abate the condition described in the order within the time specified therein, and advise such person of the right to apply for a variance permit and the office or person to whom the variance permit application shall be filed.
    b. For violations of Subsection (8)(a) through (g), officers of the West Allis Police Department may issue a citation without prior notice of the violation.
11. Variance.
    a. Application for Variance Permit. The owner or occupant of the premises may seek a variance from the noise and/or vibration limitations herein. A new or renewal application for a variance from the noise and/or vibration limitations in a zoning district shall be made to the City Clerk. The proper filing of an application 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. Such application shall specify the grounds upon which the variance permit is sought and the date by which the source of any excess noise or vibration for which the variance is sought shall be brought into compliance with this section.
    b. Hearing on Variance Permit. Within sixty (60) days of receiving the application for a variance permit, the License and Health Committee shall hold a public hearing. The City Clerk shall serve the variance applicant with notice of such hearing by mail or personal service at least ten (10) days before such hearing. Additionally, the City Clerk shall mail notice of the hearing to property owners within two hundred (200) feet of the affected property at least ten (10) days before such hearing. **[Ord. O-2015-0018, 3/3/2015]**
    c. Procedure at Hearing. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
        i. The variance applicant shall first present evidence in support of the variance.
        ii. After the variance applicant rests, any person(s) who claims to be adversely affected by allowance of the variance permit may present evidence in opposition to the variance.
        iii. After the variance applicant and any person(s) who claims to be adversely affected by allowance of the variance permit rest, the Health Commissioner may present evidence in regard to the variance application.
        iv. The variance applicant, Health Commissioner, and any person(s) who

claims to be adversely affected by allowance of the variance permit may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross examination.

v. The variance applicant, Health Commissioner, and any person(s) who claims to be adversely affected by allowance of the variance permit shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.

vi. Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.

vii. At the close of testimony, the variance applicant, Health Commissioner, and any person(s) who claim to be adversely affected by allowance of the variance permit shall be given a reasonable time to make arguments upon the evidence produced at hearing.

d. Miscellaneous Procedural Matters.

i. At all stages of the proceedings, the variance applicant and any person(s) who claim to be adversely affected by allowance of the variance permit shall be entitled to appear in person or by an attorney of his or her own expense.

ii. The Health Commissioner may be represented by a City Attorney.

iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the City Attorney representing the Health Commissioner.

iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be administered and subpoenas issued upon request of each person. The Chair shall ensure that an orderly hearing is conducted in accordance with the provisions of this section. The Chair shall rule on objections to the admissibility of evidence. Any ruling of the Chair shall be final unless appealed to the Committee and a majority vote of those members present and voting reverses such ruling.

v. An audio recording or stenographic record shall be made of all proceedings at the hearing, and the Clerk shall mark and preserve all exhibits and testimony. Any interested party may obtain a copy of the recording or transcript at his or her own expense.

e. Recommendation to the Common Council.

i. After the close of the hearing, the Committee shall deliberate and reach a decision. Based on the evidence presented at the hearing, the Committee shall recommend to the Common Council whether a variance permit should be issued and under what conditions the Committee finds necessary to protect the public health, safety and welfare, including a schedule for achieving compliance with noise and vibration limitations. In deciding whether to recommend granting the permit, the Committee shall balance the hardship to the applicant, the community, and other persons; the impact on the health, safety, and welfare of the community; the effect on the property in the area; and any other impact that the granting of the variance may have. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk~~/Treasurer~~ within twenty (20) days, and the Clerk shall mail a copy of the report to the last-known address of the variance applicant, Health Commissioner, and any person(s) who claim to be adversely affected by the allowance of the variance permit. The findings and recommendations shall be distributed to each member of the Common Council.

ii. The variance applicant, Health Commissioner, and any person(s) who claim to be adversely affected by the allowance of the variance permit

may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk~~/Treasurer~~ before the close of business on a day that is at least three working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.

f. Common Council Determination.
    i. Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk~~/Treasurer~~ shall notify the variance applicant and any person(s) who claim to be adversely affected by the allowance of the variance permit by United States first-class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.
    ii. Unless an Alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the variance applicant nor any person(s) who claim to be adversely affected by the allowance of the variance permit shall be permitted to make oral arguments.
    iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote, and such hearing shall constitute the final determination of the matter. The Clerk~~/Treasurer~~ shall notify the variance applicant and any person(s) who claim to be adversely affected by the allowance of the variance permit by United States first-class mail, postage prepaid, sent to the last known address, of the Common Council's decision.
g. The permit, if granted, shall contain a time limit for such activity. Variances exceeding two (2) years may be granted only in exceptional cases, including those for which, in the opinion of the Committee, control technology is unavailable or available only at a prohibitive cost. Noncompliance with any conditions imposed on the variance shall terminate the variance and subject the person or corporation holding it to those provisions of this section for which the variance permit was granted.
h. 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 Common Council must find that the need for such extension or modification clearly outweighs any adverse impacts of granting the extension or modification.
i. Judicial Review. Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within thirty (30) days of receipt of the final determination.
    i. If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense.

12. Penalties. Any person violating any provision of this section shall, upon conviction, be subject to a forfeiture of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each offense, together with the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each day that any violation continues shall be considered a separate offense.
13. Severability. If any provision, clause, sentence, paragraph, or phrase of this section or

the application thereof to any person or circumstances is held, for any reason, by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

[Ord. 6225, 4-11-1996; Ord. O-2006-0030, 6-6-2006; Ord. O-2013-0047, 11-19-2013]

SECTION 56: **AMENDMENT** "7.154 Public Physical Conditioning Establishments" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

7.154 Public Physical Conditioning Establishments

1. Definitions. The following definitions shall apply in the interpretation and the enforcement of this section:

   HEALTH COMMISSIONER

   The term "Health Commissioner" shall mean the Health Commissioner of the City or designee.

   PERSON

   The term "person" shall mean any person, firm, organization, or corporation.

   PUBLIC PHYSICAL CONDITIONING ESTABLISHMENT

   The term "public physical conditioning establishment" shall mean any premises or facilities used by customers, members, students, or the general public for conditioning or training activities, swimming, jogging, martial arts instruction or training, weightlifting, gymnastics, aerobic exercise, tanning, or similar or related activities.
2. State Regulations. Except as otherwise provided herein, the provisions of Wisconsin Statutes Section 100.178 as related to fitness centers, as they are from time to time amended, are hereby adopted by reference. All fitness centers shall comply with all applicable provisions of these regulations.
3. License Application. A written application for the license required by this section shall be filed with the Health Commissioner upon forms provided by the Health Commissioner. The annual license fee shall be twenty-five dollars ($25.) and shall be paid at the time the initial application is filed or, for license renewals, prior to the expiration of a license. Any renewal license fee paid on July 1 or later shall be subject to a late fee of fifteen dollars ($15.). No person shall operate any public physical conditioning establishment until all license fees have been paid. A licensee or applicant shall notify the Health Commissioner in writing if any information listed in the application form has changed within ten (10) days of such change. **[Ord. O-2017-0018, 4/18/2017]**
4. License Required. No person shall operate a public physical conditioning establishment in the City without a license from the Health Commissioner. Only a person who complies with the requirements of this section shall be entitled to receive and retain a license. Licenses shall not be transferable as to persons or premises.
5. Posting License; Fee for Duplicate License. Every public physical conditioning establishment shall display its license at all times in plain view of the public. Duplicate licenses shall be issued to replace licenses which are misplaced or damaged so as to be illegible. The fee for a duplicate license shall be fifteen dollars ($15.). **[Ord. O-2017-0018, 4/18/2017]**
6. License Year. The license year for the public physical conditioning establishment

license shall be from July 1 to June 30 annually.

7. Inspection of Establishments.
    a. Frequency of Inspections. The Health Commissioner or his/her designee shall inspect public physical conditioning establishments at least once during the license year. If the Health Commissioner or his/her designee discovers any violation that is potentially hazardous to the health and welfare of patrons or employees of the public physical conditioning establishment or to the public health, he/she may make a reinspection after a lapse of five (5) business days or such time as he/she deems reasonably necessary for the violations to be corrected. Failure to correct a violation within the scheduled time shall result in additional reinspections and may result in further legal action, including the issuance of citations. The first reinspection of a violation shall result in the Health Department assessing a reinspection fee of twenty-five dollars ($25.) to the public physical conditioning establishment applicant or licensee. The second or subsequent reinspection of a violation shall result in the Health Department assessing a reinspection fee of fifty dollars ($50.) to the public physical conditioning establishment applicant or licensee. **[Ord. O-2017-0018, 4/18/2017]**
    b. Inspection Report. One (1) copy of the inspection report shall be given to the person in charge of the establishment and another copy shall be kept with the records of the Health Department.
    c. Access to Establishments and Records Required. The person operating a public physical conditioning establishment shall, upon the request of the Health Commissioner or his/her designee, permit access to all parts of the establishment and shall permit the copying of any records necessary for a health investigation.
    d. Inspection After Complaint. Upon a complaint or report of a violation of this section, the Health Commissioner or his/her designee shall inspect the establishment to determine if a violation exists. If the Health Commissioner or his/her designee confirms a violation to exist, the Health Department shall assess an inspection fee of twenty-five dollars ($25.) to the public physical conditioning establishment licensee.
8. Establishments Which May Operate. No public physical conditioning establishment shall operate within the City unless it conforms to the requirements of this section.
9. Summary Suspension and Reinstatement of License.
    a. Whenever the Health Commissioner or his/her designee finds unsanitary or other conditions in the operation of a public physical conditioning establishment, which in his/her opinion constitutes a substantial hazard to the public health, he/she may without warning, notice, or hearing issue a written notice to the licensee citing the condition, specifying the corrective action to be taken, and specifying the time period within which the action shall be taken; and, if deemed necessary, the order shall state that the license is immediately suspended and all public physical conditioning operations are to be immediately discontinued. The Health Commissioner or his/her designee shall promptly notify the City Clerk of any suspension. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the City Clerk, shall be afforded a hearing before the License and Health Committee. The procedure for such hearing shall be the applicable provisions of Subsections (13)(c) through (f) of this section. Such hearing shall be scheduled within ten (10) days of the appellant filing the petition with the City Clerk.
    b. The license holder whose license has been suspended by the Health Commissioner or his/her designee may, at any time, make application for reinstatement of the license. The Health Commissioner or his/her designee shall make a reinspection and thereafter as many additional reinspections as he/she deems necessary to ensure that the applicant is complying with the requirements; and, in the event the findings indicate compliance, shall reinstate or reissue the license.
10. Truth of Statements. All matters submitted in writing to the City by any applicant or

licensee pertaining to any license issued under this section shall be true.

11. Conditions of License.
    a. Every applicant procuring a license thereby consents to the entry of the Health Department, police, or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or state laws.
    b. The licensee and/or employees and agents of the licensee shall cooperate with Health Department and police investigations. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police and Health Department inquiries. A licensee shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
    c. Each licensed premises shall be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises.
    d. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.
12. Minimum Requirements. All public physical conditioning establishments shall comply with the following minimum requirements:
    a. Equipment.
        i. Conditioning equipment, exercise devices, tanning beds, and similar and related equipment shall be operated and maintained in compliance with recommendations and requirements of the manufacturer and all applicable regulations.
        ii. Equipment that is subject to bodily contact by users shall be washed or rinsed with a bactericidal solution, as frequently as necessary to insure adequate hygiene. Such bactericidal solutions and single-use towels shall be available for optional use by patrons at all times. Specific cleaning frequency requirements may be made a condition of the license for a public physical conditioning establishment.
    b. Locker Room Requirements.
        i. Separate locker room facilities shall be present and accessible for men and women.
        ii. Hot and cold running water, under pressure, shall be supplied at all times to all sinks, lavatories, tubs, showers, and other bathing facilities. At least one (1) wash sink and one (1) toilet shall be available for use at any public locker room.
        iii. When towels or towel service are provided, clean towels shall be kept dry until used and shall not be used by more than one (1) patron. Used towels shall be kept separate from clean towels and shall be laundered or removed from the facility after use. Laundering of towels shall be done in a manner which provides complete bactericidal treatment.
        iv. Shower curtains, when used, shall be of plastic or similar material and shall be kept clean and in good repair. Worn, ripped, or uncleanable shower curtains shall be removed. Cloth or absorbent shower curtains and curtain liners are prohibited.
        v. Public locker room floors, walls, and ceilings, as well as benches, chairs, and other furniture shall be clean, water-resistant, and in good repair. All room surfaces subject to moisture and bacterial contamination shall be washed or wet mopped with an appropriate bactericide as frequently as necessary to prevent odors or disease. Areas in which moisture or other conditions create slipping or sliding hazards shall be equipped with handrails or other anti-slip devices or treatments.
        vi. All public locker room patrons shall have available for their optional

use a clothes locker constructed of substantial material, provided with an interior hook for hanging items of clothing and with a means for locking to provide security for patrons' items and property. Lockers shall be arranged, designed, and located so that they are not subject to spray or other water damage.

13. Suspension, Revocation, and Nonrenewal.
    a. Causes. Any license issued under this section may be suspended, revoked, or not renewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or not renewed for the following causes:
        i. The making of any material false statement in any application for a license.
        ii. The violation of any of the applicable provisions of Section 7.154.
        iii. The violation of any of the applicable provisions of Wisconsin Statutes Section 100.177 or 100.178.
        iv. The failure to conduct its licensed business at the authorized location for a period of thirty (30) consecutive days, unless such thirty-day period shall, for good cause shown, be extended by the Common Council.
        v. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience or prosperity of the immediate neighborhood.
        vi. The failure to pay any tax or forfeiture as provided in Section 1.08(9) (a) and (b).
    b. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion or upon sworn written charges made and filed with the Clerk~~/Treasurer~~ by the Health Commissioner.
    c. Procedure.
        i. Upon receipt of a sworn complaint, either from the Health Commissioner or upon directive of the Committee, the License and Health Committee shall direct the City Attorney to prepare a summons and have the summons and complaint served upon the licensee pursuant to Section 801.11 of the Wisconsin Statutes.
        ii. The summons and complaint shall contain: the date and time for appearance by the licensee; a statement of the Common Council's intention to suspend, revoke, or not renew the license in the event any of the allegations are found to be true; a statement of the reasons for suspension, revocation, or nonrenewal; notification to the licensee of an opportunity to be heard, respond to and challenge the reasons for suspension, revocation, or nonrenewal and to present and cross-examine witnesses under oath; notification to the licensee of the right to be represented by counsel of the licensee's choice and at the licensee's expense.
        iii. If the licensee fails to appear on the date and time designated in the summons, the License and Health Committee may enter a default judgment and take the allegations of the complaint to be true. The License and Health Committee shall then deliberate on what sanction, if any, to impose.
        iv. If the licensee appears before the License and Health Committee at the date and time designated in the summons and denies the material charges contained in the complaint, an evidentiary hearing shall be scheduled. If the licensee does not appear or appears, but does not deny the material charges contained in the complaint, the complaint may be taken as true and the Committee shall hear the arguments of the complainant and, if applicable, the licensee in connection with whether to not renew, revoke or suspend the license and the length of

the suspension.

v. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
    (1) The complainant shall first present evidence in support of the complaint.
    (2) After the complainant rests, the licensee may present evidence in opposition to the charges.
    (3) The complainant and licensee may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross-examination.
    (4) The complainant and licensee shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.
    (5) Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
    (6) At the close of testimony, the complainant and licensee shall be given a reasonable time to make arguments upon the evidence produced at hearing.

d. Miscellaneous Procedural Matters.
    i. At all stages of the proceedings, the licensee shall be entitled to appear in person or by an attorney of his or her own expense.
    ii. If the complaint is in the name of the Committee or is brought by a City official in his/her official capacity, the complainant shall be represented by a prosecuting City Attorney.
    iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the prosecuting City Attorney.
    iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be administered and subpoenas issued upon request of either side. The Chair shall ensure that an orderly hearing is conducted in accordance with the provisions of this section. The Chair shall rule on objections to the admissibility of evidence. Any ruling of the Chair shall be final unless appealed to the Committee and a majority vote of those members present and voting reverses such ruling.
    v. An audio recording or stenographic record shall be made of all proceedings at the hearing. Any interested party may obtain a copy of the recording or transcript at his or her own expense.

e. Findings and Recommendations.
    i. After the close of the hearing, the Committee shall deliberate and reach a decision. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk~~/Treasurer~~ with a copy to the licensee and complainant. The findings and recommendations shall be distributed to each member of the Common Council.
    ii. The licensee and complainant may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk~~/Treasurer~~ before the close of business on a day that is at least three (3) working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.

f. Common Council Action.
    i. Not less than five (5) working days prior to the matter being

scheduled before the Common Council, the Clerk~~/Treasurer~~ shall notify the licensee and complainant by U.S. first class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.

ii. Unless an Alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the complainant nor the licensee shall be permitted to make oral arguments.

iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote. Upon an affirmative vote suspending, revoking, or not renewing the license(s), the Clerk~~/Treasurer~~ shall give notice to the person whose license is affected. If the Common Council finds the complaint to be untrue or unsupported by sufficient evidence, the proceedings shall be dismissed without cost to the accused.

g. Surrender of License.

i. A licensee may, at any time during the license year surrender a license to the Health Department, along with a statement, in writing, that the licensee no longer wishes to conduct the licensed activity at the licensed premises.

ii. Except as set forth in Subsection (h)3 below, the surrender shall operate to extinguish any right the licensee had to the license or to conduct licensed activity at the premises listed in the license.

iii. If a summons and complaint has been issued against the licensee seeking suspension, revocation, or nonrenewal of the license, the surrender of the license shall be deemed a request and the matter shall be referred to the License and Health Committee. The Committee may approve the request or deny the request and proceed to hearing.

iv. Any request to have a surrendered license returned shall be treated as a new license application and the requestor must fill out the required applications and pay the required fees. The request shall thereafter be treated as all other new license applications.

h. Prohibition on Future Issuance. If a license is revoked or not renewed due to action by the License and Health Committee, at least two (2) years shall elapse before another license may be given to the same licensee.

14. Nuisance Enforcement. In addition to the penalties listed within this section, the City Attorney or his/her designee or the Health Commissioner or his/her designee may pursue a nuisance enforcement action against a public physical conditioning establishment under Chapter **18** of this Code.

[Ord. O-2014-0008, 2/4/2014]

SECTION 57: **AMENDMENT** "10.065 Loading And Special Parking Zones" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

10.065 Loading And Special Parking Zones

1. Definitions.

a. Loading Zone. For the purpose of this section, a loading zone is defined as that portion of a public street adjacent to a curb or property line reserved for the exclusive use of vehicles loading or unloading passengers or material.

b. Special Parking Zone. For the purpose of this section, a special parking zone

is defined as that portion of a public street adjacent to a curb or property line where parking is limited to thirty (30) minutes or less.

2. Prior Permits Revoked. No loading zone or special parking zone permits shall be valid, except as authorized by Subsection **(3)**. All permits for loading zones or special parking zones granted before the effective date of this section are hereby revoked and may be reissued only in accordance with the provisions of Subsection **(3)**.
3. Permit Required. Loading and special parking zone permits shall be issued by the Director of Public Works after review and approval of the City Engineer. Application for such permit shall be made by the owner or lessee of property abutting the loading or special parking zone areas, shall be made in writing on forms provided and shall be issued upon payment of the fees hereinafter specified. If the application for a permit is denied by the Director of Public Works, an appeal from such decision may be made to the Board of Public Works. The decision of the Board shall be final. All permits shall be for a period of one (1) year or less and shall expire on the first day of May, unless sooner revoked by the Board of Public Works.
4. Fee Required. No permit shall be issued unless there is paid to the City ~~Clerk/~~Treasurer a fee in accordance with the ~~following~~ Fee Sschedule.~~: **[Ord. 6546, 11/21/2000; Ord. 6608, 2/19/2002]**~~
    a. ~~Initial Application. Three dollars ($3.) for each linear foot of loading or special parking zone in an unmetered area with a minimum fee of seventy-five dollars ($75.); and, four dollars ($4.) for each linear foot of loading or special parking zone in a metered area with a minimum fee of one hundred twenty dollars ($120.). Annual Renewals. Two dollars and fifty cents ($2.50) for each linear foot of loading or special parking zone in an unmetered area with a minimum of sixty dollars ($60.); and, three dollars ($3.) for each linear foot of loading or special parking zone in a metered area with a minimum fee of ninety dollars ($90.).~~
5. Authority of Director. The Director of Public Works or the Board of Public Works may grant a permit with limitations as to the amount of curb space to be utilized or restrictions as to the time of operation of any loading or special parking zone. The Director of Public Works is authorized and directed, upon issuance of a permit, to furnish and erect appropriate signs designating the loading or special parking zone established by the permit. The Director of Public Works is further authorized and directed to remove summarily all loading or special parking zone signs erected without permit.
6. Bus Loading Zones.
    a. As an accommodation to motor buses engaged in urban transportation service over fixed routes, the Director of Public Works is hereby authorized to designate, by appropriate signs, loading zones for the reception and discharge of passengers by such motor buses. No permits or fees provided for in this section shall be required, but the Director of Public Works shall maintain a list of approved motor bus loading zones. Where possible, the length of such motor bus loading zones shall be eighty (80) feet, provided that where more than one motor bus may load or unload at the same time in the same loading zone, the Director of Public Works may add an extra forty (40) feet for each additional vehicle permitted to use the area to avoid traffic hazards or excessive delay. When a motor bus loading zone is established in mid-block, or where the rear limit of the zone is at or near the corner, an additional twenty-five (25) feet of no-parking space shall be provided ahead of the regular loading zone for pullout purposes.
    b. The operator of any motor bus shall not stop at any place other than an approved loading zone to receive or discharge passengers, unless prevented therefrom by street construction or illegally parked vehicles, and any such operator making use of a motor bus loading zone shall stop in such a manner that any person alighting therefrom or boarding thereon shall be able to board or alight from said motor bus directly from the sidewalk or curbline without entering on or upon the public highway, provided that the latter is free from obstructions which prevent proper approach and that the normal angle of approach is not disturbed by other street obstructions such as double parked

vehicles or street constructions.

7. Restricted Parking Zones for Physically Disabled Persons. **[Ord. 5988, 1/19/1993]**
    a. Residential Disabled Parking Zones.
        i. Where access to a motor vehicle used by a physically disabled person, as defined in § 346.503 of the Wisconsin Statutes, in front of his residence is rendered difficult by reason of existing parking conditions, the City Engineer is authorized to designate, by appropriate signs, a restricted parking zone in the street in front of such physically disabled person's residence. Such zone shall permit parking therein only for vehicles used by a physically disabled person, shall be limited in size to provide parking and maneuvering space for one (1) vehicle only and shall be subject to all applicable parking regulations otherwise in force on such street.
        ii. Persons desiring such a zone may make application to the City Engineer and, the City Engineer, if satisfied that the conditions for establishing such a zone have been met, shall issue a permit to the applicant establishing the disabled parking zone and the location thereof for vehicles used by physically disabled persons. A copy of the permit shall be sent to the Chief of Police. All permits shall be valid for a period of one (1) year or less and shall expire on May 1 of each year. Permits may be renewed where the conditions for establishing a disabled parking zone still exist. The City Engineer may revoke any permit when the conditions for the disabled parking zone are eliminated or where an abuse of the permit is found to exist.
    b. Commercial Disabled Parking Zones.
        i. Where access to a motor vehicle used by a physically disabled person in front of or adjacent to a business establishment is rendered difficult by reason of existing parking conditions, the City Engineer is authorized to designate, by appropriate signs, a restricted parking zone or zones in the street in front of or adjacent to the business establishment. Such zone shall permit parking therein only for vehicles used by a physically disabled person, shall be limited in size to provide parking and maneuvering space for one (1) vehicle per permit and shall be subject to all applicable parking regulations otherwise in force on such street.
        ii. The owner of a building or the tenant of a building in which there is a commercial establishment may make application to the City Engineer and, that City Engineer, if satisfied that the conditions for establishing such zone have been met and, if satisfied that there are no conditions adverse to issuing a permit such as traffic congestion or limited parking, may issue a permit to the applicant establishing the disabled parking zone and the location thereof for vehicles used by physically disabled persons. A copy of the permit shall be sent to the Chief of Police. All permits shall be valid for a period of one (1) year or less and shall expire on May 1 of each year. Permits shall be renewed where the conditions for establishing a disabled parking zone still exist. The City Engineer may revoke any permit when the conditions for the disabled zone no longer apply or where an abuse of the permit is found to exist.
        iii. No permit shall be issued pursuant to this subsection, unless the fee set forth in Sec. 10.065(4)(a) is paid for each lineal foot of the Physically Disabled Person Parking Zone.
    c. For purposes of this section, a handicapped person is one who, because of some serious physical ailment, has extreme difficulty in moving about on foot.
    d. Except for a motor vehicle used by a physically disabled person as defined under Sec. 346.503(1) of the Wisconsin Statutes, no person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility reserved, by official traffic signs indicating the restriction, for vehicles

displaying special registration plates issued for physical disability under Wisconsin Statutes or special identification card issued under Sec. 343.51 of the Wisconsin Statutes or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person. **[Ord. O-2006-0043, 9/5/2006]**

e. No person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility so as to obstruct, block or otherwise limit the use of any portion of a street, highway or parking facility reserved, by official traffic signs indicating the restriction, for vehicles displaying special registration plates issued for physical disability under Wisconsin Statutes or a special identification card issued under Sec. 343.51 of the Wisconsin Statutes or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person. **[Ord. O-2006-0043, 9/5/2006]**

f. No person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility that is clearly marked as and intended to be an access aisle to provide entry to and exit from vehicles by persons with physical disabilities and which is immediately adjacent to any portion of a street, highway or parking facility reserved, by official traffic signs indicating the restriction, for vehicles displaying special registration plates issued for physical disability under Wisconsin Statutes or a special identification card issued under Sec. 343.51 of the Wisconsin Statutes or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a person with a physical disability. **[Ord. O-2006-0043, 9/5/2006]**

g. Any person violating the restrictions set forth in Section 10.065(7)(d), (e) or (f) of this ordinance shall be subject to a forfeiture of three hundred dollars ($300.). **[Ord. O-2006-0043, 9/5/2006]**

SECTION 58: **AMENDMENT** "15.03 Solid Waste Management Program User Fees" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

15.03 Solid Waste Management Program User Fees

1. Purpose. It is determined and declared to be necessary and conducive to the protection of the public health, safety and welfare and convenience of the City of West Allis to collect charges from all residential properties impacted by the City's solid waste management program. The proceeds of such charges will be used to offset the overage of costs over and above the amount reimbursed by the state for the City's implementation of the State Mandated Recycling Requirement, 287.093(1)(a)1 Wisconsin Statutes, and other costs associated with the City's solid waste management program.
2. Definitions. Unless specifically indicated, the meaning of terms used in this section shall be as follows:

   CITY. Means the City of West Allis.

   COMMON COUNCIL. Means the Common Council of the City.

   DWELLING UNIT. Means a single living unit, providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living,

sleeping, eating, cooking and sanitation.

FISCAL YEAR. Means a twelve-month period commencing on the first day of January of any year.

MOBILE HOME. Means a single dwelling unit within a mobile home park.

MULTIFAMILY. Means a residential property with two (2) or more dwelling units.

OPERATING BUDGET. Means estimated revenues and the estimated costs for operations and maintenance for each fiscal year.

OPERATION AND MAINTENANCE. Means the current expenses, paid or accrued, of operations, as calculated in accordance with sound accounting practice and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, the cost of materials and supplies used for current operations and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

RATE. The user fee charged on each dwelling unit. The rate is determined by the Common Council for each fiscal year.

RESIDENTIAL PROPERTY. A single-family home, mobile home or multifamily dwelling having between one (1) and four (4) dwelling units.

REVENUES. All rates, fees, assessments, rentals, fines or other charges or other income received by the City, in connection with the management and operation of the program, including amounts received from the investment or deposit of moneys in any fund or account, as herein required, and any amounts contributed by the City, all as calculated in accordance with sound accounting practices.

SINGLE FAMILY. Means any residential property with exactly one (1) dwelling unit.

SOLID WASTE MANAGEMENT PROGRAM or PROGRAM. Means the existing refuse collection program and the existing recycling collection program of the City which by this section is constituted as the responsibility of the City, to be operated, in part, as an enterprise fund to, among other things, collect, control, manage and submit any and all applicable commodities as mandated by state law.

USER FEE. Means the charge established by the Common Council on dwelling units in the City to pay operations and maintenance for the solid waste management program.

3. Disposition of Revenue.
    a. The user fees hereunder shall generate adequate annual revenues to pay costs for the recycling program in excess of the state reimbursement to the City for implementing the state-man dated program.
    b. The portion of the total user fees collected which are designated for operation and maintenance, shall be deposited in a separate non-lapsing fund known as the "Solid Waste Management Program Fund" and will be kept in one (1) primary account as follows: An account designated for the specific purpose of defraying operation and maintenance costs (operation and maintenance account).
    c. Fiscal year-end balances in the operation and maintenance account shall be carried over to the same account in the subsequent fiscal year and shall be used for no other purpose than those designated for this account. Moneys, which have been transferred from other sources to meet temporary shortages in the operation and maintenance account, shall be returned to their respective accounts upon appropriated adjustment of the user fee rates. The user fee rate

shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

4. User Fees and Rates.
    a. User Fee. The Common Council shall require that adequate revenues be generated through user fees to provide for a balanced operating budget. The Common Council hereby authorizes the imposition of user fees on all residential properties, in the City.
    b. Rates. The Common Council will establish rates for each fiscal year. All rates established by the Common Council will be fair and reasonable and calculated to achieve a balanced operating budget for the program. The rate for each dwelling unit shall be uniform. Current rates will be on file in the office of the City Clerk~~/Treasurer~~. **[Ord. O-2014-0037, 7/1/2014]**
    c. Billing Schedule. The billing schedule is as follows: **[Ord. O-2014-0037, 7/1/2014]**

Customer Class 1	**Solid Waste Management Billing Schedule**
Single-family, duplexes, triplexes, and mobile homes with individual water metered activity	Quarterly on water bill
Mobile home without individual water metered activity	Monthly
Undeveloped land	No charge
Customer Class 2	
Four families charged recycling collection services only	Quarterly on water bill

5. Billing and Payment. Bills for the user fee shall be rendered as part of the water bill for the property and become due and payable on the same date as the water bill, for those invoiced quarterly on the water bill. For those residential units billed monthly, they are due and payable on the 15th of the following month, to be collected and administered by the mobile home park owner or agent. A penalty of that equal to the rate for water, which is approved by the Public Service Commission, shall be added per month to bills not paid by the due date. **[Ord. O-2014-0052, 9/2/2014]**
6. Lien. All user fees established hereunder shall be a lien upon the property served pursuant to Secs. 66.0821(4)(d), 66.0809(1) to (4), 66.0811 and 66.0813 of the Wisconsin Statutes and shall be collected in the manner therein provided.
7. Severability. If any provision or part of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be effective thereby.

[Ord. O-2007-0004, 2/6/2007; Ord. O-2008-0055, 12/16/2008]

SECTION 59: **AMENDMENT** "18.04 Abatement Of Public Nuisances" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

18.04 Abatement Of Public Nuisances

1. Enforcement.
    a. The Police Chief. Fire Chief, Health Commissioner, Forester. Weed Commissioner, Building Inspector or the Director of Public Works or one of

their designees shall enforce those provisions of this chapter that come within the jurisdiction of their offices, or the City Attorney may represent their interests; and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the official has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself or herself that a nuisance does, in fact, exist.

b. Whenever the Police Chief, Fire Chief. Health Commissioner, Forester. Weed Commissioner, Building Inspector or the Director of Public Works or one of their designees identifies that three (3) or more nuisance activities have occurred at a premises on separate days during a one-hundred-eighty-day period, that individual or the City Attorney may notify the premises owner in writing that the premises has become a chronic public nuisance. This notice shall be deemed properly delivered if sent by either first class mail to the premises owner's last known address or if 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 is left at the premises owner's usual place of abode in the presence of some competent member of the family at least fourteen (14) years of age or a competent adult currently residing there. **[Ord. O-2012-0002, 1/17/2012]**

c. The notice shall contain: the legal description or street address of the premises; a description of the nuisance activities that have occurred at the premises; a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises; a statement that the premises owner shall within ten (10) days respond to the appropriate office with either an appeal of the designation or to propose a written course of action to abate the nuisance activities.

d. Whenever the Police Chief, Fire Chief, Health Commissioner. Forester, Weed Commissioner. Building Inspector, the Director of Public Works, their designees, or the City Attorney determines that an additional nuisance activity has occurred at a premises for which notice has been issued, and either this nuisance activity has occurred not less than fourteen (14) days after notice has been issued or a course of action submitted pursuant to this section has not been completed, the appropriate office may calculate the cost of enforcement for this and any subsequent nuisance activities and may refer such cost to the ~~Clerk~~ Treasurer. The premises owner shall be notified of the decision to refer the cost of enforcement. Delivery of this notice, along with a copy of the referral letter to the ~~Clerk/~~Treasurer, shall be made as set forth in Paragraph (a) of this section and shall contain: the street address or legal description sufficient for identification of the premises; a statement that the cost of enforcement has been referred to the ~~Clerk/~~Treasurer with concise description of the nuisance activities and the relevant sections of the code; and a notice of the premises owner's right to appeal pursuant to Section 18.04(6).

e. Violation. Each subsequent incident of nuisance activity shall be deemed a separate violation.

2. Summary Abatement.

a. If the inspecting official determines that a public nuisance exists within the City and that there is great and immediate danger to the public health and safety, the official 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 subsection, the order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately.

b. Whenever the owner and/or occupant shall refuse or neglect to remove or abate the condition meeting the criteria set forth in subsection (2)(a), above, and described in the order, the inspecting official 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 by billing the owner and/or occupant and placing the expenses on the property tax roll if said expenses are not paid within thirty (30) days.

3. Abatement After Notice.
    a. If the inspecting official determines that a public nuisance exists, but that such nuisance does not threaten great and immediate danger to the public, the official shall issue an order reciting the existence of a public nuisance, and requiring the owner and/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 premises, as well as the occupant, or, at the option of the inspecting official, the notice may be mailed to the last known address of the owner and occupant, to be served by regular mail with return receipt. If the owner and 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 1 notice under Wisconsin Statutes Chapter 985. The time limit specified in the order runs from the date of service or publication.
    b. If the owner or occupant fails or refuses to comply within the time period prescribed, the inspecting official 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.
4. Other Methods Not Excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State or the ordinances of the City of West Allis. Where the provisions of this chapter conflict with another section of the West Allis Revised Municipal Code, the more stringent provision shall apply.
5. Court Order. Except when necessary under sub. (2), an official shall not use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
6. Appeal. Appeal of the determination of the Police Chief, Fire Chief, Health Commissioner. Forester, Weed Commissioner, Building Inspector, the Director of Public Works, the City Attorney or their designees that a nuisance or chronic nuisance premises exists, or the action of the ~~Clerk/~~Treasurer imposing a special charge against the premises, may be submitted to the Administrative Appeals Review Board pursuant to Section 2.48 of the Revised Municipal Code.
7. Relief from order. Any person affected by an order for Abatement After Notice as provided under this section shall, pursuant to Chapter 68 of the Wisconsin Statutes, within thirty (30) days of the date of service or publication of the order, apply to the Administrative Appeals Review Board for review of the order to abate or remove the nuisance, or be forever barred. The Board shall determine the reasonableness of the order for abatement of the nuisance. Any person aggrieved by the determination of the Administrative Appeals Review Board shall appeal to the Circuit Court as provided in Wisconsin Statutes Chapter 68.

[Ord. O-2005-0008, 2/1/2005; Ord. O-2007-0041 (repeal and recreated), 10/16/2007]

SECTION 60: **AMENDMENT** "2.55 Historical Commission" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.55 Historical Commission

1. Purpose. To preserve, safeguard and promote the historic heritage of the city and its locality; to manage publicly owned or leased historical properties; to preserve and care

for all records and other articles and materials of historical interest on behalf of the city; to promote and foster the historical education, pleasure and welfare of the community; and, to otherwise promote the general health, safety and welfare of the community; for these purposes and the necessity therefore in the public interest, the provisions of this section are enacted and declared as a matter of legislative determination and intent.

2. Definitions. As used in this section:
    a. "City" means the City of West Allis.
    b. "Commission" means the Historical Commission of the City of West Allis.
    c. "Common Council" means the Common Council of the City.
3. Created. There is hereby created an Historical Commission to be known as "The Historical Commission of the City of West Allis". The Commission shall have the powers and duties set forth in this section.
4. Structure. The Commission shall consist of the Mayor, or his or her designee, the President of the Municipal Library Board of the City, or his or her designee, and five (5) members appointed by the Mayor and confirmed by the Common Council appointed for staggered five (5) year terms. The Director of Development, the Library Director, and the Director of Public Works of the City, or their respective designees, shall serve as non-voting members. At least two (2) members to be appointed by the Mayor shall be persons with professional qualifications in history or a related field, including, but not limited to, architecture, art history, urban and regional planning, or law. The two (2) members required to be appointed for their professional qualifications need not be residents of the City.
5. Officers. The Mayor, or his or her designee, shall serve as Chairperson of the Commission and may appoint a member as Vice-Chairperson. The Chairperson shall preside at meetings, and the Vice-Chair shall preside in the absence of the Chairperson.
6. Meetings. All meetings of the Commission shall be open to the public; the meetings shall be noticed and conducted in compliance with state laws relating to open meetings. The Commission may adopt rules of order for the conduct of its business.
7. Volunteers. The Commission shall use volunteers to the maximum extent possible to perform the functions of the Commission.
8. Staff. The ~~Department of Development~~Planning and Zoning Program Staff shall provide staff support for the Commission.
9. Powers and Duties. The Commission shall possess the following powers and duties:
    a. Subject to approval and directive of the City, manage all lands, buildings or other property owned or leased by the City or which are otherwise under the custody and control of the City for historical purposes. Management obligations hereunder do not include maintenance of lands and buildings nor the provision of custodial services;
    b. Serve as trustee of the City in the preservation and care of all records, articles and other materials of historic interest and significance placed in its custody by the City;
    c. Assist in the collection and preservation of the books, documents and artifacts relating to the history of the City and its locality;
    d. Conduct lectures, exhibits and other programs upon local historical subjects; and for this purpose, cooperate with the local school board and other educational institutions and historical societies;
    e. Subject to approval of the City, receive, manage and dispose of gifts and donations for the benefit of the society, according to the terms of the deed of gift, devise or bequest;
    f. No fee shall be charged for admission to any historical property under its management; except, a fee may be collected for admission to defray the cost of lecturers, special exhibits, programs or events held on such property;
    g. Faithfully conserve, expend and apply all money received to the fulfillment of its powers and duties, consistent with its purposes as directed by the City;
    h. Make a report of its work and a budget request annually to the Mayor and Common Council of the City; and,
    i. Promulgate rules necessary and appropriate to the implementation of this section.

i. Cooperation. The Commission shall cooperate with the Municipal Library Board with respect to the management and preservation of books, periodicals, pamphlets, records, tracks, manuscripts, maps, charts and other papers, artifacts, relics, paintings, photographs and other materials illustrative of the history of West Allis and the localities that are under the custody and control of the Commission.

ii. Historic Preservation. The Commission shall advise the City with respect to the acquisition and disposition of historic property or the making of any grants of funds to any public or private entity for the purpose of preserving or rehabilitating historic property, pursuant to § 66.037 of the Wisconsin Statutes.

iii. Buildings and Grounds. Except as otherwise specifically provided by the City, the Department of Public Works shall maintain and provide custodial services for all lands and buildings owned or leased or which are otherwise under the custody and control of the City for historical purposes.

[Ord. 6395, 9/1/1998]

SECTION 61: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL APRIL 07, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	X			
Ald. Vince Vitale	X			
Ald. Tracy Stefanski	X			
Ald. Marty Weigel	X			
Ald. Suzzette Grisham			X	
Ald. Danna Kuehn	X			
Ald. Thomas Lajsic	X			
Ald. Dan Roadt	X			
Ald. Rosalie Reinke	X			
Ald. Kevin Haass	X			

Attest

Rebecca Grill, City Clerk, City Of West Allis

Presiding Officer

Dan Devine, Mayor City Of West Allis

CITY OF WEST ALLIS BY GOVERNORS' LETTERS PATENT APRIL 12, 1906 WISCONSIN