

# INTRODUCTION

## PLATTEVILLE MUNICIPAL CODE

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**CITY OF PLATTEVILLE, WISCONSIN  
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## CHAPTER 1

### GENERAL PROVISIONS

**1.01 PLATTEVILLE MUNICIPAL CODE.** (a) Title. This code of ordinances may be known and cited as the Platteville Municipal Code.

- (b) Amendments. Any additions or amendments to this code are incorporated in this code so that a reference to the Platteville Municipal Code includes such additions and amendments.
- (c) Numbering of Sections. Each section number of this code shall consist of two component parts separated by a period, the figure before the period referring to the chapter number and the figure after the period referring to the position of the section within the chapter.
- (d) Numbering Additions. The decimal system shall be used for all additions or amendments to this code. When a chapter or section is to be added the new chapter or section shall be given a decimal character.

**1.02 DEFINITIONS.** (a) Terms used in this code, unless otherwise specifically defined in this code, have the meaning prescribed by the Wisconsin Statutes for the same terms.

- (b) Terms used in this code have the following meanings:

City: City of Platteville, Wisconsin.

County: Grant County.

State: State of Wisconsin

Council or Common Council: The Common Council of the City of Platteville.

Ordinances: The ordinances of the City of Platteville and all amendments thereto, including this code.

This Code: The Platteville Municipal Code.

Wisconsin Statutes or Statutes: The Wisconsin Statutes, 1963, or whenever a later edition is published, the latest published edition.

Wisconsin Administrative Code: The latest revisions thereof.

## CHAPTER 1 General Provisions

Person: Any individual, firm, partnership, corporation, company, association, club, joint adventure, estate, trust or any group or combination acting as a unit and the individuals constituting such group or unit. As applied to partnerships, the word person includes the members of the partnership; as applied to corporations it includes the officers, agents or employees responsible for the act referred to. The plural includes the singular and the singular includes the plural. The masculine gender includes the feminine and neuter genders.

**1.03 REPEAL OF ORDINANCES.** (a) All general ordinances or parts thereof heretofore adopted by the Council and not included in this code are repealed, except the following which are hereby continued in full force and effect:

1. Ordinances authorizing contracts or the issue of municipal notes or bonds;
2. Ordinances levying taxes or making special assessments;
3. Ordinances appropriating funds or establishing salaries;
4. Ordinances granting franchises or rights to corporations;
5. Ordinances relating to the establishment, dedication, opening, grade, naming, improvement, altering, widening or vacating of any streets, alleys, sidewalks, parks or public grounds;
6. Ordinances respecting the annexation of territory to the City, or the conveyance or acceptance of real property or easements in real property;
7. Ordinances authorizing or relating to particular public improvements;
8. Any other special ordinances not in conflict with the provisions of this code.

(b) The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed, or right accruing or acquired, or liability, penalty, forfeiture or punishment incurred prior hereto shall not be affected, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the above repeal has not been effected.

**1.04 ORDINANCES REPEALED NOT REENACTED.** No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validation already effected thereby.

**1.05 JURISDICTION.** Unless otherwise provided in this code, this code applies to acts performed within the corporate limits of the City of Platteville. Provisions of this code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the City to regulate such particular acts outside the corporate limits.

**1.06 RESPONSIBILITY FOR ACTS.** Every person concerned in the commission of an act prohibited by this code, whether he directly commits the act, or prosecutes, counsels, aids, or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act.

**1.07 PENALTIES.** (a) Standard Penalty. Unless another penalty is expressly provided by this code for any particular provision, section, or chapter, any person violating any provision of this code, or any regulation adopted in pursuance thereof, or any provision of any code adopted herein by reference shall, upon conviction, be subject to a forfeiture of not less than \$1.00 or more than \$200 and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, such imprisonment not to exceed 90 days.

- (b) Each Day a Violation. Each act of violation and every day upon which a violation occurs or exists constitutes a separate offense.
- (c) Amendments. In case of any amendment of or addition to any section or chapter of this code the penalty provided for the violation of such section or chapter shall also relate to the amendment or addition, whether reenacted in the amendatory ordinance or not, unless such penalty is specifically repealed or amended therein.
- (d) Reference to Sections. Reference to any section of this code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.
- (e) Failure of Officers to Perform Duties. The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code, unless a penalty is specifically provided.

**1.08 SEPARABILITY OF PROVISIONS.** Each section, paragraph, sentence, clause and provision of this code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code, nor any part thereof other than that affected by such decision.

**1.09 EFFECTIVE DATE.** This code of ordinances shall take effect the day after filing and recording proof of publication of the ordinance adopting this code of ordinances.

**1.10 MUNICIPAL CITATIONS.** (a) The City of Platteville hereby adopts and authorizes the use of a Citation to be issued for violations of ordinances of the City of Platteville, including ordinances for which a statutory counterpart exists.

(b) The Municipal Citation shall contain the following information:

1. The name and address of the alleged violator.
2. Factual allegations describing the alleged violation.
3. The time and place of the offense.
4. The section of the code violated.
5. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
6. The time at which the alleged violator may appear in court.
7. A statement which in essence informs the alleged violator:
  - A. That a cash deposit based upon the deposit schedule established by the Common Council as part of this section may be made and which, if made, shall be delivered or mailed to the Clerk of the Circuit Court for Grant County, Wisconsin, at the Courthouse in the City of Lancaster, Wisconsin, prior to the time of the scheduled court appearance.
  - B. That if a deposit is made no appearance in court is necessary unless he or she is subsequently summoned.
  - C. That if a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the Complaint.
  - D. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture or the alleged violator may be found in default and judgment may be rendered against him or her for the amount of the forfeiture set forth.

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8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subsection (b)7 above has been read. Such statement shall be sent or brought with the cash deposit, and
  9. Such other information as the City deems necessary.
- (c) The Common Council hereby adopts for use, the electronic Wisconsin Uniform Traffic and Non-Traffic Citation Forms (Form No. MV4017 Version CTL0901 and Form MUNI Version CTL04/2005, respectively) samples of which are on file in the office of the Clerk and are adopted by reference as though fully set forth herein. Subsequent revisions of such forms and versions of the Wisconsin Uniform Citations referred to above shall also be adopted and made a part of this section.
  - (d) The schedule of cash deposits for use with citations issued under this section shall be as adopted by the Common Council from time to time and such schedule shall be on file in the office of the Chief of Police and in the office of the City Clerk. There is hereby adopted by reference as though fully set forth herein a schedule of deposits, a copy of which is attached hereto and made a part hereof. Deposits shall be in cash, money order or certified check to the City Clerk, an authorized employee of the Platteville Police Department, or the Clerk of Courts for Grant County, Wisconsin, who shall provide a receipt therefor.
  - (e) The following persons are hereby authorized to issue citations under this section: Any law enforcement officer employed by the City of Platteville, the City Code Enforcement Officer, the City Building Inspector, the City Health Officer, the City Fire Chief and all fire inspectors acting under his direction.
  - (f) Section 66.119(3), Wisconsin Statutes, is hereby adopted and incorporated herein by reference.
  - (g) This section does not preclude the Common Council from adopting any other ordinance or providing for the enforcement of any law or ordinance relating to the same or other matter. The issuance of a citation hereunder shall not preclude the City of Platteville or any authorized officer thereof from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order. (See Schedule following pages)

### **SCHEDULE OF CASH DEPOSITS**

#### **PREAMBLE FOR FORFEITURE AND MISDEMEANOR BAIL SCHEDULES**

- I. All persons arrested for a violation of a municipal forfeiture shall be released from custody without a cash bond.

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- II. Persons may only be placed in the County Jail in relation to an arrest for a state crime or in accordance with an arrest for "Operating a Motor Vehicle While Under the Influence of an Intoxicant".
- III. The accused may be issued a citation either in the field or at any police or sheriff's department pursuant to ss.968.085(2) and 345.11, Wisconsin Statutes and may be subject to identification/booking procedures under s.165.83.
- IV. Court costs, penalty assessments, surcharges and any other costs as established by law shall be added to each deposit set forth in the Schedule of Cash Deposits.

**Chapter 3 – City Administration**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
3.35(1)1. Operating Without a Permit	\$100	\$300	\$500
3.35(k) Confidentiality	\$150	\$300	\$500

**Chapter 4 – Streets, Alleys and Sidewalks**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 4	\$ 50	\$100	\$150

**Chapter 5 – Health**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 5	\$ 50	\$100	\$150

**Chapter 6 – Animals**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
6.01 Dog Licenses	\$ 10	\$ 25	\$ 50
All Other Violations of Chapter 6	\$ 50	\$100	\$150

**Chapter 7 – Water System Regulations**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 7	\$ 50	\$100	\$150

**Chapter 10 – Urban Forestry**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 10	\$ 50	\$100	\$150

**Chapter 22 – Zoning**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 22	\$ 50	\$100	\$150

**Chapter 23 – Building Code**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 23	\$ 50	\$100	\$150

**Chapter 24 – Fire Prevention**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 24	\$ 50	\$100	\$150

**Chapter 25 – Extraterritorial Zoning**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 25	\$ 50	\$100	\$150

**Chapter 31 – Licenses**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
31.20 through 31.22	\$ 10	\$ 25	\$ 50
31.25	\$200	\$300	\$400
All Other Violations of Chapter 31	\$ 50	\$100	\$150

**Chapter 33 – Rental Code**

	Offenses within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All violations of Chapter 33	\$100	\$150	\$200



**Chapter 36 – Intoxicating Liquor, Fermented Malt Beverages  
And Other Beverages**

The cash deposit permitted for violations of Chapter 36 shall be as set forth in Wisconsin Revised Deposit Schedules adopted by the Wisconsin Judicial Conference, or if not specified therein, as follows:

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
36.15 Intoxicants in Public Places	\$ 20	\$ 30	\$ 50
All Other Violations of Chapter 36	\$100	\$300	\$500

In addition to the money penalties set forth above, for the second and all subsequent violations of Chapter 36 within any 12 month period there shall be a mandatory suspension of all Class A and Class B licenses which shall be imposed by the Court. The periods of suspension are as follows:

Second Violation Within One Year	3 days
Third Violation Within One Year	7 days
Fourth Violation Within One Year	15 days
All Subsequent Violations Within One Year	30 to 90 days

**Chapter 38 – Traffic**

The cash deposit permitted for violations of Chapter 38 shall be as set forth in the Wisconsin Revised Deposit Schedules adopted by the Wisconsin Judicial Conference, or if not specified therein, as follows:

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Other Violations of Chapter 38	\$100	\$300	\$500

**Chapter 39 – Parking**

	Notices Sent to Violator		
	1 <sup>st</sup>	2 <sup>nd</sup>	State
39.01(2) Handicapped Parking	\$ 50	\$ 75	\$ 80
39.01(3) Parking Within 10 Feet of a Fire Hydrant	\$ 50	\$ 75	\$ 80
39.07 Limited Time Parking	\$ 20	\$ 30	\$ 35
39.20 Permit Parking Regulations *plus towing expenses	\$ 50	\$ 50*	\$ 50*
39.21 Parking Permits	\$ 50	\$ 50	\$ 50
All Other Violations of Chapter 39	\$ 20	\$ 30	\$ 35

For Uniform Traffic and Non-Traffic Citations:	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
39.16 Parking of Junked/Unlicensed Vehicle	\$100	\$175	\$300
39.21(3) Sale or Unauthorized Use of Resident Permit	\$150	\$150	\$150

**Chapter 41 – Disorderly Conduct**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
41.01(1) Discharge & Use of Dangerous Weapon	\$ 50	\$100	\$150
41.01(2) Throwing or Shooting Arrows or Missiles	\$ 50	\$100	\$150
41.01(3) Sale & Discharge of Fireworks	\$ 50	\$100	\$150
41.01(5) Misuse of 911 Emergency Services	\$100	\$150	\$200
41.02(4) Public Intoxication Prohibited	\$100	\$300	\$500
41.03(1) Curfew	\$ 50	\$100	\$150
41.03(2) Urinating/Defecating in Public Prohibited	\$ 30	\$100	\$150
41.04(1) Trespass	\$ 50	\$100	\$150
41.04(2) Littering	\$ 50	\$100	\$150
41.04(3) Use of Public Parks	\$ 50	\$100	\$150
41.04(4) Firearms and Dangerous Weapons in Public Buildings	\$150	\$300	\$500
41.05(13) Possession and Display of Concealed Carry License	\$ 25	\$ 25	\$ 25
41.05(14) Failure to Notify Department of Address Change	\$ 50	\$ 50	\$ 50
41.05(31) Fraud on Hotel or Restaurant Keeper (Less than \$5.00)	\$ 50	\$100	\$150
41.05(36) Retail Theft (Less than \$5.00)	\$ 50	\$100	\$150
41.05(51) 938.983 Purchase or Possession of Tobacco Products Prohibited	\$ 10	\$ 20	\$ 30
41.05(52) Contact Prohibition	\$500	\$750	\$1,000
41.11 Return and Possession of Library Material	\$ 25	\$ 50	\$100
	Offenses Within One Year		
	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>
41.12 False Alarms	\$ 25	\$ 50	\$100
	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
41.13 Aggressive Panhandling Prohibited	\$100	\$300	\$500
41.14 Clean Indoor Air	\$ 10		
41.15 Restrictions on Sale or Gift of Cigarettes or Tobacco Products	\$ 50	\$100	\$200
41.17 Damage or Removal of Traffic Signs	\$ 25	\$ 50	\$100
41.18(1) and (2) Possession of Marijuana or Other Controlled Substances	1 <sup>st</sup> Offense Only \$200		

(Chapter 41 continued on next page)

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	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
41.18(3) Possession, Manufacture or Delivery of Drug Paraphernalia (17 years of age or older)	\$100	\$300	\$500
(under 17 years of age)	\$ 50	\$100	\$500
All Other Violations of Chapter 41	\$100	\$300	\$500

**Chapter 42 – Municipal Airport**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 42	\$100	\$300	\$500

**Chapter 46 – Construction Site Erosion and Sediment Control**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 46	\$100	\$300	\$500

**Chapter 47 – Post-Construction Storm Water Management**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 47	\$100	\$300	\$500

**Chapter 48 – Storm Sewer Illicit Discharge and Connection**

	Offenses Within One Year		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
All Violations of Chapter 48	\$100	\$500	\$1000

**1.11 COPIES ON FILE.** Copies of this code shall be kept on file and open to public inspection in the office of the City Clerk.

## CHAPTER 2

### COMMON COUNCIL

**2.01 ALDERMANIC DISTRICTS.** The City of Platteville is hereby redivided, redistricted and reapportioned into four (4) Aldermanic Districts for the purpose of electing Alderpersons to the Common Council to represent the respective districts. Such Aldermanic Districts are as follows:

**Aldermanic District #1:** Beginning at the intersection of the centerlines of East US Business Highway 151 and Valley Road thence northerly along the centerline of Valley Road to the centerline of Lilly St; thence westerly and northerly along the centerline of Lilly Street to the centerline of East Pine Street; thence easterly along the centerline of East Pine Street to the centerline of Cora Street; thence northerly along the centerline of Cora Street to the centerline of East Main Street; thence westerly to the centerline of Broadway Street; thence northeasterly along the centerline of Broadway Street to the centerline of East Furnace Street; thence westerly along the centerline of East Furnace Street to the centerline of Lutheran Street; thence northerly along the centerline of Lutheran Street to the centerline of Stevens Street; thence northwesterly along the centerline of Stevens Street to the centerline of North Water Street; thence northerly along the centerline of North Water Street to the centerline of East Lewis Street; thence westerly along the centerline of East Lewis Street to the centerline of North Fourth Street; thence northerly along the centerline of North Fourth Street to the centerline of Ridge Avenue; thence westerly along the centerline of Ridge Avenue to the intersection of Karla Street; thence northerly along the centerline of Karla Street to the intersection of West Golf Drive; thence easterly and northerly along the centerline of West Golf Drive to the northerly city limits; thence easterly and southerly along the northern and eastern city limits to the centerline of East US Business Highway 151; thence westerly and southwestwesterly along the centerline of East US Business Highway 151 to the point of beginning.

**Aldermanic District #2:** Beginning at the intersection of the centerlines of East & West Lewis Streets and North Fourth Street thence northerly along the centerline of North Fourth Street to the intersection of Ridge Avenue; thence westerly along the centerline of Ridge Avenue to the intersection of Karla Street; thence northerly along the centerline of Karla Street to the intersection of West Golf Drive; thence easterly and northerly along the centerline of West Golf Drive to the northerly city limits; thence westerly and southerly along the northern city limits to the centerline of West Main Street; thence southeasterly along the centerline of West Main Street to the intersection of North College Drive; thence southerly along the centerline of North College Drive to the intersection of University Plaza; thence easterly along the centerline of University Plaza to the northern boundary of the University of Wisconsin-Platteville; thence northeasterly along the northern boundary of the University of Wisconsin-Platteville to the centerline of West Main Street; thence easterly along the centerline of West Main Street to the intersection of North Hickory Street; thence northerly

along the centerline of North Hickory Street to the intersection of West Market Street; thence easterly along the centerline of West Market Street to the intersection of North Elm Street; thence northerly along the centerline of North Elm Street to the intersection of West Lewis Street; thence easterly along the centerline of West Lewis Street to the point of beginning.

**Aldermanic District #3:** Beginning at the intersection of the centerlines of North & South Hickory Streets and West Main Street thence southerly along the centerline of South Hickory Street to the intersection of Southwest Road; thence southwesterly along the centerline of Southwest Road to the intersection of Markee Avenue; thence southerly along the centerline of Markee Avenue to the southern city limits; thence southerly, westerly, northerly, and easterly along the southern and western city limits to the centerline of West Main Street; thence southeasterly along the centerline of West Main Street to the centerline of North College Drive; thence southerly along the centerline of North College Drive to the centerline of University Plaza; thence easterly along the centerline of University Plaza to the northern boundary of the University of Wisconsin-Platteville; thence northeasterly along the northern boundary of the University of Wisconsin-Platteville to the centerline of West Main Street; thence easterly along the centerline of West Main Street to the point of beginning.

**Aldermanic District #4:** Beginning at the intersection of the centerlines of North Elm Street and West Market Street thence westerly along the centerline of West Market Street to the intersection of North Hickory Street; thence southerly along the centerline of North Hickory Street to the intersection of South Hickory Street; thence southerly along the centerline of South Hickory Street to the intersection of Southwest Road; thence westerly along the centerline of Southwest Road to the intersection of Markee Avenue; thence southerly along the centerline of Markee Avenue to the southern city limits; thence easterly and northerly along the city limits to the centerline of East US Business Highway 151; thence westerly along the centerline of East US Business Highway 151 to the intersection of Valley Road; thence northerly along the centerline of Valley Road to the intersection of Lilly St; thence westerly and northerly along the centerline of Lilly Street to the intersection of East Pine Street; thence easterly along the centerline of East Pine Street to the intersection of Cora Street; thence northerly along the centerline of Cora Street to the intersection of East Main Street; thence westerly to the centerline of Broadway Street; thence northeasterly along the centerline of Broadway Street to the intersection of East Furnace Street; thence westerly along the centerline of East Furnace Street to the intersection of Lutheran Street; thence northerly along the centerline of Lutheran Street to the intersection of Stevens Street; thence northwesterly along the centerline of Stevens Street to the intersection of North Water Street; thence northerly along the centerline of North Water Street to the intersection of East Lewis Street; thence westerly along the centerline of East Lewis Street to the intersection of West Lewis Street; thence westerly along the centerline of West Lewis Street to the intersection of North Elm Street; thence southerly along the centerline of North Elm Street to the point of beginning. Also including non-contiguous property commencing at the Northwest corner of said Section Thirty-Six (36), said point begin the point of beginning; thence  $S00^{\circ}03'53''E$  96.31 feet, more or less, along the West line of the Northwest Quarter ( $NW \frac{1}{4}$ ) of said Section Thirty-Six (36); thence  $S34^{\circ}51'24''E$  1,159.83 feet, more or less; thence continuing  $S34^{\circ}51'24''E$  754.30 feet, more or less; thence  $N00^{\circ}35'19''W$  248.83 feet, more or less; thence  $S89^{\circ}16'42''E$  1,506.64 feet, more or less, to the West right-of-way of

S.T.H. 80-81; thence  $S00^{\circ}11'00''E$  2,224.48 feet, more or less, along the West right-of-way of said S.T.H. 80-81; thence  $S00^{\circ}01'52''W$  373.89 feet, more or less, along the West right-of-way of said S.T.H. 80-81; thence  $S69^{\circ}08'20''W$  1,371.46 feet, more or less; thence  $N44^{\circ}46'58''W$  317.41 feet, more or less; thence  $N34^{\circ}51'24''W$  645.28 feet, more or less; thence  $S85^{\circ}50'29''W$  1,333.02 feet, more or less; thence  $S68^{\circ}16'28''W$  1,849.41 feet, more or less; thence  $N21^{\circ}43'32''W$  601.46 feet, more or less; thence  $N68^{\circ}16'28''E$  1,355.45 feet, more or less, to the West line of the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section Thirty-Five (35); thence  $N00^{\circ}10'03''W$  865.75 feet, more or less, along the West line of the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section Thirty-Five (35) to the Northwest corner thereof; thence West 1,291.97 feet, more or less, along the South line of the Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section Thirty-Five (35) to the Southwest corner thereof; thence North 5,254.46 feet, more or less, along the West line of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section Thirty-Five (35) and the West line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section Twenty-Six (26) to the Northwest corner of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section Twenty-Six (26); thence East along the North line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section Twenty-Six (26) to the Northeast corner thereof; thence South along the East line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section Twenty-Six (26) to the Northerly line of the parcel described in Volume 1143 and Page 079; thence West 33 feet, more or less; thence South 382.4 feet, more or less; thence  $N87^{\circ}34'W$  561.9 feet, more or less; thence South 637.4 feet, more or less; thence  $S79^{\circ}06'E$  117 feet, more or less; thence  $S66^{\circ}53'E$  86.3 feet, more or less; thence  $N87^{\circ}35'E$  367.5 feet, more or less, to the East line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section Twenty-Six (26); thence  $S00^{\circ}40'17''E$  843.10 feet, more or less, along the East line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section Twenty-Six (26) to the Southeast corner thereof and the point of beginning.

**ELECTION WARDS.** To provide for the orderly administration of elections within the City of Platteville, the City of Platteville is hereby divided, districted and apportioned into nine (9) election wards as follows:

**Election Ward One:** Beginning at the intersection of the centerlines of East US Business Highway 151 and Valley Road thence northerly along the centerline of Valley Road to the centerline of Lilly St; thence westerly and northerly along the centerline of Lilly Street to the centerline of East Pine Street; thence easterly along the centerline of East Pine Street to the centerline of Cora Street; thence northerly along the centerline of Cora Street to the centerline of East Main Street; thence westerly to the centerline of Broadway Street; thence northeasterly along the centerline of Broadway Street to the centerline of East Furnace Street; thence westerly along the centerline of East Furnace Street to the centerline of Lutheran Street; thence northerly along the centerline of Lutheran Street to the centerline of Stevens Street; thence northwesterly along the centerline of Stevens Street to the centerline of North Water Street; thence northerly along the centerline of North Water Street to the intersection of East Lewis Street; thence westerly along the centerline of East Lewis Street to the intersection of North Fourth Street; thence northerly along the centerline of North Fourth Street to the intersection of East Dewey Street; thence easterly along the centerline of East Dewey Street to the intersection of North Second Street; thence northerly along the centerline of North Second Street to the intersection of East Madison Street; thence easterly

along the centerline of East Madison Street to the intersection of Jefferson Street; thence northerly along the centerline of Jefferson Street to the intersection of Sowden Street; thence easterly along the centerline of Sowden Street to the intersection of North Water Street; thence northerly along the centerline of North Water Street to the intersection of Fairfield Drive; thence easterly along the centerline of Fairfield Drive to the intersection of Cody Parkway; thence northerly along the centerline of Cody Parkway to the intersection of Northside Drive; thence easterly along the centerline of Northside Drive to the northerly city limits; thence westerly and southerly along the northern and eastern city limits to the centerline of East US Business Highway 151; thence westerly and southwesterly along the centerline of East US Business Highway 151 to the point of beginning.

**Election Ward Two:** Beginning at the intersection of the centerlines of North Fourth Street and Ridge Avenue thence westerly along the centerline of Ridge Avenue to the intersection of Karla Street; thence northerly along the centerline of Karla Street to the intersection of West Golf Drive; thence easterly and northerly along the centerline of West Golf Drive to the northerly city limits; thence easterly and southerly along the northern city limits to the centerline of Northside Drive; thence westerly along Northside Dr to the intersection of Cody Parkway; thence southerly along the centerline of Cody Parkway to the intersection of Fairfield Drive; thence westerly along the centerline of Fairfield Drive to the intersection of North Water Street; thence southerly along the centerline of North Water Street to the intersection of Sowden Street; thence westerly along the centerline of Sowden Street to the intersection of Jefferson Street; thence southerly along the centerline of Jefferson Street to the intersection of East Madison Street; thence westerly along the centerline of East Madison Street to the intersection of North Second Street; thence southerly along the centerline of North Second Street to the intersection of East Dewey Street; thence westerly along the centerline of East Dewey Street to the intersection of North Fourth Street; thence northerly along North Fourth Street to the point of beginning.

**Election Ward Three:** Beginning at the intersection of the centerlines of North Fourth Street and Ridge Avenue thence westerly along the centerline of Ridge Avenue to the intersection of Karla Street; thence northerly along the centerline of Karla Street to the intersection of West Golf Drive; thence easterly and northerly along the centerline of West Golf Drive to the northerly city limits thence westerly and southerly along the northern city limits to the centerline of Eighth Avenue; thence southerly along the centerline of Eighth Avenue to the intersection of Ridge Avenue; thence westerly along Ridge Avenue to the intersection of North Lancaster Street; thence southerly along the centerline of North Lancaster Street to the intersection of North Washington Street; thence southerly along the centerline of North Washington Street to the intersection of West Main Street; thence easterly along the centerline of West Main Street to the intersection of North Hickory Street; thence northerly along the centerline of North Hickory Street to the intersection of West Market Street; thence easterly along the centerline of West Market Street to the intersection of North Elm Street; thence northerly along the centerline of North Elm Street to the intersection of West Lewis Street; thence easterly along the centerline of West Lewis Street to the intersection of North Fourth Street; thence northerly along the centerline of North Fourth Street to the point of beginning.

**Election Ward Four:** Beginning at the intersection of West Main Street and North Washington Street thence northerly along the centerline of North Washington Street to the intersection of North Lancaster Street; thence northerly along the centerline of North Lancaster Street to the intersection of Ridge Avenue; thence easterly along the centerline of Ridge Avenue to the intersection of Eighth Avenue; thence northerly along the centerline of Eighth Avenue to the northerly city limits; thence westerly and southerly along the northern and western city limits to the centerline of West Main Street; thence southeasterly along the centerline of West Main Street to the centerline of North College Drive; thence southerly along the centerline of North College Drive to the centerline of University Plaza; thence easterly along the centerline of University Plaza to the northern boundary of the University of Wisconsin-Platteville; thence northeasterly along the northern boundary of the University of Wisconsin-Platteville to the centerline of West Main Street; thence easterly along the centerline of West Main Street to the point of beginning.

**Election Ward Five:** Beginning at the intersection of the centerlines of West Main Street and North College Drive thence southerly along the centerline of North College Drive to the intersection of College Drive; thence westerly and southerly along the centerline of College Drive to the intersection of Greenwood Avenue; thence easterly along the centerline of Greenwood Avenue to the intersection of Longhorn Drive; thence southerly along the centerline of Longhorn Drive to the intersection of Southwest Road; thence westerly along the centerline of Southwest Road to the western city limits; thence northerly, westerly, and easterly along the western city limits to the centerline of West Main Street; thence westerly along the centerline of West Main Street to the point of beginning.

**Election Ward Six:** Beginning at the intersection of the centerlines of College Drive and North College Drive thence southerly along the centerline of North College Drive to the centerline of University Plaza; thence easterly along the centerline of University Plaza to the northern boundary of the University of Wisconsin-Platteville; thence northeasterly along the northern boundary of the University of Wisconsin-Platteville to the centerline of West Main Street; thence easterly along the centerline of West Main Street to the intersection of North and South Hickory Streets; thence southerly along the centerline of South Hickory Street to the intersection of Southwest Road; thence westerly along the centerline of Southwest Road to the intersection of Markee Avenue; thence southerly along the centerline of Markee Avenue to the southern city limits; thence southerly, westerly, and northerly along the southern and western city limits to the centerline of Southwest Road; thence easterly along the centerline of Southwest Road to the intersection of Longhorn Drive; thence northerly along the centerline of Longhorn Drive to the intersection of Greenwood Avenue; thence westerly along the centerline of Greenwood Avenue to the intersection of College Drive; thence northerly and easterly along the centerline of College Drive to the point of beginning.

**Election Ward Seven:** Beginning at the intersection of the centerlines of South Water Street and East Pine Street thence northerly along the centerline of South Water Street to the intersection of East Main Street; thence easterly along the centerline of East Main Street to the intersection of Broadway Street; thence northeasterly along the centerline of Broadway Street to the intersection of East Furnace Street; thence westerly along the centerline of East Furnace Street to the intersection of Lutheran Street; thence northerly



along the centerline of Lutheran Street to the intersection of Stevens Street; thence northwesterly along the centerline of Stevens Street to the intersection of North Water Street; thence northerly along the centerline of North Water Street to the intersection of East Lewis Street; thence westerly along the centerline of East Lewis Street to the intersection of West Lewis Street; thence westerly along the centerline of West Lewis Street to the intersection of North Elm Street; thence southerly along the centerline of North Elm Street to the intersection of West Market Street; thence westerly along the centerline of West Market Street to the intersection of North Hickory Street; thence southerly to the intersection of South Hickory street; thence southerly along the centerline of South Hickory Street to the intersection of Southwest Road; thence northerly and easterly along the centerline of Southwest Road to the intersection of West Pine Street; thence easterly along the centerline of West Pine Street to the intersection of East Pine Street; thence easterly along the centerline of East Pine Street to the point of beginning.

**Election Ward Eight:** Beginning at the intersection of the centerlines of West Pine Street and Southwest Road thence southerly along the centerline of Southwest Road to the intersection of Markee Avenue; thence southerly along the centerline of Markee Avenue to the southern city limits; thence easterly and northerly along the southern and eastern city limits to the centerline of East US Business Highway 151; thence westerly and southwesterly along the centerline of East US Business Highway 151 to the intersection of Valley Road; thence northerly along the centerline of Valley Road to the intersection of Lilly St; thence westerly and northerly along the centerline of Lilly Street to the intersection of East Pine Street; thence easterly along the centerline of East Pine Street to the intersection of Cora Street; thence northerly along the centerline of Cora Street to the intersection of East Main Street; thence westerly to the intersection of South Water Street; thence southerly along the centerline of South Water Street to the intersection of East Pine Street; thence westerly along the centerline of East Pine Street to the point of beginning.

**Election Ward Nine:** Commencing at the Northwest corner of said Section Thirty-Six (36), said point begin the point of beginning; thence  $S00^{\circ}03'53''E$  96.31 feet, more or less, along the West line of the Northwest Quarter (NW  $\frac{1}{4}$ ) of said Section Thirty-Six (36); thence  $S34^{\circ}51'24''E$  1,159.83 feet, more or less; thence continuing  $S34^{\circ}51'24''E$  754.30 feet, more or less; thence  $N00^{\circ}35'19''W$  248.83 feet, more or less; thence  $S89^{\circ}16'42''E$  1,506.64 feet, more or less, to the West right-of-way of S.T.H. 80-81; thence  $S00^{\circ}11'00''E$  2,224.48 feet, more or less, along the West right-of-way of said S.T.H. 80-81; thence  $S00^{\circ}01'52''W$  373.89 feet, more or less, along the West right-of-way of said S.T.H. 80-81; thence  $S69^{\circ}08'20''W$  1,371.46 feet, more or less; thence  $N44^{\circ}46'58''W$  317.41 feet, more or less; thence  $N34^{\circ}51'24''W$  645.28 feet, more or less; thence  $S85^{\circ}50'29''W$  1,333.02 feet, more or less; thence  $S68^{\circ}16'28''W$  1,849.41 feet, more or less; thence  $N21^{\circ}43'32''W$  601.46 feet, more or less; thence  $N68^{\circ}16'28''E$  1,355.45 feet, more or less, to the West line of the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section Thirty-Five (35); thence  $N00^{\circ}10'03''W$  865.75 feet, more or less, along the West line of the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section Thirty-Five (35) to the Northwest corner thereof; thence West 1,291.97 feet, more or less, along the South line of the Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section Thirty-Five (35) to the Southwest corner thereof; thence North 5,254.46 feet, more or less, along the West

line of the Northeast Quarter (NE ¼) of said Section Thirty-Five (35) and the West line of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26) to the Northwest corner of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26); thence East along the North line of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26) to the Northeast corner thereof; thence South along the East line of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26) to the Northerly line of the parcel described in Volume 1143 and Page 079; thence West 33 feet, more or less; thence South 382.4 feet, more or less; thence N87°34'W 561.9 feet, more or less; thence South 637.4 feet, more or less; thence S79°06'E 117 feet, more or less; thence S66°53'E 86.3 feet, more or less; thence N87°35'E 367.5 feet, more or less, to the East line of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26); thence S00°40'17"E 843.10 feet, more or less, along the East line of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26) to the Southeast corner thereof and the point of beginning.

**COUNTY SUPERVISORY DISTRICTS.** For the purpose of electing county supervisors to represent the residents of the City of Platteville, the City of Platteville is hereby divided, districted and apportioned into into five (5) county supervisory districts, numbered 10, 11, 12, 13, and 15 as follows:

**County Supervisory District #10:** Encompasses Aldermanic District #1 (Wards 1 & 2)

**County Supervisory District #11:** Encompasses Aldermanic District #2 (Wards 3 & 4)

**County Supervisory District #12:** Encompasses Aldermanic District #3 (Wards 5 & 6)

**County Supervisory District #13:** Includes all of Aldermanic District #4 within the contiguous City limits (Wards 7 & 8)

**County Supervisory District #15:** Includes all of Aldermanic District #4 outside the contiguous City limits - Platteville Municipal Airport (Ward 9)

## 2.02 REPEALED (72-39)

**2.03 POLLING PLACES.** (1) The following named places in the City are hereby provided and designated as the legal polling places at which to hold all elections held under provision of law in the City. The following polling places shall be open from 7:00 a.m. to 8:00 p.m. for all elections.

- (a) The polling place for the electors of the First, Second, Third, and Fourth, Wards shall be in the Broske Center building located at 400 Pitt Street.
- (b) The polling place for the electors of the Fifth, Sixth, Seventh, Eighth, and Ninth Wards shall be in Ullsvik Hall on the UW-Platteville Campus.

**2.04 COUNCIL RULES.** The following rules of order and procedure shall govern the deliberations and meetings of the Common Council and of the committees thereof:

**Rule 1.** Following a regular City election, the Council shall meet on the third Tuesday in April for the purpose of organization. Regular meetings of the Council shall be

## CHAPTER 2 Common Council

held on the second Tuesday and fourth Tuesday of each calendar month at the hour of 6:00 PM. Any regular meeting falling upon a legal holiday shall be held on the next following secular day at the same hour and place, unless changed by a majority vote of the members elect of the Common Council. All meetings of the Council, including special and adjourned meetings, shall be held within a municipal facility unless changed by a majority vote of the members elect of the Common Council for any specific meeting. All meetings of the Council and Plan Commission shall occur in person. In the event an Alderperson or Plan Commission Member is unable to attend in person they will be allowed to attend by either teleconference or video conference twice per year.

**Rule 2.** Special meetings may be called by the Council President or by any two Alderpersons or by the City Manager upon written or electronic notice of the time and purpose thereof to each member of the Council, delivered to each personally or left at the Alderperson's usual place of abode at least six hours before the meeting. The Clerk shall cause an affidavit of service of each notice to be filed in the Clerk's office prior to the time fixed for such special meeting. A special meeting may be held without such notice when all members of the Council are present in person or consent in writing to the holding of such a meeting. If written consent is obtained, it shall be filed with the Clerk prior to the beginning of the meeting. Attendance by any Council Member shall be deemed a waiver on the person's part of any defective notice. Any special meeting attended by all Alderpersons shall be a regular meeting for the transaction of any business that may come before such meeting.

**Rule 3.** (a) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

(b) No action shall be taken unless a quorum is present.

(c) As provided by Section 64.07(3) of the Wisconsin Statutes, four members of the council physically present within the Council Chambers or assigned meeting room shall constitute a quorum for the transaction of business, and a majority vote of all the members of the Council must vote in favor of the following for such actions to be binding of the entire council:

1. A confirmation.
2. Ordinances and Resolutions.
3. Real estate transactions.
4. Appropriating and/or obligating the City.

**Rule 4.** The business of the Council shall be conducted in the following order:

1. Call to order by Presiding Officer.
2. Roll Call. If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specific date pursuant to rule 3(a).
3. Public Hearings, if any.

4. Special Presentations, if any.
5. Consideration of the minutes of the preceding meeting or meetings which have been furnished by the Clerk to each Alderperson and approving the same if correct and rectifying mistakes, if any exist, and other routine business.
6. Consideration of the minutes and other routine business of the Common Council may be combined into a Consent Agenda. Any member may request the Council President to remove an item from the Consent Agenda for a separate vote. This request shall be granted as a courtesy and is not subject to debate or vote. Items removed from the Consent Agenda will be considered directly following action on the Consent Agenda.
7. Citizens' Comments, Observations and Petitions, if any.
8. Reports of committees, if any, and reports of City officials and department heads as directed or requested by the City Manager or the Common Council.
9. Action Items.
10. Information and Discussion Items.
11. Work Session.
12. Closed Session.
13. Adjournment. In the absence of the Clerk, the Presiding Officer shall appoint a Clerk pro tempore.

**Rule 5.** The Presiding Officer at the stated hour shall call the meeting to order. The Presiding Officer shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order Newly Revised, unless otherwise provided by statute or by these rules. Any member shall have the right of appeal from a decision of the Presiding Officer. The appeal may be sustained by a majority of the members present, exclusive of the Presiding Officer.

**Rule 6.** If the Council President is absent at the designated time of any meeting, the Council President Pro-tempore shall preside and during the absence or inability of the Council President to attend, shall have the powers and duties of the Council President. The Council President shall be selected by a majority vote of all members of the Council at the annual meeting on the third Tuesday of April. The Council President shall designate and appoint the Council President Pro-tempore at or before the first regular meeting in May of each year and such appointment shall be until the next annual meeting of the Council on the third Tuesday of April. The Council President Pro-tempore shall act in the absence of

the Council President. In the absence of both the Council President and the Council President Pro-tempore, the Clerk shall call the meeting to order and shall preside until the Council shall, by motion, select an acting Council President for that meeting. In such a case, the selection of an acting Council President shall be the first order of business.

**Rule 7.** Whenever the Council President desires to speak upon any question, or to make any motion, the Council President shall not be required to vacate the chair to do so, but may, if he desires, vacate the chair for such portion of the proceedings as the Council President shall designate and shall designate the Council President Pro-tempore, if present and if not, any Alderperson, to preside temporarily.

**Rule 8.** (a) The number and designation of Council committees and the number of members on each shall be as directed by the Council President at the regular meeting in May of each year and the chairperson of each committee shall be as designated by the Council President.

(b) The Council President may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose and shall be ex-officio chairperson of same; provided there is no objection by anyone of the Alderpersons present at the meeting.

(c) The Council President may, from time to time, appoint such special committees as may be deemed advisable or as provided for by motion or resolution, stating the number of members and object thereof, to perform such duties as may be assigned to them.

**Rule 9.** (a) Any Alderperson may require the reading of any ordinance, resolution, or communication at any time it is before the Council.

(b) All bills and other financial claims against the City shall be itemized and upon receipt thereof shall be examined by the City Manager and the Comptroller and then referred by the Comptroller to an appropriate committee, board or commission for report thereon at the ensuing meeting of the Council, provided that payment of regular wages and salaries of officials and employees according to schedules adopted by the Council shall be made by the Comptroller without submission to the Council after verification by the department head submitting the same and after approval of the Comptroller. As to officials or employees not within any specific department of the City, the above required verification by the department head may be omitted.

(c) Each committee shall at the next regular Common Council meeting submit either a written or an oral report on all matters referred to it, unless a longer time is granted by vote of the Council, and such report shall be entered in the proceedings. Such report shall make a recommendation to the Council on each item, shall, if in writing, be signed by the chairperson of the committee and shall be filed with the Clerk prior to each meeting. Minority reports may be submitted. Any Alderperson may examine

## CHAPTER 2 Common Council

all bills and financial claims against the City and refer any questions to the Comptroller.

(d) Any committee, board or commission may require the City Manager, Department Director or Comptroller to confer with it and supply information needed in connection with any matter pending before the committee.

**Rule 10.** (Repealed)

**Rule 11.** No ordinance or resolution shall be considered by the Council unless presented in writing by the Council President, Alderperson, City Manager, or any other Department Director.

**Rule 12.** The deliberation of the Council shall be conducted in the following matter:

1. No Alderperson shall address the Council until recognized by the Presiding Officer. The Alderperson shall thereupon address all remarks to the Chairperson and confine all remarks to the question under discussion and avoid all personalities.
2. When two or more members simultaneously seek recognition, the Presiding Officer shall name the member who is to speak first.
3. No person other than a member shall address the Council except that with the permission of the Presiding Officer. Citizens may address the Council as to matters which are being considered at the time and further excepting that citizens may be allowed to address the Council otherwise upon a majority vote of all members present.
4. No notice shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
5. When a question is under discussion no action shall be in order, except (1) to adjourn, (2) to recess, (3) to lay on the table, (4) to move the previous question, (5) to postpone to a certain day, (6) to refer to a committee, (7) amend, (8) to postpone indefinitely. These motions shall have precedence in the order listed.
6. Any member wishing to terminate the debate may move the previous question, in which event the Presiding Officer shall announce the question as, "Shall the main question now be put?" If two-thirds of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and to bring the Council to a direct vote, first upon any pending amendments, and then upon the main question.

## CHAPTER 2 Common Council

7. All votes of the Common Council shall be by voice, with a roll call by the Clerk, using aye and nay, and all aye and nay votes shall be recorded by the Clerk. No Alderperson may change their vote on any question after the result has been announced. Except as otherwise provided by the Wisconsin Statutes or by ordinance, a majority of those present shall prevail in all cases.
8. A motion to adjourn shall always be in order, and a motion to adjourn, to recess, to lay on the table, and a call for the previous question shall be decided without debate.

**Rule 13.** All ordinances, motions or resolutions appropriating money or creating any charge against the City other than payment of claims for purchases or work previously authorized by the Council shall be acted upon by the Council at the next regular meeting, except that this provision may be suspended by recorded vote of three-fourths of all members of the Council. This rule does not pertain to items contained within the “consent calendar”.

**Rule 14.** A matter that was voted on can be brought back again through a motion to reconsider. This motion must be made either on the same day after the original motion was voted on or at the next succeeding regular Common Council meeting. The motion to reconsider may be made and seconded only by members who voted on the prevailing side of the original vote (such as someone who voted “yes” if the motion has passed or voted “no” if the motion was defeated.) The making of the motion to reconsider takes precedence over all other motions. It is not, however, considered at the time it is made if other business is pending. If the motion could not be considered at the time it is made, a member could call up the motion to reconsider when it is appropriate to do so.

**Rule 15.** After each meeting of the Common Council and prior to the next regular meeting of the Common Council, the Clerk shall supply to each Alderperson an electronically created copy of the proceedings or, if requested, at their residence a printed copy of the proceedings thereof. By majority action of those present the Council may dispense with the reading of the minutes at the ensuing meeting.

**Rule 16.** These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

**Rule 17.** The assent of two-thirds of all the members of the Council shall be required to amend these rules or any part thereof.

**2.05 COUNCIL SALARIES.** (a) Each duly elected and qualified Alderperson of the City of Platteville, with the exception of the Council President, shall receive an annual salary as set by the Common Council from time to time. Such salaries shall be paid out of the City Treasury in monthly installments.

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- (b) The Common Council President shall receive an annual salary as set by the Common Council from time to time. Such salary shall be paid out of the City Treasury in monthly installments.
- (c) Each duly elected and qualified Alderperson of the City of Platteville, including the Council President, shall receive an annual salary in the sum of \$0, effective for terms commencing on or after April 18, 2017.



**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 3, CITY ADMINISTRATION  
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## **CHAPTER 3**

### **CITY ADMINISTRATION**

**3.01 POLICE DEPARTMENT.** The police force of the City of Platteville shall consist of the Chief of Police and such number of subordinates as may be authorized by the Council.

**3.02 FIRE DEPARTMENT.** The Fire Department of the City is hereby established, and shall consist of such members, officers and employees as shall be authorized from time to time by the Common Council, or by the rules and regulations or bylaws of the department approved by the Council.

**3.03 REPEALED (74-14)**

**3.04 CONSTABLES.** The office of Constable is hereby abolished.

**3.05 ASSESSOR.** The City Assessor shall be appointed by the Council for a period of one year commencing on January 1 of each year in accordance with a charter ordinance adopted by the Council on July 22, 1986. (See Appendix for text)

**3.06 ENGINEER ABOLISHED.** The office of City Engineer is hereby abolished.

**3.07 STREET COMMISSIONER ABOLISHED.** The office of Street Commissioner is hereby abolished, and the duties of such office shall be performed by the Director of Public Works.

**3.08 DIRECTOR OF PUBLIC WORKS, CREATION.** (a) Position Created. There is hereby created the position of Director of Public Works for the City of Platteville.

(b) Selection. The Director of Public Works should be selected by the Common Council upon recommendation of the City Manager. Selection shall be made solely on merit upon the basis of training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.

(c) Term. The Director of Public Works shall serve a one year probation period immediately after hiring and shall not become a regular full time employee of the City until successful completion of the probationary period and until appointment thereafter as a regular full time employee by the Common Council. The term of

employment for the Director of Public Works shall be indefinite. The Director of Public Works shall be subject to dismissal from employment for just cause.

- (d) **Qualifications.** The Director of Public Works shall be a licensed professional engineer, with license to practice engineering in the State of Wisconsin. He shall preferably have had practical engineering experience including municipal engineering and be familiar by education or experience, with the field of public works management. The Council may in its discretion waive literal compliance with any of the requirements herein set forth if satisfied that the officer has substantially equivalent qualifications or can meet all qualifications within a reasonably short period of time.
- (e) **Compensation.** The salary of the Director of Public Works shall be established by the Common Council. The Director of Public Works shall not be engaged in any other remunerative employment or activity within or outside the City of Platteville except with approval of the Council.

**3.09 DIRECTOR OF PUBLIC WORKS, POWERS AND DUTIES.** The Director of Public Works shall have the following powers and duties:

- (a) Subject to the direction of the Common Council and City Manager, he shall be responsible for the administration of all public works, shall have general charge and supervision of all maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, traffic control devices, signs and markings, house numbering, storm sewers, culverts and drainage facilities, sanitary sewers, water and sewer mains, city dump, city buildings and structures, and all machinery, equipment and property used in any activity under his control.
- (b) He shall manage the water utility and sewerage treatment plant and shall be available in an advisory or supervisory capacity for all boards and commissions.
- (c) He shall have charge of such public services as snow and ice removal, street cleaning and flushing, mosquito and rodent control and such other activities as may be assigned to him from time to time by the Council.
- (d) He shall perform all duties heretofore assigned to and performed by the City Engineer whether required by law, ordinance, resolution, motion or other direction.
- (e) He shall be responsible for the keeping of all records and documents required by law and ordinance relating to property and activities under his supervision, and all such items shall remain the property of the City and be kept at the Municipal Building.
- (f) He shall be charged with the duty of receiving bids for public construction pursuant to Wisconsin Statutes. He shall have the authority to waive minor irregularities in

## CHAPTER 3 Administration

bids received as he deems necessary in the best interest of the City. He shall recommend to the Common Council the acceptance or rejection of bids received.

- (g) He shall make recommendations to the Council relating to zoning, shall prepare and keep up-to-date accurate maps and records of the public utility systems in and along the streets, alleys and public ways of the City, shall prepare and maintain up-to-date property maps and inventories relating to real and personal property owned by the City, shall install and maintain a property accountability system relating to municipal property used by employees and others, shall lay out systematic routines for regular maintenance work, snow removal, street, sidewalk and alley repair and improvement, and shall discharge the duties of sidewalk inspector.
- (h) He shall take orders on policy, procedure and activities only from the City Manager and Common Council. In case of conflict or of time limitations precluding the performance of all duties chargeable to him hereunder the orders of the Common Council shall be final and controlling.
- (i) He shall perform such additional duties as are imposed upon him from time to time by the City Manager or Common Council, who shall have authority to change his duties.
- (j) He shall have such clerical and secretarial help as may be necessary and as provided by the City Manager.

**3.10 CITY SEALER.** (a) The office of City Sealer is hereby created pursuant to Section 98.04 of the Wisconsin Statutes, with the duties imposed by said section.

- (b) The City Sealer shall be appointed by the Common Council for a one year term annually and shall hold office until his successor is duly appointed and qualified. Such term shall commence on January 1 of each year.
- (c) The pay for the City Sealer shall be as determined by the Common Council.
- (d) In lieu of appointment of City Sealer the City may enter into agreement with the Wisconsin Department of Agriculture for performing services of a City Sealer, as authorized by Section 98.04 (2) of the Wisconsin Statutes.

**3.101 LIBRARY BOARD.** (a) Section 43.54, Wisconsin Statutes, relating to the creation, organization and functions of the Municipal Library Board is hereby adopted by reference.

- (b) No member of the Municipal Library Board, except the Common Council and the school district administrator or the administrator's designee, shall upon completion of his or her full term shall be eligible for reappointment thereof, unless a period of at least one year shall have intervened between said terms as a board member.

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- (c) No person shall succeed himself or herself as president of the Municipal Library Board unless at least one year shall have intervened between terms of office as president.
- (d) Members of the Municipal Library Board shall be appointed by the President of the Common Council, subject to confirmation by the Common Council.
- (e) The Municipal Library Board shall consist of seven members, including the school district administrator or the administrator's designee and one member of the Common Council.
- (f) The terms of members shall be for three years and shall commence on the first day of May. The terms of members shall be staggered so no more than three, nor fewer than two, members begin a three year term at the same time.
- (g) All members of the Municipal Library Board shall be residents of the City of Platteville, except the school district administrator or the administrator's designee.

### **3.11 REPEALED (11-27)**

**3.12 CITY PLAN COMMISSION.** (a) Creation. A City Plan Commission for the City of Platteville is hereby created.

(b) Appointment.

1. The City Plan Commission shall consist of nine voting members as follows: The Council President, who shall be its presiding officer; one other member of the Common Council; seven citizens. The City Manager shall be an ex-officio member.
2. The Council member shall be elected by vote of the Common Council at its organizational meeting on the third Tuesday of April each year. The term of such member shall be for one year, commencing on the fourth Tuesday in April of each year.
3. The citizen members shall be appointed by the Council President, subject to confirmation by the Common Council, for a term of three years, commencing on the 4<sup>th</sup> Tuesday in April.
4. All vacancies shall be filled for the unexpired term in the same manner as appointment for the full term.
5. The Chairman shall only vote to decide a tie vote.

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6. Five members shall constitute a quorum.
7. The Council member shall be eligible to serve two successive one year terms, after which a period of at least one year shall have intervened before he/she can again be elected.
8. No citizen member of the Commission on completion of his or her term shall be eligible for reappointment thereon until at least a period of one year shall have intervened between said terms as such Commission member, but this provision shall not apply to a Commission member who fills the unexpired term of a previous member.

### (c) Organization.

1. As soon as all members of the first City Plan Commission have been appointed the City Clerk shall give each member a written notice of the appointment, and thereon shall fix the time and place of the first meeting, which shall be not less than five nor more than ten days thereafter. At the first meeting, the City Plan Commission shall organize by the election of a vice-chairman, secretary and such other officers as may in their judgment be necessary.
2. The City Plan Commission shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be filed with the City Clerk.
3. The City Plan Commission shall have the power to employ experts and such staff as may be necessary, and to pay for their services and such other expenses as may be necessary and proper within the limits of the budget established by the Council or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Council.
4. As far as possible, the City Plan Commission shall utilize the services of existing City officials and employees.

### (d) Powers and Duties. The City Plan Commission shall have the powers and duties prescribed in Section 62.23 of the Wisconsin Statutes, and such other powers and duties as shall be vested in it from time to time by the Council.

### **3.13 BOARD OF REVIEW.** (a) Members. Pursuant to Section 70.46 of the Wisconsin Statutes, the Board of Review for the City of Platteville shall consist of five residents of the City.

### (b) Appointment. Such members shall be appointed by the Council President, subject to confirmation of the Common Council and shall hold office as members of the board for a term of five years and until their successors are appointed and qualified,

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commencing on July 1 in the particular year for which appointed; provided however, that the initial appointments of such members shall be for periods of one, two, three, four and five years, respectively.

1. No member of the Board on completion of his or her term shall be eligible for reappointment thereon until at least a period of one year shall have intervened between said terms as such Board member, but this provision shall not apply to a Board member who fills the unexpired term of a previous member.
- (c) **Officers.** The members of the Board of Review shall elect a chairman for each annual session thereof, which election shall be held at the first annual meeting of the board. The City Clerk shall be the Clerk of the Board of Review and shall keep an accurate record of all its proceedings and give the notices of meetings and adjournments as provided for by statute.
  - (d) **Compensation.** The members of the Board of Review shall receive compensation from the City in such amount as shall be fixed by resolution of the Council for each day the board is in session for the purpose of hearing and considering testimony or in making their report and determination.
  - (e) **Objections to Valuations.** Persons objecting to the amount or valuation of property shall comply with Wisconsin Statutes Section 70.47. Objections shall be submitted on forms approved by the Department of Revenue and shall include stated valuations of the property in question.
  - (f) **Income and Expense Records.**
    - (1) **Requirement to Supply Information.** No person may appear before the Board of Review, testify to the Board by telephone or object to a valuation, if that valuation was made by the assessor or the objector using the income method; unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under Wis. Stat. § 73.03(2a), that the assessor requests.
    - (2) **Confidentiality of Information.** Whenever the assessor, in the performance of his or her duties, requests and obtains income and expense information pursuant to Wis. Stat. § 70.47(7)(af), or any successor statute thereto, such income and expense information that is provided to the assessor shall be held confidential by the assessor, except, however, that such information may be disclosed to and used by persons in the discharge of duties imposed by law, in the discharge of duties imposed by office including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the Board of Assessors and

Board of Review in performance of their official duties, or pursuant to order of a court. Income and expense information provided to the assessor under Wis. Stat. § 70.47(7)(af), unless a court determines that it is inaccurate, is, pursuant to Wis. Stat. § 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under Wis. Stat. § 19.35(1).

**3.14 WATER AND SEWER COMMISSION.** (a) Pursuant to the provisions of Section 66.068 of the Wisconsin Statutes, there is hereby constituted a board for the nonpartisan management of the City Water and Sewer Utility, to be known as the Water and Sewer Commission of the City of Platteville.

- (b) The Commission shall consist of seven members, all of whom shall be City residents, appointed by the Council President, subject to confirmation by the City Council, for terms of five years each, which terms shall expire on October 1 of the years for termination thereof.
- (c) At least three members of the Commission shall be members of the Council. The term of appointment for Council members shall be for one year only, subject to reappointment, beginning with the first regular meeting of the Commission in May of each year. (89-10, 5/9/89)
- (d) The Commission shall hold an organization meeting at its first meeting following October 1 of each year at which time they shall choose from among their number a president and secretary for the succeeding year. No president of the Commission so chosen shall be eligible to succeed himself in said capacity for a successive year. A period of at least one year shall intervene between such subsequent terms as president for any one person.
- (e) No member of the Commission shall be eligible for reelection thereon unless at least one year has intervened between such terms as a member thereof.
- (f) The Commission shall make rules for its own proceedings and the government of its department, except that no action may be taken except upon the affirmative vote of at least three members. It shall have the entire charge and management of said utility, the power to make rules and regulations governing said utility and all other powers generally conferred by Section 66.068, Wisconsin Statutes, subject to the general control and supervision of the Common Council. Notwithstanding the provisions of Section 62.09, Wisconsin Statutes, departmental expenditures may be audited by the Commission and if approved by the president and secretary thereof shall be paid by the City Treasurer in the manner provided by Section 66.042, Wisconsin Statutes. The Commission may further provide that utility receipts be paid to a bonded cashier appointed by the Commission, which receipts shall be turned over to the City Treasurer at stated intervals of at least once a month.



**3.15 AIRPORT COMMISSION.** (a) Creation. Pursuant to Section 114.14, Wisconsin Statutes, an Airport Commission for the City of Platteville is hereby created.

- (b) Composition, Appointment and Terms. 1. The Airport Commission shall consist of six members, at least four of whom are citizens of Platteville, and who are especially interested in aeronautics and one member of the Common Council, for a total of seven members.
2. The members shall be appointed by the Council President, subject to confirmation by the Common Council.
  3. The terms of the members shall be for three years each, except for the term of the Common Council member, who shall serve for one year, commencing on May 1 of each year, and for Commissioners appointed to fill vacancies resulting from the increase in the number of members of the Commission, who shall have terms expiring on November 1, 2005 and November 1, 2006, as designated by the Council President.
  4. Members shall serve without compensation and the Commission may, by majority vote, provide for reimbursement for expenses of its members.
  5. No member of the Commission on completion of his or her second term shall be eligible for reappointment thereon until at least a period of one year shall have intervened between said terms as such Commission member, but this provision shall not apply to a Commission member who fills the unexpired term of a previous member.
- (c) Organization. 1. The Commission shall elect one member chairman, one member vice-chairman and one member secretary at its initial organizational meeting, who shall hold such positions until the November meeting of the Commission. At the meeting in November next following the organizational meeting the Commission shall elect one member chairman, one member vice-chairman and one member secretary and these persons shall serve for one year. Thereafter, the Commission shall elect one member chairman, one member vice-chairman and one member secretary for one year terms at its November meeting. At the discretion of the Commission, the members may elect to vest the duties of Treasurer in a separate office from those of Secretary and elect a member for that position.
2. The secretary shall keep an accurate record of all Commission proceedings and transactions and shall report the same in writing to the Common Council at least monthly.
  3. The Commission shall meet at least monthly.
  4. Four members of the Commission shall constitute a quorum for the purpose of holding official meetings and conducting official business.

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5. Meetings and deliberations of the Commission shall be governed by Robert's Rules of Order.
- (d) Powers and Duties.
1. The Commission shall have complete and exclusive control and management over the Platteville Municipal Airport and all of its property and appurtenances and shall have the power to make rules and regulations governing the same.
  2. The Commission shall have full power and control over all moneys appropriated by the Common Council or other governmental body for the construction, improvement, equipment, maintenance or operation of the Platteville Municipal Airport or earned by said airport and of all moneys made available for construction, improvement, equipment, maintenance, and operation of said airport in any manner whatsoever, except that all such funds shall be deposited with the treasurer of the City of Platteville. Such funds and moneys shall be kept by the treasurer of the City of Platteville in a special fund and shall be paid out only on order of the Airport Commission, drawn and signed by the secretary and countersigned by the chairman. If the Commission elects a Treasurer, then the Treasurer shall perform the duties listed above for Secretary.
  3. The Commission shall have all of the powers and authority set forth in Section 114.14(3), Wisconsin Statutes, and in addition shall have the power to borrow money or arrange credit for operations, maintenance and capital improvements at the Platteville Municipal Airport. However, the Commission may not pledge the credit of the City of Platteville and any and all permanent improvements made to or upon the Platteville Municipal Airport shall become the property of the City of Platteville, except improvements made by Lessees pursuant to private hangar lot leases.
  4. The Commission shall not hold title to any real property, but may acquire, hold, use and dispose of personal property as proper management and operation of the Platteville Municipal Airport requires.
  5. Because the seven member Commission is created by this section pursuant to Section 114.14(2), Wisconsin Statutes, all expenses of construction, improvement, equipment, maintenance and operation of the Platteville Municipal Airport shall be a charge upon the Commission and not upon the City of Platteville, except as otherwise expressly provided from time to time by the Common Council.

### 3.16 REPEALED (13-02)

**3.17 PUBLIC WORK WITHOUT BIDS.** The following classes of public work, namely, the construction, building, laying, maintaining and repair of water and sewer mains and their appurtenances, sidewalks, curb and gutter, streets, buildings and such other work as the Common Council shall direct, may be done directly by the City of Platteville, without submitting the same for bids.

**3.18 TAX ROLL PREPARATION.** (a) Pursuant to Section 70.65(2) of the Wisconsin Statutes, the City Clerk shall, in computing the tax roll, insert only the aggregate amount of state, county, and local taxes in a single column in the tax roll opposite the parcel or tract of land against which the tax is levied, or, in case of personal property, in a single column opposite the name of the person, firm or corporation against whom the said tax is levied.

**3.19 COLLECTION OF STATE AND COUNTY TAXES.** (a) The City of Platteville elects not to give the bond on the City Treasurer provided for by Section 70.67(1) of the Wisconsin Statutes.

(b) Pursuant to Section 70.67(2) of the Wisconsin Statutes, the City shall be obligated to pay, in case the City Treasurer fails to do so, all state and county taxes required by law to be paid by the City Treasurer to the County Treasurer.

(c) A copy of this section shall be filed with the County Treasurer.

**3.20 USE OF CIVIC MEMORIAL BUILDING.** (a) The rental rates for the use of the Auditorium, Common Council Chambers, and GAR Room of the Civic Memorial Building and Senior Citizen Center shall be established by the Common Council and amended from time to time via resolution.

(b) Definitions. 1. Public Use. Those events which are sponsored by, or otherwise under the auspices of, an individual, group, or organization which may be considered charitable, fraternal, religious, or civic-minded in nature.

2. Private Use. Those events sponsored by, or otherwise under the auspices of an individual, group or organization other than those listed under Public Use.

3. Non-Profit Use. Those events for which the sponsoring individual, group or organization charges a nominal fee or no fee at all, and are offered for purposes other than monetary gain.

4. Profit Use. Those events for which the sponsoring individual, group or organization charges a fee, offers items for sale, or otherwise seeks monetary gains as a result of the sponsored event.

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- (c) **Damage Deposits.** All damage deposits shall be placed in escrow with the City Treasurer prior to the use of any facility and such damage deposits shall be returned in full upon leaving the facility used in as good condition as it was when it was rented, normal wear and tear excepted. If any damage occurs to the facility used, such damage shall be repaired and the cost of such repairs shall be deducted from the damage deposit prior to any refund being made.
- (d) **Adjustment of Rates.** The City Manager is hereby given the authority to adjust the above rates for any religious, charitable, civic or fraternal group. The adjustments shall be made upon the basis of the regularity of the group's use of the facilities, the financial condition and character of the group, the public interest served by the group and the expense of the City created by such use.

**3.21 EMERGENCY MANAGEMENT.** (a) **Policy and Purpose.** To prepare the City to cope with emergencies resulting from a disaster or the imminent threat of a disaster, it is hereby declared necessary:

1. To establish a local emergency management organization;
2. To provide for the exercise of necessary powers during emergencies; and
3. To provide for the rendering of cooperation and mutual aid between this City and other political subdivisions.

It is further declared to be the purpose of this section and the policy of the City that all emergency functions of this City be coordinated to the existing services and facilities of this City and with comparable functions of the federal, state and county government and other political subdivisions, and of various private agencies to the end that the most effective preparation and use may be made of manpower, resources, and facilities for dealing with any disaster that may occur.

(b) **Definitions.** In this chapter, unless the context clearly indicates otherwise:

1. "Disaster" means a severe or prolonged, natural or human-caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of the City or a portion of the City, or critical systems, including computer, telecommunications, or agricultural systems.
2. "Emergency Management" shall mean all measures undertaken by or on behalf of the City and its subdivisions to do any of the following:
  - a. Prepare for and minimize the effect of a disaster or the imminent threat of a disaster.

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- b. Make repairs to or restore infrastructure or critical systems that are destroyed or damaged by a disaster.
- (c) Emergency Management Director. The City Manager is hereby designated the Emergency Management Director for the City.
- (d) Duties and Powers of the Emergency Management Director.
  - 1. The Director shall coordinate all activities for emergencies within the City and shall maintain liaison and cooperate with emergency agencies and organizations of other political subdivisions and of the state and federal government, and shall participate in county and state emergency activities upon request, and shall have such additional authority, duties, and responsibilities as are authorized by Wis. Stats Section 323.15, and as may from time to time be required by the Council.
  - 2. The Director shall prepare a comprehensive general plan for the emergency management of the City and shall present such plan to the Council for its approval. When the Council has approved the plan by resolution, it shall be the duty of all municipal agencies of the City to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner.
  - 3. In accordance with Wisconsin Statutes Section 323.14(4)(b), if, because of the emergency conditions, the Common Council is unable to meet with promptness, the Emergency Management Director shall exercise by proclamation all of the powers conferred upon the governing body by Wisconsin Statutes 323.14(4)(b), which within the Director's discretion appear necessary and expedient for the purposes set forth in that section. The proclamation shall be subject to ratification, alteration modification or repeal by the governing body as soon as that body can meet, but the subsequent action taken by the governing body shall not affect the prior validity of the proclamation.
- (e) Utilization of Existing Services and Facilities. In preparing and executing the emergency plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the City to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities to the Director.
- (f) Mutual Aid Agreements. The Emergency Management Director may, subject to the approval of the Council, enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed with the State Administrator of Emergency Management.

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- (g) Penalties. Whoever intentionally fails to comply with an order issued by the Emergency Management Director or agent of the City who is engaged in emergency management activities under this Chapter or Chapter 323 of the Wisconsin Statutes, including training sessions, is subject to a forfeiture of not more than \$200.

**3.22 PLATTEVILLE MUSEUM BOARD.** (a) Sections 229.11-18, Wisconsin Statutes, are hereby adopted by reference as though fully set forth herein.

- (b) The Board of Trustees of the Platteville Museum shall consist of seven (7) regular members and one (1) ex-officio and non-voting member. The ex-officio and non-voting member shall not be counted for purposes of determining whether a quorum is present.
1. One of the seven (7) regular members shall be the superintendent of schools of the Platteville School District or a person designated and appointed by the superintendent of schools. The term of this member shall be indefinite, but only as long as the person serves as superintendent of schools or until another person is appointed or designated by the superintendent of schools.
  2. One of the regular members shall be the president of the Jamison Museum Association Board of Directors or a member of such board designated by the president of such Board of Directors. The term of such member shall be indefinite, but only so long as the person holds the position of president of the Jamison Museum Association Board of Directors or until another Board member is appointed by said president.
  3. One member shall be an alderperson of the City of Platteville. Such member shall serve for a term of three years or as long as such person is an alderperson of the City of Platteville, whichever is shorter.
  4. Three members shall be selected from among the residents of the City of Platteville and one member shall be selected from the residents of the Platteville School District. The terms of such members shall be for four (4) years each or until any such member ceases to be a resident of the City of Platteville and/or the Platteville School District, whichever is shorter.
  5. The ex-officio and non-voting member shall be a trustee of the Rollo Jamison Trust other than the City superintendent of schools. The terms of such member shall be indefinite, but shall end when that person ceases to be a trustee of the Rollo Jamison Trust.
    - I. The terms of office for all members of the Board of Trustees except the City Superintendent of Schools, the president of the Jamison

Museum Association Board of Directors and the ex-officio member shall commence on July 1 next after their appointment. The appointment of such members after this ordinance becomes effective shall be for a term which will end on June 30, rather than on May 1, as under the previously effective provisions of Section 3.22 of the Municipal Code of the City of Platteville.

- II. Four members shall be required for a quorum and action may be taken by a majority of those members present.
  - III. The annual meeting of the Board of Trustees shall be held on the 3<sup>rd</sup> Wednesday in July of each year, at which meeting a president and a secretary shall be chosen annually from their number.
  - IV. No member of the Board on completion of his or her term shall be eligible for reappointment thereon until at least a period of one year shall have intervened between said terms as such Board member, but this provision shall not apply to a Board member who fills the unexpired term of a previous member.
- (c) The Board shall delegate unto the City Manager full administrative and operating authority over the Platteville Museums and shall authorize the City Manager to be the chief operating officer. The City Manager shall be subject to the direction of the Board, be responsible for all operations and shall direct and control all employees, including the Director, who shall be subject to the direction and control of the City Manager and all City personnel rules and regulations.
  - (d) The Board, from time to time, may appoint as honorary curators persons who have manifested a special interest in the museum or some particular department thereof. Such curators shall perform such duties and have such privileges as may be prescribed in the regulations of the museum, but shall not receive any pecuniary compensation.
  - (e) The funds appropriated to said institution by the Common Council shall not be used or appropriated, directly or indirectly for any purpose other than as shown in the City's adopted budget. All such moneys appropriated by the City shall be credited to said budgeted account and said Board shall provide for all necessary expenditures therefrom. Unless expressly provided to the contrary, said Board shall not expend or incur any liability for any sum in excess of the amount allocated therefor by the Council or otherwise available to them from outside sources.
  - (f) All moneys, specimens and other property received by devise, bequests or gift for the purpose of said institution shall unless otherwise directed by the donor or by legal agreement such as the Jamison Collection, be under the management and control of said Board; and all moneys derived from penalties for violation of regulations or from any other source including all moneys paid to the City on any

policy of insurance or other obligation for or on account of loss or damage to property pertaining to said institution, shall be credited to said fund and may be expended in the same manner as other funds appropriated to it. Said Board shall have the power and authority to purchase, hire, or lease buildings, lots, rooms and furniture for the use and accommodation of the institution, and shall enlarge, improve and repair same, but shall not erect, purchase, lease or enlarge any building or lot without express authorization by ordinance or resolution of the Council and all conveyances and leases entered into by said Board shall run to the City.

- (g) On or before the 1<sup>st</sup> day of March in each year, said Board shall make a report to the Common Council for the preceding calendar year containing a statement of the condition of the finances of the institution, an accounting of the moneys credited to funds and expenditures therefrom and such other information and suggestions as they may deem to be pertinent.
- (h) Jamison Museum Trustee. The president of the Common Council shall be the Trustee of the Jamison Museum appointed by the Common Council and shall serve in such capacity so long as he or she holds the office of president of the Common Council.

**3.23 OFFICIAL MAP.** (a) Intent. It is the intent of the Council to establish an Official Map for the purpose of serving and promoting the public health, safety, convenience, economy, orderliness and general welfare to the community; to further the orderly lay out and use of land; to stabilize the location of real property boundary lines; to facilitate adequate provision for transportation, parks, playgrounds, and storm water drainage and to facilitate the further subdivision of larger tracts into smaller parcels of land.

- (b) Authority. This section is enacted under the authority granted by Section 62.23(6) of the Wisconsin Statutes.
- (c) Official Map. The Official Map shall show the location and extent of all platted and existing streets, highways, parkways, parks and playgrounds within the corporate limits of the City of Platteville as heretofore laid out, adopted and established by law. There is hereby established, as the Official Map of the City of Platteville, the map which accompanies and is made a part of this section bearing the date of December 14, 1965. This map is hereby designated as the "Official Map of the City of Platteville" and all notations, references and other information shown thereon shall be as much a part of this section as though the matters and information thereon were fully described herein.
- (d) Changes and Additions. The Council may change or add to the Official Map so as to establish the exterior lines of; widen; narrow; extend; or close any platted, existing, proposed or planned streets, highways, parkways, parks or playgrounds.



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The Council shall refer any changes or additions to the Official Map to the City Plan Commission for review and report thereon prior to adoption. The City Plan Commission shall report its recommendation to the Council within 60 days.

A public hearing of parties in interest and citizens before the Council shall be required before any changes or additions to the Official Map are effective. At least 20 days notice of said hearing shall be required by publication.

Changes and additions made by duly approved subdivision plats shall not require the public hearing if the changes or additions do not affect any land outside the area being platted.

- (e) Municipal Improvements. No public sewer or other municipal street utility or improvement shall be constructed in any street, highway or parkway within the corporate limits of the City until such street, highway, or parkway is duly placed on the Official Map.
- (f) Appeals. The Board of Zoning appeals shall have the power to review any administrative decision of the City Building Inspector to deny a permit for the erection of a structure under this section and to grant relief from the requirements of this section under the provisions of Section 62.23(6)(c), (f) and (g) of the Wisconsin Statutes.
- (g) Certified Copy of Map. There shall be a certified copy of the Official Map. The certified copy shall be kept in the office of the City Clerk, and shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the Official Map described in and accompanying this section and shall show the date of adoption of this section and shall be signed by the City Manager and countersigned by the City Clerk. Thereafter no change or addition to such Official Map shall become effective until it shall have been indicated by the appropriate convention on the aforesaid certified copy of the Official Map and a certificate placed thereon or attached thereto, bearing the number and date of adoption of the amending ordinance. The certificate shall be signed by the City Manager and countersigned by the City Clerk.
- (h) Map to be filed with Register of Deeds. The City Clerk shall be responsible immediately upon adoption of the Official Map or any amendment thereto for recording a true copy of the amended Official Map with the Register of Deeds.
- (i) Enforcement. It shall be the duty of the City Building Inspector and the Chief of Police to enforce the provisions of this section.
- (j) Penalties. Any person, firm or corporation who fails to comply with the provisions of this section shall, upon conviction thereof, forfeit not more than \$200 and not less than \$50 and the cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment

thereof but not exceeding 30 days. No damages shall be allowed for any building erected in violation of this section, that is to be used by any government agency, for street, highway and parkway purposes.

**3.24 REPEALED (07/23/2024)**

**3.25 LAW ENFORCEMENT STANDARDS BOARD PROGRAM.** (a) The City of Platteville hereby elects to participate in the recruit qualifications and training program of the Wisconsin Law Enforcement Standards Board.

(b) Before an individual may commence employment on a probationary or temporary basis as a law enforcement officer, that individual must have met the recruit qualifications set by the Wisconsin Law Enforcement Standards Board, and before an individual may commence employment on a part-time or full-time permanent basis as a law enforcement officer, that individual must have been certified by the Board as having met the recruit qualifications and as having successfully completed the preparatory training course required under the Board's recruit training standards.

Such recruit training must be successfully completed by the trainee within his probationary period. Under justifiable circumstances, this period may be extended, but the total period during which a person may serve as a law enforcement officer on a probationary or temporary basis without successfully completing a preparatory training course approved by the Wisconsin Law Enforcement Standards Board shall not exceed two years.

(c) The Board of Police and Fire Commissioners are hereby instructed and directed to make the necessary amendments to the Personnel Rules, the Manual of Rules of the Platteville Police Department, and the rules of said Board of Police and Fire Commissioners, requiring that any person employed henceforth as a law enforcement officer by the Platteville Police Department must meet the recruit qualifications and training standards set by the Wisconsin Law Enforcement Standards Board.

**3.26 RECEIPT OF GIFTS OR GRATUITIES.** (a) No public employee or public official of the City of Platteville shall receive or offer to receive, either directly or indirectly, any gift, gratuity or anything of value which he is not authorized by either the City Manager or the Common Council to receive from any person, if such person:

1. Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or any subdivision thereof or the Common Council of the City of Platteville; or

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2. Conducts operations or activities which are regulated by such employee's employer or by the Common Council of the City of Platteville; or
  3. Has interests which may be substantially affected by such public employee's employer or any subdivision thereof or the Common Council of the City of Platteville.
- (b) The terms public employee and public official, as used herein, shall include, without exclusion because of enumeration herein, all employees of the City of Platteville, all officers and officials in whatever capacity of the City of Platteville, all members of all official and ex-officio boards and commissions of the City of Platteville.
- (c) Any language to the contrary notwithstanding, this section shall not prohibit any public employee or any public official of the City of Platteville from accepting or receiving a business gift from any person of a retail value of not more than \$3.00 once in each calendar year and any meal with a retail value of not more than \$5.00 once annually from any one person, firm, corporation or organization.

**3.27 CITY ECONOMIC DEVELOPMENT FUND.** (a) **PURPOSE.** Promote and assist business development and redevelopment activities within the City of Platteville that result in achieving the Economic Development plans as expressed by the City, the Platteville Area Industrial Development Corporation and other local organizations.

The ED Fund is intended for the purpose of stimulating economic development projects that would not otherwise be implemented.

- (b) **ECONOMIC DEVELOPMENT FUND PROFILE.** The Economic Development Fund (ED Fund) is a specialized fund designated, established and reserved by the City exclusively for economic development activities. The initial source of operating capital for the ED Fund will be specified revenues from the sale or lease of City-owned commercial and industrial properties. This will include all properties optioned to the Development Corporation for purposes of marketing. Additional properties may be made part of the fund in the future.
- (c) **ELIGIBLE PROJECTS.** The following activities are examples of uses for which the ED Fund could be used. The Common Council shall determine if a project is eligible for funding.
1. Assist with land write-downs, infrastructure development and similar incentives deemed necessary and appropriate to assist business start-up or expansion in the City of Platteville.
  2. Assist with loans for business development. Such assistance would ultimately be repaid to the ED Fund.

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3. A portion of the funds may be reserved for future industrial and commercial land acquisition targeted toward maintaining a competitive supply of industrial lands and redeveloping blighted commercial areas within the City.
  4. Funds needed to support the Platteville Area Industrial Development Corporation annual operating budget for the purpose of marketing properties in the City of Platteville.
  5. Funds needed to support other organizations actively engaged in economic development.
- (d) ED FUND ADMINISTRATION AND MANAGEMENT. The ED Fund would be administered by the City as a special account. The decision to use funds for eligible projects would be made on a case-by-case basis by the City Council.
- (e) ADMINISTRATION GUIDELINES. The following guidelines are established to govern the administration of the Economic Development Fund (ED Fund) in the City of Platteville, Wisconsin. The City Manager is charged with the primary responsibility of administering projects undertaken by the ED Fund with assistance from the Platteville Area Industrial Development Corporation as needed. The City shall keep accurate financial records on all operations of the ED Fund. The following guidelines shall be used for administering the ED Fund.
1. ED Funds could be used for acquisition, demolition, site preparation or similar activities deemed necessary to stimulate economic development projects. The primary use of ED Funds should be to assist with loans where needed to make project financing feasible.
  2. The projects must be consistent with adopted City plans and be able to comply with City zoning and other development regulations.
  3. Thorough project descriptions shall be narrated and justification for financial participation shall be fully documented to the satisfaction of the City Council. It must be demonstrated that without the City's economic participation in the amount requested, the private development would not be feasible or specific features of the project would have to be deleted.
  4. The ED Fund investment shall be protected through such safeguards as Performance Bonds or other contractual mechanism.
  5. The user shall retain ownership of the project for sufficient time to complete the project, stabilize its occupancy and establish the project's management.
  6. The user shall provide the City with a market feasibility study establishing the probability for economic success.

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7. City expenditures for appraisals, blight studies, soil borings and similar necessary consultant studies undertaken to review the developer's proposal may become the responsibility of the developer if the development does not proceed. If the development does proceed, these items shall become part of the project costs. This type of consideration shall be negotiated for each project, as applicable.
8. The user shall initially provide sufficient information as required by the City to establish its ability to develop the proposed project including, but not limited to, its previous development record.
9. All funded projects shall not have a damaging impact on designated City Landmarks. (87-15, 7/23/87)

### **3.28 REPEALED (08-04)**

### **3.29 DISPOSITION OF ABANDONED PROPERTY.**

- (a) DESIGNATION OF CUSTODIAN. The Chief of Police is hereby designated the official custodian of all property which shall come into the possession of the City of Platteville or any officer or agent of the City.
- (b) PROPERTY TO BE DISPOSED OF. The Chief of Police may dispose of any personal property which has been abandoned, or remained unclaimed for a period of thirty days after the taking of possession of the property by the City. Such disposition shall be by any means determined by the Chief of Police to be in the best interests of the City. If the property is not disposed of in a sale open to the public, the Chief of Police shall maintain an inventory of such property; a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. Such inventory shall be kept as a public record for a period of not less than two years from the date of disposal of the property. The means of disposal may be public auction, private sale through sealed bid, private sale without bid, donation to a non-profit organization, or if the property is of inconsequential value, it may be disposed of as trash. If the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the City treasury.
- (c) DISPOSITION OF ABANDONED OR UNCLAIMED SUBSTANCES, MATERIALS OR DEVICES POSING A THREAT TO LIFE OR PROPERTY. The City may safely dispose of abandoned or unclaimed flammable, explosive or incendiary substances, materials or devices posing a danger to life or property in their storage, transportation or use immediately after taking possession of the substances, materials or devices without a public auction. Such disposition shall be in

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accordance with applicable federal, state and local regulations. A reasonable attempt to return such property to the rightful owner shall be made if the substances, materials or devices have a commercial value in the normal business usage and do not pose an immediate threat to life or property. If the substance, material or device appears to be or is reported stolen, an attempt will be made to return the substance, material or device to the rightful owner.

- (d) DISPOSITION OF WEAPONS AND AMMUNITION. The City may retain or dispose of any abandoned, unclaimed or seized dangerous weapon or ammunition only under S.968.20.
- (e) DISPOSITION OF MOTOR VEHICLES. This section shall not apply to motor vehicles which come into the possession of the City of Platteville or the Police Department. The provisions of Chapter 39 shall apply to such motor vehicles.

**3.30 COMMUNITY DEVELOPMENT.** The City of Platteville Community Development Program Policy and Procedure Manual which is in booklet form, is hereby adopted by reference. Copies of such booklet shall be kept on file in the office of the City Clerk.

- (a) No member of the Board on completion of his or her term shall be eligible for reappointment thereon until at least a period of one year shall have intervened between said terms as such Board member, but this provision shall not apply to a Board member who fills the unexpired term of a previous member.

### **3.31 (Moved 86-9, 8/5/86)**

**3.32 WORK RELIEF AND GENERAL RELIEF.** (a) Statement of Policy. Whereas, it is the declared legislative policy of the State of Wisconsin, as appears in Section 49.002, Wisconsin Statutes, that refusal of a bona fide offer of employment or training without good cause or acceptance and subsequent inadequate performance through willful neglect, shall necessitate that local municipal or county welfare officials discontinue general relief payments to such individual; and

Whereas, it is contemplated that certain dependent persons, as defined in Section 49.01, Wisconsin Statutes, whose legal settlements are within the City of Platteville, will leave this municipality and apply for General Assistance in other municipalities within the State of Wisconsin; and

Whereas, certain of these individuals will leave this municipality for the express purpose of avoiding the City's Work Relief Program; and

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Whereas, other counties and municipalities also maintain such programs and should place such individuals on their programs in their respective municipalities in light of a disability to force such persons to return to their municipalities of legal settlement,

Now therefore, the following programs and policies are adopted by the Common Council.

- (b) Work Relief Program. The City shall maintain a continuing work relief program for all eligible welfare recipients and hereby notifies all Wisconsin counties and, through each County Clerk, each municipality of same.
- (c) Notification. The City of Platteville hereby requests each county and/or municipality to notify each recipient whose legal settlement is presumed to be within the City of Platteville, of the work relief program within the City of Platteville.
- (d) Requests to Other Municipalities. The City, upon receiving a nonresident notice pursuant to Section 49.11(4), Wisconsin Statutes, for recipients whose legal settlement is presumed to be in the City of Platteville, shall contact the forwarding county or municipality and request that if such county or municipality has a work relief program the recipient in question shall be certified for placement therein.
- (e) Payment of Claims. The City of Platteville shall deny any claims submitted by a county or municipality for general relief for any recipient who refuses to accept a bona fide offer of employment from said county or municipality without good cause. Documentation as to the recipient's refusal shall be submitted to the City.

**3.33 PUBLIC RECORDS.** (a) Purpose. 1. The purpose of this ordinance is to establish a City records retention schedule and authorize destruction of City records pursuant to the schedule on an annual basis. Records custodians may destroy a record prior to the time set forth in the schedule only if such a record had been photographically reproduced as an original record pursuant to Section 16.61(7) Wisconsin Statutes or converted to optical imaging pursuant to Section 16.61(7).

- 1. Any record not covered by this ordinance or any regulation or law shall be retained 7 years unless the record is added by amendment into the ordinance and the shorter time period approved by the State Public Records and Forms Board.
- (b) Authority. This chapter shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative regulations.
- (c) Definitions. 1. "Authority" means any of the following City entities having custody of a City record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and political created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

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2. “Custodian” means that officer, department head, division head, or employee of the City designated under subsection (d) or otherwise responsible by law to keep and preserve any City records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
  2. “Record” means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. “Record” includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. “Record” does not include drafts, notes, preliminary computations and like materials prepared for the originator’s personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.
- (d) Duty to Maintain Records. 1. Except as provided under subsection (i), each officer and employee of the City shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
2. Upon the expiration of an officer’s term of office or an employee’s term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employee, who shall file said receipt with the City Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter’s receipt.
- (e) Legal Custodian(s). 1. Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate any employee on his or her staff to act as the legal custodian.
2. Unless otherwise prohibited by law, the City Clerk or the Clerk’s designee shall act as legal custodian for the Common Council and for any



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committees, commissions, boards, or other authorities created by ordinance or resolution of the Common Council.

3. For every authority not specified in subsections (1) and (2) the authority's chief administrative office is the legal custodian for the authority, but the officer may designate an employee on his or her staff to act as the legal custodian. The following offices or authorities shall have as a legal custodian of records the individual so named.

<u>Authority</u>	<u>Designated Legal Custodian</u>
Ambulance Records	Ambulance Administrator
City Assessors Office	City Assessor
City Attorney's Office	City Attorney
Community Planning & Development	Director
Engineering Records	Director of Public Works
Financial Records	Finance Director
Fire Department	Fire Chief
General City Records	City Clerk
Library Records	Library Director
Museum Records	Museum Director
Park & Recreation Records	Park & Recreation Director
Police Department	Police Chief
Police & Fire Commission	City Clerk
Street Department Records	Street Superintendent
Water & Sewer Records	Utility Office Manager

3. Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee and each legal custodian shall send notice of the designated deputy to the City Manager.
4. The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Subchapter 11 of Chapter 19, Wisconsin Statutes, and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this Subchapter.
5. The City Manager shall set the criteria for establishing the records system in each area and shall cause the department/office records system to be reviewed on an annual basis.

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- (f) **Public Access to Records.** 1. Except as provided in subsection (h), any person has a right to inspect a record and to make or receive a copy of any record as provided in Section 19.35(1), Wisconsin Statutes.
2. Records will be available for inspection and copying during all regular office hours.
  3. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours advance notice of intent to inspect or copy.
  4. A requester shall be permitted to use facilities comparable to those available to City employees to inspect, copy or abstract or record.
  5. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
  6. A requester shall be charged a fee to defray the cost of locating and copying records as established by resolution of the Common Council.
  7. Pursuant to Section 19.34, Wisconsin Statutes, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established time and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the Common Council.
- (g) **Access Procedures.** 1. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Section 19.37, Wisconsin Statutes. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under subsection (f)(6)VI. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

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2. Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the City Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
  3. A request for a record may be denied as provided in subsection (h). If a request is made orally, the request may be denied orally or if a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial, or if a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Section 19.37(1), Wisconsin Statutes, or upon application to the Attorney General or a District Attorney.
- (h) Limitations on Right to Access. 1. As provided by Section 19.36, Wisconsin Statutes, the following records are exempt from inspection under this section:
- I. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
  - II. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
  - III. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
  - IV. A record or any portion of a record containing information qualifying as a common law trade secret.
2. As provided by Section 43.30, Wisconsin Statutes, public library circulation records are exempt from inspection under this section.
  3. In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the City Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record.

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Examples of matters for which disclosure may be refused include, but are not limited to, the following:

- I. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
  - II. Records of current deliberations after a quasi-judicial hearing.
  - III. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline or any City officer or employee, or the investigation of charges against a City officer or employee, unless such officer or employee consents to such disclosure.
  - IV. Records concerning current strategy for crime detection or prevention.
  - V. Records of current deliberations or negotiations on the purchase of City property, investing of City funds, or other City business when competitive or bargaining reasons require nondisclosure.
  - VI. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
  - VII. Communications between legal counsel for the City and any officer, agent or employee of the City when advice is being rendered concerning strategy with respect to current litigation in which the City or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Section 905.03, Wisconsin Statutes.
4. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when separating out the exempt material. If in the judgment of the custodian and the City Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.
- (i) Destruction of Records. 1. General Provisions.

- I. Historical Records: Under Wisconsin Statutes Section 19.21(4)(a), municipalities must notify the State Historical Society of Wisconsin (SHSW) prior to destroying records. When referring to the records retention schedules in Section 3.33(l)3, the following designations indicate the status of the record.
  - 1) The SHSW has waived the required statutory 60 day notice for any record marked “W” (waived notice).
  - 2) SHSW must be notified prior to destruction of a record marked “N” (non-waived).
  - 3) Notice is also required for any record not listed in this ordinance.
  - 4) “N/A” indicates not applicable and applies to any record designated for permanent retention.
- II. Microfilming or Optical Imaging of Records.
  - 1) Local units of government may keep and preserve public records through the use of microfilm or optical imaging providing the microfilm or optical imaging meets the applicable standards in Wisconsin Statutes Section 16.61(7) or Section 16.61 and thereafter shall be considered original records for all purposes. Retention periods and estimated costs and benefits of converting records between different media should be considered in deciding which records to microfilm or convert to optical imaging. After verification paper records converted to a different media should be destroyed. The retention periods identified in this ordinance apply to records in any media.
- III. Any tape recordings of a governmental meeting of the City may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.
- IV. Destruction after Request for Inspection: No requested records may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under Section 19.37 Wisconsin Statutes, the requested record may not be destroyed until after a court order is issued and all appeals have been completed. See Section 19.35(5) Wisconsin Statutes.

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- V. Destruction Pending Litigation: No record subject to pending litigation shall be destroyed until the litigation is resolved.
  - VI. Review and Approval by Public Records and Forms Board of the State of Wisconsin: This ordinance and the retention periods of less than 7 years have been reviewed and approved by the Public Records and Forms Board.
2. Destruction Procedures: The following section applies to all destruction of records unless otherwise stated in Section 3.33(I)1 or the Record Retention Schedule listed in Section 3.33(I)3.
- I. City officers may destroy the non-utility financial records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Section 16.61(3)(e) Wisconsin Statutes, and then after such shorter period.
  - II. City Officers may destroy the utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to Section 16.61(3)(e) Wisconsin Statutes, and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years.
  - III. City Officers may destroy the records of which they are legal custodian and which are considered obsolete, but not less than seven years after the record was created unless another period has been set by statute, and then after such a period or unless a shorter period has been fixed by the State Public Records Board pursuant to Section 16.61(3)(e) Wisconsin Statutes, and then after such a shorter period.
3. Wisconsin Municipal Records Schedule approved by the State of Wisconsin Public Records Board on August 27, 2018.

Administrative and Related Records Schedule approved by the State of Wisconsin Public Records Board on August 23, 2010.

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Budget and Related Records Schedule approved by the State of Wisconsin Public Records Board on May 14, 2012.

Facilities Management and Related Records Schedule approved by the State of Wisconsin Public Records Board on February 22, 2010.

Fleet and Aircraft Management Records Schedule approved by the State of Wisconsin Public Records Board on May 12, 2014.

Human Resources and Related Records Schedule approved by the State of Wisconsin Public Records Board on November 15, 2010.

Payroll and Related Records Schedule approved by the State of Wisconsin Public Records Board on August 22, 2011.

Purchasing and Procurement Records Schedule approved by the State of Wisconsin Public Records Board on November 11, 2013.

Risk Management and Related Records Schedule approved by the State of Wisconsin Public Records Board on February 25, 2013.

Wisconsin Public Libraries and Public Library Systems and Related Records Schedule approved by the State of Wisconsin Public Records Board on June 12, 2017.

### 4. Definitions.

- I. **Record ID #** is a unique control number for a record.
- II. **Brief Description** provides a brief description of the records. (Group specific items such as forms into logical groups that have the same function or purpose.
- III. **Retention** refers to the time that the identified records must be kept until destruction.
  - 1) **“CR”** stands for creation which usually refers to receipt or creation of the record.
  - 2) **“FIS”** stands for current fiscal year and the additional amount of time as indicated.
  - 3) **“EVT”** stands for event and refers to an occurrence that starts the retention “clock ticking”. Close of contract, termination of employee, and disposition of a case are common events.

- 4) **“P”** stands for permanent retention.
  - IV. **Period of Time** is expressed in years unless specifically identified as month or day.
  - V. **Authority** refers to any specific statutory, administrative rule, or specific regulation that determines retention of the record. In most cases this will be blank because units of government have discretion to establish a time period.
  - VI. **SHSW Notify** refers to whether or not the State Historical Society of Wisconsin has waived the required statutory notification prior to destruction of records. Refer to Section 3.33(i)1.I.
- (j) Severability. The provisions of this section are severable. If a section, subsection, paragraph, sentence, clause or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the entire section.

**3.34 VOTING MACHINES.** Pursuant to Section 5.40, Wisconsin Statutes, voting machines or electronic voting systems shall be used in every ward in the City of Platteville at every election, except that paper ballots may be used for special, primary or regular elections other than Presidential or Governor’s.

**3.35 ROOM TAX.** (a) Definitions. 1. “Gross Receipts” has the meaning given in Wisconsin Statutes Section 77.51(4), which are realized from the furnishing, at retail, of Hotel or Motel rooms or lodging to transients.

2. “Hotel” and “Motel” have the meaning given in Wisconsin Statutes Section 77.52(2)(a)1.
  3. “Transient” has the meaning given in Wisconsin Statutes Section 77.52(2)(a)1.
  4. “Tourism” has the meaning given in Wisconsin Statutes Section 66.0615(1)(e).
  5. “Tourism promotion and development” has the meaning given in Wisconsin Statutes Section 66.0615(1)(fm).
- (b) Imposition of tax. A tax is hereby imposed on the privilege of furnishing, at retail, rooms or lodging to transients by Hotelkeepers, Motel Operators or other persons furnishing accommodations that are available to the public, regardless of whether membership is required for the use of the accommodations. Such tax shall be at



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the rate of 5% of the Gross Receipts. Such tax shall not be subject to the selective tax imposed by Section 77.52(2)(a)1, Wisconsin Statutes.

(c) Collection of tax and reporting requirements.

1. The tax imposed in this section shall be paid on a quarterly basis, with the quarters of the year ending on March 31, June 30, September 30 and December 31 of each year.
2. Persons subject to the tax shall file a room tax return within 30 days after the end of each quarter and shall pay the applicable tax with the return. All returns and payments of room taxes shall be filed with and made to the City Treasurer. The room tax return forms shall be as prescribed by the City Treasurer.

(d) Allocation of tax. Funds received from the room tax shall be allocated and used as follows:

1. 2% of the total amount collected may be retained by the persons subject to the tax as reimbursement for the costs of collecting and reporting the room tax and for the accounting connected therewith, provided the required reports and payment of the room tax are timely made.
2. 28% of the total amount collected shall be retained by the City of Platteville as reimbursement for the costs of administering and overseeing the room tax program and for community development projects, including but not limited to, parks, playgrounds and green spaces.
3. 70% of the total amount collected shall be spent directly by the City of Platteville, as determined by the Common Council, on "tourism promotion and development" in the City of Platteville, Wisconsin.

(e) Administration of room tax program. The City Treasurer shall administer the room tax program. The City Treasurer shall prepare an annual report to the Common Council by February 28 of each year showing the total amounts collected and the disbursement of such amounts as heretofore provided.

(f) Permit. Every person subject to the tax shall file an application with the City Clerk for a permit to operate a Hotel or Motel within the City of Platteville within 15 days of the effective date of this ordinance or prior to the commencement of operation of a Hotel or Motel within the City of Platteville. The application shall be upon a form prescribed by the City Treasurer. The permit shall not be assignable and shall be valid only for the person in whose name it is issued and only for the place designated in the permit and shall expire when the Hotel or Motel for which it is issued ceases business. The permit shall be displayed in a public place on the premises.

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- (g) Liability for room tax. The person to whom a permit has been issued shall be liable for any and all amounts of tax imposed under this section. Upon termination of business by any person to whom a permit is issued, any tax for that portion of the quarter in which the business was operated shall become immediately due and payable, and any tax due must be paid before a permit may be issued to any person to operate a Hotel or Motel at the same location.
- (h) Audit. Whenever the City of Platteville has probable cause to believe that the correct amount of room tax has not been assessed or that the return of any person to whom a permit has been issued is not correct, the City Treasurer or his designee may inspect and/or audit the financial records of such person and shall determine and assess the correct tax due.
- (i) Estimated assessment. If any person required to make a return fails, neglects or refuses to do so for the amount, in the manner and form, and within the time prescribed, the City Treasurer shall make, according to his or her best judgment, an estimate of the amount of the gross receipts received by such person and shall compute and assess the amount of tax required to be paid, based upon such estimate. No refund or modification of the payment determined may be granted until such person files a correct room tax return and permits the City of Platteville to inspect and audit his or her financial records under subsection (h).
- (j) Interest. All delinquent room taxes shall bear interest at the rate of 1% per month for every month or portion of a month during which such taxes are delinquent. No interest shall be payable by the City on overpayments of tax. All interest collected under this section shall be retained by the City of Platteville.
- (k) Confidentiality. All returns and other information provided by any person under this ordinance shall be confidential and may be disclosed by the City Treasurer only to the following: the person who filed the return or his or her authorized agents, successors and assigns; persons using the information in the discharge of the duties of their office or in the discharge of duties imposed upon them by law; any person designated by court order. This disclosure prohibition does not include the dissemination by the City Treasurer of aggregate amounts of tax received from all Hotels and Motels within the City.
- (l) Revocation of permit and operation of Hotel or Motel without permit.
  - 1. No person may operate a Hotel or Motel within the City of Platteville without the permit required by this section. Enforcement of this prohibition may be by application to the appropriate court for an injunction or other lawful relief or by any other means provided by law.

## CHAPTER 3 Administration

2. Any permit required under this section may be revoked by the Common Council upon written notice to the Hotelkeeper to whom it was issued for one or more of the following reasons:
  - A. failure to file a return or pay the tax due within 45 days after the due date for filing the return and payment of the tax;
  - B. filing a return which contains false information;
  - C. refusing to permit the City of Platteville to inspect and audit the financial records of the person subject to the tax.

### (m) Penalties for Certain Violations.

1. Any person who fails to comply with a request to inspect and audit such persons financial records as provided in subsection (h) of this ordinance shall be subject to a forfeiture not to exceed 5% of the tax imposed under subsection (b), plus court costs and assessments.
2. Any person who fails to pay the room tax due under subsection (b) or (i) shall be subject to a forfeiture in an amount not to exceed 25% of the room tax due for the previous year or \$5,000.00, whichever is less, plus court costs and assessments.
3. Any person who violates either subsection (l)1. or (k) of this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, plus court costs and assessments.

**3.36 MOTOR VEHICLE REGISTRATION FEE.** (1) Authority. This ordinance is adopted pursuant to the authority granted by Wisconsin Statutes Section 341.35, as from time to time amended or renumbered.

- (2) Purpose. The purpose of this ordinance is to provide the City of Platteville with a source of revenue, in addition to other revenue sources currently being utilized, to fund transportation purposes.
- (3) Definitions. Motor Vehicle – an automobile or motor truck registered under Section 341.35(1)(c) at a gross weight of not more than 8,000 lbs.
- (4) Imposition of Motor Vehicle Registration Fee. (a) Pursuant to Section 341.35 of the Wisconsin Statutes, an annual flat fee as set forth herein, in the amount of twenty dollars (\$20.00) is hereby imposed on all motor vehicles registered in the state of Wisconsin that are customarily kept in the City of Platteville.

## CHAPTER 3 Administration

- (b) This fee shall be paid by the registration applicant at the time that a motor vehicle is first registered and at each time of registration renewal.
  - (c) The City registration fee shall be paid as provided in Wisconsin Statutes Section 341.35(5). The City registration fee shall be in addition to State registration fees.
- (5) Administrative costs. The Wisconsin Department of Transportation shall retain a portion of monies collected equal to the actual administrative costs related to the collection of these fees. The method for computing the administrative costs shall be reviewed annually by the Wisconsin Department of Transportation, as provided in Wisconsin Statutes Section 341.35.
- (6) Exemptions. The following motor vehicles are exempt from the annual City of Platteville vehicle registration fee:
- (a) All vehicles exempted by Wisconsin Statutes Chapter 341 from payment of a state vehicle registration fee.
  - (b) All vehicles registered by the State of Wisconsin under Section 341.26 for a fee of five dollars (\$5.00).
  - (c) No City vehicle registration fee may be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current City vehicle registration fee has been paid.
- (7) Deposit of Fee Revenues. All monies under the applicable statute and this chapter remitted to the City by the Wisconsin Department of Transportation or other applicable agency shall be deposited into the City's Capital fund and used solely for assisting with transportation related purposes.
- (8) Collection of Fees. Collection of fees by the Wisconsin Department of Transportation shall commence on March 1, 2017.

### **3.37 REPEALED (12-09)**

**3.38 FEE FOR PROCESSING FINGERPRINT CARDS.** Applicants requesting the processing of fingerprints for firearms or other applications or permits by officers of the City shall be assessed a fee established by the Common Council and amended from time to time via resolution.

**3.39 FEE FOR PROCESSING TEMPORARY WISCONSIN LICENSE PLATES.** Individuals requesting application for vehicle title and the processing of temporary

Wisconsin license plates by employees of the City shall be assessed a fee established by the Common Council and amended from time to time via resolution.

**3.40 REPEALED (11-25)**

**3.41 HOUSING AUTHORITY.** (a) Creation. The Housing Authority of the City of Platteville, created by A Resolution Declaring the Need For A Housing Authority To Function In The City of Platteville, Wisconsin adopted and approved by the Common Council on March 8, 1966 is hereby ratified and confirmed.

(b) Appointment, Qualifications and Tenure. The appointment, qualifications and tenure of commissioners of the Housing Authority shall be as set forth in Wis. Stat. Section 66.1201(5). No more than two commissioners may be officers of the City. Commissioners shall be appointed by the President of the Common Council, subject to confirmation by the Common Council. Vacancies for an unexpired term shall be filled in the same manner.

(c) Organization.

(1) The commissioners shall elect a Chairperson and Vice Chairperson from its members at its first meeting in June. Officers shall serve a term of one year. Other officers may be selected as necessary.

(2) The Chairperson shall conduct the meetings and serve as the authorized representative of the Authority. The Vice Chairperson shall serve in the absence of the Chairperson.

(b) Powers and Duties. The Housing Authority shall have the powers and duties as set forth in Wis. Stat. Sections 66.1201 to 66.1211, the Housing Authorities Law, including the powers set forth in Wis. Stat. Section 1201(9).

**3.42 LIMITATION ON COUNCIL AUTHORITY TO MAKE EXPENDITURES.** The Common Council of the City of Platteville shall not authorize or approve any contracts, relating to or for the construction of any public building where the total cost of the project exceeds \$1,000,000, and would result in an increase in real property taxes, unless the project is first submitted to a vote of the electors in a non-binding, advisory referendum. A majority of the members of the Council voting at a regular or special meeting may waive this requirement with respect to a specific project. This ordinance shall not be construed to require a referendum for contracts let to define the scope or space needs of a project, provide initial cost estimates, or produce preliminary design documents or concepts.

**3.43 TOURISM COMMITTEE.** (a) Creation. A Tourism Committee for the City of Platteville is hereby created. Any reference made to the Tourism Commission in the

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Ordinances of the City of Platteville shall be interpreted to mean the Tourism Committee as created and established by this Section.

### (b) Composition, Appointment and Terms.

1. The Tourism Committee shall have five (5) voting members, three of which shall be residents of the City of Platteville and have a demonstrated interest in tourism in the City of Platteville, one member of the Common Council, one member of the hotel and motel industry within the City of Platteville. The Committee shall also have two (2) non-voting or ex-officio members, consisting of the Executive Director of the Chamber of Commerce and Manager of the Main Street Program.
2. The members shall be appointed by the President of the Common Council, subject to confirmation by the Common Council. Vacancies for an unexpired term shall be filled in the same manner.
3. The terms of the members shall be for one year each and they may be reappointed.
4. Members shall serve without compensation and the Committee may, by majority vote, request reimbursement for expenses of its members.

### (c) Organization.

1. The Committee shall elect one member Chairperson, one member Vice-Chairperson and one member Secretary for one year terms at its July meeting.
2. The Committee shall meet at least quarterly.
3. Three members of the Committee shall constitute a quorum for the purpose of holding official meetings and conducting official business.
4. Meetings of the Committee shall be governed by Robert's Rules of Order.
5. Members appointed during the course of any term shall fill the unexpired term.

### (d) Powers and Duties. The Committee shall provide advice and recommendations to the Common Council on the expenditure of Room Tax receipts collected under the provisions of Section 3.35 and Wis. Stat. Section 66.0615, for "tourism promotion and development" as defined in Wis. Stat. Section 66.0615(1) (fm). The Committee, if requested by the Council, may make requests for and conduct a review of proposals for the funding of specific marketing projects, transient

information services, or tangible municipal development related to “tourism promotion and development”.

**3.44 PARKS, FORESTRY AND RECREATION COMMITTEE.** (a) Creation. A Parks, Forestry and Recreation Committee is hereby created. Any reference made to the Board of Park Commissioners or the Tree Advisory Board in the Ordinances of the City of Platteville or the rules, regulations and statutes of the State of Wisconsin shall be interpreted to mean the Parks, Forestry and Recreation Committee as created and established by this Section.

(b) Composition, Appointment and Terms.

1. The Parks, Forestry and Recreation Committee shall have seven (7) members, consisting of:
  - A. One (1) member shall be an alderperson of the City of Platteville. Such member shall serve for a term of one year, or as long as such person is an alderperson of the City of Platteville, whichever is shorter.
  - B. Six (6) members shall be selected from among the residents of the City of Platteville. The initial terms of such members shall be staggered, with three (3) members having terms of one, two and three years and two (2) members having terms of two years and one (1) member having a term of three years, and successive terms of three years or until such member ceases to be a resident of the City of Platteville, whichever is shorter.
2. The members shall be appointed by the President of the Common Council on the second Tuesday in May, subject to confirmation by the Common Council, for a term commencing on June 1. Vacancies for an unexpired term shall be filled in the same manner. A member of the Committee, upon completion of the member’s term shall not be eligible for reappointment until at least a period of one year shall have intervened between said terms as a Committee member, but this provision shall not apply to persons who fill an unexpired term of a previous member or whose initial term was less than three years, or to the appointment of an alderperson.

(c) Organization.

1. The Committee shall elect a Chairperson and Vice Chairperson from among its members at its first meeting in June. Officers shall serve a term of one year. Other officers may be selected as necessary.
2. The Chairperson shall conduct the meetings and serve as Representative of

## CHAPTER 3 Administration

the Committee. The Vice Chairperson shall serve in the absence of the Chairperson. The City Manager or his/her assigned representative shall serve as secretary and staff the Committee.

3. Four members shall constitute a quorum for the purpose of holding meetings and conducting business. A member may be counted for quorum purposes if attending remotely so long as the said member can hear and be heard by the committee members and other persons attending the meeting.
- (d) Powers and Duties. The Committee shall have the following powers and duties:
1. Provide advice and recommendations to the Common Council on the matters set forth in Wis. Stat. Sections 27.08, 27.09 and 27.10 and shall:
    - a. Review proposals for residential development with respect to the need of parkland, trails and recreational facilities and whether existing facilities are sufficient or new or additional facilities will be required as a result of the proposed development and shall file a report on such matters to the City Plan Commission and City Council for their review in a timely manner.
    - b. Make recommendations for the appropriation of the City's Parks Impact Fee.
    - c. Consider and pursue grants for the improvement of city parks, recreation programs, and forestry initiatives.
    - d. Recommend changes in recreation, park, or forestry fees and programs and present same by resolution to the City Council.
  2. Act as the Tree Advisory Board under Chapter 10 Urban Forestry and:
    - a. Serve in an advisory capacity to the Common Council relating to trees and shrubs located within street right-of-ways, parks, cemeteries, and other public places in the City and to trees and shrubs located on private property that are diseased or infested or endangers the life, health or safety of persons or property on public areas.
    - b. Prepare and maintain an inventory of trees and shrubs located on public areas within the City and on private property along streets where street trees cannot be planted due to site limiting factors.
    - c. Prepare and recommend to the Common Council a management plan for the planting, care and maintenance of trees in the City, including the number, species and location.



## CHAPTER 3 Administration

- d. Identify, improve and promote desirable tree and shrub species within the City.
  - e. Apply for county, state, federal and private grant funds for the City's tree program.
  - f. Recommend such persons or firms who are qualified in urban forestry to assist with the City's urban forestry tree program.
  - g. Provide a forum for and encourage public comments on City tree and shrub projects and the urban forestry program.
  - h. Encourage public participation in urban forestry within the City of Platteville and the surrounding extraterritorial area.
  - i. Conduct an Arbor Day observance each year.
  - j. Inform and educate City residents about the care of natural areas in their neighborhoods.
  - k. Maintain "Tree City USA" status of the City of Platteville.
3. Perform such other duties and responsibilities as the Common Council shall from time to time direct.
- (e) The Common Council shall exercise all the responsibilities and powers of the Board of Park Commissioners as provided in Wis. Stat. Section 27.08(3).

**3.45 REDEVELOPMENT AUTHORITY.** (a) Creation. The Redevelopment Authority of the City of Platteville, created by Resolution No. 05-08 adopted and approved by the City Council on June 14, 2005, is hereby ratified and confirmed.

- (b) Composition, Appointment and Terms. The composition, appointment and terms of commissioners of the Redevelopment Authority shall be as set forth in Wis. Stat. Section 66.1333(3). One of the seven commissioners shall be a member of the Council. No more than two commissioners may be officers of the City. Commissioners shall be appointed by the President of the Common Council, subject to confirmation by a 4/5 vote of the membership of the Common Council. Vacancies for an unexpired term shall be filled in the same manner.
- (c) Organization.
1. The commissioners shall elect a Chairperson and Vice Chairperson from its members at its first meeting in June. Officers shall serve a term of one year.

Other officers may be selected as necessary.

2. The Chairperson shall conduct the meetings and serve as authorized representative of the Authority. The Vice Chairperson shall serve in the absence of the Chairperson.
- (d) Powers and Duties. The Redevelopment Authority shall have the powers and duties as set forth in Wis. Stat. Section 1333, the Blight Elimination and Slum Clearance Act. In addition, the Redevelopment Authority shall serve in an advisory capacity to the Council on long range planning and individual adjustments to parking within Redevelopment District(s), or in areas adjacent to such District(s) as requested by the Common Council.

**3.46 COMMUNITY SAFE ROUTES COMMITTEE.** (a) Creation. The Community Safe Routes Committee of the City of Platteville, created, adopted and approved by the City Council on September 9, 2008 is hereby ratified and confirmed.

(b) Composition, Appointment and Terms.

1. The Community Safe Routes Committee shall consist of seven members; one member shall be appointed by the Platteville Area School District, one member shall be a city council member, one member shall be from the Platteville Community Arboretum/Friends of the Rountree, and the remaining four members shall be appointed with due consideration to their knowledge in one of the following areas: public safety, medical/health expertise, and/or real estate development. The Staff Liaison shall be the Director of Public Works and/or the Recreation Coordinator.
2. The Council President shall appoint the members, subject to confirmation by the Common Council. Vacancies for unexpired terms shall be filled in the same manner.
3. The terms of the members shall be for three years each. The initial appointees shall have staggered terms of 1, 2, and 3 years respectively.
4. Members shall serve without compensation.

(c) Organization.

1. At the first meeting held after the Common Council organizational meeting, the Community Safe Routes Committee shall elect one member Chairperson and one member Vice-Chairperson.
2. The Community Safe Routes Committee shall meet on the third Monday of the month at 6:00 pm in the G.A.R. Room.

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3. Four (4) members of the Community Safe Routes Committee shall constitute a quorum for the purpose of holding official meetings and conducting official business.

### (d) Duties and Responsibilities.

1. The mission/purpose of the Community Safe Routes Committee is to formulate the Safe Routes to School Plan that includes safe routes for bicyclists and pedestrians to access our schools and churches, parks and recreation areas, and retail shopping areas. This plan shall be updated every seven years.
2. The Committee shall facilitate the implementation of the Safe Routes to School Plan.
3. The Committee seeks to formulate a well-organized and interconnected community wide bike and pedestrian trail system within the City of Platteville.
4. The Committee shall continue to pursue walking/biking recognition awards for the City of Platteville.
5. The Committee may also provide recommendations to the Common Council regarding bicyclists and pedestrian access throughout the City.

### **3.47 REPEALED (17-06)**

**3.48 PUBLIC TRANSPORTATION COMMITTEE** (a) Creation. The Public Transportation Committee of the City of Platteville, created, adopted and approved by the City Council on March 12, 2019 is hereby ratified and confirmed.

1. The Platteville Public Transportation Committee shall consist of ten (10) members; five (5) members shall be appointed by the University of Wisconsin – Platteville, one (1) member shall be a Common Council member, one member shall be from the Platteville Public School District, one member shall be from Southwest Health Center and two (2) members shall be appointed with due consideration for their knowledge in one of the following areas: transportation, transportation needs of disadvantaged populations, and/or interest in public transportation. The University of Wisconsin – Platteville may appoint an ex-officio staff liaison. The City Staff Liaison shall be the Community Planning Specialist.
2. The Council president shall appoint the members other than the ones appointed by the University of Wisconsin – Platteville, subject to confirmation by the Common Council. Vacancies for unexpired terms shall be filled in the same manner.

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3. The terms of the members shall be for three years each. The initial appointees shall have staggered terms.

4. Members shall serve without compensation.

### (b) Organization.

1. At the first meeting after September 1, the Platteville Public Transportation Committee shall elect one member as Chairperson and one member as Vice-Chairperson.

2. The Platteville Public Transportation Committee shall meet four (4) times per year and additional times as called by the Chairperson. Meetings shall take place on the second Thursday of the month at 6:30 pm in the G.A.R. Room.

3. Six (6) members of the Platteville Public Transportation Committee shall constitute a quorum for the purpose of holding official meetings and conducting official business.

### (C) Duties and Responsibilities.

1. The mission/purpose of the Platteville Public Transportation Committee is to develop and promote a system of public transportation in various modes to support the needs of residents and University of Wisconsin – Platteville students, particularly handicapped and other disadvantaged populations within the City.

2. The Committee shall make recommendations to the Common Council including, but not limited to the following areas:

a. Routes of fixed route systems.

b. Fares for fixed route and demand responsive systems.

c. Budget for fixed route and other demand responsive systems.

d. ADA paratransit system services in excess of those required under Federal and State guidelines.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 4, STREETS, ALLEYS AND SIDEWALKS  
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## CHAPTER 4

### STREETS, ALLEYS AND SIDEWALKS

**4.01 OBSTRUCTING STREETS.** No person shall obstruct or endanger, or place, or permit anything to obstruct or endanger, the free passage or proper use of the public of any street, alley, sidewalk, crosswalk, bridge, or entrance to any church, theater, hotel, school, or public building, except as may be necessary while loading or unloading any goods, merchandise, or persons, or as is permitted under this code.

**4.02 BUILDING MATERIALS ON STREETS.** No person shall place any building materials on any street, alley, or sidewalk without a permit from the Director of Public Works. Any such person shall keep materials on any street or sidewalk only for such length of time as the Director of Public Works shall prescribe, and shall adopt such measures and precautions for the safety and convenience of the public and the City as the Director of Public Works may reasonably require.

**4.03 PLACING SNOW AND WASTES ON STREETS.** No person shall remove or cause to be removed from any private property any snow, slush or waste material of any kind into the streets or onto other public property of the City.

**4.04 DAMAGING STREETS.** No person shall injure or interfere with the substance of any street, alley, curb, or sidewalk, or any street sign, street lamppost, or tree in any street, or any danger lamp, or sign or signal or barrier placed for public safety, or any monument locating the line of a street, sidewalk, or public improvement.

**4.05 BARBED WIRE.** No person shall place any barbed wire fencing abutting on any street, alley or sidewalk in the City.

**4.06 UTILITY POLES.** All telephone, telegraph or electric poles in or upon the public streets or alleys of the City shall be subject to and governed by the following rules and regulations:

- (a) The City of Platteville shall have the right at any time to designate the location of all such poles and reserve the right at any time to direct any alteration in the location of such poles or posts, the height thereof and the height at and the manner in which all wire thereon shall be run, any such alteration to be made at the cost of the owner of such poles.

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- (b) Before any person shall erect any poles upon any street or alley he shall submit to the Director of Public Works the route of the proposed line or lines and as far as practicable the location of each pole and the number and location of the wires. No such pole shall be erected until first obtaining approval of the Common Council.
- (c) Whenever in the judgment of the Common Council the use of any alley for the purpose of erecting the poles is practicable said poles shall be placed upon and along said alley instead of upon and along the street next adjoining. When the poles are set in an alley they shall be located as near the said line as practicable and in such manner as not to inconvenience the public or the adjoining landowner.
- (d) Whenever poles are erected on a street they shall be placed in all cases, unless specially directed otherwise by the Common Council, on the outer edge of the sidewalk just inside of the curb and on the line dividing the lots, one from another. In no case shall they be so placed as to inconvenience the public or the adjoining property or to disturb the drainage of the streets, or interfere with or damage the trees or other public or private property unless the consent of the owner of the trees or other property and of the Common Council shall have previously been obtained.
- (e) Whenever any street on which any of the poles shall have been set shall be graded, paved or reconstructed, all such poles shall be reset if necessary so as to conform to the street as constructed.
- (f) The City of Platteville reserves the right at any time to order any or all wires in the City to be cabled or placed underground and to order poles supporting the same to be removed from the public streets.
- (g) The City of Platteville shall have the right to use without charge the upper arm of any pole erected in the City for the purpose of maintaining a wire or wires for the exclusive use of the City or any of its departments and no such pole shall be removed by the owner thereof until the Common Council or Director of Public Works shall have been reasonably notified of the contemplated removal.
- (h) All such wires herein mentioned and all other conductors of electricity must be so carried, so placed and protected as to be free from all danger of communicating fire by means of contact with other wires or conductors or in any manner injuring public or private property.
- (i) The erection of any poles or the stringing of any wires shall be deemed an acceptance by the person so erecting said poles or stringing said wires of all of the conditions and provisions contained in this section.

**4.07 SIDEWALK CAFÉ PERMITS.** (a) PERMIT REQUIRED. It shall be unlawful for any person to sell, or offer to sell, any food or beverage at a sidewalk café located upon

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any street, alley, sidewalk, street terrace, or other public property, unless such person shall have first applied for and obtained a sidewalk café permit.

(b) DEFINITION. Sidewalk café shall mean an outdoor dining facility which is located upon any part of the public right-of-way adjacent to a restaurant licensed under §254.64(1)(a), Wis. Stats., and which is used by the holder of the restaurant permit for the sale of food, refreshments and beverages. The sidewalk café shall include any group of tables, chairs, benches, barriers, partitions, trash containers and other such approved features.

(c) APPLICATION PROCEDURE.

- 1) Application for a sidewalk café permit shall be filed with the Community Planning and Development Director. The application shall contain such information as the Community Planning and Development Director may require and shall include at a minimum the following:
  - a) A completed application form.
  - b) A scale drawing of the site, showing the location of all trees, poles, benches, grates, and other amenities or obstructions, and location of the proposed furniture, fences, and other equipment.
  - c) Photographs, drawings, or manufacturers brochures fully describing the appearance, materials and dimensions of all proposed tables, chairs, barriers or other objects related to the sidewalk café.
  - d) A copy of a valid restaurant license issued by the State of WI under §254.64(1)(a) for the premises where the sidewalk café will be located
  - e) The permit fee.
  - f) If applicable, a letter from the adjoining property owner(s) and business tenant(s).
- 2) The Community Planning and Development Director shall review the application for compliance with the provisions of this chapter and other applicable City Ordinances. If the application is complete the permit request shall be submitted to the Planning Commission for approval, approval with conditions/restrictions, or denial. An application for a sidewalk café that will include the sale of alcohol shall also be approved by the Common Council.
- 3) Following approval of the sidewalk café permit application, and as a condition of granting the permit, the applicant shall furnish a certificate of



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insurance, on a form acceptable to the City, evidencing the existence of comprehensive general liability insurance with the City of Platteville being named as an additional insured and liability limits of not less than \$500,000 per claim and \$1,000,000 annual aggregate. The certificate shall provide thirty (30) days written notice to the City prior to cancellation, nonrenewal, or material change to the policy.

- 4) All permits hereunder are annual permits and shall be effective from March 1 until the end of February. To renew an existing sidewalk café permit, the permit-holder who meets all applicable requirements need only submit to the Community Planning and Development Director a completed renewal application, along with the appropriate annual permit fee and certificate of insurance. If the permit-holder proposes changes to the site, the application shall be processed in the same manner as an initial sidewalk café permit application.
- (d) GENERAL RESTRICTIONS. Any sidewalk café permitted hereunder shall be subject to the following regulations:
- 1) Sidewalk cafés are restricted to the public right-of-way immediately adjacent to and extending perpendicular to the curb from the façade of the real property owned or leased by the permit holder. The Plan Commission may allow the boundary to be extended beyond the frontage of the permit holders business to include the frontage of contiguous property, however, a written statement signed by the owner(s) and tenant(s) of the adjacent business shall be provided at the time of application.
  - 2) All sidewalk cafés shall remain within the boundaries of the sidewalk café site as set forth on the approved application. No application will be approved where the location of the sidewalk café negatively impacts another business, as determined by the Plan Commission.
  - 3) No portion of a sidewalk café shall be permitted within five (5) feet of a fire hydrant, curb-cut or marked crosswalk, or any handicapped parking space.
  - 4) All activities at the sidewalk café shall be conducted so as to maintain a minimum width of four (4) feet of unobstructed public pedestrian walkway between the sidewalk café and the edge of the sidewalk adjacent to the curb and other obstructions. For the purpose of the minimum clear walkway, traffic signs, light poles, hydrants and all similar obstacles shall be considered obstructions.
  - 5) No furniture or activities in a sidewalk café shall block designated egress, ingress, or fire exits from or to any structures, including the business establishment that operates the sidewalk café.

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- 6) No person holding a sidewalk café permit may use any public property, such as light poles or other utility poles, flower planters, trees, or other amenities as a point of attachment for any ropes or other devices as part of the sidewalk café.
  - 7) The color and material of the proposed outdoor furniture should be harmonious with the principal structure and adjacent structures. The outdoor furniture should be constructed of durable materials, such as wrought iron, rather than lightweight plastic.
  - 8) No sidewalk café shall be open for business between the hours of 10:00 p.m. and 7:00 a.m. All materials and equipment forming part of the sidewalk café shall be removed from the site when the sidewalk café is not open.
  - 9) No food preparation, food or beverage storage, refrigeration apparatus, or other equipment shall be allowed in the sidewalk café unless specifically authorized as part of the approval.
  - 10) No amplified sound shall be allowed in the sidewalk café unless specifically authorized as part of the permit.
  - 11) All sidewalk cafés shall be maintained in a clean and hazard-free condition at all times. Debris shall be removed as required during the day and again at the close of each business day. All debris and refuse generated by patrons of the sidewalk café shall be disposed of in receptacles provided by the holder of the sidewalk café permit and shall not be disposed of in publicly maintained trash receptacles.
  - 12) The use of a portion of the public right-of-way as a sidewalk café shall not be an exclusive use. All public improvements, including, but not limited to, light poles, traffic signs, manholes, or any public initiated maintenance procedures, shall take precedence over said use of the public right-of-way at all times. The City Manager or his/her designee may temporarily order the removal of the sidewalk café for special events, including but not limited to parades, sponsored runs or walks, or for public health and safety reasons.
- (e) **ALCOHOLIC BEVERAGE RESTRICTIONS.** Any sidewalk café that includes the sale of alcoholic beverages shall be subject to the following additional restrictions and limitations:
- 1) A permittee may sell and serve alcoholic beverages in a sidewalk café only if the permittee complies with all the requirements for obtaining an

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alcohol beverage license, and the sidewalk café is listed on the alcohol beverage license application as being a part of the licensed premises.

- 2) Alcohol may be served at sidewalk cafés under the following conditions:
    - a) The permittee has a valid and appropriate alcohol beverage license for the principal premises;
    - b) The description of the premises in the alcohol beverage license includes the sidewalk café area in the description of the licensed premises;
    - c) The retail alcohol beverage license permits the sale of the type of alcohol beverages to be served in the sidewalk café;
    - d) Alcohol beverages are sold and served by the licensee or licensee's employees only to patrons seated at tables in the sidewalk café;
    - e) Alcohol beverages are served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances and regulations;
    - f) The permittee shall be responsible for preventing underage persons from entering or remaining in the sidewalk café area, except when underage persons are allowed to be present on the licensed premises under applicable laws;
    - g) The permittee shall not allow patrons of the sidewalk café to bring alcohol beverages into the sidewalk café from another location, nor to carry open containers of alcohol beverages served in the sidewalk café outside the sidewalk café area; and
    - h) The bar from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the sidewalk café area.
- (f) PROCEDURE FOR REVOCATION, SUSPENSION, OR NONRENEWAL.
- 1) In addition to any other penalty provided under this chapter, a sidewalk café permit issued hereunder may be revoked, suspended, or not renewed for a specific period of time after notice and hearing as provided herein for violation of any provisions of this chapter, violations of conditions of approval, or any other City ordinance. If the revocation, suspension or non-renewal of a cafe permit includes premises described in an alcohol beverage license, the procedures for revocation, suspension

or non-renewal of an alcohol beverage license set forth in Chapter 36 shall also be initiated.

- 2) Such hearing shall be held by the Common Council after review and recommendation by the Plan Commission. The permit-holder shall be notified in writing of the charges at least ten (10) calendar days prior to the hearing. At the hearing, the Community Planning and Development Director, or the Community Planning and Development Director's designee, shall present evidence of the alleged violation. The permit-holder shall have the opportunity to question witnesses, may call witnesses on their own behalf, and may be represented by counsel.
  - 3) After due consideration, the Common Council may suspend the permit for a period not to exceed six (6) months, or revoke or non-renew the permit for a period not to exceed one (1) year. The violator shall be notified in writing of the findings and determination of the Common Council.
  - 4) The decision of the Common Council shall be a final determination and shall be subject only to judicial review as may be provided by law. Any person aggrieved by the Common Council decision hereunder may seek judicial review thereof within thirty (30) days of the date of the final decision.
- (g) **PENALTY FOR VIOLATION.** The penalty for violation of any provision of this section shall be as provided in §1.10 of the Municipal Code.

**4.08 CLEATED VEHICLES ON STREETS.** No person shall operate any vehicle with tracks, lugs or cleats, or any vehicle capable of damaging the surface of any street, on any street in the City.

**4.09 SHOVELING SIDEWALKS.** (a) No owner of land within the City of Platteville shall allow accumulations of snow or ice on any public sidewalk within the City for more than 36 hours.

- (b) The Director of Public Works shall be responsible for seeing that all public sidewalks within the City are kept free of accumulations of snow and ice. If there is an accumulation of snow or ice on any public sidewalk within the City for more than 36 hours, the Director of Public Works shall cause the same to be removed, either directing City personnel to make such removal or by contracting with private parties for such removal. The actual cost of such removal shall be charged against the owner of the property and shall be due and payable to the City within 30 days after the work is performed. Any amounts not paid within 30 days shall bear interest at the rate of 1% per month until fully paid.

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- (c) A per parcel administration charge, in an amount as set from time to time by a resolution of the Common Council, shall be added to bills where the property owner fails to shovel the public sidewalk, requiring the City to perform the work and that any amount not paid within 30 days shall bear interest at the rate of one percent per month until fully paid.

**4.10 OBSTRUCTING SIDEWALKS.** No person shall allow any object to obstruct or overhang any sidewalk lower than 7 ½ feet above the sidewalk.

**4.11 STREET EXCAVATIONS.** (a) Permit. No person shall excavate, tear up, open or alter the area between the lot lines of any public street or alley in the City until he has obtained a permit therefore as hereinafter provided.

- (b) Application for Permit. Not less than three days prior to a proposed excavation, opening or altering of any such street or alley the person performing the work shall submit to Public Works an application therefor on a form provided by the City, which application shall include the following:

1. Statement as to purpose of proposed opening;
2. Exact location, size, and depth of opening;
3. As nearly as known the date on which said work is to be done;
4. A signed acknowledgment as to notice of the proposed opening by the following local utilities or by their duly authorized agents:
  - A. Telephone Company
  - B. Electric Light and Power Company
  - C. Gas Company
  - D. City Water and Sewer Department
5. Signature of person making application and date.

In the event of emergency, work may proceed, with permit and notification following without delay.

- (c) Bond. The person performing the work to be done on the street shall comply with Section 66.0425, Wisconsin Statutes, and shall, as part of such compliance, have or place on file with the City Clerk a bond in the amount as set from time to time by

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a resolution of the Common Council running to the City of Platteville to secure the performance of the requirements of this section.

By Section 66.0425, Wisconsin Statutes, public service corporations organized under Chapter 185 and cooperative associations organized under Chapter 185 to render or furnish telephone, gas, light, heat or power are not required to file said bond.

- (d) Approval or Disapproval of Application. Upon filing the above described application and bond with the City Clerk, the Clerk shall present the application to the Director of Public Works, or his agent, who shall, after investigation thereof, endorse thereon his approval or disapproval as the case may be and return same to the City Clerk. Disapproval by the Director of Public Works or his agent shall be only for good and sufficient cause and he shall indicate his reasons for such disapproval on the application. In case of disapproval, the Director of Public Works or his agent may subsequently approve the application upon the removal or correction of the reason for such disapproval, or the applicant may on a change in the circumstances affecting such disapproval submit further application. The Director of Public Works or his agent may disapprove issuance of a permit to any individual who has not complied with the conditions of this section under a previously issued permit.
- (e) Permit Fee. Upon the return of the application form to the City Clerk, the Director of Public Works or his agent shall notify the applicant of the action thereon, and if it has been approved, the Clerk shall thereafter issue such permit. The permit fee in the amount as set forth from time to time by a resolution of the Common Council shall be included in the back filling cost set forth in Section 4.11(g). The estimated cost of back filling and street repair shall be provided at the time the permit is issued.

By Wisconsin Statutes 66.0425, public service corporations organized under Chapter 185 are not required to pay the permit fee.

- (f) Street Restoration Specifications. Street Restoration specifications shall be kept on file in the office of the Director of Public Works. All work done shall adhere to these specifications and any other requirements ordered by the Director of Public Works.
- (g) Back Filling of Water/Sewer Trenches. The back filling of water and sewer trenches in City streets shall be done by the City. The actual cost of such back filling shall be charged against the owner of the property and shall be due and payable to the City within 30 days after the work is performed. The Permit Fee shall be included in such cost. Any amounts not paid within 30 days shall bear interest at the rate of 1% per month until fully paid. Back filling shall start at a point two feet back of the curb; or where no curb exists, from a point two feet back of the traveled way; granular materials shall be used and machine tamped in place and the street surface restored to its original condition. Thereafter, any maintenance or repair of the street at the site of the excavation shall be at the City's expense.

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- (h) Utilities. Any utility whose acknowledgment as to notice is required by this section shall forthwith notify the Director of Public Works or his agent in writing as to any particular problem raised by the proposed opening or excavation, and the Director of Public Works or his agent is authorized to take any such special problem into consideration when passing upon the application.
- (i) Hearing. Any person aggrieved by the action of any City official in carrying out his duties under the provisions hereof may have said grievance heard before the Common Council, which shall have by majority vote the power to approve such action complained of or to make such changes therein as will fairly carry out the terms and intent of this section. Any such action by the Common Council concerning such administration of this section shall be final insofar as the City has the power to deal with and enforce the terms hereof.
- (j) City Work. The provisions of this section shall not be construed to apply to the City in either its proprietary or governmental capacity in connection with any necessary street excavations.

**4.12 (Deleted)**

**4.13 CONSTRUCTION, REMOVAL, REPLACEMENT OR REPAIR OF SIDEWALKS.**

- (a) Statute Adopted. The provisions of Chapters 66.615 and 66.616, Wisconsin Statutes, relating to sidewalks and any subsequent amendments to said chapters are hereby adopted and by reference made a part hereof as if fully set forth herein. The following rules are adopted under the provisions of section 66.615(7), for carrying the aforesaid provisions into effect, for regulating the use of the sidewalks of the City and preventing their obstruction.
- (b) Owner to Construct. It shall be the duty of the abutting owner to build and construct sidewalks along or upon any street, alley or highway in the City of Platteville and to pay the entire cost thereof as required by the Common Council.
- (c) City to Maintain and Repair. It shall be the responsibility of the City to maintain, replace and repair damaged sidewalk. The Public Works Director is authorized to direct an annual repair program consistent with budgetary appropriations. However, the property owner shall be responsible for sidewalks damaged by the property owner, agent or contractor working on behalf of the property owner. Unless waived specifically by the Common Council on a case-by-case basis, the owner of tax-exempt property shall continue to bear the responsibility for sidewalk repairs, maintenance and construction.
- (d) Permit Required. No person shall hereafter lay, remove, replace or repair any public sidewalks within the City of Platteville unless he is under contract with the

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City to do such work or has obtained a permit therefor from the Director of Public Works at least seven days before work is proposed to be undertaken. No fee shall be charged for such permits.

- (e) Sidewalk Grade. The grade of all sidewalks shall be established by the Director of Public Works before any excavation or construction work is performed, and no person shall alter the grade of any sidewalk unless authorized by the Director of Public Works.

No person shall fill, excavate, or construct or place any obstruction in a street right of way without prior authorization by the Director of Public Works. Any such filling, excavation, construction or obstructions of the street right of way made without the authorization of the Director of Public Works shall be removed or replaced and the cost thereof assessed to the property owner.

- (f) Specifications. The Director of Public Works is hereby authorized to prepare specifications for all work to be done concerning the construction, removal, replacement or repair of sidewalks, same to be subject to approval by the Common Council and when so approval shall be applicable for all of such sidewalk work. The specifications shall be kept on file in the office of the City Clerk. Sidewalks shall be a minimum of 4' in width.

- (g) Installment Payments. The expenses of laying, removing and repairing sidewalks or replacing fill, or removing construction, excavation or obstructions in or upon the street right of way, to be charged against each lot owner under the provisions of Section 66.615(3)(f) and Section 66.615(7) of the Wisconsin Statutes shall, where the amount thereon is \$100 or over, at the option of the property owner, be payable in annual installments, such deferred payments to bear interest at the rate established by the Common Council. Each such installment shall be entered on the tax roll in the manner provided by state statutes for the successive years to which such installment payments shall apply. After sidewalks have been laid, removed or repaired and when the expenses of such laying, removing or repairing are to be charged against each lot, the Common Council shall, by resolution, set the time or times at which payment or payments for such work shall be made. Where an option for installment payments shall be exercised the funds to pay for such construction or repairs, or the funds to reimburse the account of the City which may have paid for same, shall be taken from the General Fund and such installment so paid shall be returned to said General Fund.

- (h) Entry on Tax Roll. The Common Council may, without any notice or hearing of any kind, authorize the entry of such construction or repair expense in the tax roll as a special tax against the property subject thereto whenever notice thereof is in writing waived by the owners of the property affected thereon.

- (i) Policy Regarding Construction, Removal, Replacement or Repair. It shall be the policy of the City of Platteville to direct the construction of sidewalks within public



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right-of-ways or easements along collector and arterial streets or within 1/8 of a mile of public facilities such as parks, schools, medical services, university or housing for special needs populations. The Common Council shall make the determination of projects and the timing of construction.

The Common Council will adopt a map showing those streets which will ultimately have sidewalks. The map may be revised from time to time, and will be maintained by the Department of Public Works.

The Common Council shall give the highest priority to repairs of existing sidewalks.

Sidewalks may be built on one or both sides of the street and may not necessarily be continuous on one side if prudent to avoid obstacles.

- (j) Any person constructing a permanently surfaced driveway or service walk shall obtain a permit from the Department of Public Works, which permit will be issued without charge. Any driveway or walk constructed across the proposed sidewalk area of the right of way shall include a public sidewalk section across the drive or walk.
- (k) Any person or persons violating the provisions of this section shall, upon conviction thereof, pay a forfeiture of not less than \$50.00 nor more than \$200.00, plus court costs, fees and assessments. Each day that a violation of this section shall continue shall be deemed a separate offense.

**4.14 CURBS AND GUTTERS.** (a) The size, shape and construction of all curbs and gutters, or of curb without gutters, as the case may be, shall be in accordance with the plans and specifications for the same as approved for such construction by the Director of Public Works.

- (b) Whenever a space is left between the sidewalk and the curb, like space shall be neatly graded from the top of the walk to the top of the curb, and the grass thereon kept short by the owner of the abutting property at his expense. In the event of the neglect or refusal of the owner to so do, the City may cause to be done all such work and charge the cost thereof against the property. No trees, shrubs, poles, tie posts, or other such obstructions shall be placed thereon without the consent of the Director of Public Works.

**4.15 MAILBOXES ON PUBLIC RIGHT OF WAY.** No person shall place, construct or erect a mailbox or other container for receiving mail, circulars or newspapers within the right of way of any street or alley within the City of Platteville unless such mailbox or container is placed on the boundary line between those lots abutting such right of way or as close thereto as may be practicable.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 5, HEALTH  
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## CHAPTER 5

### HEALTH AND PROPERTY MAINTENANCE

#### 5.01 WEEDS AND LAWN MAINTENANCE.

1) **PURPOSE.** It is the purpose of this Section to prohibit the uncontrolled growth of vegetation and to eradicate noxious weeds, while permitting the planting and maintenance of planned landscaping that adds diversity and richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation because vegetation which is not managed can decrease the value of nearby properties and threaten the public health and safety. It is also in the public's interests to encourage diverse landscaping treatments, particularly those that encourage the reservation, restoration, and management of native plant communities which can be economical, low-maintenance and effective in soil and water conservation. The City enacts this Section to balance these competing interests.

(2) **DEFINITIONS.**

- a) **Destroy.** Means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to bloom or flower stage.
- b) **Lawn/turf grass.** An area of soil-covered land near buildings that is primarily planted with a mixture of grasses consisting of Kentucky bluegrass, ryegrass and fescues, and that is regularly mowed and used for aesthetic and recreational purposes.
- c) **Noxious Weed.** The term "noxious weeds" as used herein shall include the following and shall also include any plants identified in Wis. Stats. Sections 23.235 and 66.407:

**Common Name - Scientific Name**

Black nightshade - *Solanum nigrum* Bittersweet nightshade - *Solanum dulcamara*

Bull thistle - *Cirsium vulgare*

Burdock - *Articum*

Canada thistle - *Cirsium arvense*

Common cocklebur - *xanthium strumarium*

Field bindweed or creeping jenny - *Lysimachia nummularia*

Giant hogweed - *Heracleum mantegazzianum*

Grecian foxglove - *Digitalis lanata*

Jimsonweed - *Datura stramonium*

Leafy spurge - *Euphorbia esula*  
Lesser celandine or fig buttercup - *Ranunculus ficaria*  
Multiflora rose - *Rosa multiflora*  
Nettles - *Urtica dioica*  
Poison ivy - *Toxicodendron radicans*  
Poison oak - *Toxicodendron diversilobum*  
Poison hemlock - *Conium maculatum*  
Purple loosestrife - *Lythrum salicaria*  
Ragweed- common - *Ambrosia artemisiifolia*  
Ragweed - Giant - *Ambrosia trifida*  
Spotted knapweed - *Centaurea biebersteinii*, *Centaurea maculosa* or *Centaurea stoebe*  
Tansy or common tansy - *Tanacetum vulgare*  
Water hemlock – *Cicuta maculata*  
Whorled milkweed - *Asclepias verticillate*  
Wild hemp or marijuana - *Feral cannabis*  
Wild parsnip - *Pastinaca sativa*  
Yellow star thistle - *Centaurea solstitialis*

- (3) WEED COMMISSIONER. The Office of Weed Commissioner is hereby created. The powers and duties of the Weed Commissioner as set forth in this section are hereby conferred upon and combined with the Director of Public Works.
- a) The Weed Commissioner shall enforce this section of the Municipal Code, and if any person shall fail to comply herewith, the Weed Commissioner shall, after five (5) days written notice to the owner, cause the property to be mowed and/or noxious weeds destroyed, and report the cost thereof in writing to the City Clerk. The cost thereof shall be placed on tax rolls as a tax on the lands upon which such weeds, grasses, lawns or noxious weeds were cut, as set forth in Section 66.0517 of the Wisconsin Statutes.
- b) An administration charge, as set by resolution by the Common Council, shall be added to bills where the property owner fails to mow his property and thereby causes the City to perform the work and that any amount not paid within thirty (30) days shall bear interest at the rate of one percent (1%) per month until fully paid.
- (4) ADOPTION OF STATUTES. The provisions of Sections 66.0407 and 66.0517, as amended, of the Wisconsin Statutes relating to the regulation and control of weeds are hereby adopted by reference.
- (5) CONTROL OF NOXIOUS WEEDS. A person owning, occupying, or controlling property in the City shall destroy all noxious weeds on the land.
- (6) Repealed (8/27/24)
- (7) LAWN MAINTENANCE. No person owning, occupying, or controlling property in the City shall permit or maintain any growth of lawns, turf grasses or weeds over

eight (8) inches in height, measured from the ground surface, except those areas designated as follows:

- a) Those areas more than 100 feet from property containing a residential dwelling unit.
- b) All other areas more than 100 feet from a parcel containing a structure in use.

**5.02 BURNING REFUSE.** (Repealed)

**5.03 GARBAGE AND REFUSE ACCUMULATIONS, JUNK VEHICLES.** (a) No person owning, occupying, or controlling property in the City shall permit or allow any garbage, rubbish or refuse matter to accumulate on the premises so as to render the premises unsanitary, unsightly, or detrimental to public health or safety.

- (b) No person owning, occupying, or controlling property in the City shall permit or allow any junked or abandoned vehicle to be stored or parked on any premises in their control, except within a fully enclosed building. A vehicle shall be considered junked or abandoned if it is not licensed for the current license year or if it is not in operable condition for a consecutive period of 30 days. A vehicle which is not in compliance with Wisconsin Administrative Code - Standards for Vehicle Equipment (Chapter Trans 305) is not in operable condition.
- (c) If any person fails or neglects to remove any garbage, rubbish or refuse matter or any junked or abandoned vehicle on premises in their control after being requested to do so in writing by an official of the City of Platteville, the City of Platteville may have such garbage, rubbish or refuse or junked or abandoned vehicle removed from said premises and, in addition to any penalty provided for the violation of this section, the occupant or owner of said premises shall pay the cost of such removal, in addition to an administration charge as set by resolution of the Common Council, and that any amount not paid within thirty (30) days shall bear interest at the rate of one percent (1%) per month until fully paid.
- (d) No person owning, leasing, occupying or having charge of any premises shall place or allow to remain outdoors and exposed to the elements, any chair, sofa, bed, table or other related or similar furniture, which is not designed or intended for outdoor use and which may be susceptible to deterioration or which may provide a harborage for rodents. This section shall not apply to furniture which is placed outside as refuse for collection and disposal, or which is in an enclosed porch.

**5.04 SWIMMING POOL FENCES.** (a) No person, firm or corporation in possession of land in the City of Platteville, either as owner, purchaser under contract, lessee, tenant or licensee shall maintain a swimming pool thereon unless all the requirements of this section are complied with.

- (b) A swimming pool within the meaning of this section shall be any depression in the ground either temporary or permanent or a container of water either temporary or permanent and either above or below the ground in which water of more than twenty-four (24) inches in depth is contained and which is used primarily for the purposes of bathing and swimming.
- (c) Every person, every member of a partnership and every corporation that owns, directly or indirectly, or operates or uses or has custody or control of or has the right to use any swimming pool located in the City of Platteville shall erect and maintain a fence or barriers at least four (4) feet in height around such swimming pool and of such construction as to safeguard a child less than 10 years of age from falling into such swimming pool. All gates or other openings in such fence or barrier shall be of a self-latching nature and shall be closed and locked when the swimming pool is not in use.
- (d) All fences constructed in compliance with this section shall conform to all other ordinances in the City of Platteville relating to fences and shall be so constructed that no opening is allowed larger than 6 square inches. Fence structures must start not more than 3 inches above ground level.
- (e) Abandoned pools or unused pools which are not occupied or used for periods of 30 days or more shall be completely drained or equipped with a secure swimming pool cover capable of supporting an adult weighing 150 pounds.
- (f) All swimming pools existing at the time of the passage of this section shall comply with the terms of this section within 90 days after its passage and publication as required by law.

**5.05 CLEAR WATER DRAINAGE.** Any person owning, occupying, or controlling property in the City shall not allow or permit any drainage from roofs, patios, swimming pools, drain tiles, or any other clear water source into the sanitary sewer system of the City of Platteville. Under this section clear water sources shall be those sources of water wherein such water is not used for sewage purposes. If any dispute or disagreement of any kind exists as to whether any source of water is a clear water source, the Director of Public Works is hereby authorized and empowered to make the final decision on such question.

**5.50 PENALTY AND ENFORCEMENT.** (a) Forfeiture Penalty. The penalty for violation of any provisions of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.

(b) Forfeiture Schedule. The penalty for violation of any provision of this chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this code.

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## CHAPTER 6

### ANIMALS

**6.01 DOG LICENSE.** (a) License Required. Every owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, or within 30 days from the date such dog becomes 5 months of age, shall pay the dog license tax and obtain a license therefore in the manner prescribed in by Wisconsin Statutes, with regard to dogs.

- (b) License fees shall be established by the Common Council and amended from time to time via resolution for all dogs. The owner of a dog 5 months of age or over who fails to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog or who fails to obtain a license on or before the dog reached a licensable age shall pay a late fee.
- (c) Issuance of License. Upon payment of the fees above set forth and upon proof being presented to the City that the dog for whom the license is intended has a current rabies vaccination, the City shall issue to such persons a dog license which shall be for a period of one year or until the next succeeding December 31, whichever shall be less, and such persons shall also be given a tag indicating the payment for said license, which tag shall be affixed to the collar or harness of such dog.
- (d) Unlicensed Dogs. No unlicensed dog shall run at large and any person may seize or impound such dog found at large and the fact that a dog is without a proper license tag attached to it shall be presumptive evidence that it is unlicensed. Any police officer or an animal control officer or other employee of the City of Platteville appointed by the City Manager for such job may enter upon the premises of the owner or keeper of any unlicensed dog for the purpose of seizing it. The words "unlicensed dog" mean a dog not licensed pursuant to the provisions of Chapter 174, Wisconsin Statutes.

**6.02 ANIMAL REGULATIONS.** (a) Animal Behavior. It shall be unlawful to own, harbor, or keep any animal which:

1. Habitually pursues any vehicle upon any public street, alley, or highway in the City;
2. Assaults or attacks any person;



## CHAPTER 6 Animals

3. Runs at large within the limits of this City. Animals shall be deemed to be running at large when found on any of the public streets, alleys, parks, or other public grounds of the City or when off the premises of the owner or person having custody of said animal. Except as provided in subsection (5), an animal shall not be deemed running at large if held in leash;
  4. Habitually barks, howls, yelps, growls, or meows or in any manner creates continuous or intermittent noise or disturbance such as to offend the peace and quiet of any person or persons of ordinary sensibility in the neighborhood or passing the premises on the sidewalk or street;
  5. Is present in any public park of the City, with the exception of the Dog Park, while not on a leash no more than 6 feet long and held by a person at all times;
  6. Damages public park facilities or interferes with park users;
  7. Is present, whether on or off a leash, at any of the following locations:
    - a. within the Platteville Family Aquatic Center, City Park, or Harrison Park;
    - b. within 20 feet of a playground;
    - c. within sports fields and facilities including baseball/softball diamonds, soccer fields, tennis courts, pickleball courts, basketball courts;
    - d. within special events, except where the sponsor has specifically requested to allow dogs within the park.
    - e. within any area designated by the Parks & Recreation Director and posted "no Dogs Allowed".
  8. Inflicts a bite to a human being or injures, kills, or physically attacks a human being or a domesticated animal on either public or private property, or has a propensity, tendency, or disposition to attack a human being or a domesticated animal, in a manner which may cause death or injury or otherwise endanger the safety of a human being or domesticated animal. The provisions of this subsection 6 shall not be applicable under circumstances where the bite, injury, or attack was sustained by a person committing or attempting to commit a criminal violation upon a premise occupied by the owner of the animal, was abusing the animal, or who was committing an unjustified physical attack or assault upon the owner or keeper of the animal.
- (b) Animals Infected with Hydrophobia. 1. Any police or any County Health Officer of the City may kill or impound any animal which he believes, from the appearance or conduct of such animal, to be infected with the disease known as hydrophobia or rabies.
2. Any person who shall suspect that any animal is infected with hydrophobia or rabies shall report his or her suspicion to the police or health authorities, describing the animal and giving the name of the owner, if known; any such animal shall, upon demand of any police officer of the City, be delivered to

such officer; if upon examination by a licensed veterinarian the animal shall exhibit symptoms or evidence of being infected with said disease, the animal shall be killed by any such officer or a veterinarian. The provisions of Wis. Stats. Section 95.21, Rabies Control Program, are hereby adopted and by this reference are incorporated herein as if set out in full.

3. It shall be unlawful for any person knowingly to harbor or keep any animal infected with hydrophobia or rabies or any animal known to have been bitten by an animal known to have been infected with hydrophobia or rabies, or fail to report to the police or health authorities of the City the existence of an animal which he knows to be infected with hydrophobia or rabies.
- (c) Quarantine or Sacrifice of an Animal. The provisions of Wis. Stats. Section 95.21, Rabies Control Program, is hereby adopted as pertains to the quarantine or sacrifice of an animal. A quarantined animal shall be kept securely confined, tied, leashed or muzzled. Any animal not so kept is declared to be a public nuisance and shall be confined as provided by Section 6.02(1)7. Any person, firm or corporation which fails to comply with the provisions of this section requiring the confining, keeping, tying, holding in leash or muzzling of any such animal shall be subject to the forfeiture provisions hereinafter set forth.
- (d) Taking custody of animals. 1. INTAKE. (A) A law enforcement officer may take custody of an animal if the officer has reasonable grounds to believe that the animal is one of the following:
- (1) An abandoned or stray animal.
  - (2) An unwanted animal delivered to the law enforcement officer.
  - (3) A dog not tagged as required by this chapter.
  - (4) An animal not licensed in compliance with any ordinance.
  - (5) An animal not confined as required by a quarantine order under any statute, rule or ordinance relating to the control of any animal disease.
  - (6) An animal that has caused damage to persons or property.
  - (7) A participant in an animal fight intentionally instigated by any person.
  - (8) An animal mistreated in violation of Chapter 951.
  - (9) An animal delivered by a veterinarian under subdivision 2.
2. DELIVERY OF ANIMAL BY VETERINARIAN. (A) A law enforcement officer or a person contracting to provide care, treatment or disposal services may accept an animal delivered by a veterinarian, or his or her employee, if the animal has not been picked up by its owner and all of the following apply:
- (1) The veterinarian notified the owner of the animal by certified mail, return receipt requested, that the animal was ready to be

picked up and the animal would be delivered to a law enforcement officer if not picked up within seven days.

- (2) The veterinarian retained the animal for seven days after the date on which a return receipt was signed or until the letter was returned to the veterinarian as undeliverable.
    - (3) The veterinarian certifies in writing to the law enforcement officer that subdivisions (1) and (2) apply.
  - (B) If an animal is accepted under paragraph (A), the veterinarian shall provide the person accepting the animal with any requested records concerning the animal's ownership, health or licensure.
3. NOTIFICATION OF OWNER. (A) If a law enforcement officer takes custody of an animal with the knowledge of the owner, the law enforcement officer shall explain the procedure by which the owner can recover the animal, including the procedure under 6.02(h), and the procedure to be followed if the animal is not returned to the owner.
  - (B) If a law enforcement officer takes custody of an animal without the knowledge of the owner, the law enforcement officer shall promptly notify the owner in writing if he or she can be identified and located with reasonable effort. The notice shall explain the procedure by which the owner can recover the animal, including the procedure under 6.02(h), and the procedure to be followed if the animal is not returned to the owner. The notice shall also inform the owner that the owner must notify any person with a lien on the animal, that the animal has been taken into custody.
  - (C) If the owner informs the law enforcement officer in writing that he or she will not claim the animal, it may be treated as an unclaimed animal under 6.02(i)2.
- (e) Records. A law enforcement officer taking custody of an animal on behalf of the City shall maintain or require any person to whom the animal is delivered under a contract providing for the provision of care, treatment or disposal services to maintain, as appropriate, records for each animal containing the following information:
  - (1) A physical description of the animal.
  - (2) The date that custody was taken of the animal, the date that the animal was delivered into the possession of another person and the identity of the person to whom delivered.
  - (3) The reason for taking custody of the animal.
  - (4) The ultimate disposition of the animal, including the name and address of any person into whose custody the animal was ultimately released.

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- (f) Animals considered unclaimed. The City or any person contracting to provide care, treatment or disposal services may treat any animal taken into custody under 6.02(d)1.(A)(1), (3), (4) or (9) as an unclaimed animal subject to 6.02(i)2, if, within seven days after custody is taken of the animal, it is not claimed by and returned to its owner under 6.02(i)1, except that an animal taken into custody under 6.02(d)1(A)(3) or (4) may not be treated as unclaimed if its owner files a petition under 6.02(h)1. within seven days after custody is taken.
- (g) Holding animals for cause. 1. GROUND. The City may withhold or direct persons contracting to provide care, treatment or disposal services to withhold, an animal in custody from an owner who makes an otherwise adequate claim for the animal under Section 6.02(i)1. on any of the following grounds: (A) There are reasonable grounds to believe that the owner has mistreated the animal in violation of Chapter 951.
- (B) There are reasonable grounds to believe that the animal poses a significant threat to public health, safety or welfare.
  - (C) The animal may be used as evidence in a pending prosecution.
  - (D) A court has ordered the animal withheld for any reason.
2. EXAMINATION PERMITTED. If an animal is withheld under sub. 1, upon request by the owner, a veterinarian retained by the owner may examine the animal.
3. COSTS. The owner of an animal withheld under sub. 1 is not liable for any costs of custody, care or treatment except as provided by court order.
4. RETURN. The City or a person contracting to provide care, treatment or disposal services having custody of an animal withheld under sub. 1 shall release the animal to the owner at the direction of the law enforcement officer that took custody of the animal if the requirements of 6.02(i)(A) – (D) are satisfied.
- (h) Review of seizure or withholding. 1. PETITION. A person claiming that an animal that he or she owns was improperly taken into custody under 6.02(d)1(A), (3), (4), (5), (6) or (8), or is wrongfully withheld under 6.02(g)1. may seek return of the animal by petitioning for an order from the circuit court for the county in which the animal was taken into custody or in which it is held.
2. NOTICE AND HEARING. The court shall provide notice of a petition under sub. 1 to the law enforcement officer who took the animal into custody or the City and shall hold a hearing on the issue whether the animal was improperly taken into custody or is wrongfully withheld.

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3. ORDER. (A) If the animal was taken into custody under Section 6.02(d)1(A)(8), or is withheld under Section 6.02(g)1, the court shall order the animal returned to the owner unless it determines that one of the following conditions are satisfied:
    - (1) There are reasonable grounds to believe that the owner has mistreated the animal in violation of Chapter 951.
    - (2) There are reasonable grounds to believe that the animal poses a significant threat to public health, safety or welfare.
    - (3) The animal may be used as evidence in a pending prosecution.
    - (4) A court has ordered the animal withheld for any reason.
  - (B) If the animal was taken into custody under Section 6.02(d)1(A)(3), the court shall order the animal returned to its owner if the court determines that the animal was tagged or was not required to be tagged under Chapter 174.
  - (C) If the animal was taken into custody under Section 6.02(d)1(A)(4), the court shall order the animal returned to its owner if the court determines that the animal was licensed or was not required to be licensed.
  - (D) If the animal was taken into custody under Section 6.02(d)1(A)(5), the court shall order the animal returned to its owner if the court determines that the animal was not subject to a quarantine order or was confined as required by a quarantine order.
  - (E) If the animal was taken into custody under Section 6.02(d)1(A)(6), the court shall order the animal returned to its owner if the court determines that the animal did not cause damage to persons or property.
- (i) Disposition of Animals. 1. CLAIM AND RETURN. Except as provided in sub. 4 or 6.02(g)1, the City or a person contracting to provide care, treatment or disposal services shall return an animal described in Section 6.02(d)1,(A)(1), (3), (4), (6), (8) or (9) to its owner upon the happening of all of the following: (A) The owner claims the animal and provides reasonable evidence of ownership.
- (B) If the licensure is required by statute or ordinance, the animal is licensed or assurance of licensure by prepayment is given, including payment of any late fee.
  - (C) If vaccination is required by statute or ordinance, the animal is vaccinated or assurance of vaccination by prepayment is given.
  - (D) All charges for custody, care, vaccination and treatment are paid.

2. UNCLAIMED ANIMALS. The City or a person contracting to provide care, treatment or disposal services that has custody of an animal considered unclaimed under sub. 7(C) or 8 or Section 6.02(d)3(C) or Section 6.02(f) or any unwanted animal may do any of the following: (A) Release the animal to any person other than the owner if all of the following apply:
  - (1) The person provides his or her name and address.
  - (2) If licensure is required by statute or ordinance, the animal's license or assurance of licensure is given by evidence of prepayment.
  - (3) If vaccination is required by statute or ordinance, the animal is vaccinated or assurance of vaccination is given by evidence of prepayment.
  - (4) Any charges imposed by the political subdivision or person contracting to provide care, treatment or disposal services for custody, care, vaccination and treatment are paid or waived.

(B) If the animal is not a dog or cat, sell the animal at public auction, including sale at a licensed livestock market.

(C) Euthanize the animal.

(D) If the animal is a stray or abandoned dog, release the dog under Wisconsin Statutes Section 174.13.
3. PROCEEDS OF SALE. If the owner of an animal sold under sub. 2(B) files a claim and provides proof of ownership within thirty days after the sale, the sale proceeds, less the cost of custody, care, treatment and sale shall be returned to the owner.
4. ANIMALS NOT RETURNED TO OWNER. If an animal in the custody of the City, other than an animal to which sub. (2) applies, is not returned to the owner under sub. 1 or 7(B) or Wisconsin Statutes Section 173.12(2), Section 6.02(g)4 or Section 6.02(h) or disposed of under sub. 6 or 7(A), or Wisconsin Statutes Section 173.12(3), it shall be disposed of under a court order under sub. 5 or Wisconsin Statutes Section 951.18(4).
5. COURT ORDER. (A) The City may petition the circuit court for an order doing any of the following with respect to an animal taken into custody by a law enforcement officer or withheld under Section 6.02(g):
  - (1) Providing for payment for the custody, care or treatment of the animal.
  - (2) Requiring the owner of the animal to post bond for the costs of custody, care or treatment of the animal pending the outcome of any proceeding.

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- (3) Authorizing the sale, destruction or other disposal of the animal.
  - (B) The petition shall set forth the basis for the petitioned-for relief.
  - (C) The City shall serve a copy of the petition in the manner provided under Wisconsin Statutes Section 801.11, upon the owner of the animal, if known.
  - (D) The court shall conduct a hearing on the petition, the petition and any person upon whom a copy of the petition was served may appear as a party.
  - (E) The court shall issue its order after hearing and may grant, modify and grant or deny the petitioned-for relief, after considering the interests of the animal, the owner of the animal, the City and the public.
6. INJURED OR DANGEROUS ANIMALS. The City or a person contracting to provide care, treatment or disposal services who has custody of an animal may have the animal euthanized if there are reasonable grounds to believe any of the following apply: (A) The animal is hopelessly injured beyond any reasonable chance of recovery.
- (B) The animal poses an imminent threat to the public health or safety.
  - (C) The animal poses an imminent threat to the health or safety of itself or its custodian.
7. ANIMAL NOT CONFINED AS REQUIRED BY QUARANTINE ORDER. (A) The City or person contracting to provide care, treatment or disposal services that has custody of an animal that was not confined as required by a quarantine order issued under any statute, rule or ordinance relating to the control of any animal disease shall confine the animal for the duration of the quarantine or shall euthanize the animal with the written permission of the owner or, if the animal is determined to be diseased, at the direction of the person issuing the quarantine order.
- (B) Unless the person issuing the quarantine order directs that the animal be euthanized because it is diseased, at the end of the quarantine period the political subdivision or person contracting to provide care, treatment or disposal services shall return the animal to its owner if the owner complies with sub. 1(A) to (D) no later than the seventh day after the day the City or person contracting to provide care, treatment or disposal services demands that the owner claim the animal and pay for its custody, care and treatment.

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- (C) If the owner does not comply with sub. 1(A) to (D) within the time provided in paragraph (B), the animal is considered an unclaimed animal under sub. 2.
  - (D) Before euthanizing an animal that is in custody because it was not confined as required by a quarantine order, the person with custody of the animal shall notify the person who issued the order. If the person who issued the order determines the testing of specimens is necessary to determine the disease status of the animal, the person with custody shall collect the specimens.
8. **NONCOMPLIANCE BY OWNER.** If an owner is ordered under sub. 5 to pay, or post bond for the payment of, costs of custody, care or treatment of an animal, and refuses to do so upon demand, the animal shall be treated as an unclaimed animal subject to sub. 2.
- (j) **Reimbursement for Expenses.** 1. A court shall assess the expenses under this section in any case in which there has been a search authorized under Wisconsin Statutes Section 173.10 or in which an animal has been seized because it is alleged that the animal has been used in or constitutes evidence of any crime under Chapter 951.
2. Expenses covered under this section include:
- (A) Investigative expenses of any search under Wisconsin Statutes Section 173.10 or any seizure under this chapter.
  - (B) Any fees of a doctor of veterinary medicine.
  - (C) Expenses of taking any animal into custody under this chapter, including expenses reasonably incident to taking the animal into custody.
  - (D) Expenses of keeping or disposing of any animal taken into custody.
3. If the person alleged to have violated Chapter 951 is found guilty of the violation, the person shall be assessed the expenses under sub. 1 and 2. If the person is not found guilty, the county treasurer shall pay the expenses from the general fund of the county.

### 6.03 ANIMAL ABUSE AND ABANDONMENT

- a) Abuse of animal. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal.



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- b) Fighting animals. No person shall cause, instigate or permit any dogfight, cockfight or other combat between animals or between animals and humans and no person may own, possess, keep or train any animal with the intent that the animal be engaged in fighting with other animals or humans.
- c) Abandonment. No owner or caretaker of an animal shall abandon such animal.
- d) Forfeiture Penalty. The penalty for violation of this chapter shall be a forfeiture as set forth on the forfeiture schedule adopted by Section 1.10 of this code, together with costs of prosecution, and any penalty assessment imposed by Wisconsin Statutes Section 951.18.

**6.04 KEEPING OF POULTRY AND FOWL.** Any person having, keeping or maintaining poultry and fowl within the corporate limits of the City shall be in compliance with this Chapter, and other applicable requirements of the municipal code. Any properties or persons that are not in compliance with the changes to this Section made in Ordinance 20-04, effective date of May 6, 2020, shall have one year to achieve compliance.

- a) No coop, pen or building used for the housing, keeping or maintaining of poultry and fowl shall be located within twenty-five (25) feet of any dwelling or residence within the City occupied by any person other than the owner, and at least five (5) feet from a lot line.
- b) A coop and any attached run/enclosure shall be located in the rear or side yard, and shall be enclosed with wire netting, fencing or equivalent material that will prevent poultry and fowl from leaving the property.
- c) No person shall have, keep or maintain, within the City, any poultry which are not provided with a run/enclosure of not less than ten (10) square feet for each bird which has reached the age of six (6) months. All coops shall be sized to provide a minimum of three (3) square feet per bird.
- d) The person owning or having charge of any poultry or poultry house shall keep the poultry and poultry house in a sanitary condition and in a condition which will not, through offensive odors annoy or detract from the comfort of any other person residing in the City.
- e) Poultry and fowl shall be provided with access to feed and clean water at all times.
- f) All waste including manure shall be disposed of in a safe and adequate manner that does not create a public nuisance. Composting of manure shall be done in a dedicated, enclosed container at least twenty-five (25) feet from any residential structure on adjacent lots, at least five (5) feet from any residential structure on the permitted lot, and at least five (5) feet from all lot lines.

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- g) The slaughtering of any permitted poultry and fowl may be conducted on the property only if conducted in a humane and sanitary manner, outside of the view of any public area or adjacent property, in accordance with all applicable laws, rules, and regulations, and for personal use only.
- h) No person may keep or harbor any poultry or fowl, which habitually creates excessive noise which disturbs the peace and quiet of persons in the vicinity.
- i) Feed shall be stored and kept in containers which make the feed unavailable to rodents, vermin, wild birds and predators.
- j) Owners shall register with the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to §95.51, Wis. Stats., and provide proof of registration with the Department, or proof that registration is not required, upon request by a City official.
- k) Sales of birds or bird products from the property shall be in compliance with the zoning requirements for that location.
- l) Upon written complaint by any City official or resident of the City that the owner has violated any of the provisions of this section, the Building Inspector and/or Police Department shall conduct an investigation. If the investigation determines that violations are occurring, the owner shall be notified in writing of the specific violations then existing. The City shall allow the owner a reasonable time to correct the violations. Penalties for violations of this section that are not corrected within a reasonable time shall be as specified in Section 6.50.

**6.05 KEEPING EXOTIC AND FARM ANIMALS WITHIN THE CITY.** The Common Council of the City of Platteville finds that exotic, wild and certain other animals are inherently dangerous and/or do not adjust well to a captive, urban environment and are hereby regulated to protect the public against health and safety risks, and to minimize negative impacts on the community. Any properties or persons that are not in compliance with the changes to this Section made in Ordinance 20-04, effective date of May 6, 2020, shall have one year to achieve compliance.

- a) No person shall keep or maintain any horses, cows, goats, sheep, alpacas, llamas, donkeys, ponies, or mules within the City of Platteville on a lot or property with an enclosure or pen that is less than one (1) acre in area for the first animal and an additional one-half (1/2) acre for each additional animal. The owner of the property where the animals are kept or maintained shall register with the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to §95.51, Wis. Stats., and may be asked to provide proof of registration with the Department, or proof that registration is not required.
- b) No person shall keep or possess any snake or reptile in the city which is poisonous or in excess of six (6) feet in length.

- c) The keeping of swine in the city is not allowed.
1. Exception. The keeping of a mini pig as a pet is allowed if the following conditions are met: No more than one pig per residential dwelling unit is permitted; No pig shall exceed a height of 22 inches at the shoulder or exceed a weight of one hundred fifty (150) pounds; Pigs shall not be allowed to leave the property unless on a leash; All waste including manure shall be disposed of in a safe and adequate manner that does not create a public nuisance; Pigs which habitually create excessive noise which disturbs the peace and quiet of persons in the vicinity shall not be allowed.
- d) No person shall keep, maintain or have within the city any wild or exotic animals, which shall include the following:
1. non-human primates (chimpanzee, monkey, baboon, orangutan, lemur);
  2. felids (tiger, leopard, panther, jaguar, lion, bobcat, lynx) except domesticated cats;
  3. canids (wolf, wolf-dog hybrids, coyote, fox) except domesticated dogs;
  4. prairie dogs;
  5. elephants;
  6. crocodilians (alligator, crocodile);
  7. marsupials (kangaroo, opossum);
  8. ungulates (hippopotamus, rhinoceros);
  9. hyenas;
  10. mustelids (skunk, otter, badger) except ferrets;
  11. procyonids (raccoon, coati);
  12. dasypodidae (anteater, sloth, armadillo);
  13. viverrids (mongoose, civet, genet);
  14. bears;
  15. ostriches;
  16. emus.
- i. Exceptions. The following persons or entities may possess exotic or wild animals: A person licensed by the state under Chapter 169 Wis. Stats.; a veterinarian for the purpose of providing medical treatment to exotic or wild animals; a public zoo or aquarium; an itinerant or transient circus as defined under Chapter 169 Wis. Stats.; a person authorized by the Wisconsin Department of Natural Resources.

**6.06 NOISY ANIMALS.** The keeping, harboring, or maintaining of any animal which by frequent or habitual howling, yelping, barking, crowing, or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the city, is hereby deemed a public nuisance.

**6.07 ANIMAL ODORS.** The keeping, harboring, or maintaining of any animal or animals which causes an undesirable odor of such intensity as to annoy neighbors is hereby deemed a public nuisance.

**6.08 ABATEMENT.** (a) Abatement of Public Nuisances. Upon receipt of a written complaint, it shall be the duty of the Police Department to determine whether a public nuisance exists and/or there is a danger to the health, safety or peace of the neighborhood caused by the keeping of animals. If it is determined that a public nuisance exists, the Police Department shall cause the same to be abated and charge the costs thereof, if any, to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(b) Abatement of Other Violations.

1. **ISSUANCE OF ORDER.** If a law enforcement officer after investigation has reasonable grounds to believe that a violation of a statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the law enforcement officer may issue and serve an order of abatement directed to named persons. Any official designated to modify or withdraw abatement orders issued under this section shall not participate in the decision to issue the order or in any activity leading to that decision.
2. **CONTENT OF ORDER.** An abatement order issued under sub. 1 shall contain all of the following:
  - (A) The name and address of the person to whom directed.
  - (B) The statute or ordinance alleged to be violated.
  - (C) A prohibition on further violations.
  - (D) A description of measures necessary to correct the alleged violation.
  - (E) A description of the hearing and appeal provisions under subdivisions 3 and 5.
3. **HEARING.** A person named in an abatement order issued under sub. 1 may, within the ten-day period following service of the order, request a hearing before an official designated herein to modify or withdraw abatement orders issued under this section. The hearing shall be held within ten days after the request is made, unless the requester agrees to a later date. The hearing shall be informal in nature.
4. **DECISION.** Within ten days after a hearing under sub. 3, the official who conducts the hearing shall affirm the order, modify and affirm the order or withdraw the order.

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5. **APPEAL.** Any person adversely affected by a decision under sub. 4 may seek judicial review by commencing an action in Circuit Court within thirty days after the day that the decision is issued.
6. **DESTINATION OF OFFICIALS TO HEAR APPEALS.** The City Manager shall be authorized to conduct the hearings under sub. 3.

**6.09 CLEANING UP AFTER ANIMALS.** The owner of every animal shall be responsible for the prompt removal of any excreta deposited by the owner's animal(s) in the City of Platteville outside the premises of its owner.

**6.10 NUMBER OF ANIMALS.** Except for licensed business kennels, no more than eight (8) dogs or cats or a combination of each over the age of five (5) months shall be kept on any one premises. All animals kept on the property shall be owned by the resident of the property. Exception: The property may also have up to three (3) dogs or cats not owned by the property owner on an occasional, temporary basis, which shall not exceed seven (7) consecutive days and not more than four (4) occasions per year, however the maximum number of dogs or cats or a combination of each shall not exceed eight (8) at any time. Any properties or persons that are not in compliance with the changes to this Section made in Ordinance 20-04, effective date of May 6, 2020, shall have one year to achieve compliance.

**6.11 ANIMAL ESTABLISHMENT LICENSE.** The owner of any property on which is kept, maintained or operated a private kennel, business kennel, or animal grooming business, must obtain a license, and may be required to obtain a Conditional Use Permit following the provisions of Chapter 23.13. No more than one (1) kennel license is allowed per property. Any existing kennels that have a valid license on the date of adoption of this Section that are not in compliance with the kennel regulations shall be allowed to continue operations for the duration of the license and may obtain a license for one (1) additional year. If the kennel is still not in compliance with this Section after that time period, the licensee may request additional one (1) year licenses from the Council upon showing of cause.

- (a) **PRIVATE KENNELS.** Persons keeping, harboring, or maintaining more than four (4) dogs over the age of five (5) months in one location shall, in addition to the individual license for each dog required by this chapter or state statutes, obtain an annual kennel license.
  1. Any property having more than four (4) dogs shall have an area of at least fifteen thousand (15,000) square feet, and the property shall have a minimum of three thousand (3,000) square feet for each additional dog.
  2. An annual private kennel license application shall be filed with the City Clerk and shall include the kennel owner's name, the kennel operator's name if different than the owner, the kennel address, the kennel capacity, a brief

description of the kennel facility, the owner's signature and date. The fee for a kennel license shall be established by the Common Council and amended from time to time via resolution. The license shall be for one year and shall expire on December 31 of each year.

3. Before issuance of a license, the application shall be reported to the County Health Officer, Building Inspector and a licensed veterinarian selected by the City, who shall conduct an inspection of the proposed kennel premises. They shall report any health problems or violations to the license applicant and City Manager. Any problems noted during said inspections shall be corrected prior to annual license approval or renewal.
4. Properties with a kennel shall include space for the dogs within a dwelling or an enclosed shelter, and shall include an exterior run/enclosure.
  - a) A shelter that is separate from a dwelling shall be at least three (3) feet in height and shall contain at least eight (8) square feet for each dog. The shelter shall include a window, skylight or other opening for daylight and shall be adequately vented.
  - b) Each run/enclosure shall be surrounded by fencing of sufficient height to contain the dogs kept therein and shall contain at least thirty (30) square feet for one (1) dog, and ten (10) square feet for each additional dog. If any portion of the enclosure is covered by a roof or overhead screen, the roof or screen shall be at least three (3) feet in height.
5. Kennel shelters and enclosures for the dogs shall be located a minimum of fifty (50) feet from any other habitable residential or commercial structure and at least ten (10) feet from all lot lines.
6. All dogs shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
7. The quarters in which dogs are kept shall be maintained in a clean condition and in a good state of repair. Litter or bedding material shall be changed, and the floors and walls shall be cleaned and disinfected, as often as necessary to prevent an odor nuisance. Feces shall be removed from yards, pens and enclosures daily and stored in tightly covered containers until final disposal. No odor nuisance shall be permitted.
8. Food supplies shall be stored in rodent proof containers, and food and water containers shall be kept clean. All dogs shall have potable water available at all times.
9. Yards, pens, premises and dogs shall be kept free of insect and rodent infestations.

10. The floor and walls of any room or shelter in which dogs are kept shall be covered with impervious, cleanable surfaces.
  11. Upon written complaint by any City official or resident of the City that the licensee has violated any of the provisions of this section, the Building Inspector and/or Police Department shall conduct an investigation. If the investigation determines that violations are occurring, the licensee shall be notified in writing of the specific violations then existing. The City shall allow the licensee a reasonable time to correct the violations. Penalties for a violation of this section shall be as specified in Section 6.50.
- (b) **BUSINESS KENNELS.** Any property or establishment on which more than four (4) dogs, cats or other animals are housed, bred, boarded, trained, or sold, all for a fee or compensation is required to obtain an annual business kennel license.
1. An annual business kennel license application shall be filed with the City Clerk and shall include the kennel owner's name, the kennel operator's name if different than the owner, the kennel address, the kennel capacity, a brief description of the kennel facility, the owner's signature and date. The fee for a kennel license shall be established by the Common Council and amended from time to time via resolution. The license shall be for one year and shall expire on December 31 of each year.
  2. Before issuance of a license, the application shall be reported to the County Health Officer, Building Inspector and a licensed veterinarian selected by the City, who shall conduct an inspection of the proposed kennel premises. They shall report any health problems or violations to the license applicant and City Manager. Any problems noted during said inspections shall be corrected prior to annual license approval or renewal.
  3. Shelters and enclosures for the animals shall be located a minimum of fifty (50) feet from any other habitable residential or commercial structure and at least ten (10) feet from all lot lines.
  4. Properties with a kennel shall include space for an animal within a dwelling, habitable structure or an enclosed insulated shelter, and shall have an exterior run/enclosure.
    - a. The shelter shall be at least three (3) feet in height and shall contain at least eight (8) square feet for each animal. The shelter shall include a window, skylight or other opening for daylight and shall be adequately vented.
    - b. Each enclosure outside of a building shall be surrounded by fencing of sufficient height to contain the animals kept therein and shall contain at least thirty (30) square feet for one animal and ten (10) square feet for

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each additional animal. If any portion of the enclosure is covered by a roof or overhead screen, the roof or screen shall be at least three (3) feet in height.

5. Kennels shall be located on a property that is adequate in size for the number of animals kept within. The property shall have a minimum area of fifteen thousand (15,000) square feet and shall have a minimum of three thousand (3,000) square feet per animal.
6. All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
7. The quarters in which animals are kept shall be maintained in a clean condition and in a good state of repair. Litter or bedding material shall be changed, and the floors and walls shall be cleaned and disinfected, as often as necessary to prevent an odor nuisance. Feces shall be removed from yards, pens and enclosures daily and stored in tightly covered containers until final disposal. No odor nuisance shall be permitted.
8. Food supplies shall be stored in rodent proof containers, and food and water containers shall be kept clean. All animals shall have potable water available at all times.
9. Yards, pens, premises and animals shall be kept free of insect and rodent infestations.
10. The floor and walls of any room in which animals are kept shall be covered with impervious, cleanable surfaces.
11. No dog or cat shall be accepted for boarding unless it has been vaccinated for rabies, and proof of such vaccination has been furnished to the kennel operation; provided, however, that this requirement shall not be necessary if the dog or cat is under five (5) months of age.
12. Building and shelter temperature shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be maintained to promote health and odor control. Kennels housing small breed dogs must house those dogs in indoor facilities minimally heated to fifty degrees Fahrenheit (50°F). Any questions concerning definition of breeds that are considered "small breed" in this procedure will be defined by the humane officer.
13. Upon written complaint by any City official or resident of the City that the licensee has violated any of the provisions of this section, the Building Inspector and/or Police Department shall conduct an investigation. If the investigation determines that violations are occurring, the licensee shall be



notified in writing of the specific violations then existing. The City shall allow the licensee a reasonable time to correct the violations. Penalties for a violation of this section shall be as specified in Section 6.50.

- (c) **ANIMAL GROOMING BUSINESS.** Any property or establishment on which dogs, cats, or domesticated animals are groomed, bathed, brushed and/or clipped for a fee or compensation is required to obtain an annual animal grooming license.
1. An annual grooming license application shall be filed with the City Clerk and shall include the owner's name, the operator's name if different than the owner, the address, a brief description of the facility, the owner's signature and date. The fee for a grooming license shall be established by the Common Council and amended from time to time via resolution. The license shall be for one year and shall expire on December 31 of each year.
  2. Before issuance of a license, the application shall be reported to the County Health Officer, Building Inspector and a licensed veterinarian selected by the City, who shall conduct an inspection of the proposed grooming business premises. They shall report any health problems or violations to the license applicant and City Manager. Any problems noted during said inspections shall be corrected prior to annual license approval or renewal.
  3. Shelters or animal enclosures shall be located a minimum of fifty (50) feet from any other residential or commercial structure and at least ten (10) feet from all lot lines. Each enclosure shall be surrounded by fencing of sufficient height to contain the animals kept therein.
  4. No more than ten (10) animals over the age of five (5) months shall be kept on the premises at a time.
  5. The floor and walls in any room in which grooming operations are conducted or in which animals are kept shall be covered with an impervious, , cleanable surface. Wood which animals can bite, chew, claw or any way have contact with is not considered impervious. Unsealed wood or rusted metal is not considered impervious. The floor shall be cleaned and disinfected daily.
  6. All animal hair and feces shall be removed from the floors daily and shall be stored in tightly covered, waterproof containers in such a manner as to prevent a nuisance until final disposal.
  7. No dogs or other animals shall be kept in any grooming shop between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., provided this subsection shall not apply to an establishment where grooming is incidental to the operation of a veterinary clinic or licensed business kennel.

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8. The premises shall be kept free from insect and rodent infestations.
9. The premises shall be maintained and operated in a nuisance free manner.
10. All animal pens or enclosures shall be sufficiently large to permit freedom of movement to the animals confined therein.
11. Any pens, enclosures, cages or surfaces upon which an animal is groomed, as well as grooming supplies, shall be sanitized between groomings.
12. Upon written complaint by any City official or resident of the City that the licensee has violated any of the provisions of this section, the Building Inspector and/or Police Department shall conduct an investigation. If the investigation determines that violations are occurring, the licensee shall be notified in writing of the specific violations then existing. The City shall allow the licensee a reasonable time to correct the violations. Penalties for a violation of this section shall be as specified in Section 6.50.

**6.12 BEEKEEPING** The purpose of this section is to permit and to establish certain requirements for sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

- (a) **Definitions.** As used in this chapter, the following words and terms shall have the meanings ascribed in this chapter unless the context of their usage clearly indicates another meaning:
1. **Apiary.** The assembly of one or more colonies of bees at a single location.
  2. **Beekeeper.** A person who owns or has charge of one or more colonies of bees, and who has been issued a permit to maintain the bees within the City.
  3. **Beekeeping Equipment.** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
  4. **Colony.** An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at any time many drones, including brood, combs, honey and the hive inhabited by the bees.
  5. **Hive.** A structure intended for the housing of one bee colony. A single hive, including the attached honey supers, shall not exceed twenty (20) cubic feet in size.
  6. **Honey Bee.** All life stages of the common domestic honey bee, *Apis Mellifera* species.

7. Parcel. A distinct or defined portion of land which is considered as a unit.
- (b) **Permit Required.** It is unlawful for any person to keep, control, harbor or maintain within the City any bees, bee colonies, or hives, without first obtaining a permit for that purpose from the City.
1. The permit process requires the submittal of a completed application; submittal of a nonrefundable fee in an amount as set from time to time by resolution of the Common Council; completion of an inspection to verify that the provisions of this chapter have or will be met; public notification; and, if applicable, property owner permission. The permit issuance is also subject to a potential objection hearing pursuant to this chapter.
  2. Written permission of the property owner is required if the applicant does not own the parcel on which the apiary will be located.
  3. A permit shall allow the keeping of bees on one (1) parcel within the City of Platteville. If an individual desires to maintain bees at more than one location, then an additional permit shall be required for each additional parcel.
  4. The permit shall remain in effect until such time as the applicant discontinues or alters (as set forth in an approved application) the beekeeping activity, or until the permit is revoked. Seasonal fluctuations in beekeeping activities due to weather shall not be construed as discontinuation or alteration of activity; provided that failure to actively engage in beekeeping activity on the parcel for a period in excess of twelve (12) calendar months, for whatever reason, shall be so construed.
- (c) **Notification.** Before a permit is issued for the keeping of bees, the following procedures shall be followed:
1. Upon receipt of a completed beekeeping permit application and fee, the City shall provide written notice to all property owners within two hundred (200) feet of the parcel on which the bees will be kept.
  2. The property owners notified shall have fifteen (15) days from the date the notice is sent to file with the City a written objection and request for a hearing if they object to the granting of the permit.
  3. If a timely written objection is submitted to the City, then a hearing shall be scheduled before the Plan Commission. The objecting property owner(s) and the applicant shall be provided an opportunity to speak at the hearing. After the hearing, the Plan Commission shall approve, conditionally approve, or deny the issuance of the permit.

4. If no written objection is submitted, and if City Staff verifies that the conditions and standards of this chapter have been or will be met, the permit shall be issued.

(d) **Location and Standards.**

1. **Location.** All hives shall be located at least ten (10) feet from any adjoining property. No hive shall be located within twenty five (25) feet of any dwelling or habitable building, except that of the beekeeper. The written permission of the applicable property owner, building owner, or building tenant shall be required to locate hives closer than these distances.
2. **Orientation.** The entrance to any hive located closer than ten (10) feet to any adjoining property shall not face the nearest property line. The written permission of the applicable property owner shall be required to orient the entrance toward the property line.
3. **Flyaway Barrier.** In each instance in which a colony is situated within twenty five (25) feet of a public or private property line of the parcel upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof, that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of apiary. A flyway barrier is not required if the lowest part of the colony is situated six (6) feet or more above grade.
4. **Hive Type.** All honey bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition.
5. **Water.** Each beekeeper shall ensure that a source of water is available to the bees within ten (10) feet of the hive, and on the same parcel on which the colony is located. The water shall be available at all times during the year when the bees are active so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.
6. **General Maintenance.** Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
7. **Queens.** In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the

beekeeper to promptly re-queen the colony with another queen. Queens shall be selected from European stock bred for gentleness and non-swarmling characteristics.

8. Colony Density. It shall be unlawful to keep more than the following number of colonies on any parcel or lot within the City, based upon the size and configuration of the parcel or lot on which the apiary is situated:
  - a. One-half (1/2) acre or less – two (2) colonies.
  - b. More than one-half (1/2) acre but less than one (1) acre – four (4) colonies.
  - c. One (1) acre or larger – six (6) colonies.
  - d. Regardless of parcel or lot size, for non-residential properties where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
9. Residential Property. Beekeeping activities conducted on property on which the principal use is residential shall be conducted in compliance with the home occupation standards in Section 22.06 of the Municipal Code.
10. Other Beekeeping Unlawful. Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner, or of such disposition, as to cause any unhealthy conditions, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

(e) **Compliance.**

1. Upon receipt of information that any colony situated in within the City is not being kept in compliance with this chapter, the Building Inspector shall cause an investigation to be conducted. If the inspection discloses a violation of any provisions hereof, the Building Inspector or his designee shall inform the permit holder of the specific violations then existing. The Building Inspector shall allow the permit holder a reasonable time to correct the violations. Penalties for a violation shall be as specified in Section 6.50.
2. In addition to penalties as specified in Section 6.50, continued violations of this chapter may be cause for revocation of the beekeeping permit; provided that revocation shall be summarily made upon advice of the Building Inspector or his designee, and provided that, following written notice, the offender has failed to abate or correct the offense. No person having a permit revoked

pursuant to this provision shall be granted a permit for beekeeping purposes for a period of two (2) years following revocation.

**6.13 KEEPING OF RABBITS.** Any person having, keeping or maintaining rabbits within the corporate limits of the city shall be in compliance with this Chapter, and other applicable requirements of the municipal code. Any properties or persons that are not in compliance with the changes to this Section made in Ordinance 20-04, effective date of May 6, 2020, shall have one year to achieve compliance.

- a) No cage, hutch or building used for the housing, keeping or maintaining of rabbits shall be located within twenty-five (25) feet of any dwelling or residence within the City occupied by any person other than the applicant, and at least five (5) feet from a lot line.
- b) A cage and any attached run/enclosure shall be located in the rear or side yard and shall be enclosed with wire netting or equivalent material that will prevent the rabbits from leaving the property.
- c) All cages, hutches and structures shall be sized to provide a minimum of five (5) square feet per animal.
- d) The person owning or having charge of any rabbits shall keep the property in a sanitary condition and in a condition which will not, through offensive odors annoy or detract from the comfort of persons residing in the City. All waste including manure shall be disposed of in a safe and adequate manner that does not create a public nuisance.
- e) Rabbits shall be provided with access to feed and clean water at all times. Rabbit feed shall be stored and kept in containers which make the feed unavailable to rodents, vermin, wild birds and predators.
- f) Sales of rabbits or rabbit products from the property shall be in compliance with the zoning requirements for that location.
- g) Upon written complaint by any City official or resident of the City that the owner has violated any of the provisions of this section, the Building Inspector and/or Police Department shall conduct an investigation. If the investigation determines that violations are occurring, the owner shall be notified in writing of the specific violations then existing. The City shall allow the owner a reasonable time to correct the violations. Penalties for a violation of this section that are not corrected after a reasonable period of time shall be as specified in Section 6.50.

**6.30 APPEALS.** The Board of Appeals, established to hear appeals under Chapters 22, 23 and 25 of the Municipal Code, shall also function as the Board of Appeals in matters related to this chapter, and shall entertain appeals in the manner prescribed in Chapter 22. The Board of Appeals shall have the following powers:

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- a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Inspector.
- b) To hear and decide special exceptions to the terms of this chapter upon which the Board of Appeals is required to pass.
- c) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.
- d) To reverse or affirm wholly or in part or to modify any order, requirement, decision or determination appealed from and to make such order, requirements, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.
- e) To call on any other City department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonable required.

### **6.40 DEFINITIONS**

**ANIMAL** – Any live, vertebrate creature, domestic or wild, including mammals, reptiles and birds.

**ANIMAL GROOMING BUSINESS** - Any property or establishment on which dogs, cats, or domesticated animals are groomed, bathed, brushed and/or clipped for a fee or compensation.

**ANIMAL SHELTER** – Means a facility operated by a humane society, or municipal agency or its authorized agents, for impounding or caring for animals held under the authority of this chapter or state law or both.

**AT LARGE** - Means an animal that is off the premises of the owner and not under the restraint of the owner or another person.

**ATTACK** – Means to confront in an aggressive and hostile manner such that a reasonable person would believe that there is an imminent threat of bite or injury to the person or animal so confronted.

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**BODILY HARM** - Bodily injury including, but not limited to, a laceration requiring stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.

**CAGE** – An enclosure with bars, grating, or mesh for confining birds or animals.

**CARETAKER** - Any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird or animal.

**CAT** - A domesticated feline, regardless of age or sex.

**CHICKEN** – Means a domestic chicken of the subspecies *Gallus gallus domesticus*.

**CITY** - The City of Platteville, or the official, agent, or employee of the city designated by the City Manager.

**COMMERCIAL STRUCTURE** – A habitable structure that is used for the manufacture or sale of goods or services, and the protection of occupants for non-residential purposes.

**COOP** - An enclosed structure, building or pen within which poultry roost or are housed.

**CRUEL** - Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

**DANGEROUS ANIMAL** - Any of the following:

- (1) Any animal which, when unprovoked, inflicts bodily harm on a person, domestic pet or animal on public or private property.
- (2) Any animal which repeatedly chases or approaches persons in a menacing fashion or apparent attitude of attack, without provocation, upon the streets, sidewalks or any public grounds or on private property of another without the permission of the owner or person in lawful control of the property.
- (3) Any animal with a known propensity, tendency or disposition to attack, to cause injury to, or otherwise threaten the safety of humans or other domestic pets or animals.

**DOG** – A domestic canine, regardless of age or sex.

**DOMESTIC ANIMAL** - Any animal which normally can be considered tame and converted to home life.

**DWELLING** – A building designed or used as a residence or sleeping place.



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**ENCLOSURE** – An enclosed space where dogs in a kennel or other animals spend the majority of time.

**FARM ANIMAL** - Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

**FOWL** – A bird kept and raised for its eggs, flesh and feathers.

**HARBOR** – To provide with care and shelter.

**KENNEL, BUSINESS** – An establishment in which more than four (4) dogs, cats or other animals are housed, bred, boarded, trained, or sold, all for a fee or compensation. Business kennels shall not include veterinary clinics or animal hospitals.

**KENNEL, PRIVATE** – The keeping, breeding, raising, showing, or training of more than four (4) but less than nine (9) dogs over five (5) months of age, which are owned by the property owner or occupant and are kept for the personal enjoyment of the owner or occupant of the property.

**LAW ENFORCEMENT OFFICER** - That meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.

**LEASH** - A cord, thong or chain by which a dog or cat is controlled by the person accompanying it.

**NEUTERED** - A dog or cat having nonfunctional reproductive organs.

**OWNER** - Any individual that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian or who knowingly permits an animal to remain on or about his premises/property for 10 or more consecutive days.

**PEN** – An enclosure for animals.

**PET** - An animal kept and treated as a pet, which is typically kept for pleasure rather than utility.

**PET SHOP** – Any business where animals, birds, amphibians and/or reptiles are kept or displayed for sale or free distribution.

**POISONOUS** - Having the ability to cause serious harm or death by the transfer of venom or poison to a person or animal.

**POULTRY** - A gallinaceous bird or hen of any age, including chicks, raised for meat, eggs, or feathers. This includes chickens, turkey, quail, pheasants, geese and ducks.

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**PROVOKED** - Means an animal that is: a) teased, tormented, abused, or assaulted by a person or another animal; b) acting in defense of persons or property; or c) under the control of a law enforcement officer, and acting in performance of its duties.

**RABBIT** – A furry, long-eared, burrowing mammal of the family Leporidae.

**REAR YARD** – A yard extending across the full width of the lot (except on a corner lot, the width of the rear yard does not extend into the street yard), the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard, or the front street yard on a corner lot.

**RESIDENTIAL STRUCTURE / RESIDENCE** – A habitable structure in which someone lives and/or uses as a dwelling.

**ROOSTER** – Means a male chicken of any age, including a capon or otherwise neutered male chicken.

**RUN** - The fenced or enclosed outdoor space provided for poultry or other animal.

**SIDE YARD** - A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the interior side lot line and a line parallel thereto through the nearest point of the principal structure.

**STRAY** – A domestic animal found wandering at large or without an owner.

**UNLICENSED DOG** - A dog not licensed pursuant to the provisions of Chapter 174, Wisconsin Statutes.

**6.50 PENALTY AND ENFORCEMENT.** (a) Forfeiture Penalty. The penalty for violation of any provisions of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.

(b) Forfeiture Schedule. The penalty for violation of any provision of this chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this code.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 7, WATER SERVICE  
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# CHAPTER 7

## WATER SERVICE

**7.01 WATER SERVICE RULES ADOPTED.** (a) The Common Council having authorized the preparation of revised rules and regulations for the water utility of the City of Platteville, designated therein as “Rules and Regulations for Water Utility of Platteville Wisconsin” as part of the code of general ordinances of said City and a part of the Municipal Code thereof, which ordinance has been on file in the office of the City Clerk for more than two weeks, the printed copy of such ordinance on file in the office of the City Clerk is hereby adopted as part of the general ordinances of the City of Platteville as a revision of Chapter 7 of the Municipal Code thereof and same shall have the force of law upon publication of this ordinance.

(b) Such ordinance shall be published in book or pamphlet form suitable for public distribution, and a copy thereof shall remain permanently on file in the office of the City Clerk where it shall be available for public inspection.

**7.02 WATER SYSTEM CROSS-CONNECTION CONTROL.** (a) Statement of Policy. Whereas, it is the City of Platteville’s intent to provide a program for protecting the public water system from contamination due to back flow of contaminants through the water service connection into the public water system; and

Whereas, Chapters NR811 and Comm 82, Wisconsin Administrative Code, require protection of the public water system from contaminants due to back flow of contaminants through the water service connection; and

Whereas, the Wisconsin Departments of Natural Resources and Commerce require the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems;

Now, Therefore, the following are adopted by the Common Council.

(b) That a cross-connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Platteville water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

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- (c) That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Platteville may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Platteville Water & Sewer Commission and by the Wisconsin Department of Natural Resources in accordance with Section NR811.09 Wisconsin Administrative Code.
- (d) That it shall be the duty of the Platteville Water & Sewer Department to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Platteville Water & Sewer Commission and as approved by the Wisconsin Department of Natural Resources.
- (e) That upon presentation of credentials, the representative of the Platteville Water & Sewer Department shall have the right to request entry at any reasonable time to examine any property served by the connection to the public water system of the City of Platteville for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under Section 66.0119, Wisconsin Statutes. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (f) That the Platteville Water & Sewer Commission is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in subsection (g). Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this section.
- (g) That if it is determined by the Platteville Water & Sewer Commission that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk of the City of Platteville and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance.
- (h) That the City of Platteville adopts by reference the State Plumbing Code of Wisconsin being Comm 82 and 84, Wisconsin Administrative Code.

- (i) That this section does not supersede the State Plumbing Code and the City of Platteville plumbing ordinance, but is supplementary to them.

**7.03 PRIVATE WELL ABANDONMENT (DECOMMISSIONING).** (a) Purpose. In order to prevent private wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable ground water, private wells that are not longer in use, for which a well permit has expired or that fail to meet the requirements of NR 812 must be properly filled and sealed as provided herein.

(b) Coverage. Except as provided herein, all private wells located on any premises which are served by the public water system of the City of Platteville shall be properly filled and sealed by May 1, 1987. Only those wells for which a well operation permit has been granted by the Director of Public Works are exempt from this requirement; subject to conditions of maintenance and operation as set forth in the permit.

(c) Well Operation Permits. A permit may be granted to a well owner to operate a well for a period not to exceed five years if the following requirements are met.

A. The well and pump installation meet the requirements of Chapter NR812, Wisconsin Administrative Code, and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.

B. The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by one sampling.

C. The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.

D. No physical connection shall exist between the piping of the public water system and the private well.

(d) Methods. Wells to be abandoned shall be filled and sealed according to the procedures outlined in Chapter NR812, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

(e) Reports and Inspection. A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency. The report shall be submitted immediately upon the well being filled and sealed. The filling and sealing must be observed by a representative of the Platteville Water

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& Sewer Department. The owner must submit a copy of the well abandonment report to the Water & Sewer Department.

- (f) Penalties. The penalties for violating this section shall be as set forth in section 1.10. Each day during which a violation exists shall constitute a separate offense.

### **7.04 LEAD WATER SERVICE LINE REPLACEMENT.** (a) INTENT AND PURPOSE.

The Common Council of the City of Platteville finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe water service lines in use within both the City utility's water system and in private systems and, to that end, declares the purposes of this section to be as follows:

- A. To ensure that the water quality at every tap of utility customers meets the water quality standards specified under federal law;
- B. To reduce lead in city drinking water to meet the Environmental Protection Agency (EPA) standards and ideally to a lead contaminant level of zero in city drinking water for the health of City residents;
- C. To eliminate the constriction of water flow caused by mineral rich groundwater flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and
- D. To meet the Wisconsin Department of Natural Resources (WDNR) requirements for local compliance with the Lead and Copper Rule (see 56 CFR 6460, 40 CFR parts 141.80-141.90 and Wis. Admin Code NR 809.541-809.55), as may be amended.

### (b) DEFINITIONS.

- A. "City water system" means the water supply system owned by and located within the City.
- B. "Customer service line" means the portion of a water service line that extends from the outlet of the curb stop to the inlet of a customer's water meter.
- C. "Lead service line" means (i) all or a portion of a water service line constructed of lead, and/or (ii) all or a portion of a water service line constructed of galvanized material that is or was downstream of lead. The term includes both customer service lines and utility service lines.
- D. "Utility" means the Platteville Water and Sewer Utility.

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- E. “Utility service line” means the portion of a water service line from the water main to the outlet of the curb stop, including the curb stop, but not the outlet joint of the curb stop.
- F. “Water service line” means the service line that extends from the water main to a customer’s water meter.

### (c) IDENTIFICATION OF LEAD SERVICE LINES.

- A. Upon notice from the Utility, any person or entity who owns, manages or otherwise exercises control over a property connected to the Utility’s water distribution system shall allow the Utility to inspect the customer service line to determine the material of construction as authorized pursuant to Section 196.171 et. seq., Wisconsin Statutes.
- B. Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Utility for inspection of the service line. If entry is refused, such representatives may obtain a special inspection warrant under Section 66.0119, Wisconsin Statutes. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- C. The Utility shall create and maintain a record of the location of all identified lead service lines served by the Utility.
- D. The Utility shall provide written notice to any person or entity who owns, manages or otherwise exercises control over a property connected to the Utility’s water distribution system that has been inspected and determined to be constructed of lead.

### (d) LEAD SERVICE LINE REPLACEMENT.

- A. The following service line material combinations are subject to partial or full replacement with copper and/or plastic service lines under this chapter as identified:



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Water Utility-Side	Customer Utility-Side	Side Requiring Replacement
Lead	Lead	Full – both Utility and customer side
Lead	Galvanized	Full – both Utility and customer side
Lead	Copper	Partial – Water Utility Only
Lead	Plastic	Partial – Water Utility Only
Copper	Lead	Partial – Customer Only
Plastic	Lead	Partial – Customer Only

- B. All lead service lines must be replaced regardless of whether on the Utility-side or the customer-side. All customer-side lead service lines discovered prior to June 30, 2025 shall be replaced immediately. All customer-side lead service lines discovered on or after June 30, 2025 shall be replaced within one year from the date of discovery.
- C. Replacement Priority. Owners, managers or persons otherwise exercising control over properties connected to the Utility’s water distribution system with customer-side lead service lines shall be required to replace said lines according to the following order of priority and based on the replacement schedule established by the Platteville Water and Sewer Utility Commission:
1. Schools or licensed childcare facilities.
  2. Properties where a leak or failure has been discovered on either the Utility-side or customer-side portion of a lead service line.
  3. Properties at which confirmed water sample test at the tap shows lead concentrations at or above 15 parts per billion (ppb).
  4. Properties where more than 20 people regularly have access to drinking water during any eight-hour period.
  5. Properties where the Utility is replacing its side of the lead service line to the property.
  6. All other properties not covered by 1. – 5. above.
- D. Owner to replace lead service lines. The owner shall, at the owner’s expense, replace the customer-side lead service lines. In all cases, the Utility shall supply an appropriate connection point as part of its work.
- E. Financing of replacement. In the event funding is made available for this purpose through any means, an eligible property owner may apply to the

City for financing or reimbursement of any portion of the cost of replacing a customer-side lead service line under the terms of such financing program. Disputes regarding the eligibility for financing may be appealed to the Platteville Water and Sewer Commission. As a condition of receiving any available financing from the Utility/City, the property owner must provide adequate documentation demonstrating the contractor and/or plumber completing the work anticipated hereunder is properly certified and/or licensed by the state, as appropriate.

- F. Water system reconstruction. The Utility Superintendent or designee shall inspect all private connections to the public water mains at the time that the utility system water main is to be reconstructed.
1. Any existing private lead service line shall be considered illegal.
  2. Prior to the actual reconstruction of the water main and lateral system, each property owner shall be given notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.
  3. As the reconstruction progresses, the Utility Superintendent or designee shall inspect each private water service connection for the presence of lead or, in the event inspection has been made previously, determine the materials used in the private water connection from inspection records.
  4. If the private water service line does not contain lead, the City shall reconnect the same to the utility system at an appropriate point near the right-of-way line.
  5. If the private water service line is found to contain lead, the Utility Superintendent or designee shall immediately notify the owner in writing of that fact.
  6. Pursuant to subsection 7.04(d)(D), the owner shall, at the owner's expense, replace the lead service line. In all cases, the City shall supply an appropriate connection point as part of its work.

(e) **AUTHORITY TO DISCONTINUE SERVICE.** As an alternative to any other methods provided for obtaining compliance with the requirements of this Section regarding replacement of illegal customer-side water service lines, the Utility may, no sooner than 30 days after the giving of notice as provided in subsection 7.04 (c)(D), discontinue water service to such property served by illegal customer-side water service lines after reasonable notice and an opportunity for hearing before the Platteville Water and Sewer Commission under Chapter 68, Wisconsin Statutes.

**7.05 PRIVATE LEAD SERVICE LINE REPLACEMENT FINANCING.** (a) INTENT AND PURPOSE. The Common Council of the City of Platteville finds that the replacement of public and private lead service lines protects public health and promotes the general welfare of City residents. The purpose of this section is to facilitate loans to property owners to replace private lead service lines by treating principal and interest repayments, fees and other charges for these loans as special charges eligible for inclusion on the tax bill for these properties.

(b) DEFINITIONS.

- A. "Annual installment" means the portion of the private LSL replacement loan amount that is due for a particular year under the private LSL replacement loan agreement.
- B. "Borrower" means a property owner who enters into a private LSL replacement loan agreement with the City to fund the replacement of a private lead service line on the borrower's property.
- C. "Loan agreement" means a written agreement among a borrower and the City as provided in subsection (d).
- D. "Loan amount" means the amount of principal, interest, administrative fees, and other loan charges under the loan agreement to be paid by the borrower under the private LSL replacement loan.
- E. "LSL" means lead service line.
- F. "Private LSL replacement loan" means a loan made by the City to a borrower under this section for the replacement of a private lead service line on a subject property.
- G. "Private LSL" means a customer-side water service line, as defined in Section 196.372(1)(a), Wisconsin Statutes, constructed of lead or constructed of galvanized material that is or was downstream of lead.
- H. "Subject property" means any property on which a private lead service line replacement has been made and financed through an outstanding private LSL replacement loan.

(c) LOAN APPLICATION AND APPROVAL. A prospective borrower applying for a private LSL replacement loan must comply with the loan application process established by the City. The City will review and determine whether to approve the loan application.

(d) LOAN AGREEMENT. The City and the borrower must execute a loan agreement which at a minimum:

## CHAPTER 7 Water Service

- A. Sets forth the total loan amount, the annual interest rate on the loan, the loan term, the amount of each annual installment, and any applicable City fee.
  - B. Informs the borrower that the loan amount shall be considered a special charge, and each year's annual installment shall be levied onto the property tax bill of the subject property as a special charge and be a lien against the subject property pursuant to Section 66.0627, Wisconsin Statutes, as may be amended.
- (e) PRIVATE LSL REPLACEMENT LOAN AS SPECIAL CHARGE. A private LSL replacement loan shall be considered a special charge and lien on the subject property. Each year's annual installment shall be levied onto the property tax bill of the subject property as a special charge pursuant to Section 66.0627, Wisconsin Statutes, as may be amended.
- (f) COLLECTION OF SPECIAL CHARGES. The City shall follow its customary practice in collecting special charges placed on the tax rolls, including assessing penalties and charging interest and initiating foreclosure proceedings where appropriate.
- (g) SEGREGATED FUND. Special charges collected for private LSL replacement loan repayments shall be placed in a segregated fund and disbursed in accordance with the requirements of the City's funding sources.
- (h) RECORD KEEPING. The City shall keep an accounting of private LSL replacement loans and payments received by the City and provide borrowers with that information upon request.
- (i) ADMINISTRATION FEE. The City may establish a reasonable fee to charge a borrower for administering a private LSL replacement loan and include this fee in the loan agreement.

**CHAPTER 8**

**SEWER SERVICE**

**8.01 SEWER SERVICE RULES ADOPTED.** (a) The Common Council, having authorized the preparation of revised rules and regulations for the sewer utility of the City of Platteville, designated "Platteville Water and Sewer Utility Rules and Regulations – Sewer", as part of the Code of general ordinances of the City of Platteville and a part of the Municipal Code thereof, which ordinance is in booklet form and which has been on file in the office of the City Clerk for more than two weeks, the printed copy of such ordinance in booklet form on file in the office of the City Clerk is hereby adopted as part of the general ordinances of the City of Platteville as a revision of Chapter 8 of the Municipal Code thereof and same shall have the force of law upon publication of this ordinance.

(b) Such ordinance shall be published in booklet form suitable for public distribution and a copy thereof shall remain permanently on file in the office of the City Clerk where it shall be available for public inspection.

**SEWER ORDINANCE**  
**CITY OF PLATTEVILLE, WISCONSIN**

**ADOPTED: September 27, 1983**

**AMENDMENT ADOPTED: September 28, 2021**

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**AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S):  
AND PROVIDING PENALTIES FOR VIOLATION THEREOF: IN THE CITY OF PLATTEVILLE, WISCONSIN**

The Common Council of the City of Platteville do ordain as follows:

**SECTION 1:** Chapter 8, of the Municipal Code of the City of Platteville is hereby revoked and recreated as follows, excluding rules and regulations:

- (1) Definitions: Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

**“Approving Authority”** shall mean the Director of Public Works of the City of Platteville, or a duly authorized deputy, agent or representative.

**“BOD”** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in milligrams per liter (mg/L). Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods.

**“Building Drain”** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and convey it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**“Building Inspector”** shall mean the building inspector of the City of Platteville or said person’s appointed assistant, agent, or representative.

**“Building Sewer”** shall mean the extension from the building drain to the public sewer or other place of disposal.

**“Chlorine requirement”** shall mean the amount of chlorine in milligrams per liter, which must be added to sewage to produce a specified chlorine content in accordance with procedures set forth in Standard Methods.

**“City”** shall mean the City of Platteville, Wisconsin.

**“Combined sewer”** shall mean a sewer receiving both surface run-off and sewage. A Combined Sewer is illegal in the City of Platteville.



## CHAPTER 8 Sewer Service

**“Commission” or “Water and Sewer Commission”** shall mean the Water and Sewer Commission of the City of Platteville or said commission’s appointed agent or representative.

**“Debt Service”** shall mean costs to the sewer department for the retirement of debts incurred in the provision of wastewater facilities, including both principal and interest.

**“Floatable Oil”** is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated, and the wastewater does not interfere with the collection system.

**“Garbage”** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

**“Industrial User”** shall mean:

- (a) Any non-governmental, non-residential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary waste and which is identified in the Standard Industrial Classification (SIC) Manual, US Department of Labor, Occupational Safety and Health Administration, as amended and supplemented under one of the following divisions:

Division A. Agriculture, Forestry, and Fishing.

Division B. Mining.

Division D. Manufacturing.

Division E. Transportation, Communications, Electric, Gas and Sanitary Services.

Division I. Services.

- (1) In determining the amount of a user’s discharge, the city will exclude domestic waste or discharges from sanitary conveniences.
- (2) After applying the sanitary waste exclusion in subparagraph (1) of this paragraph, discharges in the above divisions that have a volume exceeding 25,000 gpd or exceeding the weight of biochemical oxygen demand (BOD), or total suspended solids (TSS), or Total Kjeldahl Nitrogen (TKN), or Total Phosphorous (TP) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary waste, for purposes of this calculation of equivalency, shall be wastes of Normal Concentration as defined in this Ordinance.

## CHAPTER 8 Sewer Service

- (b) Any non-governmental user who discharges wastewater to the City's sewers, which wastewater contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other waste, to contaminate the sludge of the municipal sewer systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

**“Industrial Wastes”** shall mean wastes discharged by “Industrial Users”.

**“May”** is permissive (see **“Shall”**, below).

**“Natural Outlet”** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**“Normal Concentration”** shall mean:

- (a) 5-day 20-degree C., BOD of not more than 250 mg/L.
- (b) A TSS content of not more than 250 mg/L.
- (c) A TKN of not more than 40 mg/L
- (e) TP of not more than 7 mg/L

**“Normal Wastewater”** shall mean wastewater in which BOD or TSS, or TKN or TP concentrations do not exceed normal concentrations.

**“Operation and Maintenance”** shall mean costs to the sewer department for the provision of labor, utilities, supplies, equipment maintenance, and other normal costs necessary for the provision of sewage service. Operation and maintenance include replacement.

**“Person”** shall mean any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

**“pH”** shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter as determined by **“Standard Methods”**.

**“Phosphorous”** shall mean the total phosphorous which is all of the chemical element phosphorous present in a sample, regardless of form, expressed in milligrams per liter. Quantitative determination of phosphorous shall be made in accordance with Standard Methods.

**“Properly Shredded Garbage”** shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be

## CHAPTER 8 Sewer Service

carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

**“Public Sewer”** shall mean any sewer provided by or subject to the jurisdiction of the City. The term “public sewer” shall also include sewers within or outside of the City sanitary sewer system, even though those sewers may not have been constructed with City funds.

**“Replacement”** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.

**“Sanitary Sewer”** shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**“Sewage”** is the spent water of a community. The preferred term is **“wastewater”**.

**“Sewer Utility” or “Utility”** shall mean the Platteville Municipal Water and Sewer Utility.

**“Sewer”** shall mean a pipe or conduit for carrying wastewater.

**“Shall”** is mandatory; **“May”** is permissive.

**“Slug”** shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**“Standard Methods”** shall mean the procedures and methods described in the most current edition of “Standard Methods for the Examination of Water and Wastewater” as approved by the Department of Natural Resources (DNR).

**“Storm Sewer”** as defined in Chapter 48 of the City of Platteville Municipal Code.

**“Suspended Solids (SS)”** shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as determined by Standard Methods and referred to as nonfilterable residue. Also, may be expressed as Total Suspended Solids (TSS).

**“Unpolluted Water”** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would

not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**“User Charge”** (or Wastewater Service Charge) shall mean a charge levied on users of wastewater treatment works and the sanitary sewer system for the cost of operation and maintenance and debt service for such facilities. The term operation and maintenance include Replacement.

**“Wastewater”** shall mean the spent water of a community. From the standpoint of sources, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

**“Wastewater Facilities”** shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

**“Wastewater Treatment Works”** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with **“waste treatment plant”** or **“wastewater treatment plant”** or **“water pollution control plant”**, or **“water resource recovery facility”**.

**“Watercourse”** shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

(2) User Charges

- (a) Normal Sewage Service Charge: There is hereby levied and assessed upon each lot or parcel of land with a building having a lateral available to discharge normal sewage to the public sewer system, a wastewater service charge based upon rates established by the Water and Sewer Commission and approved by Resolution of the Common Council. Said charges shall be assessed and collected monthly.

The Wastewater service charges taxed or levied pursuant to this Ordinance shall be collected by the Utility at the Municipal Building. The Commission shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical and efficient operation, management and protection of the City sewer system, the wastewater treatment plant and the Utility.

If commercial or industrial customers obtain all or any part of their water from sources other than the Platteville Municipal Water Utility, all or any part of which is discharged into the public sewers, the customer shall be required to have a water meter or meters installed for the purpose of determining the volume of water obtained from these other sources. Should the Commission determine that the water usage is too small to justify a meter, the Commission shall have the authority to waive this requirement and a flat rate shall be charged based on estimated water usage and the

## CHAPTER 8 Sewer Service

metered rate schedule. The water meters shall be furnished by the Utility and installed by the Utility. All other costs in connection with the water meter installation shall be at the expense of the customer. The Utility will charge for each meter at the rate of fifty (50) percent of the basic monthly water rate set for the size meter to compensate for furnishing, reading, and servicing the meter. This charge shall be in addition to the Wastewater Service Charge.

If residential customers obtain all or part of their water from sources other than the Platteville Municipal Water Utility, all or any part of which is discharged into the public sewers, a flat rate charge shall be paid for Wastewater Service. Should the Commission determine that the minimum flat rate charge is less than the charge would be on a metered basis, the Commission shall have the authority to set a higher rate based on estimated total usage and the metered rate schedule. Should the residential customer request it, a water meter shall be installed, and the customer shall be charged on the same basis as commercial or industrial customers having private water supplies.

- (b) **Minimum Charge:** The “minimum” monthly wastewater service charge shall be established by the Water and Sewer Commission and approved by Resolution of the Common Council and shall be consistent with the Utility’s User Charge System as approved by the Wisconsin Department of Natural Resources.
- (c) **Volume Charge:** In addition to the minimum charge, there shall be a charge for all flow based on water usage as determined by the Water Utility. The rate of volume charge shall be established by the Water and Sewer Commission and approved by Resolution of the Common Council and shall be consistent with the Utility’s User Charge System as approved by the Wisconsin Department of Natural Resources.
- (d) **Industrial and Commercial Charges for Other Than Normal Wastewater:**
  - 1. Charges for wastewater other than Normal Wastewater shall be based on Flow, BOD, TSS TKN, TP, and such other constituents which affect the cost of collection and treatment. Charges shall be made in accordance with rates established as set forth in Section 1(2)(d)3 below.
  - 2. All persons discharging wastes into the public sewers are subject to a surcharge, in addition to any other wastewater service charge, if their wastewater has a concentration greater than “normal” concentrations (see definition). The volume of flow used for computing waste surcharges shall be the metered water consumption, subject to adjustments as otherwise herein provided, or the actual volume of waste as determined by an industrial waste metering installation. The amount of surcharge shall reflect the cost incurred by the Utility in removing BOD, Suspended Solids, and other pertinent constituents.
  - 3. **Rates of Surcharge.** The rates of surcharge for each of the aforementioned constituents shall be as ordered by the Common Council and shall be

consistent with the Utility's User Charge System as approved by the Wisconsin Department of Natural Resources.

4. In addition to the above surcharges, the Utility's costs of sampling and analyzing industrial wastes shall be charged to the applicable industry.
  5. Where industrial wastes are of such a strength or magnitude or are delivered over such a period of time that the above surcharges do not reflect the actual cost of treatment to the Utility, the Utility shall have the right to establish a special charge for handling the waste. That portion of the charge related to capital investment shall be based on the design capacity required for the particular waste. In no event shall the charges be less than those charges determined by applying the above surcharge.
- (e) Industrial Waste Pretreatment: In the event the Utility provides pretreatment of industrial wastes, the entire cost of such pretreatment shall be charged to the person producing the industrial wastes. The costs shall include but not be limited to capital expenditures, operation and maintenance expenses, labor, chemicals, heat and power.
- (f) Contract Basis: Nothing in this Ordinance shall prohibit the City from providing wastewater services to persons outside the corporate limits of the City under mutually agreeable conditions.
- (g) Remedies from Failure to Pay Service Charges: Each Wastewater service charge levied by or pursuant to this Ordinance is hereby made a lien upon the corresponding lot, land, or premises served by a connection to the sanitary sewer system of the City and if the same is not paid within the period allotted for such payment, said charge shall constitute a lien on the property served and be inserted in the City tax roll as provided in Section 66.076(7) of the Wisconsin Statutes in the same manner as water rates are taxed and collected under the provisions of Section 66.069(1) or 66.071(1)(e) of the Wisconsin Statutes as same has been, and from time to time may be amended or recreated, so far as applicable.
- (h) Annual Audit: An audit of the Utility's financial standing shall be made annually. This audit will be used to review the adequacy of the extra existing rates and said rates shall be adjusted if necessary to provide sufficient revenues to adequately finance the Utility's operation in accordance with the original intent of the rate structure.

The annual audit and review shall also be used to ensure that each recipient of sewage service (or user class) is charged in proportion to the cost of providing said recipient (or user class) with sewage service. Excess revenues collected for Operation and Maintenance from a class of users shall be applied to the costs of Operation and Maintenance attributable to that class for the next year and the rates shall be adjusted accordingly.

## CHAPTER 8 Sewer Service

- (i) Late Payment Charge: All charges under this Ordinance which are not paid within 20 days of billing date are subject to a late payment charge of three percent of the net billing, such charges shall be placed in the operation, maintenance and replacement account.
  - (j) Replacement Fund: Annual income from the Wastewater Service Charges which constitute funds required for “Replacement” shall be separately accounted for and shall not be utilized for any purposes other than Replacement.
  - (k) Notification: Each billing shall identify the amount billed which is attributable to sewer service.
- (3) Use of Public Sewers Required
- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.
  - (b) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
  - (c) Except as hereinafter provided, it shall be unlawful to construct or maintain within the City any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
  - (d) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes where sewerage facilities would be required, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within ninety (90) days after date of official notice to do so.

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### (4) Private Wastewater Disposal

- (a) Where a public sanitary sewer is not available to structures covered by Section 3(d), and with a favorable recommendation of the Commission, the Common Council may allow such structures to be connected to a private wastewater disposal system complying with the provisions of this section.
- (b) Before commencement of the construction of a private wastewater disposal system or additions to an existing private wastewater disposal system within the City, the owner shall first obtain a written permit from the office of the City Building Inspector.
- (c) The type, capacity, location, and layout of a private wastewater disposal system shall comply with all requirements of the Wisconsin Department of Health and Social Services.
- (d) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.
- (e) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the City Health Officer or by any other laws, ordinances or codes.
- (f) At such time as a public sewer becomes available to a property served by a private wastewater disposal system the building sewer shall be connected to said sewer within ninety (90) days and the private wastewater disposal system shall be cleaned of sludge and filled with sand, gravel, or similar material.

### (5) Building Sewers and Connections

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City Building Inspector.
- (b) There shall be two (2) classes of building sewer permits: 1) for residential and commercial, and 2) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application for a permit on a form furnished by the City. The application shall be supplemented by any plans, specifications, or other information considered pertinent by the Commission. A permit and inspection fee as established by the Commission shall be paid to the Utility at the time the application is filed.
- (c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City and Utility from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.



## CHAPTER 8 Sewer Service

- (d) A separate and independent building sewer shall be provided for every building intended for human habitation or occupancy.
- (e) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Building Inspector to meet all requirements of this Ordinance.
- (f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the building and plumbing code and other applicable rules and regulations of the City.
- (g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- (h) Roof-leaders, swimming pool drains, surface drains, ground water drains, foundation footing drains, and other clear water drains shall be connected wherever possible with a storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private wastewater treatment plant. All connections to a sanitary sewer or private wastewater treatment plant existing at the time of passage of this Ordinance shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the Commission shall give the offending person 30 days notice to disconnect. Failure to disconnect after such notice shall authorize the Commission to cause disconnection and assessment of the costs of such disconnection against the property involved. The Commission may, in alternative, institute action for violation of this subsection.
- (i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the City.

Further, all sewer laterals which are defective shall, upon the written direction of the Director of Public Works, be promptly repaired or replaced by the owner of the lot in which such lateral is located and if such defective laterals are not promptly repaired or replaced after written notice by the Director of Public Works that official may have such work performed and cost of such work shall be assessed against the property on which such lateral is located.

- (j) The applicant for the building sewer permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Inspector or his representative.

## CHAPTER 8 Sewer Service

1. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.
2. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

### (6) Use of the Public Sewers

- (a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, unpolluted cooling water, swimming pool water or unpolluted industrial process waters to any sanitary sewer.
- (b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Commission and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Commission and other regulatory agencies having jurisdiction, to a storm sewer or natural outlet.
- (c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  1. Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.
  2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  3. Any waters or wastes having a pH lower than 5.5 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
  4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, sanitary napkins, etc., either whole or ground by garbage grinders.
- (d) The following described substances, materials, waters, or waste shall be limited in discharges to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, will not result in violation of the City's WPDES permit, or will not

otherwise endanger life, health, public property, or constitute a nuisance. The Commission may set limitations lower than any limitations established in the regulations below if, in the Commission's opinion, more severe limitations are necessary to meet the above objectives. In making this determination, the Commission shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Commission are as follows:

1. Wastewater having a temperature higher than 145 degrees Fahrenheit (62 degrees Celsius).
2. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
3. Wastewater from industrial plants containing oils, fat, grease, wax, or any other similar substance which float or solidify in the wastewater facilities.
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing aluminum, cadmium, copper, lead, mercury, selenium, silver, chromium, zinc, and similar objectionable or toxic substances.
6. Any waters or wastes containing odor-producing substances.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by any State or Federal regulations.
8. Quantities of flow, concentrations or both which constitute a "Slug" as defined herein.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- (e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection (d) of this Section, and which in the judgment of the Commission, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commission may:
1. Reject the wastes,
  2. Require pretreatment to an acceptable condition for discharge to the public sewers,
  3. Require control over the quantities and rates of discharge, and/or,
  4. Require payment to cover added cost of handling and treating the wastes not covered by existing user charges under the provisions of this Ordinance.

When considering the above alternatives, the Commission shall give consideration to the economic impact of each alternative on the discharger. If the Commission permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commission.

- (f) Grease, oil and sand interceptors shall be provided when, in the opinion of the Commission, they are necessary for the proper handling of liquid wastes containing floatable grease or other substances specified in Subsection (d)3, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commission and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which shall be subject to review by the Commission. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms. Means of disposal shall also be subject to review by the Commission.
- (g) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

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- (h) When required by the Commission, the owners of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Commission. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (i) The Commission may require a user of sewer services to provide information needed to determine compliance with this Ordinance. This information may include:
  - 1. Wastewater discharge peak rate and volume over a specified time period.
  - 2. Chemical analyses of wastewaters.
  - 3. Information on raw materials, processes, and products affecting wastewater volume and quality.
  - 4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
  - 5. A plot plan of sewers for the user's property showing sewer and pretreatment facility location.
  - 6. Details of wastewater pretreatment facilities.
  - 7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- (j) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the Commission.
- (k) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and Commission and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment subject to payment therefore at rates established by the Commission in this Ordinance.
- (l) Accidental Discharges. The accidental discharge of any prohibited waste into any sewer shall be reported to the Commission by the person responsible for the discharge or by the owner or occupant of the premises where the discharge occurs immediately

## CHAPTER 8 Sewer Service

upon obtaining knowledge of the fact of such discharge so that steps may be taken to minimize its effect on the treatment plant.

- (m) Exemption Meters. If an industrial user discharging wastes into the public sewers produces evidence satisfactory to the Commission that significant amounts of the total annual volume of water used for all purposes does not reach the sanitary sewer, the customer may be permitted to have an exemption water meter(s) installed. Said meter(s) shall be furnished by the Sewer Department and installed by the Sewer Department.

All other costs shall be at the expense of the customer requiring the meter(s), including any piping revisions required to ensure that only water not reaching the sanitary sewer is metered by the exemption meter. The Commission will charge for each meter at the rate of fifty (50) percent of the basic monthly water rate set for that size meter to compensate for furnishing, reading, and servicing the meter unless otherwise ordered by the Public Service Commission. This charge shall be in addition to the wastewater service charge. The amount of exemption water metered shall be subtracted from the total amount of water used by the person to determine the applicable wastewater service charge.

- (n) Industrial users shall be prohibited from discharging more than 450 pounds per day of BOD or Suspended Solids determined on a monthly average basis without the approval of the Commission.

### (7) Protection From Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities.

### (8) Powers and Authority of Inspectors

- (a) The Commission and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties at reasonable times for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the sewer system in accordance with the provisions of this Ordinance.
- (b) The Commission or duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

## CHAPTER 8 Sewer Service

- (c) While performing the necessary work on private properties referred to in Section 8(a) above, the Commission or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company.
- (d) The Commission and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work if any, on said easement, shall be done in full accordance with the terms of the easement.

### (9) Penalties

- (a) Any person violating any provision of this Ordinance except Section (7) shall be served by the Utility with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in Subsection (a) shall, upon conviction thereof, pay a forfeiture in the amount not less than \$100.00 and not more than \$5,000.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. This is in addition to any forfeiture imposed by other State and Federal agencies.
- (c) Any person violating any of the provisions of this Ordinance shall become liable to the City and others, as their interests may appear, for any expense, loss, or damage occasioned the City or others by reason of such violation, including any costs in connection with repairing damages to the wastewater facilities or any downstream user or facilities damaged as a result of a prohibited discharge or any other violation of this Ordinance. Said person shall also be liable to the City to reimburse any Federal or State forfeitures imposed upon the City for violations of Federal and State permits if the violation can be directly attributable to that person.

### (10) Validity

- (a) Any ordinance or parts of ordinances of the Platteville Municipal Code in conflict herewith are hereby repealed.
- (b) The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

**SECTION 2:** This Ordinance shall be in full force and effect from and after passage and publication and for all billings for wastewater discharge dated after November 1, 2021.

CHAPTER 8 Sewer Service

Adopted by the Common Council of the City of Platteville, on the 28<sup>th</sup> day of September, 2021.

(Signature)

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Barbara Daus, Council President

ATTEST:

(Signature)

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Candace Klaas, City Clerk



## **CHAPTER 9**

### **(MOBILE HOMES)**

NOTE: Former Chapter 9 was repealed by Ordinance No. 85-31 on Zoning, published 10/29/85 (see Chapter 22).

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 10, URBAN FORESTRY  
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## CHAPTER 10

### URBAN FORESTRY

**10.01 INTENT AND PURPOSE.** (1) Having determined that a well managed urban forest provides many benefits to the city, its residents and visitors, it is hereby declared to be the policy of the City of Platteville, Wisconsin, to regulate, finance and control the planting, removal, maintenance, and protection of trees and shrubs upon or in all public areas of the city in order to:

- (a) Promote and enhance the aesthetics and general welfare of the city.
  - (b) Eliminate and guard against dangerous conditions which may result in injury to persons using the public areas of the city.
  - (c) Prevent damage to any public sewer, water main, street, sidewalk, or other public property.
  - (d) Protect trees and shrubs in public areas from undesirable and unsafe planting, removal, maintenance and protection practices.
  - (e) Protect all trees and shrubs from the damaging effects of construction, alteration or repair of utility facilities and other improvements in any public area.
  - (f) Guard all trees and shrubs both public and private, within the city against the spread of disease, insects, or pests.
  - (g) The City shall have the authority and jurisdiction to plant, prune, maintain, and remove trees within the rights-of-way of all streets, alleys, avenues, lanes and public properties and parks and tree-planting easements as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public property.
  - (h) The City shall have the right to treat or cause the treatment or removal of any diseased or infested trees on private property when such trees constitute a potential hazard to trees and shrubs in public areas.
- (2) The provisions of this ordinance shall apply to all trees and shrubs presently or hereafter planted in or upon any public area; and also to all trees and shrubs presently or hereafter planted in or upon any private premises which is diseased or infested or endangers the life, health, or safety of persons or property on public areas.

**10.02 INTER DEPARTMENTAL COORDINATION AND COOPERATION.** (1) Due to the complex nature and often conflicting interrelationships between living plants such as trees, shrubs and turf; and public improvements such as streets, sidewalks and underground facilities; it is recognized that there is a need to manage both plants and improvements in a manner that will minimize conflict and maximize the benefits to be realized from each.

(2) Therefore, it is hereby declared to be the intent of the City of Platteville, Wisconsin that there shall exist at all times, a policy of open communication and coordination between the various departments and divisions of city government regarding the management, installation, maintenance and removal of the plants or improvements for which they are each responsible.

**10.03 DEFINITIONS.** (1) The language in the text of this chapter shall be interpreted in accordance with the following rules of construction:

- (a) The singular number shall include the plural number, and the plural the singular.
  - (b) The word “shall” is mandatory; the word “may” is permissive.
  - (c) The masculine gender includes the feminine and neuter.
- (2) In this chapter, unless the context clearly requires otherwise, the following words and phrases shall be defined as follows:
- (a) “City” is the City of Platteville, Wisconsin.
  - (b) “City forester” shall mean the person designated by the city under section 10.06 of this chapter, or his/her duly authorized representative(s) designated to perform the duties or otherwise enforce the provisions of this chapter.
  - (c) “Clear-vision triangle” shall be as defined in Chapter 22.09 A, Traffic Visibility.
  - (d) “Tree Advisory Board” shall mean the Board established under Section 10.05 of this ordinance.
  - (e) “Maintenance and protection” shall include all operations of trimming, pruning, spraying, injecting, fertilizing, treating, bracing, cabling and cutting any tree or shrub above or below ground.
  - (f) “Permit” shall mean written permission from the City Forester to perform maintenance and protection on any public tree or shrub, or do construction (as defined in section 10.09) in the vicinity of any public tree or shrub. Any

permit may include specifications, which shall be complied with, and any special provisions applicable to the purpose of the permit.

- (g) “Person” shall mean any individual, firm, partnership, association, corporation or government entity, except the University of Wisconsin-Platteville.
- (h) “Public way” shall include all public streets, roads, boulevards, median strips, alleys, and sidewalks and areas within the right-of-way.
- (i) “Public area” shall include all public ways, parks, and other lands owned, controlled, or leased by the city.
- (j) “Public nuisance” shall mean any tree or shrub or part thereof which by reason of its condition and location has been declared to be a public nuisance under section 10.07 of this ordinance.
- (k) “Tree” shall mean a woody plant usually with a single stem unbranched at the base, reaching a height of twelve feet or more.
- (l) “Shrub” shall mean a woody plant usually with multiple stems branched at or near the base, reaching a height of less than twelve feet.
- (m) “Public trees and shrubs” shall mean any tree or shrub as herein defined, presently or hereafter planted in or upon any public area.
- (n) “Street tree” shall mean any public tree presently or hereafter located in the public way between the curb and public sidewalk, or between the curbs of a median strip, or in the equivalent location with respect to future curb, sidewalk or median strips where such curbs or sidewalk are not yet installed.
- (o) “Topping”, also known as heading, hat racking, dehorning or rounding over shall mean the cutting of large diameter branches at a point between lateral shoots thereby leaving stubs, and resulting in substantial size reduction and destruction of the natural form and shape of a mature tree.
- (p) “Tree protection zone” shall mean a zone of protected space surrounding any public tree extending from the topmost branch or leader downward to a distance of thirty-six (36) inches below the surrounding ground surface level. The radial dimension from the center of the tree to the outermost horizontal limit of the zone is determined by the diameter of the outermost edge of the branches (drip line), and is further defined in the “Forestry Specifications for Construction on Public Areas” as adopted in section 10.04 of this Ordinance.

- (q) “Urban Forest” shall mean the total population of trees and shrubs located within the City of Platteville that are subject to management by the City under the terms of this ordinance.

**10.04 STANDARDS AND SPECIFICATIONS.** (1) The following standards and specifications, including any modifications or amendments thereto, are hereby adopted and by this reference are made a part of this ordinance and incorporated herein:

- (a) City of Platteville Forestry Specifications for Construction on Public Areas.
- (b) ANSI A300-1995 “American National Standard for Tree Care Operations – Tree, Shrub and Other Woody Plant Maintenance – Standard Practices” or most recent version thereof.
- (c) ANSI Z60.1-1996 “American Standard for Nursery Stock” or most recent version thereof.

**10.05 REPEALED (11-27)**

**10.06 CITY FORESTER.** (1) Powers and Duties. The City Forester, subject to the direction and authorization of the Tree Advisory Board together with the supervision of the Directors of Public Works and Parks & Recreation, shall have the following general powers and duties:

- (a) To direct, manage, supervise, and control the City’s urban forestry program to include the planting, removal, trimming, maintenance, and protection of all trees and shrubs in or upon all public areas of the city; to supervise the planting, removal, trimming, maintenance, and protection of said trees and shrubs. The City Forester shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on public property to insure safety or preserve the aesthetics of such public sites.
- (b) To cause the provisions of this Ordinance to be enforced.
- (c) The City Forester may inspect any trees, shrubs, vines, hedges, plants, logs or branches existing or growing upon any property within the City. The City Forester may conduct surveys to determine if any destructive or communicable disease or other pest exists which may be detrimental to or endanger the good health and well being of trees or other plant life in public areas. The City Forester shall have the authority and jurisdiction to restrict tree maintenance activities within the City limits to reduce the spread of infectious diseases and/or insects. Restrictions are to be listed in the Forestry Program Manual and presented annually in the local media.

- (d) To provide information to the public concerning the urban forestry program and tree and shrub care.
  - (e) To implement and direct a City Urban Forestry Management Plan.
  - (f) Such other powers and duties as are provided by the laws of Wisconsin, particularly sections 27.08 and 27.09 of the Wisconsin statutes, by ordinances of the City of Platteville, and by direction of the Board.
- (2) Authority to Preserve and Remove Public Trees and Shrubs. The City Forester shall have the authority to plant, remove, maintain, and protect all public trees and shrubs or cause such work to be done as may be necessary to preserve the beauty of public areas, and to protect life and property.
- (3) Authority to Enter Private Premises. The City Forester or his/her authorized representative shall have the authority to enter upon private real estate, excluding any buildings thereon, at reasonable times for the purposes of examining or taking the necessary samples of any suspected nuisance tree or shrub located upon or over such premises, and enforcing the provisions of this Ordinance. The City Forester may appropriately mark all nuisance trees and shrubs to be removed pursuant to Section 10.07 of this ordinance.
- (4) The City Forester shall enforce such rules, regulations, permit, and penalty procedures as deemed necessary and may do so by the issuance of municipal citations to effectuate the intent of this chapter. No person shall unreasonably hinder, prevent, delay, or interfere with the City Forester or his/her agents while engaged in the execution of this ordinance.

**10.07 PUBLIC NUISANCES, DECLARATION AND ABATEMENT.** (1) The City Forester or his/her designee shall have the right to declare as a public nuisance any tree or shrub or part thereof, including firewood, existing anywhere in the city which is:

- (a) Interfering with the use of any public area,
  - (b) Infected with a plant disease,
  - (c) Infested with insects, or
  - (d) Endangering the life, health or safety of other trees/shrubs, persons or property located in public areas.
- (2) City Forester will keep a list of nuisances as approved by the Tree Advisory Board.
- (3) Abatement of Public Nuisances.
- (a) Public Areas. All trees, shrubs or parts thereof on public property shall be subject to treatment and/or removal when it is determined by the city forester

or his/her designee that the trees or shrubs constitute an immediate or future health or safety hazard or when they have become unsightly, infested, diseased or dead. The city forester or his/her designee shall have the discretion to determine the most appropriate course of action to prevent or treat such conditions.

- (b) Private Premises. No person shall permit any public nuisance as defined in subsection 10.07(1) of this section to remain on any premises owned or controlled by such person within the City. Upon determination by the city forester or his/her designee that any nuisance tree or shrub, as herein defined, exists in or upon any private premises, he/she shall give written notice to the owner or tenant having charge of such premises to treat, remove or otherwise control such tree or shrub in such manner as will abate such nuisance. Within thirty (30) days after the issuance of such notice, the person shall cause treatment, removal or control of the nuisance tree or shrub as directed in the written notice. Should the owner or tenant neglect to comply with the terms of the written notice within thirty (30) days after receiving it, the city forester or his/her designee shall cause the treatment, removal or other control of the nuisance tree or shrub. If the owner of such private premises, or his/her agent, shall refuse or neglect to comply with the terms of the written notice within the time specified, the City Forester shall cause the public nuisance to be abated and shall report the expense thereof to the City Clerk who shall enter it as a special charge against the property upon which the nuisance is located. An Administrative Fee shall be added to the actual cost of abatement. The amount of the fee shall be as established by the Council from time to time. Any amount not paid within 30 days shall bear interest at the rate of one percent per month until fully paid.

**10.08 PROHIBITED ACTS REGARDING PUBLIC TREES AND SHRUBS.** (1) Injury to Public Trees and Shrubs Prohibited. No person shall, without written permission from the City Forester, do or cause to be done any of the following:

- (a) Secure, fasten, or run any rope, wire, sign, electrical installation or other device or material to, around or through any public tree or shrub except in an emergency such as a storm or accident.
- (b) Break, injure, mutilate, deface, kill, or destroy any public tree or shrub.
- (c) Top or make topping cuts on any public tree (except for purposes of clearing the branches of any public tree from existing overhead electrical or telecommunication wires).
- (d) Permit any toxic chemical, gas, smoke, oil, or other injurious substance to seep, drain, or be emptied upon or about any public tree or shrub, excluding routine winter street maintenance by City Departments.



- (e) Engage in any activity which violates the City of Platteville Forestry Specifications for Construction on Public Areas.
- (2) Clear-vision triangle. Refer to Chapter 22.09. No tree, shrub, hedge or other growth between 2 ½ feet and 10 feet in height above the mean curb heights shall be permitted in any clear-vision triangle within the City.
- (3) Obstruction of Signs, Signals, Travel. All trees and shrubs located upon any public way or upon any private premises adjacent to the public way shall be kept trimmed so that the lowest projecting branches provide a clearance height of not less than sixteen (16) feet above the travel portion of a public street, and not less than 7 ½ feet above the public sidewalk. The City Forester may waive the provisions of this section for newly planted or naturally low-profile trees if he/she determines that they do not interfere with public travel, obstruct the light of any streetlight, obstruct the view of any traffic sign or signal, or endanger public safety.
- (4) Any tree or shrub or part thereof found to be in violation of the provisions of subsection (2) and (3) of this section shall be declared to be a public nuisance and shall be subject to abatement as set forth in section 10.07(3) of this Ordinance.
  - (a) A property owner receiving notice to abate a public nuisance as specified in subsection (4) of this section shall have the right to appeal as provided in section 10.12 of this Ordinance.

**10.09 PLANTING, REMOVAL, MAINTENANCE AND PROTECTION OF PUBLIC TREES AND SHRUBS.** (1) Permit Required. No person shall plant, remove, maintain or protect any public tree or shrub, or cause such work to be done without obtaining a written permit from the City Forester.

- (2) Application and Approval. Any person desiring to plant, remove, maintain or protect any public tree or shrub shall apply in writing to the City Forester for a permit to do such work. Such application shall specify the location and description of the proposed work. If the City Forester determines that the proposed work is necessary and in accord with the purposes of this Ordinance, taking into account the safety, health, and welfare of the public, location of utilities, public sidewalks, driveways and street lights, general character and aesthetic quality of the area in which the tree or shrub is located or proposed to be located, and the soil conditions and physiological needs of the tree or shrub, he/she shall issue a permit to the applicant.
- (3) Permit Form, Expiration, Compliance, and Inspection. Permits shall be issued by the City Forester on the standard form for this purpose and shall include a description of the work to be done and shall specify the genus, species, variety, size, grade, and location of trees or shrubs to be planted, if any. Any work done

under such permit shall be performed in strict compliance with the terms thereof and with the arboricultural specifications and standards set forth under subsection (5) of this section. The City Forester may inspect all work performed pursuant to this section. Permits issued under this section shall specify an expiration date not to exceed six (6) months after the date of issuance.

- (4) Permit Exemptions. No permit shall be required to water or fertilize any public tree or shrub or to take the necessary action to guard the public safety or clear the public way in the event of a storm, accident or other emergency.
- (5) Arboricultural Specifications and Standards. The following specifications and standards are hereby established for the planting, pruning, and removal of all public trees and shrubs within the City.
  - (a) Planting. Refer to separate planting specification guidelines on file with the City Forester as approved by the Tree Advisory Board.
  - (b) Pruning. All pruning of public trees and shrubs shall conform with the standards set forth in ANSI A300 – 1995 or the most recent version thereof as adopted in section 10.04 of this Ordinance.
  - (c) Removal.
    - 1. Trees shall be completely removed from the growing site and disposed of in the proper manner. Any person or firm engaged in the removal of any public tree or shrub shall have the necessary limits of insurance as recommended by the City's insurance carrier and shall be responsible for any injury or damage to persons or property.
    - 2. Stumps and roots which elevate sidewalks and/or boulevards shall be removed from the growing site by grinding or other means to a depth suitable for the future planting of trees, shrubs, or turf. The hole created by removal of a stump shall be filled to the level of surrounding grade with mineral topsoil, tamped to prevent settling and seeded with mixture of grass species appropriate for the site.
  - (d) Spraying, injecting, fertilizing, bracing, cabling or other arboricultural operations or treatments shall be performed in a neat and professional manner according to accepted arboricultural standards and in compliance with all laws governing the use of pesticides.

#### **10.10 TREE PROTECTION DURING CONSTRUCTION IN A PUBLIC AREA.**

- (1) Definitions. (a) For the purposes of this section, "public tree" as defined in section 10.03 of this ordinance shall be extended to include any tree located on private

property adjacent to a public area, with any part of the tree protection zone of such tree extending into the public area.

- (b) "Construction" shall mean the installation, alteration, repair, replacement or relocation of any of the following:
1. Any street, curb, sidewalk, pavement, street light, traffic signal or other surface structure.
  2. Any underground utility distribution and service facility including water pipe, sanitary and storm sewer, gas pipeline, electric power and communication wire, cable, conduit, duct and associated vaults, manholes, pull boxes; and any irrigation facilities.
  3. Any overhead wire, cable and associated support structure.
- (2) City of Platteville Forestry Specifications for Construction on Public Areas as adopted in section 10.04(1)(a) of this ordinance shall by reference or inclusion, be made a part of any permit issued pursuant to this section, and also be made a part of any contract for construction in any public area.
- (3) Permit required. No individual person, firm, partnership, association, corporation or government entity, except as provided in subsection (6) of this section, shall do or cause to be done, any construction as herein defined, in any public area in the City prior to issuance by the City Forester of a valid Special Construction Permit.
- (4) Permit Application, Plan Review, Approval. Any person proposing to do construction work in a public area shall apply in writing to the City Forester for a permit to do such work. Such application shall specify the location and description of the proposed work, and the estimated start and completion dates. A complete copy of the construction plans shall be provided along with said application. If, upon review of the construction plans and any supplemental information provided by the applicant, the City Forester determines that the work is necessary and can reasonably be expected to progress in compliance with all forestry specifications and conditions, he/she shall issue the permit. This section shall be construed as to allow construction activities in most instances.
- (5) Permit Form, Expiration, Compliance, and Inspection. The City Forester on the standard form shall issue permits for this purpose. The permit shall specify the forestry specifications and any special conditions or requirements to be satisfied in connection with the work. Permits issued under this section shall specify an expiration date not to exceed twelve (12) months after the date of issuance. The City Forester shall inspect the work in progress on a regular basis to ensure compliance with the terms of the permit.

- (6) Permit Exemption. No permit shall be required for construction proposed by any department or division of City government, however, all other provisions of this section shall apply. Any contract entered into between any City department or division and a contractor for hire for construction work as defined in subsection (1)(b) shall contain the construction specification provisions of subsection (2) of this section. Any City employee performing construction work under this subsection shall also comply with the provisions of subsection (2) of this section.
- (7) Standing Permit for Repair by Utility Providers. Any firm or corporation which owns facilities for the distribution and service of natural gas, electricity and telecommunications may request a "Standing Permit for Repair". The purpose of such permit shall be to expedite the process of minor repair or replacement of facilities by eliminating the requirement for a separate written permit for each repair occurrence. Such permit shall be valid for a term of one calendar year (January 1 through December 31) and shall apply to all repair occurrences at various single locations and times as needed.
- (a) Conditions of permit.
1. Notification. Permittee shall notify the City Forester by phone, fax or other means prior to commencing a necessary repair, and shall give the location, date and time of the work. This may be done through the Digger's Hotline process. When a Digger's Hotline request is received, the city staff shall provide a copy of the notification to the City Forester in addition to the Water and Sewer Utility and the Street Department. Emergency repairs necessary to protect life and property, and other necessary repairs during non business hours shall be exempt from pre-notification but shall be reported on the next business day.
  2. All work performed in accordance with this subsection shall be subject to the specifications set forth in subsection (2) of this section, and any special conditions specified in the permit.
  3. Any construction, which exceeds the scope, magnitude and purpose of this subsection, shall require the standard permit set forth in subsection (4) of this section.
- (b) Permit Form, Issuance, Renewal, Compliance, and Inspection. The City Forester on the standard form shall issue standing Permits for this purpose. The permit shall specify the forestry specifications and any special conditions or requirements to be satisfied in connection with the work. Permits issued under this section shall be valid from January 1 through December 31 and shall be automatically renewed for a like term. The City Forester shall inspect the work and worksite from time to time to ensure compliance with the terms of the permit.

**10.11 COST OF PLANTING, REMOVAL, MAINTENANCE, AND PROTECTION OF PUBLIC TREES AND SHRUBS.** The entire cost of planting, removal, maintenance, and protection of trees and shrubs in all public areas of the City when performed by City employees or their contractors at the direction of the City Forester, shall be borne by the City out of the department budgets, or from funds donated or otherwise acquired for this purpose. When a private party other than the City plants, removes, maintains, or protects public trees or shrubs pursuant to Section 10.09 of this Ordinance, said party shall incur all expenses connected therewith.

**10.12 APPEAL FROM ORDER OF THE CITY FORESTER.** (1) A person who receives an order from the City Forester and objects to all or part thereof may, within ten (10) days of receipt of order, notify the City Forester in writing of the nature of the objection and request a meeting with the City Forester and Directors of Public Works and Parks & Recreation. The Director of Parks & Recreation shall schedule such a meeting within ten (10) days of receiving the request. If the person objecting to the order wishes to further appeal the results of the meeting, that person may, within ten (10) days after the meeting, make a written request to appeal the order by requesting a hearing before the Tree Advisory Board. The Board shall schedule a hearing of the appeal within fifteen (15) days of receiving the request. Within ten (10) days after the hearing the Board shall notify the appellant of its decision in writing. The Board may affirm, cancel, or modify the order, in its discretion, to best conform such order to the intent of this ordinance. The decision of the Board may be appealed and reviewed by the Common Council. Such appeal shall be made in writing and shall be filed with the City Clerk within thirty (30) days of date of the Tree Advisory Board's decision. The Common Council shall hear the appeal within thirty (30) days thereafter and may affirm, cancel or modify the order, in its discretion, to best conform to the intent of this ordinance.

**10.13 PENALTIES.** The penalty for violation of any provisions of this chapter shall be forfeiture as herein after provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes. The penalty for violation of any provision of this chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of the municipal code, with a maximum forfeiture of \$150.

In addition to the forfeiture the City may require restitution for the fair market value of the tree(s) and/or shrub(s), which were damaged or destroyed as result of violation of this Ordinance.

**10.14 SEVERABILITY.** (1) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision will not affect the validity of any other section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 11  
GARBAGE AND REFUSE COLLECTION AND DISPOSAL  
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## CHAPTER 11

### GARBAGE AND REFUSE COLLECTION AND DISPOSAL

#### 11.01 INTRODUCTION. Recycling ordinance for the City of Platteville.

- A. Findings and Declaration of Policy. The City of Platteville finds that reusable materials are currently being needlessly landfilled. Grant County currently has no landfill space. Mandatory recycling encourages conservation and reuse of certain materials, saves landfill space and prolongs the life of landfills. It is therefore declared to be the purpose of this ordinance to require mandatory recycling of recyclable items and to protect and promote health, safety, prosperity and general welfare of the people of the City of Platteville.
- B. Intent and Purpose. The purpose of this ordinance is to reduce the amount of recyclable items which are currently placed in landfills and to preserve the environment.
- C. Statutory Authority. This ordinance is adopted as authorized under Section 287.09(3)(b) Wisconsin Statutes.
- D. Severability. If any section, provision or portion of this ordinance is found unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.
- E. Applicability. This ordinance shall apply to each owner or occupant of any business, industry, place of commerce or other place providing goods or services of any kind and to each owner or occupant of any single-family residence, two-family residence or multi-family dwelling unit and to all other covered activities within the corporate limits of the City of Platteville.
- F. Administration. The provisions of this ordinance shall be administered by the Director of Public Works.
- G. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance will govern.
- H. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretations shall control.

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**11.02 DEFINITION OF TERMS.** The following definitions shall be used for purposes of this ordinance:

- A. Brush shall include tree limbs and bushes less than 8" in diameter but more than ½ inch and tree limbs and woody stems less than ½ inch and inconvenient to bag.
- B. City shall mean City of Platteville.
- C. Collection shall mean the picking up and collecting of all garbage and refuse which is deposited in standard containers. Collection shall also include the transporting of such garbage and refuse.
- D. City of Platteville Marked Bag is a specially marked bag issued by the City. These bags are used to designate proper bags for disposal. This bag is being phased out and replaced by City of Platteville stickers.
- E. City of Platteville Sticker is a specially made item that is issued by the City of Platteville for residents to use to designate proper bags for disposal. They may be used on excess solid waste containers or on yard waste containers commercially produced. When placed on yard waste containers, it is required that the yard waste container be a biodegradable bag.
- F. Commercial shall refer to a structure containing wholly or in part an establishment for goods or services.
- G. Garbage shall mean animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, including small game. All wet garbage shall be drained and wrapped and deposited in a standard container(s) as defined below. Newspaper used as a wrapper for wet garbage need not be recycled.
- H. Industrial shall mean a manufacturing operation or its equivalent operating wholly or partly within the City boundaries.
- I. Institutional shall mean any school, college, church, hospital, nursing home or public building wholly or partly within the City boundaries.
- J. Multi-Family Residential shall mean a structure with accommodations for more than two (2) families under common ownership. These include fraternities, sororities, mobile home parks, and apartment buildings, but exclude condominiums.
- K. Newspaper means a newspaper and other materials printed on newsprint.
- L. Recyclable Materials for purposes of this ordinance, means and includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made



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of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires and bi-metal containers.

- M. Recycling shall mean the collection and marketing of designated materials for reprocessing or reuse.
- N. Refuse means all matters produced from industrial or community life, subject to decomposition, not defined as sewage.
- O. Residential shall mean a building having accommodations for and occupied exclusively by no more than two (2) families, having the status of single family or duplex dwelling units, regardless of zoning status. Condominiums where individual units of a structure, identified as individual tax roll parcels, are occupied by a single-family are also considered residential, despite having more than two (2) families in the same structure.
- P. Sewage means the water carried wastes created in and to be conducted away from residences, industrial establishments and public buildings as defined in Wisconsin Statutes Section 101.01(12), with such surface water or groundwater as may be present.
- Q. Solid Waste means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Wisconsin Statutes Chapter 281, or special nuclear or by-product material as defined under Wisconsin Statutes Section 196.47 and 16.11(2)(m).
- R. A Standard Garbage or Refuse Container, under this ordinance, shall be a can or container of not more than thirty-five (35) gallon capacity or equivalent which has a tight fitting lid and handles and which is waterproof or a plastic garbage bag or bags of suitable strength and not to exceed the same size and capacity. If the container has a liner, that liner shall also be a plastic bag not exceeding the same size and capacity.
- S. Yard Wastes shall include, but not be limited to, grass clippings, holiday trees, leaves, brush clippings, branches less than ½" in diameter and two (2) feet in length, weeds, and garden debris. Other materials not specified but may be included if suitable for compost and approved by the Director of Public Works.

**11.03 GENERAL PROVISIONS**

- A. No burying. It is unlawful for any person to bury or landfill solid waste or recyclables within the boundaries of the City.
- B. No burning. Burning of solid waste and/or recyclables is prohibited. (Refer to nuisance ordinances.)
- C. No dumping. 1. It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the City of Platteville or in any receptacles or private property without the owner's consent.  
  
2. No person shall place for collection any garbage at the curb not owned or occupied by such person.
- D. Garbage from outside of municipality. It is unlawful to bring refuse from outside the corporate limits into the City of Platteville for disposal unless authorized by agreement with the municipality or by agreement between haulers licensed by the state and with the City of Platteville.
- E. Non disposable materials. 1. It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic waste, chemicals, explosives, flammable liquids and paint.  
  
2. It is unlawful for any person to introduce chemical, petroleum waste or other liquid wastes into the City storm water drainage system.
- F. Provide space for recycling in public buildings. A person in the City of Platteville owning or occupying a new public building or a public building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building. All new construction of commercial or multi-family structures in the city shall comply with COMM 61-65, Space for Recyclable Material.
- G. Antiscavenging or Unlawful removal of recyclables. It shall be unlawful for any person, unless under contract with or licensed by the City, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purpose of recycling.
- H. Storage. The storage of garbage, refuse and/or recyclables on a property must comply with Platteville Municipal Code 5.03 Health and Human Safety.
- I. Separation requirements exempted. The separation requirements of Section 11.05 do not apply to the following:

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1. Occupants of residential, multi-family residential, commercial, industrial and institutional facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 11.05(a)(1), (b)(1), (c)(1) and including the following: lead acid batteries, major appliances, waste oil, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, office paper, rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins, steel containers and waste tires from solid waste in as pure a form as is technically feasible.
  2. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  3. Recyclable material as follows: aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins, steel containers and waste tires for which a variance has been granted by the Department of Natural Resources under Section 287.11(2m), Wisconsin Statutes, or s.NR 544.14, Wisconsin Administrative Code.
- J. Care of separated recyclable materials. To the greatest extent practicable, the recyclable materials separated in accordance with Section 11.05(a)(1) and (c)(1) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.
- K. Management of lead acid batteries, major appliances, waste oil, waste tires and yard waste. Occupants of residential, multi-family residential, commercial, industrial and institutional facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows:
1. Lead acid batteries, major appliances, waste oil and waste tires shall be disposed of at an approved facility.
  2. Yard waste shall be maintained in accordance with Section 11.04 A.3., Section 11.04 B.8. or Section 11.04 c.8. City of Platteville Municipal Code as applicable.
- L. Preparation and collection of recyclable materials. Except as otherwise directed by the City of Platteville, occupants of residential, multi-family residential, commercial,

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industrial and institutional facilities and properties shall do the following for the preparation and collection of the separated materials specified as follows:

1. Aluminum containers shall be rinsed free of product residue. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
2. Bi-metal containers shall be rinsed free of product residue. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
3. Corrugated paper board shall be free of debris, flattened, stacked and tied and placed upon the curb on the day designated for collection.
4. Foam polystyrene packaging shall be rinsed free of product residue. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
5. Glass containers (clear, green and brown) shall be rinsed free of product residue, lids and metal rings removed and discarded in the regular garbage. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
6. Magazines shall be free of debris, stacked and tied or placed in bin and placed upon the curb on the day designated for collection.
7. Newspapers shall be free of debris, stacked and tied or placed in bin and placed upon the curb on the day designated for collection.
8. Office paper shall be free of debris and placed in the approved recycling bin and placed upon the curb on the day designated for collection.
9. Rigid plastic containers shall be prepared and collected as follows:
  - (a) Plastic containers made of PETE, labeled by the SPI code #1, but including only soda and clear liquor bottles, shall be rinsed free of product residue and caps shall be removed and discarded in the regular garbage. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
  - (b) Plastic containers made of HDPE, labeled by the SPI code #2, but including only milk, mild detergent and water bottles, shall be rinsed free of product residue and caps shall be removed and discarded in the regular garbage. The containers shall be placed in the approved

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recycling bin and placed upon the curb on the day designated for collection.

- (c) Plastic containers made of PVC, labeled by the SPI code #3, shall be rinsed free of product residue and caps shall be removed and discarded in the regular garbage. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- (d) Plastic containers made of LDPE, labeled by the SPI code #4, shall be rinsed free of product residue and caps shall be removed and discarded in the regular garbage. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- (e) Plastic containers made of PP, labeled by the SPI code #5, shall be rinsed free of product residue and caps shall be removed and discarded in the regular garbage. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- (f) Plastic containers made of PS, labeled by the SPI code #6, shall be rinsed free of product residue and caps shall be removed and discarded in the regular garbage. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- (g) Plastic containers made of other resins or multiple resins, shall be rinsed free of product residue and caps shall be removed and discarded in the regular garbage. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

10. Steel containers shall be rinsed free of product residue. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

M. Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the following materials: aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins, steel containers and waste tires which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**11.04 SOURCE SEPARATION AND PREPARATION REQUIRED.** The owners or occupants of each residence and non-residential enterprise shall prepare solid waste for collection in accordance with the procedures set forth in this section.

- A. Residential. The owners or occupants of each residence within a structure housing one or two residences shall:
1. Separate or cause to be separated and prepare or cause to be prepared for collection the following: recyclable materials, garbage, lead acid batteries, major appliances, waste oil, yard waste and waste tires in accordance with Section 11.03 K & L.
  2. Service and Collection –
    - (a) Each dwelling is entitled to two containers or bags of garbage waste to be serviced by the residential garbage contractor. Two family dwellings are entitled to four containers or bags of garbage waste. Additional garbage waste must be bagged in a City of Platteville marked bag which may be obtained at City Hall or selected retail stores at a cost established by the City Manager. When City of Platteville marked bags have run out, additional garbage waste must be in additional container(s) or bag(s) as defined in 11.02 Q. with a valid City of Platteville sticker affixed to the container(s) or bag(s). The contractor collecting the additional garbage waste shall remove or deface the sticker in such a way that it cannot be reused.
    - (b) Collection and disposal of garbage and refuse by the contractor shall take place at least once each week at each dwelling in the City and the contractor shall establish and make public routes and pickup times for each residence. Pickup times shall be from 7:00 a.m. to 5:30 p.m. on Mondays through Fridays. All containers for recycling and refuse shall be at the curb or near the street edge for collection by 7:00 a.m. on the day designated for collection. Such containers shall not be put out for collection earlier than 3:00 p.m. of the day preceding the scheduled collection day. No pickups shall be made at residences at any other times except by prior arrangement between the contractor and the resident(s) involved. All containers for recycling and refuse shall be removed from the front yard by 5:30 p.m. on the day following collection.
    - (c) Recyclable items will be collected each week, or as designated by the City Manager, on the same day as garbage/refuse collection and will be collected at the curb, as defined above. The owners or occupants of each residence shall be required to purchase a plastic recycling bin from the City for the purpose of separation and collection. The City Manager may promulgate reasonable rules regarding the recycling of designated materials, including the amount charged for recycling bins.

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- (d) The City or its contractor shall not be obligated to pick up garbage containers or yard waste containers weighing over fifty (50) pounds each, or to collect solid waste or recyclables set out or prepared in a manner other than as required by this ordinance. The contractor may decline to pick up the entire collection and shall attach a tag to the container stating the reason(s) for refusing the collection.
  - (e) There shall be no collection on the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. The route normally picked up on the above listed holidays shall be done on the following working weekday. Other variations of the pick-up schedule are permitted, but they must be advertised in advance.
  - (f) The City shall establish one pick-up in the spring and one in the fall to remove materials from residential areas. Types of materials approved for pick-up, the dates and the procedures will be determined and published by the Director of Public Works.
  - (g) Disposal of materials generated from construction, demolition or remodeling projects requiring a building permit shall be the responsibility of the homeowner.
3. Yard Wastes – The City will pick up and dispose of yard wastes placed at the curb during spring and fall clean-up periods as established in Section 11.04 A.2(f). The dates and procedures will be established and published by the Director of Public Works.
- (a) Residents needing to dispose of yard waste during summer months between the spring and fall clean-up periods must place material for disposal in a City of Platteville marked bag. When City of Platteville marked bags have run out, additional yard waste must be in biodegradable container(s) or bag(s). with a valid City of Platteville sticker affixed to the container(s) or bag(s). Procedures for provision of this service will be determined and published by the Director of Public Works.
  - (b) The Director of Public Works may establish a yard waste clean-up at other times if a community-wide need exists (violent storms).
4. Brush – The City will chip and dispose of brush placed curbside in a neat pile with the tree limb ends facing the curb, in a manner that does not block or obstruct a sidewalk. Brush removal shall be done in intervals established by the Director of Public Works.

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- (a) Tree limbs and woody stems greater than 8” in diameter may be disposed by the property owner, any contractor paid by the owner, or by the City, if prior arrangements have been made with the Director of Public Works. The property owner shall pay all expenses incurred by the City for disposal of such debris.
  5. The City or its contractor shall also provide a drop off point for recyclables. The City may designate additional materials for collection at the drop off location in addition to materials designated for the residential curbside service. Disposal fees may be applied to disposal of some materials.
  6. Inspection Authority – The Department of Public Works of the City has the right to inspect recyclable materials separated for recycling and post-consumer waste intended for disposal to determine compliance with the provisions of this ordinance.
  7. Refunds – Refunds or credits will not be issued to any person not using the City’s refuse service.
  8. Materials that shall not be considered garbage or refuse or recyclable material and which must be disposed of by the property owner, are but not limited to: earth, sod, rocks, concrete, ashes, full carcasses (dressed or undressed) of dead animals, furniture, mattresses, appliances, (white goods) materials from the remodeling or construction of homes or buildings, such as plaster or scrap lumber, yard waste, tires, drain oil from engines, large appliances (washers, dryers, refrigerators, water heaters, stoves) and tree trunks or branches larger than 8” in diameter.
- B. Multi-Family Residential. The owner or owners or designated agents of each multi-family residential structure shall:
1. Separate or cause to be separated and prepare or cause to be prepared for collection the following: recyclable materials, garbage, lead acid batteries, major appliances, waste oil, yard waste and waste tires in accordance with Section 11.03 K & L.
  2. Provide adequate, separate containers, within easy access of all apartments for the collection and disposal of refuse, garbage and recyclable materials. Owners or tenants must provide their own collection and service through a licensed waste hauler in accordance with the City of Platteville’s Garbage and Refuse Collection and Disposal Ordinance.
  3. Notify tenants, including seasonal tenants, in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program and post a copy of the procedures required by this ordinance prominently near the solid waste and recycling collection area(s).



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4. Notification shall include reasons to recycle, which materials are collected, how to prepare recyclables, collection methods or sites, locations and hours of operation and a contact person or company, including a name, address and telephone number.
  5. The requirements specified in (2), (3) and (4) do not apply to the owners or designated agents of multi-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified as follows: aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins, steel containers and waste tires from solid waste in as pure a form as is technically feasible.
  6. Provide for the removal of recyclables, solid waste and yard waste generated by the residents. If a contractor is employed for removal of solid waste and recyclables the contractor must be a licensed waste handler.
  7. Inspection Authority – The Department of Public Works of the City has the right to inspect recycling and solid waste storage and receiving areas in all multi-family facilities in the City.
  8. The disposal of yard waste and brush shall be the responsibility of the property owner. It is illegal to send yard waste for disposal with solid waste or recyclables.
- C. Commercial and Industrial and Institutional: Owners or designated agents for commercial structures in the City must:
1. Separate or cause to be separated and prepare or cause to be prepared for collection the following: recyclable materials, garbage, lead acid batteries, major appliances, waste oil, yard waste and waste tires in accordance with section 11.03 K & L.
  2. Provide adequate and separate containers for collection and disposal of refuse, garbage and recyclable wastes generated as part of the operation of the business and wastes generated by employees and customers at that location. Owners or designated agents must provide their own collection and service through a licensed waste hauler in accordance with the City of Platteville's Garbage and Refuse collection and Disposal Ordinance.

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3. Notify employees, including seasonal employees, at the time of hiring and post a copy of the written procedures required by this ordinance prominently near solid waste and recycling collection location(s).
4. Notification shall include reasons to recycle, which materials are collected, how to prepare recyclables, collection methods or sites, locations and hours of operation and a contact person or company, including a name, address and telephone number.
5. The requirements specified in (2), (3) and (4) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified as follows: aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers made of PETE, HDPE, PVC, PP, PS and other resins or multiple resins, steel containers and waste tires from solid waste in as pure a form as is technically feasible.
6. Provide for the removal of recyclables, solid waste and yard waste generated by employees and customers. If a contractor is employed for removal of solid waste and recyclables the contractor must be a licensed waste handler.
7. Inspection Authority – The Department of Public Works of the City has the right to inspect recycling and solid waste storage and receiving areas on all commercial and institutional facilities in the City.
8. The disposal of yard waste and brush shall be the responsibility of the property owner. It is illegal to send yard waste for disposal with solid waste or recyclables.

### **11.05 LICENSED WASTE HANDLER**

- A. No person or business shall engage in the collection, purchase, transportation or disposal of solid waste or recyclables generated within the City without having first obtained a license from the City unless:
  1. The person is an employee on duty of the City.
  2. The person is collecting and transporting solid waste generated at his own residence or non-residential enterprise.

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3. The person is collecting and transporting solid waste generated at the residence of a relative of that person, the person makes no charge for that service and no license is otherwise required by the State of Wisconsin.
  4. The person has obtained a waiver of the licensing requirement by the approval of the City Council.
- B. City license procedures are covered in Chapter 31.
- C. Waste haulers who collect solid waste or recyclables in the City for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the City.
- D. No person or corporation shall engage in the business of hauling recyclables within the City without being licensed by DNR under section NR 502.06, Wisconsin Administrative Code unless licensing has been waived by the City Council in accordance with Section 11.05A4.
- E. Waste handlers operating in the City are required to maintain and report in writing to the City at least twice each year the types and amounts of materials removed from the City. Licensed haulers transferring solid waste not generated in the City need not report those quantities. Reports shall include: the amount of solid waste, the amounts of recyclables processed and/or marketed by item and the final disposal location of solid waste. The amounts of solid waste shall be determined by weighing the material. The amounts of recyclable material may be estimated by weighing a sample of each material collected unless otherwise specified and required differently by the DNR. The sample shall be the total material of each type collected for a complete disposal cycle (i.e., if the material is picked up weekly then the sample must be one weeks collection). A sample must be taken for each reporting period. The report shall include the sample weights for reporting period.
- F. All solid waste must be sent to a licensed landfill, or a licensed incinerator.
- G. Waste haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials (aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins, steel containers and waste tires from solid waste) generated in the City that have been separated for recycling, except waste tires may be burned with energy recovered in a solid waste treatment facility. Material losses of recyclables due to weather damage shall be permitted, but the quantities and type of material transferred from recyclable to refuse shall be reported as part of the solid waste haulers semi-annual report to the City.

## CHAPTER 11 Garbage and Refuse Collection and Disposal

- H. Recyclable materials and refuse, upon placement at the curb, shall become the property of the hauler. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.
- I. The City Council reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable and to either add or delete them from any collection services provided by the municipality or its contractors. The municipality shall provide written notice to its service recipients of this declaration.
- J. The City shall establish the time of collection of solid waste and recyclables.
- K. All containers used for the transportation and collection of solid waste shall be constructed such that material does not fall out or leak. Vehicles shall be kept in good repair and clean. If solid waste shall escape from any container or vehicle, the operator shall return the solid waste to the container or vehicle and clean the area thoroughly.
- L. Solid waste cannot be commingled with recyclables for storage or transportation.
- M. Any contractor operating in the City shall not transport for processing any recyclables to a processing facility unless that facility has been approved by the City and the facility is approved by the WI DNR under Section NR 544.16, Wisconsin Administrative Code.

### **11.06 ENFORCEMENT/PENALTIES**

- A. A violation of any of the provisions in Section 11.03 A-K & M may be subject to the penalties as set out in Section 11.06 D.
- B. A violation of the required source separation and preparation in addition to any incurred cost may result in the following actions and/or penalties:
  - 1. One and two family residence – Any garbage/refuse or recyclables placed for pick-up which are not prepared as required in Section 11.03 L or Section 11.04 A, will not be picked up and may result in the entire collection being refused.

The occupant of the residence may:

- (a) correct the violation and retain the material for the next regular pickup, and if this results in material for disposal in excess of the two (2) container limit the resident shall be responsible to use a City of Platteville marked bag for the overload, or

## CHAPTER 11 Garbage and Refuse Collection and Disposal

- (b) contact the City for an investigation. The City, within twenty-four hours, shall investigate tagged containers/bags and if no violation is found as a result of correction by the occupant or by mistake on the part of the contractor, the City Department of Public Works will deliver the material to the contractor for disposal. If a violation is confirmed, the City will not deliver the material to the contractor and it will be the responsibility of the occupant to lawfully dispose of the tagged material.
  2. Multi-family residential: Failure to comply with Section 11.03 L or Section 11.04 B may result in a penalty as set out in Section 11.06 D.
  3. Commercial and industrial and institutional: Failure to comply with Section 11.03 L or Section 11.04 C may result in a penalty as set out in Section 11.06 D.
- C. Any person who violates section 11.03 M or section 11.05 may be required to forfeit \$50.00 for a first violation, may be required to forfeit \$200.00 for a second violation and may be required to forfeit \$2000.00 for a third or subsequent violation.
- D. Any person who violates a provision of the City of Platteville Municipal Code Chapter 11 shall be subject to the following penalties:
  1. First offense: Issuance of a warning by the City of Platteville Director of Public Works.
  2. Second offense within a 12 month period: Issuance of a citation by the Director of Public Works. The fine shall be \$10.00 plus court costs and loss of collection services for a period of 30 days.
  3. Third and Subsequent Offenses within a 12 month period: Issuance of a citation by the Director of Public Works. The fine shall be \$50.00 plus court costs and the loss of collection services for a period of 6 months.

The issuance of a warning or citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a warning or citation under this ordinance.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 20, CONDITIONAL USE – PLANNED UNIT  
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## CHAPTER 20

### CONDITIONAL USE – PLANNED UNIT DEVELOPMENTS

**20.01 THE CEDAR LAKE ELDERLY PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Cedar Lake Elderly Planned Unit Development – Specific Implementation Plan is hereby re-designated as a PUD-SIP, subject to the following conditions:

- (1) The project shall be developed according to the site plan and architectural elevations by Design Alliance, dated May 23, 1999 and the engineering and site plans by Blackhawk Engineering, Ltd., revised June 14, 1999, except for such minor changes as may be necessary to conform to applicable regulations and as approved by the Zoning Administrator. A full size set of said plans, including a colored rendering of the architectural elevations, shall be submitted to the Zoning Administrator prior to the issuance of building permits.
- (2) The building shall be used only for those purposes set forth in the narrative (Elderly Housing and Elderly Nursing Care CBRF's) approved with the PUD-GDP, which is attached hereto and by this reference is incorporated herein as if set out in full. The buildings may not be converted to traditional multi-family uses unless approved by the Common Council, after recommendation by the Plan Commission, as an amendment to this PUD-SIP.
- (3) Signs shall be approved by the Zoning Administrator, but only if no sign exceeds 36 square feet in area and 5 feet in height. If larger signs are requested, they must first be approved by the Common Council, after recommendation by the Plan Commission, as an amendment to this PUD-SIP. (99-14, 6/29/99)

**20.02 ROH'S AUTO MART PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Roh's Auto Mart Planned Unit Development is hereby re-designated as a PUD-SIP (single-step), subject to the following conditions:

- (1) The property shall be developed in accordance with the site plan by Blackhawk Engineering, dated February 2000 (no exact date shown), except for such minor changes as may be required to comply with applicable laws and as approved by the Zoning Administrator.
- (2) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.021 AMENDMENT TO 20.02 – ROH’S STORAGE PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land at 1375 N. Lancaster Street, more fully described in the Planned Unit Development application, is hereby amended as follows:

- (1) An additional self-storage warehouse building shall be allowed.
- (2) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.022 AMENDMENT TO 20.02 – ROH’S STORAGE PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land at 1375 N. Lancaster Street, more fully described in the Planned Unit Development application, is hereby amended as follows:

- (1) An additional self-storage warehouse building shall be allowed.
- (2) Shrubs or other landscaping be provided along the north side of the building.
- (3) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.03 AMENDMENT TO CAMELOT COURT PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN.** The land more fully described in the Camelot Court Planned Unit Development is hereby amended as follows:

- (1) The approved PUD is amended to allow for a different layout to the buildings and driveway. The new plan includes seven residential buildings, rather than eight, in a different arrangement on the site. The location and design of the driveway/cul-de-sac has also been changed. The cul-de-sac is now located off to the northwest corner, is not as large as before, and no longer has the grass area in the center. The plan no longer identifies a location for a gazebo on the site.
- (2) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.04 AMENDMENT TO PINE RIDGE CONDOMINIUM PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN.** The land more fully described in the Pine Ridge Planned Unit Development is hereby amended as follows:



- (1) The approved PUD is amended to allow for a different layout to the buildings and driveway. The new plan will include a total of 42 units, and has a total of 21 buildings instead of the original 18 buildings. The revised plan only has one fourplex, and also includes two single-family detached units, and the remainder as duplexes. The location and design of the internal drives and cul-de-sac has also been changed.
- (2) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.05 GRIDLEY AVENUE PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the 25 & 35 Gridley Avenue Planned Unit Development is hereby re-designated as a PUD-SIP (single step), subject to the following conditions:

- (1) A petition to vacate the platted alley south of Gridley Avenue shall be submitted for City review and approval. If the alley vacation is not approved, the location of the proposed house should be moved to provide a minimum of five feet (5') setback from the west lot line, and one parking space be relocated to the parking area along Rountree Avenue.
- (2) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.051 AMENDMENT TO 20.05 – GRIDLEY AVENUE PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the 25 & 35 Gridley Avenue Planned Unit Development is hereby amended as follows:

- (1) The site design shall be amended as shown on the revised site plan dated 11/5/07.
- (2) The driveways and parking areas shall be hard-surfaced.
- (3) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.06 UNIVERSITY OF WISCONSIN-PLATTEVILLE PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN.** The submitted documents provide specific

information on the improvements that are proposed for the next six years, including the following projects:

Ullsvik Center Remodeling and Addition: 2005-2007

The western portion of the building will be demolished and replaced with a 3 or 4 story addition. The proposed addition will add almost 40,000 square feet to the size of the present building. The remaining portion of the building will undergo extensive remodeling.

New Engineering Building: 2005-2007

A new 114,000 sq. ft. building is being proposed for the northwest corner of Southwest Road and Longhorn Drive. The building will contain classrooms, laboratories and offices. An additional 60-space parking lot will be provided adjacent the building.

New Residence Hall: 2005-2007

A new 120,000 sq. ft. residence hall will be built adjacent to the new engineering building. The building will accommodate approximately 348 students. A new 280-space parking lot will be built for the students across the street on Southwest Road, near the greenhouse, and a 16-space staff/handicapped parking lot will be built adjacent to the building.

The land more fully described in the UWP Planned Unit Development is hereby re-designated as a PUD-SIP (single step), subject to the following conditions:

- (1) That the University cooperates with the City to ensure that adequate parking is provided to accommodate the anticipated increase in students and faculty.
- (2) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.07 965 JACKSON STREET PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.**

The land more fully described in the 965 Jackson Street Planned Unit Development is hereby designated as a PUD-SIP (single step), subject to the following conditions:

- (1) The parking area for Unit #3 should be widened to a minimum of 40 feet, and the parking areas for Unit #2 and Unit #3 should include an extension of the aisles beyond the parking spaces to provide space for maneuvering vehicles.
- (2) The parking area for Unit #3 should also include a curb along the south edge of the parking lot, or other means of directing the storm water into the proposed detention basin.
- (3) The proposed wooden privacy fence should be reduced to 4 feet tall for the portion within 25 feet of the street right-of-way. This would bring the fence into compliance with the requirements of the zoning ordinance. The fence should also include a

gate or other means of allowing access along the portion where it crosses the sanitary sewer easement.

- (4) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.071 AMENDMENT TO 20.07 – 965 JACKSON STREET PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN.** The land more fully described in the 965 Jackson Street Planned Unit Development is hereby amended to allow the conversion of the property to a condominium ownership.

**20.08 475 & 495 BROADWAY PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN.** The land more fully described in the 475 & 495 Broadway Planned Unit Development is hereby re-designated as a PUD-SIP (single step), subject to the following conditions:

- (1) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.09 EAST RIDGE ESTATES PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the East Ridge Estates Planned Unit Development, 600 Eastside Road, is hereby designated as a PUD-SIP, subject to the following conditions:

- (1) The plan is approved with a modification from the GDP to include a building #8.
- (2) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.10 SENIOR VILLAGE OF PLATTEVILLE PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN.** The land more fully described in the Senior Village of Platteville Planned Unit Development, 250 Camp Street, as shown on the building plans by Plunkett Raysich Architects, dated 7/24/06, and as shown on the revised site plan, dated 8/15/06, is hereby re-designated as a PUD-SIP (single step), subject to the following conditions:

- (1) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.11 JODY CIRCLE PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for Lot 15 of the Prairie View Subdivision is hereby designated as a PUD-SIP (single step), subject to the following conditions:

- (1) The shared drive between building #8 and building #9 shall be at least 24 feet wide.
- (2) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.12 PRAIRIE VIEW SUBDIVISION PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for Lots 1 through 10 of the Prairie View Subdivision, as shown on the plans by TDI Associates dated 2/26/07, is hereby designated as a PUD-SIP, subject to the following conditions:

- (1) Additional fire hydrants shall be provided to meet the recommendation of the Fire Department.
- (2) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.13 PRAIRIE VIEW SUBDIVISION PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for Lots 11 and 12 of the Prairie View Subdivision, is hereby designated as a PUD-SIP (one-step), subject to the following conditions:

- (1) Northside Drive shall be upgraded to City street specifications along Lot 11.
- (2) Sidewalks shall be installed in specified locations.
- (3) Outlot 3 shall be made a part of the PUD application.
- (4) Final ownership of the condominiums or driveway easements shall be provided.
- (5) A site implementation plan addressing these issues, plus landscaping, shall be submitted.
- (6) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.14 PRAIRIE VIEW SUBDIVISION PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for Lots 30, 31 and 32 of the Prairie View Subdivision is hereby designated as a PUD-SIP (one-step), subject to the following conditions:

- (1) No shrubs or trees are installed in the required vision triangles.
- (2) The sidewalk on the east side of Cody Parkway shall be extended.
- (3) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.15 555 EAST MAIN STREET PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for the property at the southeast corner of Main Street and Cora Street (555 E. Main Street) is hereby designated as a PUD-SIP (one-step), subject to the following conditions:

- (1) Sidewalks shall be installed along Main Street and Cora Street.
- (2) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.16 810 VALLEY ROAD PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for the property at 810 Valley Road is hereby designated as a PUD-SIP (one-step), subject to the following conditions:

- (1) The residential portion of the building shall be limited to the personal residence of the owner/operator of the business located on the site.
- (2) The building addition shall meet the requirements of the floodplain zoning ordinance.
- (3) The residential portion of the building shall be limited to a single-family residence.
- (4) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.17 FOX RIDGE APARTMENTS PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for the Fox Ridge Apartment Development, located in the Fox Ridge Subdivision, is hereby designated as a PUD-SIP, subject to the following conditions:

- (1) The driveways should be aligned.
- (2) The project shall provide fire hydrants to meet the Fire Department requirements.
- (3) The garages shall meet the requirements of Section 22.062 of the Zoning ordinance.
- (4) The storm water detention pond shall be constructed at the same time as the rest of the development.
- (5) The cul-du-sac shall have a minimum diameter of ninety feet (90’).
- (6) The City and Developer should enter into a development agreement to further specify the construction details regarding this project.
- (7) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.18 FOX RIDGE INVESTMENTS PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for Lots 12 through 22 of the Fox Ridge Estates Subdivision is hereby designated as a PUD-SIP (one-step), which will allow townhouse-style duplexes, subject to the following conditions:

- (1) Each of the duplex buildings shall meet the standard requirements of the zoning ordinance regarding building setback and height.
- (2) The ownership of each half of the duplex shall include a minimum of 8,000 square feet of land area.
- (3) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.19 325 & 345 S. HICKORY STREET PLANNED UNIT DEVELOPMENT–SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for the property at 325 & 345 S. Hickory Street, is hereby designated as a PUD-SIP, subject to the following condition:

- (1) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.20 440 WEST PINE STREET PLANNED UNIT DEVELOPMENT—SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for the property at 440 West Pine Street, as shown on the site and landscaping plan, dated 6/14/07, is hereby designated as a PUD-SIP, subject to the following condition:

- (1) The applicant shall obtain a rental license for the existing duplex.
- (2) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.21 110 PIONEER ROAD PLANNED UNIT DEVELOPMENT – SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for the property at 110 Pioneer Road, as shown on the site and landscaping plans by Delta 3 Engineering, dated November 10, 2008, is hereby designated as a PUD-SIP (one-step), subject to the following conditions:

- (1) Screening shall be provided for any dumpsters or garbage facilities provided on the property, which shall consist of a fence and shrubs to meet the requirements of Section 22.061.
- (2) Some alternative building materials, such as brick, and details shall be provided on the south elevations of Building A and Building B.
- (3) Storm water detention facilities shall be provided to meet the requirements of the Department of Natural Resources.
- (4) The rip-rap installed at the base of the fill along the west property line shall not include recycled concrete slabs.
- (5) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.22 6082 SOUTHWEST LANE PLANNED UNIT DEVELOPMENT—SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development documents for the property at 6082 Southwest Lane, as shown

on the site plans and drawings by Austin Engineering, dated July 28, 2009, is hereby designated as a PUD-SIP, subject to the following conditions:

- (1) The applicant shall provide more variation and detail on the building facades to improve the appearance.
- (2) The developer (property owner) shall pay for sidewalks when they are installed in the street right-of-way by the City.
- (3) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.23 1415 EVERGREEN ROAD PLANNED UNIT DEVELOPMENT–SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Planned Unit Development for the property at 1415 Evergreen Road is hereby designated as a PUD-SIP (one-step), to allow the barn to be converted to a residence, subject to the following condition:

- (1) The residential portion of the building shall be limited to one residence, and shall not involve any building expansions.
- (2) The residential use of the property shall be limited to the current owner, and shall convert to uses allowed in the B-3 District if the property is sold.
- (3) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.24 WASHINGTON PLACE APARTMENTS PLANNED UNIT DEVELOPMENT–SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Washington Place Apartment Planned Unit Development is hereby designated as a PUD-SIP, subject to the following conditions:

- (1) The property shall be developed in accordance with the site plan and building plans by Knothe & Bruce Architects, dated March 25, 2011, except for such minor changes as may be required to comply with applicable laws and as approved by the Zoning Administrator.
- (2) The City and Developer should enter into a development agreement to further specify the construction details regarding this project.



- (3) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.25 CEDAR HILL PLANNED UNIT DEVELOPMENT–SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land more fully described in the Cedar Hill Development Planned Unit Development is hereby designated as a PUD-SIP, subject to the following conditions:

- (1) The property shall be developed in accordance with the site plan and building plans by Knothe & Bruce Architects, dated May 17, 2011, except for such minor changes as may be required to comply with applicable laws and as approved by the Zoning Administrator.
- (2) Parking restrictions shall be required along the length of the private drive serving the development. The developer shall install signs along the drive prohibiting parking, except in the designated parking spaces with the City being allowed to enforce this restriction.
- (3) An additional emergency-access lane shall be installed to connect Main Street to the driveway near the southeast corner of the apartment building with the access lane being gated and a minimum 50' extension of the turf stone lane provided on the east side of the apartment building.
- (4) The hydrant previously located in the middle of the cul-du-sac be relocated outside the paved area. An additional hydrant be installed near the southwest corner of the apartment building. An additional hydrant be installed near the emergency-access drive entrance to Main Street.
- (5) The 12 parking stalls identified as future parking for the apartment building be installed if and when determined necessary by the City.
- (6) All of the parcels have their recording to Grant County at the same time.
- (7) Emergency access as required by State Code shall be complied with when the plans are submitted for State plan approval. The City and Developer should enter into a development agreement to further specify the construction details regarding this project.
- (8) The site plan shall be amended to allow duplex condominium structures, in addition to the single-family condominium structures, with the condition that the total number of condominiums does not exceed 17 units.

- (9) The sidewalk connection between Main Street and Perry Drive shall be installed upon completion of the condominium buildings located where Units 4 and 5 are shown on the site plan or December 31, 2022, whichever comes first.
- (10) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**20.26 ROUNDTREE COMMONS PLANNED UNIT DEVELOPMENT–SPECIFIC IMPLEMENTATION PLAN WITH CONDITIONS.** The land at 800 S. Chestnut Street, and more fully described in the Rountree Commons application, is hereby designated as a PUD-SIP, subject to the following conditions:

- (1) The property shall be developed in accordance with the site plan by IIW Engineers, dated May 19, 2001, and the building plans by HGA Architects, dated June 6, 2011, except for such minor changes as may be required to comply with applicable laws and as approved by the Zoning Administrator.
- (2) The project should include a fire connection to the building sprinkler system at a location approved by the fire department. A hydrant must be provided near this connection at an approved location. A fire control room should be provided inside the building, at a location approved by the fire department.
- (3) An enclosure should be provided around the exterior mechanical equipment to provide screening and reduce the noise levels to a maximum of 60 db at the nearest adjoining or adjacent property line.
- (4) The City and Developer should enter into a development agreement to further specify the construction details regarding this project, and a payment in lieu of taxes agreement.
- (5) A sidewalk shall be installed at the developers expense between Hickory Street to Markee Avenue.
- (6) Any future development or alteration to the site plan shall require an amendment to this Planned Unit Development, in accordance with Section 22.07 of Chapter 22, the Zoning Ordinance.

**Per Ordinance 11-23 in effect as of 10/19/11, Planned Unit Developments are now approved as a zoning district rather than a conditional use permit.**

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SUBDIVISION REGULATIONS  
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## SUBDIVISION

**21.01 PURPOSE OF REGULATIONS.** The purpose of this chapter is to promote the public health, safety, and general welfare of the community; to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the further resubdivision of larger tracts into smaller parcels of land; all with reasonable consideration of the character of the City with a view toward conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the City.

**21.02 SCOPE AND JURISDICTION** (A) Any division of land within the City or within its extraterritorial plat approval jurisdiction which results in a subdivision or a minor subdivision as defined herein shall be, and any other division may be, surveyed and a plat thereof approved and recorded as required by this chapter and Chapter 236 of the Wisconsin Statutes.

(B) The jurisdiction of these regulations shall include all lands within the corporate limits of the City of Platteville as well as the unincorporated area within the extraterritorial plat approval limits and any such division of land shall require the prior approval of the Plan Commission and a map or plat thereof shall be recorded with the Register of Deeds as provided in Section 236.45 of the Wisconsin Statutes. The provisions of this ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

- (1) Transfers of interest in land by will or pursuant to Court orders.
- (2) Leases for a term not to exceed ten years, mortgages, or easements.
- (3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by these regulations, the zoning ordinance or other applicable laws or ordinances.

**21.03 DEFINITIONS.** For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes a plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

**Alley:** A special public way affording only secondary access to abutting properties.

**Building Line:** A line parallel to a lot line and at a distance from the lot line to comply with the City Zoning Ordinance's yard and setback requirements.

**Collector Street:** A street used, or intended to be used to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

**Community:** A town, municipality, or group of adjacent towns and/or municipalities having common social, economic or physical interests.

**Comprehensive Plan:** The extensively developed plan, also called a master plan, adopted by the City Plan Commission and certified to the City Council pursuant to Section 62.23 and Section 62.0295 of the Wisconsin Statutes, including proposals for the future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

**Cul-de-Sac Street:** Minor street closed at one end with a turnaround provided for passenger vehicles.

**Easement:** An acquired privilege or right of use in the land of another.

**Engineer:** A State of Wisconsin registered professional engineer.

**Extraterritorial Plat Approval Jurisdiction:** The unincorporated area within one and one-half (1½) miles of the City of Platteville, unless a smaller area is adopted by resolution of the Common Council.

**Frontage Street:** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

**Lot:** A parcel of land adequate for occupancy by a permitted use, providing the yards and area and fronting directly on a public street.

**Lot Consolidation:** The combining of two contiguous lots and/or outlots into one, or the combining of three or more contiguous lots and/or outlots into a fewer number of lots than had existed prior to the lot consolidation.

**Major Street:** A street used, or intended to be used, primarily for fast or heavy traffic.

**Minor Street:** A street used, or intended to be used, primarily for access to abutting properties.

**Minor Subdivision:** The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites, any one of which is four

(4) acres in size or less, or the reconfiguration of a previously recorded plat or certified survey map pursuant to Wisconsin Statutes, Section 236.34(1).

**Municipality**: An incorporated village or City or an unincorporated town.

**New Curb and Gutter**: The construction of curbs and gutters in an area that prior to the construction did not have curbs and/or gutters.

**New Pavement**: The installation of new bituminous or portland cement concrete pavement on a street which previously did not have either kind of pavement. This will generally occur where a street is recently annexed into the City, or a previously unpaved street is upgraded and paved.

**New Sidewalk**: The construction of a sidewalk as defined in 4.13(b) of the Municipal Code.

**New Water and /or Sewer Mains**: The installation of water mains or sewer laterals for supply of potable water or collection of sanitary sewerage in an area that, prior to the installation, did not have access to the water and/or sewer utility. This does not include installation of water and/or sewer lines that have been relocated at the convenience of the water and sewer utility.

**Official Map**: A map, officially adopted by the Common Council pursuant to Section 62.23(6) of the Wisconsin Statutes, for the precise designation of right-of-way lines and site boundaries of streets, highways, parkways, parks, playgrounds, greenways and historic districts, both existing and proposed. The Official Map may be extended to include areas beyond the corporate limits but within the extraterritorial jurisdiction of the City as provided by the Statutes.

**Outlot**: An outlying parcel of land, other than a lot or block, and so designated on the plat.

**Pedestrian Way**: A right-of-way across or within a block for use by pedestrian traffic.

**Public Way**: Any public road, street, highway, walkway, drainageway, or part thereof.

**Plat**: A plan or map indicating the subdivision of land, intended to be filed for record.

**Replat**: The changing of the boundaries of a recorded subdivision plat or part thereof.

**Special Assessment**: Defined in accordance with Wisconsin Statute 66.60, an amount levied against a property for special benefits conferred upon such property by any municipal work or improvement.

**Subdivider**: Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.



**Subdivision**: A division of land by the owner or subdivider for the purpose of sale or building development where the act of division creates five (5) or more parcels or building sites of four (4) acres each or less in area, or five (5) or more parcels or building sites of four (4) acres each or less in area are created by successive division within a period of five (5) years.

**Surveyor**: A State of Wisconsin registered land surveyor.

**21.04 PROCEDURE.** (A) Pre-Application. It is recommended that, prior to the filing of an application for approval of a preliminary plat, the subdivider consult the Plan Commission or its staff for advice and assistance. This step does not require formal application, fee, or filing of a plat, but is intended to explain to the subdivider the purpose and objectives of these regulations, the comprehensive plan, official map and zoning ordinance and to informally reach mutual conclusions regarding the general program and objectives of the proposed development.

(B) Preliminary Plat. (1) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat, supplemental data and such copies thereof as shall be required, to the City Clerk who shall forward same to the Director of Community Planning and Development at least twenty-five (25) days prior to the Plan Commission meeting at which action is desired.

(2) After review of the preliminary plat and negotiations with the subdivider on the changes deemed advisable and the kind and extent of public improvements required, the Plan Commission shall, within forty (40) days of its submission, recommend to approve, approve conditionally, or reject the plat. The subdivider shall be notified in writing of any recommended conditions of approval or the reason for a recommendation of rejection. Such action of the Plan Commission shall be submitted to the Council for its approval and the subdivider shall be notified in writing of any changes or modifications in the action of the Plan Commission and the reasons therefor. The Common Council shall hold a public hearing on the preliminary plat. Parties in interest and citizens shall have an opportunity to be heard. Notice of the public hearing shall be published as a class 2 notice under chapter 985, Wisconsin Statutes.

(3) Approval of the preliminary plat shall entitle the subdivider to final approval of the general layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met.

(C) Final Plat. (1) The final plat and such copies as shall be required shall be submitted within six months of the approval of the preliminary plat. However, if approval of the preliminary plat must be obtained from another approving authority subsequent to approval by the Plan Commission, the final plat shall be submitted within six months of such approval. The Plan Commission may waive failure to comply with this requirement.

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- (2) The City Clerk shall forward the plat to the Plan Commission, after review and recommendation by the Community Planning and Development Department, which shall then refer the final plat with its recommendations, to the Council within 30 days of its submission, unless the time is extended by the Council. The Council shall approve or reject the final plat within 60 days of its submission to the City Clerk unless time is extended by agreement with the subdivider. Reasons for rejection shall be stated in writing in the minutes of the Council meeting and a copy thereof or other written statement of such reasons supplied to the subdivider.
  - (3) If the original of the final plat has been filed with some other approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Council will be inscribed on the original of the final plat, the surveyor or subdivider shall certify the respects in which the original of the final plat differs from the true copy, and all modifications must first be approved.
- (D) Plats Outside the Corporate Limits. When the land to be subdivided lies within the extraterritorial plat approval jurisdiction of the City, the subdivider shall proceed as specified in Section 21.04(a) through 21.04(c) of this chapter, except;
- (1) Transmittal responsibility lies with the City Clerk, the Town Clerk or whomever the plat is first submitted, and the subdivider shall indicate which one in his application for plat approval.
  - (2) Approval agencies include the City Plan Commission and City Council and the Subdivider shall comply with the land division laws and ordinances of these agencies.
  - (3) All requirements for improvements as specified by the Town Board or by any special improvement district in matters over which they have jurisdiction, shall be met before approval and filing of the final plat.
  - (4) After approval by the governing bodies and recording of the plat, the subdivider may proceed with the installation of such improvements and under such regulations as the Town Board of the town within whose limits the plat lies, may require.
- (E) Replat. A replat shall be made and recorded for any land division which proposes to change the boundaries of a recorded subdivision or part thereof, as follows:
- (1) By either securing the written consent of all parties of interest or by vacating or altering the recorded plat as provided in Section 236.40 through 236.44 of the Wisconsin Statutes; and

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- (2) Filing a Certified Survey Map or a Final Plat as specified in Section 21.08 or 21.04(a) through 21.04(d) of this chapter, depending on whether said replat constitutes a subdivision or minor subdivision as defined herein.

The City Clerk shall schedule a public hearing before the City Plan Commission when a proposed replat of lands within the City is filed, and shall cause notice of the proposed replat and public hearing to be mailed to the owners of all properties within the extended boundaries or within two-hundred (200) feet of the exterior boundaries of the proposed replat.

- (F) Minor Subdivision. When it is proposed to create a minor subdivision: the owner or subdivider may do so by use of a Certified Survey Map as provided in Section 21.08 of this chapter; and

- (1) The owner or subdivider shall file an adequate number of copies of the Map and the letter of application with the City Clerk at least twenty (20) days prior to the meeting of the Plan Commission at which action is desired.

- (2) The City Clerk shall, within seven (7) days after filing, transmit copies of the Map and letter of application to the Plan Commission and to all affected City boards, commissions, committees, or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within fifteen (15) days from the date the Map is filed. The time limits set forth may be extended provided the applicant consents thereto.

- (3) The Map shall be reviewed by the Plan Commission for conformance with this ordinance and all other ordinances, rules, regulations, comprehensive plans and plan components which affect it. The owners of all properties within 100 feet of the property shown on the Map shall be notified by mail of the date, time and location of the Plan Commission meeting. The Plan Commission shall, within forty-five (45) days from the date of filing of the Map either approve, conditionally approve or reject said Map. If the Map is rejected, the reasons therefore shall be stated in the minutes of the meeting and a written statement thereof forwarded to the owner or subdivider. If the Map is approved, the Plan Commission shall cause the City Clerk to so certify on the face of the original Map and return same to the subdivider.

- (4) The owner or subdivider shall record the Certified Survey Map with the County Register of Deeds within thirty (30) days of its approval by the Plan Commission and shall file three (3) true copies of said Map with the City Clerk.

- (G) Subdivisions Created by Successive Divisions. Where it is not predicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this Chapter, the Council may in lieu thereof order an assessor's

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plat to be made under Section 70.27 of the Wisconsin Statutes, and may assess the cost thereof as provided in such section, or to the subdivider.

(H) Sale or Exchange of Land Between Adjoining Owners. Whenever a sale or exchange of land between adjoining owners is contemplated, the parties to the transaction shall furnish, prior to such sale or exchange occurring, the following information to the City Building Inspector or Zoning Administrator.

(1) If the sale or exchange does not result in a change to the recorded boundaries of the lots in question, the following shall be submitted:

- (a) The legal description of all parcels of property involved in the transaction.
- (b) A description of the transaction proposed and the legal description of all lots after the transaction is completed.
- (c) A certification that the sale or exchange of land as proposed will not result in the creation of additional lots, and that all applicable ordinances related to lot area, lot width and setbacks are and will continue to be met after recording of the sale or exchange.

(2) If the sale or exchange will result in a change to the recorded boundaries of the lots, a certified survey map shall be submitted in accordance with Section 21.08 below, subject to the following:

- (a) No certification of approval by the Plan Commission is required.
- (b) The Map shall include a certification that the sale or exchange of land as proposed will not result in the creation of additional lots, and that all applicable ordinances related to lot area, lot width and setbacks are and will continue to be met after recording of the Map.

The Building Inspector or Zoning Administrator shall review the information provided and shall determine if the transaction is within the provisions of Section 21.02(b)3. The transactions found to be within Section 21.02(b)3 shall not be required to submit an application for lot redivision before the Planning Commission. A copy of the instrument(s) used in the conveyance shall be submitted to the City after the transfer has been recorded with the Grant County Register of Deeds.

**21.05 GENERAL REQUIREMENTS.** All divisions of land within the corporate limits or the extraterritorial plat approval jurisdiction of the City of Platteville which shall result in a subdivision as defined herein, shall conform to:

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- (A) The Comprehensive Plan, Zoning Ordinance, Official Map, this Chapter and all other pertinent ordinances, regulations, resolutions or plans which have been or may be henceforth adopted by this City or by other appropriate jurisdictions.
- (B) The provisions of Chapter 236 of the Wisconsin Statutes, except that this ordinance shall prevail where it imposes higher standards.
- (C) The rules of the State Board of Health relating to lot size and lot elevation, if the subdivision is not served by a public sewer and provision for such service has not been made.
- (D) The rules of the State Highway Commission relating to safety of access and the preservation of the public interest and investment on the streets, if the subdivision on any lot contained therein abuts on a state trunk highway or connecting street.
- (E) The topography, drainage and other natural features of the site and shall be laid out so as to preserve, enhance and promote a safe, pleasant environment for family living.
- (F) The recommendations or conditions imposed by the Plan Commission so as to control the premature development of lands which lack the essential public services and facilities; and the platting of land which is subject to flooding or which if developed would in any way endanger the health, life or property of the City's residents.

**21.06 PRELIMINARY PLATS AND DATA.** (A) General. A preliminary plat shall be required for all subdivisions and shall be based on a boundary survey by a registered Land Surveyor. The plat shall be prepared on tracing cloth or paper of good quality and shall show correctly on its face:

- (1) Title under which the proposed subdivision is to be recorded.
- (2) Location of proposed subdivision by Government lot, quarter section, township, range, county and state.
- (3) Date, scale and north point.
- (4) Names and addresses of the owner, subdivider and the engineer or surveyor preparing the plat.
- (5) Certification by the surveyor or engineer preparing the plat, that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

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- (B) Plat Data. The preliminary plats shall be drawn at a scale of not more than 100 feet to the inch and shall show:
- (1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established by U.S. Public Land Survey and the total acreage encompassed thereby.
  - (2) The location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all corporate limits, section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - (3) Locations of all existing property boundary lines, structures, streams and watercourses, marshes, rock outcrops, wooded areas, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
  - (4) Location and names of any adjacent subdivisions, parks, cemeteries and owners of record of abutting unplatted lands.
  - (5) Existing zoning on and adjacent to the proposed subdivision.
  - (6) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum.
  - (7) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch-basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto.
  - (8) Location, width and names of all proposed streets and public rights-of-way such as alleys and easements and approximate dimensions of all lots together with proposed lot and block numbers, building set back lines and access restrictions.
  - (9) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other non-public uses not requiring lotting.
  - (10) Approximate radii of all curves and angles or intersection of connecting streets.
  - (11) The size in square feet of all lots (including outlots).

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- (12) The dimensions (in feet) of all lot boundary lines.
  - (13) The width of any lot, measured at the building line, that fronts upon a curve or cul-de-sac, unless the length of the front lot line meets or exceeds the lot width standards required by Chapter 22.
- (C) Supplemental Data. The preliminary plat shall also include on its face or on supplemental maps drawn to a scale of not more than 200 feet to the inch:
- (1) The entire area continuous to the proposed plat and owned or controlled by the subdivider even though only a portion of said area is proposed for immediate development.
  - (2) Contours at vertical intervals of five (5) feet or less. Elevations shall be marked on such contours based on U.S.G.S. datum.
  - (3) If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated their direction and distance from the tract, size, and invert elevations.
  - (4) Any proposed lake and stream improvement or relocation, and any proposed lake stream access clearly indicating the location of the proposed subdivision in relation to the access.
  - (5) The streets and other public improvements planned by public authorities, in or within 200 feet of the tract, if such information is supplied by the planning board, or other appropriate agency.
- (D) Street Plans and Profiles. The City Engineer may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon U.S.G.S. datum, and plans and profiles shall meet the approval of the City Engineer.
- (E) Subsurface Tests. The City Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, subdivision will not be served by public sanitary sewer service, the provisions of Chapter H65 of the Wisconsin Administration Code shall be complied with; and the appropriate data submitted with the preliminary plat.
- (F) Covenants. The Community Planning and Development Director may require submission of a draft of protective covenants whereby the subdivider intends to

regulate land use in the proposed subdivision and otherwise protect the proposed development.

**21.07 FINAL PLATS AND DATA.** (A) General. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

- (B) Additional Information. The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:
- (1) Exact length and bearing of the centerline of all streets.
  - (2) Exact street width along the line of any obliquely intersecting street.
  - (3) Railroad right-of-way within and abutting the plat.
  - (4) Setbacks or building lines required by the Chapter 22.
  - (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
  - (6) Special restrictions required by the City Plan Commission relating to access control along public ways or to the provision of planting strips.
- (C) Deed Restrictions. The City Plan Commission may require that deed restrictions be filed with the Final Plat.
- (D) Survey Accuracy. The City Engineer shall examine all Final Plats within the City for the accuracy and closure of survey, proper kind and location of monuments and legibility and completeness of the drawing.
- (E) Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.
- (F) Certificates. All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

**21.08 CERTIFIED SURVEY MAP.** (A) When Required. A Certified Survey Map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respect with the requirements of Section 236.34 of the Wisconsin Statutes and the requirements of this Ordinance, provided, however, that minor subdivisions are excepted from the improvement requirements set forth in Section 21.11 of this Ordinance, unless the Map is used for dedication of right of way.



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- (B) Additional Information. The map shall be prepared on tracing cloth or paper of good quality of a size and to the scale prescribed by the recording agency and in addition to the information required by Section 236.34 of the Wisconsin Statutes, shall show correctly on its face:
- (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
  - (2) Setbacks of all existing and proposed buildings from any existing or proposed lot line(s).
  - (3) All lands reserved for future acquisition.
  - (4) Date and graphic scale of the map.
  - (5) Name and address of the owner, subdivider and surveyor.
- (C) Certificates. (1) The surveyor shall certify on the face of the Map that he has fully complied with all the provisions of this Ordinance. The City Plan Commission after a recommendation by the reviewing agencies, shall certify its approval on the face of the Map.
- (2) Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(z) of the Wisconsin Statutes.
- (D) Recordation. The Certified Survey Map may be recorded with the County Register of Deeds after the certificates of the City Plan Commission and the surveyor are duly placed on the face of the Map and executed accordingly.

**21.09 STATE PLANE COORDINATES.** Where a tract of land is located within a quarter section, the corners at which have been relocated, monumented and coordinated by the City, the plat thereof shall be tied directly to one of the section or quarter section corner so located, monumented and coordinated.

The exact grid bearing and distance of such tie shall be determined by field measurement; referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the City's central survey.

The material and plane coordinate of the monument marking the relocated section or quarter section corner to which the plat is tied, shall be shown correctly on the plat map.

**21.10 DEDICATIONS OF PUBLIC PARKS AND OTHER PUBLIC SITES.** (A) Purpose and Intent. The requirements of this section are established to insure that adequate parks, open spaces and sites for other public uses are properly located and preserved as the City grows and that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of additional needs created by the development. The requirements shall apply to all lands within the City proposed for all residential development, including those which do not involve an additional land division. These provisions shall not apply to subdivisions within the City's extraterritorial platting jurisdiction.

(B) When Required. Any development approval that enables the creation of additional dwelling units, shall require compliance with this parkland dedication or fee-in-lieu-of-land payment requirement. This includes any land division which creates new lots. It also includes any building permit for more than one dwelling unit per existing lot (duplex, two flat, or multi-family building). Single family homes to be constructed on vacant lots which pre-date the adoption of this ordinance are exempt.

(C) Areas to be Dedicated. (1) In the design of a subdivision, including minor subdivisions, or planned developments, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, schools and other public purposes. Such sites as shown on the Master Plan or Comprehensive Plan or Parks and Open Space Plan shall be made a part of the design. Where such are not shown on said plans or maps, consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, ponds, streams, and woodland, prairie and wetland plant and animal communities.

(D) Dedication of Parks, Playgrounds, Recreation and Open Spaces. (1) The developer or subdivider shall dedicate sufficient land area to provide adequate park, playground, and open space to meet the needs created by the land division, subdivision or comprehensive development. The minimum dedication shall be the greater of 2 acres of land or:

- (a) Five percent (5%) of the total acreage intended to be used for single-family dwelling units;
- (b) Ten percent (10%) of the total acreage intended to be used for duplexes;
- (c) Fifteen percent (15%) of the total acreage intended to be used for multi-family dwellings.

(2) For smaller subdivisions the Plan Commission may, if recommended by the Parks and Recreation Commission, accept a land dedication of less than two (2) acres, if it determines that the parks and recreation needs of the subdivision will be met by a smaller dedication.

- (E) Combination of Residential Uses. (1) Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding five percent (5%) of the acreage intended for single-family dwellings, ten percent (10%) of the acreage intended for duplex dwellings and fifteen percent (15%) of the acreage intended for multi-family dwellings. Where a definite commitment is made to the City by the developer with respect to the number of dwelling units to be constructed on any parcel of land, the dedication shall be based on that number. Where no such commitment exists, the dedication shall be based on the maximum number of dwelling units permitted in the zoning district. The Plan Commission shall recommend additional dedications if:
- (a) The number of lots in the plat or survey is increased, or
  - (b) The zoning classification is changed to increase the number of dwelling units allowed, or
  - (c) The committed number of dwelling units is increased by the subdivider, developer, or landowner.
- (F) Access Linkages. (1) All subdivision, minor subdivisions, and planned development projects are required to provide convenient pedestrian and bicycle linkages to park and recreation sites. Where, in the opinion of the Plan Commission, such linkages are required outside the public street right-of-way, they shall be reserved by easement and developed as an obligation of the subdivider or developer. The development of linkages shall not be counted toward the park land dedication requirements in paragraph 3 above.
- (G) Minimum Size of Park and Playground Dedications. (1) Any land to be dedicated as a requirement of this section shall be reasonably adaptable for the intended park and recreation uses and shall be at a location convenient to the people served. Factors used in evaluation of the adequacy of a proposed park and recreation area shall include, but not be limited to; size, shape, topography, geography, tree cover, access, and location. The determination of land suitability will be at the sole discretion of the Plan Commission acting on the recommendation of the Parks and Recreation Commission. The land reserved for recreation purposes shall have an area of at least two (2) acres (with the exception of small subdivisions as enumerated above). Where the amount of land to be dedicated is less than two acres, the Parks and Recreation Commission may require that the recreation area be located at a suitable place on the edge of the proposed land division. In no case, shall an area of less than one (1) acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
- (2) All lands dedicated under this section shall have at least two hundred (200) feet of frontage on a public street. The Plan Commission and Parks and

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Recreation Commission may adjust this frontage requirement if better alternatives for access are provided. Of the abutting frontage, all costs of public streets, sidewalks, and utilities (normally accessible) shall be paid for by the developer or subdivider.

- (H) Fees in Lieu of Land. (1) The Plan Commission shall require the developer or subdivider to pay a fee in lieu of making the land dedication where one or more of the following conditions exists:
- (a) There is no land suitable for parks within the proposed subdivision or planned development project, or
  - (b) The dedication of land is not feasible, or
  - (c) The dedication of land would not be compatible with the Comprehensive Plan and Community Outdoor Recreation Plan, or
  - (d) The Plan Commission, acting on the recommendation of the Parks and Recreation Commission determines that a cash contribution or other land, fees or some combination will better serve the public interest.
- (2) The Plan Commission and the Parks and Recreation Commission may require or permit the subdivider or developer to satisfy the dedication requirements of this section by combining land dedication with fee payments.
- (3) The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. For each proposed residential development, the fee shall be as set from time to time by the Council via resolution.
- (4) The fee-in-lieu of land dedication shall be paid for each unit at the time of building permit application.
- (5) The Common Council shall place any fee collected pursuant to the provisions of this section in a separate non-lapsing segregated fund to be used for land acquisition or development of adequate park, playground, recreation and open space. Money spent may be expended in other neighborhoods or community facilities in reasonable proximity to the subdivision, as determined by the Common Council upon recommendation by the Parks and Recreation Commission.
- (6) Land dedicated for public purposes shall be deeded to the City at the time the Final Plat is approved. Other areas that may be considered for

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dedication to the public may include: school sites, scenic or historic sites, and other areas.

- (I) Suitability of Lands. (1) The Parks and Recreation Commission shall have the authority to recommend the suitability and adequacy of park lands proposed for dedication to the Plan Commission/Common Council. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (J) Deeded to the City. (1) Land dedicated for public purposes shall be approved by the Plan Commission and Common Council and dedicated prior to the issuance of the first building permit for the subdivision.
  - (2) If the proposed dedication is located in a future subdivision phase and is not adjacent to the subdivision containing the property receiving the first building permit, adequate access to the park land shall be provided by easement or similar method until such time as public right-of-way access is constructed to the park land.
- (K) Exceptions. (1) The specific number, amount or location of required dedications, reservations and fee payments shall be determined by the Plan Commission upon the recommendation of the City Engineer and the Director of Community Planning and Development. All dedications shall be approved by the Common Council.
  - (2) Where a lot or parcel of land for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created. No payment however, shall be required for a lot created by the division of land under this ordinance, on which a residential structure already exists, or which is a residential parcel in excess of 5 acres, and not intended for immediate sale or development.

**21.11 IMPROVEMENTS.** (A) Public Improvements to be Installed at the Developer's Expense. The developer shall be required to install, at his/her own expense, all public improvements related to the subdivision, unless the City approves a Special Assessment project as outlined below. At minimum, the subdivider shall be responsible for the following:

- (1) Streets, including pavement, curb and gutter;
- (2) Water system, including mains, valves, hydrants and appurtenances;
- (3) Sanitary sewer system, including mains, manholes, and other required structures;

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- (4) Storm sewer system, including pipe, manholes, catch basins, culverts, and other structures, both on public and private property;
  - (5) Sidewalks, as outlined below;
  - (6) Public utilities. The developer is responsible for working with the public utility companies for installation of electric and gas service, telephone, cable, street lighting and other public utilities.
  - (7) Other public improvements that are deemed necessary by the City Engineer to serve the subdivision and local utility networks.
- (B) Before final approval of the plat, the subdivision shall be monumented as required by Section 326.15 of the Wisconsin Statutes and the subdivider shall comply with all requirements of the City of Platteville Development Policy as adopted and amended by the Common Council.

Compliance shall include the preparation of all improvement plans, payment of fees, provision of waiver of Special Assessment Notices and such other conditions as the Common Council, Water and Sewer Commission and Plan Commission may require.

- (C) Methods of Financing (Improvements to Plats within the City Limits). No final plat for the subdivision of land in the City of Platteville shall be approved by the Common Council until the subdivider has made arrangements to install required improvements as hereinafter provided.

Improvements may be provided by the subdivider in one of the following ways:

- (1) By entering into a contract with the City of Platteville, before the final plat is submitted for approval, agreeing that he will install the required improvements. Projects may be completed in phases with the final plat for each phase of the project being subject to approval by the Common Council. The subdivider shall file with said contract a bond meeting the approval of the City Attorney or a certified check or letter of credit in an amount equal to the estimate of cost of said improvements as prepared by the Director of Public Works. Such bond, check or letter of credit shall constitute a guarantee that such improvements will be completed by the subdivider or his contractors not later than one (1) year from the date of recording of the plat, however, sidewalks may be completed as outlined below. Such bond, check or letter of credit shall also constitute a further guarantee that all obligations to subcontractors for work on the development are satisfied.

The subdivider and/or his contractors shall abide by current City ordinances relative to the repairs and/or maintenance of all sidewalks.

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The contractor and/or subcontractors who are to be engaged in the construction or improvements on dedicated street right-of-way shall be designated as qualified for such work by the Director of Public Works.

Governmental units to which these bond and contract provisions apply may file in lieu of said contract or bond, a letter from officers authorized to act in their behalf, agreeing to comply with the provision of this Section.

- (2) The subdivider may in lieu of options 1. & 2. above, avail himself of special assessment financing for the installation of the improvements required by this Ordinance including sewer, water, grading, storm sewer, sub-surface and street surfacing including curb and gutter, and sidewalk installation. The cost of such special assessments shall be based upon the Director of Public Works' estimates for 100 percent of said improvements, plus engineering costs, if the City provides this service.

If the subdivider desires to avail himself of special assessment financing, he shall submit an application to the Director of Public Works in accordance with the applicable special assessment improvements policy of the City, requesting installation of such improvements and expressly waiving all legal requirements, including the right to notice and hearing, with respect to the special assessments to be levied in connection therewith. Assessment shall be levied in accordance with Section 22.14 below.

- (D) Screen Plantings. The subdivider shall plant or otherwise provide planting strips, fences or other required buffers along lots backed up to or adjoining any existing or future major street, commercial district or industrial area.
- (E) Improvement Plans. The City Engineer may require the following plans and accompanying construction specifications and that such plans be prepared by an engineer, before and as a basis for authorizing the construction or installation of improvements:
  - (1) A complete grading plan of the entire subdivision, including grading of right-of-way areas to accommodate sidewalk construction.
  - (2) Water main plans and profiles showing the location, sizes, elevations and materials for the required facilities.
  - (3) Sanitary sewer plans and profiles showing the location, sizes, grades, elevations and materials of required facilities.
  - (4) Street plans and profiles showing existing and proposed grades, elevations, and cross-sections of required improvements.

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- (5) Storm sewer plans and profiles showing the location, grades, sizes, cross-sections, elevations and materials of required facilities.
  - (6) Plans for drainage structures and flood control devices.
  - (7) Planting plans showing the location, age and species of any required street trees.
  - (8) Additional special plans or information as required.
- (F) Inspection. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the City Engineer to provide for adequate inspection of all improvements and installations. The City Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

**21.12 DESIGN STANDARDS.** (A) Design Specifications. All construction of public improvements within a subdivision shall follow the adopted City of Platteville Specifications for Public Improvements. In addition, all subdivisions shall be designed so as to accommodate the general requirements as listed below.

- (B) Streets – General Considerations. (1) Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public safety and convenience, and in appropriate relation to the proposed uses of the land to be served by such streets.
- (2) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent tracts.
  - (3) Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontages, with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.
  - (4) Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Plan Commission.
  - (5) Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Plan



Commission, but shall not be approved in residential areas. Deadend alleys shall not be approved and alleys shall not connect to a major thoroughfare.

- (6) Street names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.
- (C) Streets – Specific Standards. (1) The minimum right-of-way and roadway width of all proposed streets and alleys shall be specified by the comprehensive plan, comprehensive plan components, official map, or other officially adopted standards; or if no width is specified therein, the minimum widths shall be as follows:

MINIMUM STREET WIDTHS

Urban Section:

<u>Type of Street</u>	<u>Minimum R.O.W. Width</u>	<u>Minimum Pavement Width (a)</u>	
		<u>Desirable</u>	<u>Absolute</u>
Major Street	80 feet	52 feet (b)	44 feet
Collector Street	70 feet	44 feet (b)	40 feet
Minor Street	60 feet	36 feet (c)	34 feet
Cul-de-Sac Street	60 feet	36 feet (c)	32 feet
Frontage Street	50 feet	30 feet (d)	26 feet
Alleys	24 feet	20 feet	20 feet
Pedestrian Ways	10 feet	5 feet	5 feet

Rural Section: (e)

<u>Type of Street</u>	<u>Minimum R.O.W. Width</u>	<u>Minimum Pavement Width</u>
Arterial Streets	120 feet (f)	Dual 24 ft. pavement with 10 ft. outside & 4 ft. inside and a 24 ft. median
Collector Streets	80 feet	22 ft. pavement with a 10 ft. outside shoulder on both sides
Minor Streets	66 feet	22 ft. pavement with a 8 ft. shoulder on both sides

- (a) Pavement widths shall be measured from face of curb to face of curb.
- (b) The Plan Commission, upon recommendation by the City Engineer, shall establish definite widths to best accommodate anticipated traffic.
- (c) The City Engineer shall determine the exact width required and may reduce the stated minimum widths by as much as 6 feet where parking is restricted on one side of the street.

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- (d) Shall be of adequate width to provide 2 10-foot travel lanes and a suitable parking lane on the side adjacent to the development.
  - (e) The minimum requirements expressed in this table generally exceed the minimum town road design standards set forth in Section 86.26 of the Wisconsin Statutes.
  - (f) 80 feet to be dedicated and 40 feet to be reserved for acquisition by the City.
- (2) Grades. The grade of major and collector streets shall not exceed 6 percent, unless necessitated by exceptional topography and approved by the Plan Commission. The grade of all other streets shall not exceed 8 percent unless so necessitated and in no case shall the grade of any street exceed 10 percent or be less than one-half of one percent.
- (3) Vertical Curves. All changes in street grades shall be connected by a parabolic vertical curve of a minimum length in feet equal to 15 times the algebraic difference in grade for major or collector streets, or one-half of this value for all other streets.
- (4) Radii of Curvature. When a continuous street centerline deflects at any one point by more than 5 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
- (a) Major Streets: 300 feet
  - (b) Collector Streets: 200 feet
  - (c) Minor Streets: 100 feet
- (5) Tangents. A tangent at least 100 feet long shall be introduced between reversed curves on major and collector streets. On all streets, at least 100 feet of tangent shall be provided between a curve and any intersection with a major or collector street and one-half this value at an intersection with any other street.
- (6) Cul-de-Sac Streets. Streets designed to have one end permanently closed shall not exceed 500 feet in length and shall terminate with a turnaround of not less than 110 feet in diameter of right-of-way or 90 feet in diameter of outside curb.
- (7) Half Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half-streets is not permitted.

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- (D) Intersections. (1) Layout. Streets shall intersect as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the Council.
- (2) Spacing. The number of intersections on major streets shall be held to a minimum and if feasible, the distance between such intersections shall be 1000 feet or more.
- (3) Alignment. Where streets intersect and cross other streets, jogs or off-center alignment shall be avoided. The centerline of streets approaching from opposite sides of a major street shall be adjusted so as to be continuous or separated by a distance of at least 150 feet when so required as a condition of plat approval.
- (E) Sidewalks. (1) Where Required.
- (a) Residential Subdivisions. Sidewalks are required in all new residential subdivisions. Sidewalks shall be located on both sides of public streets. Sidewalks may be located on only one side of a street terminating in a cul-de-sac, provided that the distance between the center of the cul-de-sac and the entrance to the street does not exceed 300 feet.
- (b) Non-Residential Subdivisions. The installation of sidewalks may be waived in non-residential subdivisions where it is determined by the Common Council, after recommendation by the Plan Commission, that the development in question will not be served by pedestrian traffic and that sidewalks are not needed within the development to complete or extend existing sidewalk networks.
- (c) Planned Unit Developments. The location and installation of sidewalks for subdivisions located within Planned Unit Developments shall be determined by the approved site plan.
- (2) Installation. Sidewalks shall be installed when any one of the other following conditions has been met:
- (a) An occupancy permit has been issued to the last building constructed along one side of any individual block within the development.
- (b) Twenty-four months have expired since all of the lots have been purchased from the original developer of record, and at least 75% of the buildings have been issued occupancy permits, for lots located along one side of any individual block within the development.
- (c) Five years have passed since the street was constructed.

When one of the above conditions has been met, the Director of Public Works may include the construction of the sidewalks in a public contract. The cost of the sidewalk construction shall be assessed to the adjoining property owner(s). The property owners may request the Common Council to defer construction of the sidewalks, after recommendation by the Plan Commission.

- (3) Standards.
  - (a) Sidewalks shall be a minimum of four (4) feet in width. When a sidewalk is combined with a recreation trail or other public way, the Public Works Director shall determine an adequate width.
  - (b) Sidewalks shall be installed so that the side furthest from the curb is located on the right-of-way line. The Director of Public Works may allow a variance from this requirement when it is in the public interest.
  - (d) Sidewalk locations and grades shall be determined by the original developer with approval by the Directory of Public Works prior to development of the subdivision. It is the responsibility of the property owner to install a driveway with a section for a public sidewalk in accordance with 4.13(j).
- (F) Blocks.
  - (1) General. The lengths, widths and shape of blocks shall be appropriate for the topography, the type of development contemplated, and the zoning requirements for the particular district.
  - (2) Dimensions. Block lengths in residential areas shall not be more than 1500 feet and if feasible, not less than 400 feet between street lines. Blocks shall be of sufficient width to provide for two rows of lots.
  - (3) Pedestrian Ways. A right-of-way of not less than 10 feet in width may be required through the center of blocks more than 900 feet in length if deemed essential to provide circulation or access to community facilities.
  - (4) Easements. Easements across lots or centered on rear or side lot lines shall be provided for the installation of utilities where necessary and shall be at least 10 feet wide and such easements shall be continuous from block to block. When an easement is centered on a rear or side lot line the width of the easement in each lot can be added together to meet the width requirement.
- (G) Lots.
  - (1) In General. The size, shape and facing of lots and the minimum building setback lines shall be appropriate for the topography of the subdivision and for the type of development and use contemplated.

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- (2) Lot Dimensions. Residential lots shall have a minimum area of 8000 feet and a minimum width of 70 feet at the building line provided, however, that the requirements of the zoning regulations insofar as it may specify greater areas or distance shall be complied with.
- (3) Extra Width or Area. Residential lots to be served by private sewage disposal facilities shall comply with the rules of the State Board of Health. Corner lots for residential use including lots abutting pedestrian way, shall have a width sufficient to provide the required setback from each right-of-way.
- (4) Access. Every lot shall front or abut on a public street for a distance of at least forty (40) feet.
- (5) Double Frontage. Not permitted except where desirable to provide separation from major streets or incompatible uses. Access restriction and screen plantings may be required across the rear 20 feet of double frontage lots.
- (6) Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines whenever possible.
- (7) Large Lots. A tract subdivided into parcels containing one or more acres shall be arranged to allow the resubdivision of any such parcels into smaller lots in accordance with the provisions of these subdivision standards.
- (8) Municipal Boundaries. Lots shall follow municipal boundary lines.

**21.13 MODIFICATIONS.** (A) Variances. When in the judgment of the Plan Commission and the Council it would be inappropriate to apply literally a provision of this chapter because the subdivision is located outside the corporate limits, or because extraordinary hardship would result, the terms of the provision may be waived justice and secure the public interest, provided that in no event shall the requirement of securing prior approval or of filing and recording the plat be waived.

- (B) Large Scale Developments. These regulations may be modified by the reviewing authority in the case of a plan for a complete neighborhood unit development that:
  - (1) Provides for the needs of the persons expected to reside or work in the developed area, and is in harmony with the development in adjacent areas and with the character of the community;
  - (2) Insures a desirable use of available land in keeping with the principles of good land use planning;
  - (3) Takes into account the natural features of the area and provides for and dedicates sufficient open space;

- (4) Includes provisions for efficient circulation and adequate services and facilities;
  - (5) Will constitute a desirable and stable community development.
- (C) Whenever possible, shopping center sites and land designated for industrial park development shall be designated according to unit development principles in contrast to conventional lotting practices.
- (D) Legal Guarantees. The plans for a modified development shall include such covenants, restrictions or other legal provisions as will guarantee the full achievement of the plan.
- (E) Application for Modification. Application for any such modification shall be made in writing by the subdivider at the time the preliminary plat is filed for consideration, stating fully and clearly all the facts relied upon by the petitioner, and shall be supplemented with maps, plans, and other additional data which may aid the reviewing authority in the analysis of the proposed project.

**21.14 SPECIAL ASSESSMENT POLICY.** (A) Findings and Declaration of Policy. The City of Platteville finds that special assessments are sometimes necessary for the payment of certain municipal work or improvement. It is declared that the policy of the City of Platteville is to apply special assessments to the following categories of work or improvement: construction of new sidewalk, construction of new curb and gutter, new pavement, and installation of new Water and/or Sewer mains. The policy of the City of Platteville with respect to subdivision development is found in Chapter 21.11. The City of Platteville shall impose special assessments as an exercise of Police Power, unless otherwise directed by law.

- (B) Intent and Purpose. The purpose of this section is to publicly declare which categories of municipal work or improvement will normally be assessed to properties benefited by such work or improvement. It also declares the form of such assessment and generally how the calculations for special assessments will be conducted, including deductions.
- (C) Statutory Authority. This section is adopted as authorized under Wisconsin Statutes, Section 66.0701.
- (D) Interpretation. It is not intended by this section to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances, resolutions or permits previously adopted or issued pursuant to law. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretations shall control.

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- (E) **Effective Date.** This ordinance shall become effective for all special assessments with Preliminary Resolutions enacted on or after March 12, 2002.
- (F) **Procedures.** The following are the standard procedures with approximate timelines.
  - (1) **Plan and Budget.** The Director of Public Works will develop a 5 Year Capital Investment Plan and consider new sidewalk, new curb and gutter and new water and/or sewer mains. The Director of Public Works will receive guidance and approval from the City Manager, Water and Sewer Commission and Common Council in development of the plan. This 5 Year Plan will be the basis for budgeting the upcoming year's projects. This normally occurs in the fall with budget approval in November/December.
  - (2) **Preliminary Resolution.** The Director of Public Works will prepare Preliminary Resolution(s) for consideration by the Common Council for all new sidewalk, new curb and gutter and new water and/or sewer mains. The resolution shall specify the intention to finance the public work or improvement or current service in whole or in part by special assessments, and the time, after completion of the work or improvement, when the amount of the assessments will be determined and levied, the number of annual installments, if any, in which assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of the assessments may be deferred while no use of the improvement is made in connection with the property.

This process normally takes two separate Council meeting dates and should be completed before the project is started. The preferred form of the Preliminary Resolution is for the City to exercise Police Powers under Wisconsin Statutes, Section 66.0703.

- (3) **Report of the Director of Public Works.** The Director of Public Works will prepare the report specified in the Preliminary Resolution in the manner provided by Section 66.0703(4) & (5), Wis. Stats. This will normally occur after the receipt of bids for projects done by private contractors. If the project is to be completed by City or Utility employees, the Director will use the Engineer Estimate as the basis for assessment. Calculations will be on a fair share basis as follows:
  - (a) **New Sidewalk.** The Director of Public Works will determine the cost of installation per linear foot of sidewalk as specified in paragraph C. This linear foot determination will be based on the linear feet of the property frontage. If the project is partially funded with Federal and/or State funds, the cost per linear foot of sidewalk will be on a percentage basis of the City's share of the project, e.g. if the Federal and/or State share of a project which includes new sidewalk installation is 50%, then the assessment will be for 50% of the cost of installation per linear foot.

- (b) New Curb and Gutter. The Director of Public Works will determine the cost of installation per linear foot of curb and gutter. This linear foot determination will be based on the linear feet of the property frontage. If the project is partially funded with Federal and/or State funds, the cost per linear foot of curb and gutter will be on a percentage basis of the City's share of the project, e.g. if the Federal and/or State share of a project which includes new curb and gutter installation is 50%, then the assessment will be for 50% of the cost of installation per linear foot.
  - (c) New Water and/or Sewer Main. The Director of Public Works will determine the cost of installation of new water and sewer main to service a new subdivision or area. The assessment will be calculated on an area basis. The area basis will be calculated on the size of the individual lots served by the new utility. If an owner has a lot that could be subdivided, but has not intention to ever do so; he/she may request in writing to the Director of Public Works that the City install only one water service and one private sewer lateral connection for the multiple size lot.
  - (d) New Pavement. The Director of Public Works will determine the cost of installation per linear foot of new pavement. This linear foot determination will be based on the linear feet of the property frontage. If the project is partially funded with Federal and/or State funds, the cost per linear foot new pavement will be on a percentage basis of the City's share of the project, e.g. if the Federal and/or State share of a project which includes new pavement installation is 50%, then the assessment will be for 50% of the cost of installation per linear foot.
- (4) Public Hearing. The City Clerk will schedule a Public Hearing and notify affected property owners according to statutes. The Common Council will conduct a Public Hearing to determine the appropriateness of assessment, the amount of assessment and payment schedule. At the conclusion of the Public Hearing, the Common Council will take action on the assessment as appropriate. The Director of Public Works will execute the project as authorized by the Council.
  - (5) Final Resolution. The Common Council will approve or disapprove a Final Resolution subsequent to the completion of the work or improvement. The form of the resolution will be as prescribed by law. The Director of Public Works shall prepare and submit a report, in the manner required by Section 66.0703(5), Wis. Stats., which shall contain a statement of the final cost of the work, service or improvement. The form will be as prescribed by law. *Whenever the final cost of the work, service or improvement is more than ten percent (10%) higher than was estimated in the Report of the Director of Public Works that accompanied the Preliminary Resolution, the Council shall*



*consider whether to assess for the actual cost of the project or for some lesser amount.* The policy of the City will be to allow payments over a period of seven (7) years at an appropriate interest rate, unless the assessment is less than \$100.

- (6) Completion. The City Clerk will publish the final resolution as prescribed by law and forward the action to the City Finance Director for collection in accordance with the resolution.

**21.15 AMENDMENTS.** (A) Authority. Whenever public necessity, convenience, general welfare, changes in State requirements or good subdivision practice require it, these provisions may be amended by the Common Council, subject to review and recommendation by the Plan Commission.

- (B) Initiation. A change or amendment may be initiated by the Common Council, the Plan Commission, City staff, or by a petition of one or more persons affected by these provisions.

**21.16 PENALTIES AND ENFORCEMENT.** (A) Penalties. Any person who fails to comply with any provision of this Chapter, shall, upon conviction thereof, forfeit not less than \$25 nor more than \$200, together with the cost of prosecution for each violation and in default of payment thereof, shall be imprisoned in the county jail until payment of such forfeiture and costs, but not exceeding 30 days. In addition the remedies provided by Sections 236.30 and 236.31 of the Wisconsin Statutes shall be available to the City.

- (B) Enforcement. (1) Whenever it shall come to the knowledge of the City Engineer, the Building Inspector, any member of the reviewing authority or City police force, that this ordinance or the state statutes governing plats have been violated, such violations shall be reported to the City Attorney for appropriate action.
- (2) No building permit shall be issued for any subdivision or part thereof, until the provisions of this Ordinance have been complied with and no occupancy permit shall be issued until all required improvements except those specifically deferred, have been completed and approved by the City Engineer.
- (3) The City Assessor is hereby instructed not to divide for assessment or taxing purposes, any properties that are being subdivided contrary to these regulations until the reviewing authority and the City Attorney have been notified and their recommendations submitted to the City Council.

**21.17 ABROGATION AND GREATER RESTRICTION.** It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this Ordinance, imposes greater restrictions, the provisions of this Ordinance shall govern.

**21.18 INTERPRETATION, SEVERABILITY AND REPEALER.** (A) 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 City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(B) If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

(C) All other ordinances or parts of ordinances of the City inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

**21.19 TITLE AND EFFECTIVE DATE.** (A) Title. This Ordinance shall be known as, referred to, or cited as the "Land Division Ordinance, City of Platteville, Wisconsin".

(B) Effective Date. This Ordinance shall be effective after adoption by the Common Council and publication or posting as provided by law.

**21.20 APPLICATION FEE.** In addition to the plats, maps, and other information as specified in this Chapter, applications shall also include an application fee as established from time to time by the Common Council.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 22, ZONING  
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## CHAPTER 22

### ZONING

#### 22.01 INTRODUCTION.

- (A) **PURPOSE.** The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.
- (B) **INTENT.** It is the general intent of this Ordinance to regulate the use of all structures, lands and waters; regulate population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and provide penalties for its violation.

#### 22.02 GENERAL PROVISIONS.

- (A) **JURISDICTION.** The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the City of Platteville.
- (B) **ZONING ADMINISTRATION.** The Director of Community Planning and Development shall be responsible for administering this ordinance. In this chapter the term "Zoning Administrator" shall mean the Director of Community Planning and Development.
- (C) **COMPLIANCE.** No structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, converted or structurally altered without a building permit, subject to the requirements of Chapter 23 of the Municipal Code, and no structure, land or water shall hereafter be used or occupied without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations. The Building Inspector, with the aid of the Police Department, shall investigate all complaints, give notice of violations, and enforce the provisions of this ordinance. The Building Inspector and his duly-appointed deputies may enter at any reasonable time onto any public or private lands or waters to make an inspection.
- (D) **BUILDING PERMIT.** Applications for a building permit shall be made in accordance with the requirements of Chapter 23 of the Municipal Code.

**22.03 SITE RESTRICTIONS.**

- (A) LOTS SHALL ABUT ON A PUBLIC STREET; LOT FRONTAGE. All lots shall abut upon a public street. Lot width or frontage as required by this Chapter shall not be provided by easement.
- (B) ONE PRINCIPAL STRUCTURE PER LOT. Except for Planned Unit Developments as provided for in Section 22.07, all principal structures shall be located on one lot; and only one principal structure shall be located, erected, or moved onto a lot.
- (C) PUBLIC WATER AND SEWER.
  - (1) Within the City limits, no building permit shall be issued for a site unless public water and sanitary sewer are provided to that site. If appealed, this requirement may be waived by the City Council after review and recommendation by the Building Inspector, Water and Sewer Commission and the Plan Commission.
  - (2) In the extraterritorial area, water and sewer service can be extended only upon the following conditions:
    - (a) If the property is contiguous with the City limits, the property owner shall sign a petition to annex to the City.
    - (b) If the property is not contiguous with the City limits, the property owner shall sign a consent to annex, which can be implemented at the option of the City at a later date.
    - (c) The decision to extend water and sewer service to non-contiguous property shall be made by the City Council after review and recommendation of the Building Inspector, Water and Sewer Commission and Plan Commission. The City Council may utilize its special assessment authority for construction financing of said extension.
- (D) DEDICATED STREET. No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on the side from which the required dedications have not been secured.

**22.04 USE RESTRICTIONS.**

- (A) SPECIFIED USES. Specified uses are those uses specified for a District and their essential services.

(B) **ACCESSORY USES AND STRUCTURES.** Accessory uses and structures are permitted in any district but not until the principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry, except Home Occupations as provided in Section 22.06. Accessory uses include, but are not limited to: incidental repairs; storage; parking facilities; and private swimming pools. Accessory uses shall also include the keeping of animals in accordance with the regulations provided in Chapter 6.

(1) **Accessory Structures in Residential Areas.** The following requirements apply to accessory structure located on lands zoned residential or used for residential purposes.

- (a) **Location.** Accessory structures may be located only in rear yards and side yards, except for through lots, on which they may be located in the rear street yard subject to the street yard setback.
- (b) **Lot Coverage.** Accessory structures may not occupy more than ten percent (10%) of the lot area.
- (c) **Setback.** Accessory structures must be set back at least five (5) feet from the principal structure and at least five (5) feet from any lot line.
- (d) **Maximum Height.** Fifteen (15) feet plus one (1) foot of additional height per foot of building setback distance beyond five (5) feet, up to the maximum building height for the district in which it is located.
- (e) **Maximum Area.** The total cumulative ground floor area of accessory structures shall not exceed 1,200 sq. ft.

(2) **Accessory Structures in Non-residential Areas.**

- (a) **Location.** Accessory structures may be located only in rear yards and side yards, except for through lots, on which they may be located in the rear street yard subject to the street yard setback. Exception: Canopies that shelter fuel dispensers/pumps located at gas stations and convenience stores may be located in the street yard.
- (b) **Lot Coverage.** Accessory structures may not occupy more than ten percent (10%) of the lot area.
- (c) **Setback.** Accessory structures must be set back at least five (5) feet from the principal structure and at least five (5) feet from any lot line.
- (d) **Maximum Height.** Fifteen (15) feet plus one (1) foot of additional height per foot of building setback distance beyond five (5) feet, up to the maximum building height for the district in which it is located.

## CHAPTER 22 Zoning

- (3) Fences. Fences and gates at or below twenty four (24) inches in height are considered landscaping elements and may be installed without a building permit, and may be located anywhere on the property. Fences and gates over twenty four (24) inches in height shall require the issuance of a building permit, except for fences on agricultural land, and shall meet the following requirements. The height of fences and gates that have an arched, or other irregular shape along the top, shall be based on the average height along the top surface.

### Fences and Gates in Residential Districts.

- (a) In rear and side yards, fences and gates shall not exceed a height of six (6) feet above the established grade of the yard being enclosed.
- (b) In street yards, fences and gates shall not exceed a height of four (4) feet and shall not be closer than two (2) feet to any public right-of-way.
- (c) Fences and gates made of barbed wire and electric fences are not permitted in residential districts.
- (d) The finished side of all fences and gates shall be oriented toward neighboring properties with posts and other supports or structural elements placed on the interior side of the fence.
- (e) Fences and gates on corner lots shall meet the requirements of Section 22.09(A) of the Zoning Ordinance.
- (f) Fences and gates around swimming pools and hot tubs shall meet the requirements of Section 5.04 of the Municipal Code.
- (g) Exceptions to the above requirements can be approved with a Conditional Use Permit.

### Fences and Gates in Non-Residential Districts.

- (a) In street yards, fences and gates shall not exceed a height of four (4) feet and shall not be closer than two (2) feet to any public right-of-way. Fences on agricultural land that are an open style, such as barbed-wire, woven wire or split rail, may be located up to any lot line and may be up to six (6) feet in height.
- (b) In rear and side yards, fences and gates shall not exceed a height of eight (8) feet above the established grade of the yard being enclosed.

## CHAPTER 22 Zoning

- (c) Barbed wire and electric fences are permitted only on the top of security fences when located at least six (6) feet above the ground. Fences on agricultural land are exempt from this requirement.
  - (d) The finished side of all fences and gates shall be oriented toward neighboring properties with posts and other supports or structural elements placed on the interior side of the fence.
  - (e) Fences and gates on corner lots shall meet the requirements of Section 22.09(A) of the Zoning Ordinance.
  - (f) Fences and gates around swimming pools and hot tubs shall meet the requirements of Section 5.04 of the Municipal Code.
  - (g) Exceptions to the above requirements can be approved with a Conditional Use Permit.
- (4) Retaining walls at or below two feet (2') in height are considered landscaping elements and may be installed without a building permit and without other restrictions. All other retaining walls shall meet the following requirements:
- (a) Retaining walls over two feet (2') in height shall require the issuance of a building permit and shall include the submittal of a site plan and proposed wall design.
  - (b) Retaining walls over four feet (4') in height but not more than six feet (6') in height shall either be installed according to the design specifications provided by the wall component manufacturer, or designed by a licensed engineer.
  - (c) Retaining walls over six feet (6') in height shall be designed by a licensed engineer.
  - (d) Tiered or terraced retaining walls may be constructed to provide a total height above grade of more than six feet (6') without engineering. However, the individual walls shall be less than six feet (6') and the distance between the walls shall be a minimum of twice the height of the lower wall. If the spacing between the walls is less than this minimum, the wall system shall be designed by a licensed engineer.
  - (e) Retaining walls over four feet (4') in height and located within five feet (5') of a property line shall require a conditional use permit. Such permit approval may include a condition that additional design requirements and safety features be provided, such as the installation of a fence or other barrier along the top of the wall.



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- (f) Retaining walls on corner lots shall meet the vision clearance requirements of Section 22.09(A) of the Zoning Ordinance.
- (C) **CONDITIONAL USES.** Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and recommendation by the Plan Commission in accordance with Section 22.13.
- (D) **TEMPORARY USES.** Temporary uses such as shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator. All other temporary uses are subject to approval by the Board of Appeals after recommendation by the Plan Commission.
- (E) **REDUCTION OR JOINT USE.** No lot, yard, parking area, building area, or other space shall be reduced in areas or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, or other space required for a structure or use shall be used for any other structure or use, except joint use of parking areas as described in Section 22.07.
- (F) **SUBSTITUTE BUILDINGS.** (1) **Purpose.** The purpose of this section is to promote and enhance the health, comfort, aesthetics, prosperity, and to foster quality growth in the City by limiting substitutes for principal and accessory buildings. The purpose is not to ban trailers that are being used to transport snowmobiles, sporting equipment, race cars, or other recreational vehicles.
  - (2) **No Substitutes for Permanent Building.** It shall be unlawful to place, erect or maintain within the City of Platteville any shipping container, wagon, motor vehicle, semi-trailer, truck or similar conveyance as a substitute for a principal or accessory building except as provided herein.
  - (3) **Lands Zoned for Residential Use.** No person, firm, or corporation shall place, erect, or maintain in the City upon any lands zoned residential or used for residential purposes, any shipping container, wagon, motor vehicle, trailer, semi-trailer, truck or similar conveyance which has not been manufactured for use exclusively for mobile recreational purposes as a substitute for an accessory building except for mobile units that contain medical diagnostic equipment used for medical facilities at location.
  - (4) **Construction Sites.** The provision of this subsection shall not prevent the use of shipping containers, trailers, or similar conveyances to be used temporarily as substitutes for buildings on construction sites during construction, provided, however, in no event shall such temporary substitutes for buildings remain 30 days after cessation or completion of construction, and shall be removed in any event within 10 days after issuance of certificate of occupancy.
  - (5) **Residential Districts or Uses.** Campers, tents and similar structures may be used for recreational living only. Recreational living may be allowed only after

occupancy of the principal structure on the lot. This type of use shall be directly related to the occupancy of the principal structure such as family members or guests and is allowed for a duration not to exceed seven days per each occasion.

Storage containers, trucks, and similar devices may be used for a period of not more than 20 days per dwelling unit for the purpose of moving.

- (6) Non-Residential Districts – Temporary Retail Sales. The provisions of this subsection shall not prevent the conducting of retail sales directly from semi-trailers or trucks for a period not to exceed 72 consecutive hours per placement and no more than 3 such placements in aggregate per address, location, or parcel in any one calendar year. Tents may be used as a substitute for the principal building when erected in accordance with applicable state and local codes. A tent may be used for the conducting of retail sales for a period not to exceed 21 days in each calendar year. Trucks, storage containers, and similar structures may be used as an accessory to the principal structure on the lot. These may be used up to two times per year for a duration of sixty days per each duration. A building permit is required before placement of such conveyances on the lot. Temporary garden centers are allowed during the growing season as an accessory to the principal structure.

## **22.05 ZONING DISTRICTS.**

(A) ESTABLISHMENT. The following zoning districts are hereby established:

- (1) Residential Districts  
R-1 One Family Residential District  
R-2 One and Two Family Residential District  
R-3 Multi-Family Residential District  
PUD Planned Unit Development District
- (2) Institutional and Public Use Districts  
I-1 Institutional District  
C-1 Conservancy District  
PUD Planned Unit Development District
- (3) Business Districts  
B-1 Neighborhood Business District  
B-2 Central Business District  
B-3 Highway Business District  
PUD Planned Unit Development District

(4) Manufacturing Districts

- M-1 Heavy Commercial/Light Manufacturing District
- M-2 Manufacturing District
- M-3 Mixed Use Commercial/Manufacturing District
- M-4 Applied Technology District
- PUD Planned Unit Development District

The boundaries of these districts are hereby established as shown on a map entitled, "City of Platteville, Wisconsin Zoning Map" (as revised) which accompanies and is part of this Ordinance. Such boundaries shall be construed to follow corporate limits; U.S. Land Survey lines; lot or property lines; center-lines of streets, highways, alleys, easements, and railroad right-of-ways, or such lines extended unless otherwise noted on the Zoning Map.

- (B) ANNEXATIONS. The Plan Commission may, in accordance with the procedures in Section 22.16, recommend the zoning district classification(s) for land proposed to be annexed to the City, prior to approval by the Common Council of the annexation ordinance. In such a case, the Common Council may hold the required public hearing on the proposed zoning district(s) concurrently with the annexation public hearing. Should the Plan Commission not make a recommendation prior to Common Council consideration, the property in question shall be temporarily placed in a district by the annexation ordinance. Within three (3) months the Plan Commission shall evaluate and recommend a permanent district classification to the Common Council.
- (C) ZONING MAP. The Zoning Map adopted as part of this Ordinance shall bear upon its face the attestation of the City Manager and City Clerk and shall be available to the public in the Office of the Director of Community Planning and Development. Zoning changes thereafter shall not be effective until publication and entry on the Zoning Map.
- (D) DETERMINATION OF SIMILAR AND COMPATIBLE USES. In all districts except the R-1, R-2 and R-3 districts, the Zoning Administrator may determine if a use not specifically enumerated within that district is similar to the specified uses already listed. If the use is determined to be similar, that use may be allowed as a specified use. If the Zoning Administrator determines that an unclassified use is compatible with the uses allowed within the district and is consistent with the purpose and intent of the zoning district but is not similar to the specified uses already permitted, the person(s) requesting said use may apply for a Conditional Use Permit.

**22.051 R-1 ONE FAMILY RESIDENTIAL DISTRICT.**

- (A) PURPOSE AND INTENT. The purpose of the R-1 Residential District is to provide areas which are zoned for single family dwellings and to maintain, protect, preserve and encourage development of neighborhoods of single family dwellings.

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### (B) SPECIFIED USES.

- (1) One family dwellings.
- (2) Public playgrounds.
- (3) Foster Homes.
- (4) Family Child Care Home.

### (C) CONDITIONAL USES.

- (1) Elementary and secondary schools, public, parochial, and private.
- (2) Churches.
- (3) Utilities.
- (4) Intensive home occupations, subject to the specific standards in Section 22.06.

### (D) ACCESSORY STRUCTURES AND USES.

- (1) Storage sheds and garden sheds.
- (2) Detached garages and carports.
- (3) Private swimming pools.
- (4) Children's playground equipment and playhouses.
- (5) Customary home occupations, subject to the specific standards in Section 22.06.
- (6) Other uses or structures customarily incidental to the principal use or structure.
- (7) Garage sales, rummage sales, and owner made craft sales; provided that each occasion shall not take place for a period longer than 12 hours per day for a maximum of three consecutive days, and that there shall be no more than four occasions per calendar year at any premises.
- (8) The sale of produce grown on the premises.

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### (E) DIMENSIONAL REQUIREMENTS.

Lot Width:	80 feet
Lot Area:	10,000 square feet
Yards: Street:	25 feet
Side:	10 feet
Rear:	25 feet
Building height:	30 feet maximum

### **22.052 R-2 ONE AND TWO FAMILY RESIDENTIAL DISTRICT.**

(A) **PURPOSE AND INTENT.** The purpose and intent of the R-2 Residential District is to provide for a mix of single and two family dwellings, to allow for a greater diversity of lot sizes and to maintain, protect, preserve and encourage development of one- and two-family residential neighborhoods.

### (B) SPECIFIED USES.

- (1) Those specified uses in the R-1 District.
- (2) Two family dwellings.

### (C) CONDITIONAL USES.

- (1) Those conditional uses in the R-1 District.
- (2) Rest homes, nursing homes, homes for the aged.
- (3) Clinics.
- (4) Children's nurseries and day care centers.
- (5) Group homes.
- (6) Home-based professional offices, subject to the specific standards in Section 22.06.
- (7) Bed and breakfast establishments, subject to the specific standards in Section 22.06.

### (D) ACCESSORY STRUCTURES AND USES.

- (1) Those accessory structures and uses in the R-1 District.

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(2) Garage sales, rummage sales, and owner made craft sales; provided that each occasion shall not take place for a period longer than 12 hours per day for a maximum of three consecutive days, and that there shall be no more than four occasions per calendar year at any premises.

(3) The sale of produce grown on the premises.

(E) DIMENSIONAL REQUIREMENTS.

	Single Family	Two Family Dwellings and Conditional Uses
Lot Width:	70 feet	100 feet
Lot Area:	8,000	12,000
Yard: Street:	25 feet	25 feet
Side:	10 feet	10 feet
Rear:	25 feet	25 feet
Building Height:	30 feet	30 feet

(F) EXISTING STRUCTURES. An existing structure which is used for any Specified Use or any Conditional Use, provided that it meets the minimum lot area requirements for that particular use, shall be exempt from all other Dimensional Requirements. An existing structure is eligible for this exemption only so long as no additions are made to the structure.

**22.053 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.**

(A) PURPOSE AND INTENT. The purpose and intent of the R-3 Residential District is to allow for dwellings of a higher density than in one and two family districts, to allow for a mix of densities within a single district, and to maintain, protect, preserve and encourage development of higher density residential neighborhoods.

(B) SPECIFIED USES.

(1) Those specified uses in the R-1 and R-2 Districts.

(2) Multi-family dwellings.

(3) Fraternities, sororities and rooming houses within the following described area:

Beginning at the intersection of Jay Street and Southwest Road and proceeding northerly along Jay Street to Irene Street, thence easterly along Irene Street to South Hickory Street, thence northerly along South Hickory Street to West Mineral Street, thence easterly along West Mineral Street to North Elm Street, thence southerly along Elm Street to West Pine Street,

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thence easterly along West Pine Street to South Chestnut Street, thence southwesterly along South Chestnut Street to Southwest Road, thence southwesterly along Southwest Road to the point of beginning.

### (C) CONDITIONAL USES.

- (1) Those conditional uses in the R-1 and R-2 Districts.
- (2) Fraternities, sororities, and rooming houses located outside the area described above.
- (3) Drugstores.
- (4) Beauty shops, barber shops and photographic studios.
- (5) Mobile home parks, subject to the specific requirements of Section 22.08.
- (6) Professional offices, subject to the specific standards in Section 22.06.

### (D) ACCESSORY STRUCTURES AND USES.

- (1) Those accessory structures and uses in the R-1 District.
- (2) Garage sales, rummage sales, and owner made craft sales; provided that each occasion shall not take place for a period longer than 12 hours per day for a maximum of three consecutive days, and that there shall be no more than four occasions per calendar year at any premises.
- (3) The sale of produce grown on the premises.

### (E) DIMENSIONAL REQUIREMENTS. Single family and two-family uses shall be subject to the minimum dimensional requirements of the R-2 District.

#### Multi-Family and Conditional Uses:

Lot Width: 100 feet

Lot Area: Minimum 12,000 square feet with a minimum of 2,000 square feet per efficiency apartment, 2,500 square feet per one-bedroom apartment and 3,000 square feet per two or more bedroom apartment.

Lot Coverage (Building + Parking): Maximum 70 %

Yards: Street: 25 feet

Sides: 10 feet each minimum; however, side lot lines that abut property in the R-1 and R-2 districts shall be increased by one foot for each foot of building height above 25 feet.

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Rear:	25 feet
Building Height:	40 feet maximum

- (F) MULTI-FAMILY USES ADJACENT TO R-1 AND R-2 DISTRICTS. For multi-family uses, along any lot line which abuts property in the R-1 or R-2 districts, a buffer shall be required; however, this requirement does not apply to lot lines abutting a public right-of-way. This buffer shall be subject to approval of the Zoning Administrator and shall consist of one or a combination of the following:
- (1) An opaque fence, six (6) feet in height;
  - (2) A thick hedge, at least 24 inches high at planting and capable of growing to at least 36 inches high within three (3) years after planting;
  - (3) A landscaped green area consisting of a mix of shrubs, ornamental trees and/or overstory trees, along with berming and other variegations in topography, sufficient to provide an adequate screen and buffer.
  - (4) Existing vegetation, natural features and topography may be used to meet these requirements.
- (G) EXISTING STRUCTURES. An existing structure which is used for any Specified Use or any Conditional Use, provided that it meets the minimum lot area requirements for that particular use, shall be exempt from all other Dimensional Requirements; excepting however, that the Lot Coverage requirement shall still apply. An existing structure is eligible for this exemption only so long as no additions are made to the structure.

### **22.054 I-1 INSTITUTIONAL DISTRICT.**

- (A) PURPOSE AND INTENT. The purpose and intent of the I-1 Institutional District is to provide for districts that allow uses intended for the public good, which are generally (but not always) not-for-profit and are in nature related to civic, religious, educational, health care, or similar services to the public.
- (B) SPECIFIED USES.
- (1) Cemeteries.
  - (2) Schools.
  - (3) Hospitals.
  - (4) Sanitariums.



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- (5) Religious, charitable, penal and correctional institutions.
- (6) Rest homes, nursing homes, homes for the aged.
- (7) Clinics, including pharmacies.
- (8) Day care centers.
- (9) Sports fields.
- (10) Government and cultural uses.
- (11) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

### (C) CONDITIONAL USES.

- (1) Utilities.
- (2) Public passenger transportation terminals.
- (3) Bed and Breakfast establishments, subject to the specific standards in Section 22.06.
- (4) Communications towers which are not co-located on an existing tower or structure, or when co-located on an essential service structure, exceed the height of that structure.
- (5) Leasing of parking lots or parking spaces for uses not associated with the property.
- (6) Unclassified compatible uses.

### (D) ACCESSORY STRUCTURES AND USES.

- (1) Garages.
- (2) Storage buildings.

### (E) DIMENSIONAL REQUIREMENTS.

Lot Area: To be determined by building placement on the site as well as the setback requirements identified below:

Lot Coverage (Building + Parking):                      Maximum 70%. A conditional use permit shall be required to exceed this maximum.

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Height:		Maximum 45 feet.
Specified Uses:		
Yards:	Street:	25 feet.
	Rear:	30 feet.
	Sides:	One foot for each foot adjacent building height, but in no case less than 15 feet.
Conditional Uses:		
Yards:	Principal structures and uses shall not be less than 50' from any residential lot line.	

### **22.055 C-1 CONSERVANCY DISTRICT.**

- (A) **PURPOSE AND INTENT.** The purpose and intent of the C-1 Conservancy District is to provide for open spaces, parks and recreational areas, and preservation of scenic and historic areas.
- (B) **SPECIFIED USES.**
- (1) Agricultural uses.
  - (2) Public or private open space.
  - (3) Preservation of scenic, historic, or scientific areas.
  - (4) Municipal park and recreation facilities, including such accessory structures and appurtenances as the Common Council shall deem appropriate.
  - (5) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.
- (C) **CONDITIONAL USES.**
- (1) Garages and storage buildings accessory to an existing specified use.
  - (2) General farm buildings.
  - (3) Non-habitable park or recreation structures.
  - (4) Leasing of parking lots or parking spaces for uses not associated with the property.
  - (5) Unclassified compatible uses.

(D) DIMENSIONAL REQUIREMENTS

Lot Area:		To be determined by building placement on the site as well as the setback requirements identified below:
Yards:	Street:	25 feet
	Sides:	30 feet
	Rear:	30 feet
Building Heights:		25 feet maximum

Yards for municipal park and recreation facilities shall be determined by the Plan Commission and the Common Council.

**22.056 B-1 NEIGHBORHOOD BUSINESS DISTRICT.**

(A) PURPOSE AND INTENT. The purpose and intent of the B-1 Neighborhood Business District is to provide goods and services which are needed on a frequent basis in commercial areas that are conveniently located to serve residential neighborhoods.

(B) SPECIFIED USES.

- (1) Beauty and barber shops.
- (2) Business and professional offices.
- (3) Clinics.
- (4) Drug stores.
- (5) Florists.
- (6) Grocery stores.
- (7) Hobby shops.
- (8) Self-service laundromats and dry cleaning establishments.
- (9) Residences, subject to all provisions of the R-2 Residential District.
- (10) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

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### (C) CONDITIONAL USES.

- (1) Government and cultural uses.
- (2) Utilities.
- (3) Public passenger transportation terminals.
- (4) Funeral homes.
- (5) Health and recreation clubs; spas.
- (6) Convenience stores.
- (7) Bed and Breakfast establishments, subject to the specific standards in Section 22.06.
- (8) Leasing of parking lots or parking spaces for uses not associated with the property.
- (9) Unclassified compatible uses.

### (D) ACCESSORY STRUCTURES AND USES.

- (1) Garages.
- (2) Storage buildings.

### (E) DIMENSIONAL REQUIREMENTS.

Lot Area:		To be determined by building placement on the site as well as the setback requirements identified below:
Yards:	Street:	25 feet
	Side:	10 feet each
	Rear:	30 feet
Building Height:		30 feet maximum

## **22.057 B-2 CENTRAL BUSINESS DISTRICT.**

- (A) **PURPOSE AND INTENT.** The purpose and intent of the B-2 Central Business District is to provide for general commercial sales and services located in the downtown area, with a mix of retail, service, office and limited residential uses. Further, the intent of the district is to provide uses which are easily accessible by walking and are compatible with available parking facilities.

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### (B) SPECIFIED USES.

- (1) Those specified uses in the B-1 District; however, residences not attached to business establishments (as enumerated below) are not permitted.
- (2) Assembly halls.
- (3) Caterers.
- (4) Cleaning, pressing and dyeing establishments.
- (5) Financial institutions, not including drive-through facilities.
- (6) Furniture upholstery shops.
- (7) Hotels, apartment hotels and motels.
- (8) Liquor stores.
- (9) Media offices, studios, pressrooms, printing and/or publishing operations.
- (10) Mercantile businesses; retail stores.
- (11) Movie theaters.
- (12) Night clubs.
- (13) Pet shops.
- (14) Public and private parking lots.
- (15) Residences attached to business establishments; however, residential use of the ground floor is prohibited.
- (16) Restaurants, not including drive through facilities.
- (17) Supermarkets.
- (18) Taverns.
- (19) Trade and contractor's offices and shops.
- (20) Utility offices and shops.

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- (21) Similar uses: any use which is interpreted by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

### (C) CONDITIONAL USES.

- (1) Those conditional uses in the B-1 District.
- (2) Churches and schools.
- (3) Vehicle sales and rental.
- (4) Vehicle service and repair.
- (5) Feed and seed stores, not to include grinding or drying operations.
- (6) Commercial recreation.
- (7) Small motor sales and/or service.
- (8) Bed and Breakfast establishments, subject to the specific standards in Section 22.06.
- (9) Drive-through banking facilities, subject to the specific standards in Section 22.06.
- (10) Outdoor eating and drinking areas or beer gardens, when attached to an approved indoor establishment, subject to the specific standards in Section 22.06.
- (11) Vehicle washing facilities, subject to the specific standards in Section 22.06.
- (12) Unclassified compatible uses.

### (D) ACCESSORY USES.

- (1) Garages. (See Fire District Limitations in Chapter 23)

### (E) DIMENSIONAL REQUIREMENTS.

Building Height:	60 feet (Type 5 Construction or greater)
Yards:	Street: No minimum requirements
	Side: No minimum requirements
	Rear: No minimum requirements

**22.058 CBT CENTRAL BUSINESS TRANSITION DISTRICT.**

- (A) **PURPOSE AND INTENT.** The purpose and intent of the CBT Central Business Transition District is to provide for a transition between the intensive business and high-density residential uses of the B-2 Central Business District and the lower density residential districts surrounding it, by allowing a mix of commercial, residential, and institutional uses.
- (B) **LOCATION.** All areas of the city zoned CBT Central Business Transition District shall be contiguous to the B-2, Central Business District.
- (C) **SPECIFIED USES.**
  - (1) Those specified uses in the R-2 District.
  - (2) Those specified uses in the I-1 District.
  - (3) Those specified uses in the B-2 District; subject to the following:
    - (a) One- and two-family residential uses attached to business establishments are permitted on the ground floor.
    - (b) The following uses are not permitted:
      - a. Cleaning, pressing and dyeing establishments.
      - b. Liquor stores.
      - c. Movie theaters.
      - d. Night clubs.
      - e. Restaurants.
      - f. Taverns.
  - (4) Similar uses; any use that is interpreted by the Zoning Administrator to be similar to one of the above specified enumerated uses, and that conforms to the intent of the zoning district.
- (D) **CONDITIONAL USES.**
  - (1) Bed and Breakfast establishments, subject to the specific standards in Section 22.06.
  - (2) Automotive fuel sales.

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- (3) Group homes.
  - (4) Multi-family dwellings, subject to buffering requirements required for multi-family development in the R-3 District.
  - (5) Residential uses attached to business establishments containing three or more dwelling units.
  - (6) Public passenger transportation terminals.
  - (7) Fraternities, sororities and rooming houses.
  - (8) Utilities.
  - (9) Vehicle sales and rental.
  - (10) Vehicle service and repair.
  - (11) Unclassified compatible uses.
- (E) ACCESSORY USES.
- (1) Those accessory uses and structures in the R-2 District.
  - (2) Storage buildings.
- (F) DIMENSIONAL REQUIREMENTS.
- Area and Width: All lots of record existing on or before January 1, 2000 shall be exempt from area and width requirements. No new lot or parcel may be created after that date unless it conforms to the following requirements:
- Minimum Area: 4,000 square feet  
Minimum Width: 40 feet
- Yards: Street, Side and Rear: No minimum requirements; however, all required fire separation distances, in accordance with applicable building codes, must be maintained.
- Adjacent to Residential Districts: 20 feet from any side lot line adjacent to property in the R-1, R-2 or R-3 districts; 40 feet from any rear lot line adjacent to property in the R-1, R-2 or R-3 districts.
- Building Height: 45 feet



**22.059 B-3 HIGHWAY BUSINESS DISTRICT.**

- (A) **PURPOSE AND INTENT.** The purpose and intent of the B-3 Highway Business District is to provide areas zoned for general commercial and service uses which are generally located along the major streets and highways of the City and which are generally meant to serve a local, regional, and traveling population.
  
- (B) **SPECIFIED USES.**
  - (1) Those specified uses in the B-1 and B-2 Districts, except residences.
  - (2) Motels.
  - (3) Legal places of entertainment, bowling alleys.
  - (4) Restaurants. Restaurants with drive-through facilities are subject to the specific standards in Section 22.06.
  - (5) Drive-up banks, subject to the specific standards in Section 22.06.
  - (6) Vehicle sales and rental.
  - (7) Vehicle service and repair.
  - (8) Small motor sales and/or service.
  - (9) Convenience store.
  - (10) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.
  
- (C) **CONDITIONAL USES.**
  - (1) Those conditional uses in the B-1 and B-2 Districts.
  - (2) Farm machinery and equipment sales and service.
  - (3) Food locker plants.
  - (4) Wholesaling and warehousing.
  - (5) Lumber yards.
  - (6) Veterinary clinics.

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(7) Leasing of parking lots or parking spaces for uses not associated with the property.

(8) Unclassified compatible uses.

### (D) ACCESSORY STRUCTURES AND USES.

(1) Garages.

(2) Storage buildings.

### (E) DIMENSIONAL REQUIREMENTS.

Lot Area: To be determined by building placement on the site as well as the setback requirements identified below:

Lot Width: 100 feet.

Yards: Street: 25 feet.

Side: 15 feet.

Rear: 30 feet.

Yards adjacent to residential districts: Setback as required above or 30 feet, whichever is larger.

Building Height: 45 feet maximum

## **22.0510 M-1 HEAVY COMMERCIAL AND LIGHT MANUFACTURING DISTRICT.**

(A) **PURPOSE AND INTENT.** The purpose and intent of the M-1 Heavy Commercial and Light Industrial District is to provide for both intensive commercial uses and light industrial uses which are generally on a smaller scale and which generally have little if any emission, noise, or intensive production activity.

### (B) SPECIFIED USES.

(1) Vehicle sales and rental.

(2) Vehicle service and repair.

(3) Automotive machine shops.

(4) Cold storage warehouses.

(5) Feed and seed businesses, excluding grinding and drying operations.

(6) Food locker plants.

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- (7) Laboratories.
- (8) Lumber yards.
- (9) Parking and storage of operable construction and trucking vehicles.
- (10) Storage and sale of machinery and equipment.
- (11) Trade and contractor's offices.
- (12) Commercial green houses.
- (13) Concrete batching plants.
- (14) Petroleum product storage (bulk).
- (15) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

### (C) CONDITIONAL USES.

- (1) Recycling of cans, paper, plastics or glass within a building.
- (2) Public passenger transportation terminals.
- (3) Leasing of parking lots or parking spaces for uses not associated with the property.
- (4) Unclassified compatible uses.

### (D) ACCESSORY STRUCTURES AND USES.

- (1) Garages.
- (2) Storage buildings.

### (E) DIMENSIONAL REQUIREMENTS.

Lot Area:		To be determined by building placement on the site as well as the setback requirements identified below:
Yards:	Street:	25 feet
	Sides:	15 feet
	Rear:	30 feet
Yards adjacent to residential districts:		30 feet

Building Height: 45 feet maximum

**22.0511 M-2 HEAVY MANUFACTURING DISTRICT.**

- (A) **PURPOSE AND INTENT.** The purpose and intent of the M-2 Heavy Manufacturing District is to provide for districts which allow for more intensive manufacturing processes, which by their nature may produce noise and emissions (meeting local, State and Federal standards), and/or generally (but not always) require greater bulk standards for buildings and appurtenant structures, and which generally exhibit a greater level of activity.
- (B) **SPECIFIED USES.**
  - (1) Those specified uses in the M-1 District.
  - (2) Breweries.
  - (3) Bottling plants.
  - (4) Commercial bakeries.
  - (5) Crematorium.
  - (6) Dairy product plants.
  - (7) Feed and seed operations, including grinding and drying operations.
  - (8) Freight and trans-shipment yards and terminals.
  - (9) General manufacturing and processing.
  - (10) Petroleum product storage.
  - (11) Quarrying operations, including crushing and separating.
  - (12) Wastewater treatment plants; water plants.
  - (13) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.
- (C) **CONDITIONAL USES.**
  - (1) Those Conditional Uses in the M-1 District.

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- (2) Asphalt plants.
- (3) RV waste disposal areas.
- (4) Incinerators, salvage yards, and transfer stations.
- (5) Unclassified compatible uses.

### (D) ACCESSORY USES.

- (1) Garages.
- (2) Storage buildings.

### (E) DIMENSIONAL REQUIREMENTS.

Lot Area:		To be determined by building placement on the site as well as the setback requirements identified below:
Yards:	Street:	25 feet
	Rear:	30 feet
	Sides:	15 feet
Yards adjacent to residential districts:		30 feet
Building Height:		45 feet maximum

## **22.0512 M-3 MIXED-USE COMMERCIAL/MANUFACTURING DISTRICT.**

(A) **PURPOSE AND INTENT.** The purpose and intent of the M-3 Mixed Use Commercial/Industrial District is to provide for a single district containing a mix of commercial and industrial uses in a self-contained business area. This single district is intended to be transitional in nature so that once the uses in the area are established, the individual properties will be rezoned into the appropriate district.

### (B) SPECIFIED USES.

- (1) Those specified uses in the I-1, B-1, B-2, B-3, M-1 and M-2 zoning districts, except that no residential uses are permitted.

### (C) CONDITIONAL USES.

- (1) Unclassified compatible uses.

### (D) ACCESSORY STRUCTURES AND USES.

- (1) Garages.

(2) Storage Buildings.

(E) DIMENSIONAL REQUIREMENTS.

Lot Area, Building Height & Yards: To be determined by building placement on the site as well as setback requirements contained within individual zoning districts for which the use is listed as a specified use. In the event of conflicting dimensional requirements, the more stringent shall apply.

(F) LIMITATIONS. Only one such M-3 Mixed Use Commercial/Industrial Zoning District shall be created or in use at any one time within the City limits. An M-3 zoning district shall be considered no longer in use when all of the property within an existing Industrial Park Development has been rezoned in accordance to its specified use at that time.

An existing M-3 district may be rezoned in portions or in its entirety after its specified use has been developed or becomes apparent.

**22.0513 M-4 APPLIED TECHNOLOGY DISTRICT.**

(A) PURPOSE AND INTENT. The purpose and intent of the M-4 Applied Technology District is to provide for emerging and high technology businesses as well as more traditional light industrial and other similar service uses, generally in a business park.

(B) SPECIFIED USES.

- (1) General manufacturing and processing.
- (2) Research development and testing laboratories.
- (3) Product distribution centers.
- (4) Commercial food processing.
- (5) Freight terminals and trans-shipment yards.
- (6) Commercial warehousing.
- (7) Printing and publishing.
- (8) Telecommunications centers.

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- (9) Office and professional buildings when constructed or altered for multiple tenants or in conjunction with another permitted use in the M-4 district.
- (10) Retail sales and services that are incidental to manufacturing and warehousing located on the same site.
- (11) Products related to process design, process simulation, software development, engineering, computer software services, hardware manufacturing or industrial technology.
- (12) High tech manufacturing.
- (13) Contractor's offices and shops.
- (14) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

### (C) CONDITIONAL USES.

- (1) Business Incubators which are primarily oriented to start up manufacturing, distribution, research, software design, process control or other similar uses to the specified uses of the M-4 District.
- (2) Child Care Centers.
- (3) Professional education or training centers.
- (4) Leasing of parking lots or parking spaces for uses not associated with the property.
- (5) Unclassified compatible uses.

### (D) ACCESSORY STRUCTURES AND USES.

- (1) Garages.
- (2) Storage buildings.

### (E) DIMENSIONAL REQUIREMENTS.

Minimum site size:		1 acre
Yard Setbacks:	Street yard:	25 feet
	Side yard:	15 feet
	Rear yard:	30 feet

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Yards adjacent to Residential districts: 30 feet  
Building Height: 45 feet maximum

(F) LIMITATIONS: Performance Standards

Any use in the Applied Technology District shall comply with the following regulations:

- (1) Noise. At no point on the district boundary nor beyond property lines of individual lots within the district shall the sound level of any individual operation or level exceed the limits shown in the following table:

<u>Cycles per Second</u>	<u>7:00am-10:00pm</u>	<u>10:00pm-7:00 am</u>
0-75	70	67
75-150	67	62
150-300	59	54
300-600	52	47
600-1,200	46	41
1,200-2,400	40	35
2,400-4,800	34	29
Over 4,800	32	27

Frequencies and sound levels shall be measured with an Octave Band Analyzer and Sound Level Meter which comply with the USA Standards prescribed by the United States of America Standards Institute.

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, heat frequency, impulse character, periodic character or shrillness.

- (2) Contaminants. The limits on emission for particular contaminants shall be determined and enforced as provided for under section NR 154.02, Wisconsin Administrative Code.
- (3) Liquid and Solid Waste. Any disposal of wastes on the property shall be done in such a manner that it will conform to the regulations of this section. No wastes shall be discharged into a storm sewer or roadside ditch or drainage area except clear and unpolluted water. All liquid waste disposal shall be in conformance with section COM81-85 and COM10, State of Wisconsin Department of Natural Resources Administrative Code NR 125.01 or as amended.
- (4) Electrical Emission. There shall be no electrical emission beyond the property line which would adversely affect any other use or adjacent property owners.
- (5) Glare and Heat. There shall be no reflection or radiation, directly or indirectly, or glare or heat beyond the property line if it would constitute a nuisance,



hazard or be recognized by a reasonable person as offensive. Provided, however, that nothing in this section shall prohibit night illumination of a property within the district.

- (6) Vibrations. There shall be no operation or activity which would cause ground transmitted vibrations in excess of the limits set forth in the table below beyond the boundary of this district, under any conditions, nor beyond the property line if it would adversely affect any other use within the district.

Ground Transmitted Vibrations:  
Maximum Permitted Displacement

Frequency Cycles per Second	Along Subdivision Boundaries (In Inches)
0-10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

**22.0514 R-LO LIMITED OCCUPANCY RESIDENTIAL OVERLAY DISTRICT.**

**(A) PURPOSE AND INTENT**

The purpose and intent of the R-LO Limited Occupancy Residential Overlay District is to protect, preserve, and enhance low-density single-family housing in areas zoned R-1 Single-family Residential and R-2 One & Two-family Residential, and within the local or state/national residential historic districts in the City.

This district establishes restrictions which operate to preserve the attractiveness, desirability, and privacy of residential neighborhoods by limiting the numbers of occupants permitted in residential properties and limiting the types and numbers of rental properties, and thereby preclude the deleterious effects on a neighborhood with regard to property deterioration, increased density, congestion, noise and traffic levels, and reduction of property values. The goal of the overlay district is to allow the City and the owners of property within residential neighborhoods to control the number of occupants and the types of rental properties that are permitted in one-family dwellings within their neighborhood. It is also the purpose of the district to achieve the following objectives:

- (1) To protect the privacy of residents and to minimize noise, congestion, and nuisance impacts;
- (2) To maintain an attractive community appearance and to provide a desirable

living environment for residents by preserving the owner occupied character of the neighborhood;

- (3) To prevent excessive traffic and parking problems in the neighborhoods.

(B) OVERLAY DISTRICT RESTRICTIONS

In the R-LO Limited Occupancy Residential Overlay District the definition of “family” as set forth in Platteville Municipal Ordinance Section 22.15 Definitions shall be modified within the overlay district boundary. This definition is used to determine the allowable number of persons that can legally reside in a dwelling unit. The definition to be used within the district is set forth below.

“Family” shall mean one of the following groups of individuals, but not more than one group at a time:

- (1) Any number of persons, all of whom are related to each other by blood, adoption, marriage, domestic partnership formed under Wis. Stats. 770, or legal guardianship, along with up to one (1) roomer or boarder not so related, living together in one dwelling unit as a single housekeeping entity; or
- (2) Not more than two (2) persons who are not related by blood, adoption, or marriage, living together in one dwelling unit as a single housekeeping entity; or
- (3) Two (2) unrelated individuals and any children of either or both of them living as a single-housekeeping unit.

For purposes of the definition of family, the term “related” shall mean a spouse, parent, child, stepchild, child of a parent in a domestic partnership, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, and great-grandchild, or a child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, or great-grandchild of a person in a domestic partnership. The term “related” does not include other, more distant relationships such as cousins.

The definition of family includes up to two (2) guests if the guests live and cook together with the family in a single dwelling unit and do not pay rent or give other consideration for the privilege of staying with the family. The definition of “guest” under this section is defined as a person who stays with a family for a period of less than thirty days within any rolling one-year period and does not utilize the dwelling as a legal address for any purpose.

(C) USES PERMITTED

Permitted uses are all specified or conditional uses in the underlying zoning district except as they pertain to the allowable occupancy of a dwelling unit. The restrictions set forth herein are in addition to the restrictions and requirements of the underlying

district applicable to a particular property. If there is a conflict between the restrictions and requirements associated with the district, those most restrictive to the use of the property shall apply.

(D) OVERLAY DISTRICT CREATION

The R-LO Limited Occupancy Residential Overlay District may be established over designated areas of the City of Platteville.

(1) INITIATION. The designation of an overlay district may be initiated by the Common Council or Plan Commission, or by a petition of one or more of the owners of property within the area proposed to be included in the district.

(2) PETITIONS

(a) A petition requesting an overlay district that meets the following requirements must be submitted to the City Clerk.

1. Each petition must be circulated by a person who owns property within the proposed district and be signed by the circulator.
2. The petition must contain the signature and address of all the parcel owners within the proposed boundary of the overlay district, exclusive of public property. Jointly owned parcels will be considered owned by a single person for purpose of petitioning and any co-owner may sign a petition for such parcel. If a person owns more than one parcel of property within the proposed district, they may sign the petition once for each parcel they own.
3. Each person signing the petition must also enter, on the petition, adjacent to their signature, the date that the person signed the petition.
4. The petition must accurately advise the signer of what restrictions would be imposed on the property if the overlay district were established.
5. The properties to be included in the proposed overlay district must be described in the petition by address.
6. When submitted, no signature dated earlier than six (6) months prior to the time the petition is filed with the City Clerk shall be counted in determining the validity of the petition.

7. Petitions shall also contain a map drawn to a scale of not less than 1:300 showing the area proposed to be included in the district.
  8. An application fee in an amount as set from time to time by a resolution of the Common Council shall be submitted to cover the rezoning costs of establishing the district.
- (b) Upon presentation to the City Clerk for review, the Clerk shall determine whether the petition is in conformity with the conditions of this section.
1. If the petition is not in conformity with the requirements of this section, the clerk shall reject the petition and return it to the person who filed the petition with a written explanation as to why the petition does not meet the requirements of this section.
  2. If the petition is rejected for failure to comply with the boundary requirements, it may be resubmitted with the proper boundary lines if it is accompanied by certification that a copy of the petition and written notice was mailed to each property affected by the change, notifying them that their property was either added to or deleted from the petition and if by the correction of the boundary line the petition still meets all other requirements of the code.
  3. If the petition is rejected for an insufficient number of valid signatures, it may be resubmitted with the additional signatures necessary to have it comply as long as the other signatures remain valid.
  4. If the petition is determined to be in conformity with the requirements of this section, the Zoning Administrator shall draft an appropriate ordinance and submit the ordinance for approval following the procedures set forth in this code.
- (3) **RECOMMENDATIONS.** The Plan Commission shall review all proposed changes and amendments and shall recommend that the district be approved as requested, modified, or denied. The recommendation shall be made in writing to the Common Council.
- (4) **HEARINGS.** The Common Council shall hold a public hearing upon each recommendation after publication of a Class 2 legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and the changes or amendments proposed. The Common Council shall also give at

least ten (10) days prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment and shall mail a notice of the public hearing to owners of all land within the proposed district at least ten (10) days prior to the public hearing.

- (5) COMMON COUNCIL ACTION. Following such hearing and after careful consideration of the Plan Commission's recommendations, the Common Council shall vote on the passage of the proposed district. If the petition described in Section 22.0514(D)(2) is signed by the owners of a minimum of seventy five percent (75%) but less than one hundred percent (100%) of the parcels within the proposed overlay district, such district shall not become effective except by the favorable vote of three-fourths (3/4) of the entire membership of the Common Council. If the petition is signed by one hundred percent (100%) of the property owners within the proposed overlay district, such district shall become effective upon a simple majority vote. If approved, the district boundaries must be shown on the Zoning Map. Any ordinance that is not adopted within six (6) months of its introduction shall be deemed denied.

(E) EFFECT OF OVERLAY DISTRICT ORDINANCE

- (1) Upon introduction of an ordinance to create an overlay district and at all times while the ordinance is pending final decision, there shall be a moratorium on the issuance of initial rental unit licenses to the extent that no initial rental housing license shall be issued within the proposed overlay district to the owner of a one family dwelling unit, unless the license was applied for prior to the to the close of business for City Hall on the day of the meeting when the Plan Commission considers the ordinance.
- (2) Upon passage of an ordinance by the Common Council establishing an overlay district, it shall be unlawful to use or allow any property to be used except in conformity with the requirements of the underlying zoning district and overlay district. Any property in the overlay district that has an existing rental housing license, or has had a rental housing license within one year of adoption of the overlay district, shall be allowed to continue its use and occupancy in accordance with the law existing prior to the date of the adoption of the overlay district. An existing rental housing use or occupancy in an overlay district that does not meet the standards of the district shall be considered to be a legal nonconforming use as the result of adoption of an overlay district, and shall be subject to the requirements of Section 22.12(A)(6). The use may continue unless the owner surrenders an existing license, allows, either intentionally or unintentionally, a license to remain expired for more than one year or the rental license is suspended or revoked for a period in excess of one year, and upon such occurrence, any subsequent use of the property shall be subject to the restrictions imposed by the overlay district.

(F) OVERLAY DISTRICT REMOVAL

- (1) An existing R-LO Limited Occupancy Residential Overlay District may be removed or rescinded following the same procedures established in Section 22.0514(D).

**22.0515 WELLHEAD PROTECTION AREA OVERLAY DISTRICT FOR CITY WELL#5**

- (A) TITLE. This ordinance shall be known, cited, and referred to as the “Wellhead Protection Ordinance (WHPO)” for City Well #5.
- (B) PURPOSE. The users of the City of Platteville water supply system located in the City of Platteville depend exclusively on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of the WHPO is to institute land use regulations and restrictions to protect the City of Platteville municipal water supply and to promote the public health, safety, and general welfare of the residents of the City of Platteville.
- (C) APPLICABILITY. The regulations specified in the WHPO shall apply within the Wellhead Protection Area Overlay District of the City of Platteville. No new use or change in use of any structure, land, or water shall be located, extended, converted, or structurally altered, and no development shall commence without full compliance with the terms of this ordinance and other applicable regulations.
- (D) DEFINITIONS.
  - (1) Aquifer – A saturated, permeable, geologic formation that contains and will yield significant quantities of water.
  - (2) Five Year Time of Travel (5 Year TOT) – The 5 Year TOT is the area down gradient and up gradient of Well #5, the outer boundary of which it is determined or estimated that ground water and potential contaminants will take five years to reach Well #5.
  - (3) Facility – The term “facility” shall mean all contiguous land and structures, other appurtenances, and improvements on the land, built, established or installed for the performance of one or more specific activities or functions.
  - (4) Hazardous substance – The term “hazardous substance” has the meaning specified under sec. 289, Wis. Stats.
  - (5) Well #5 – The municipal well for the City of Platteville located on Lot 9 of the Plat of the Platteville Industry Park No. 3, City of Platteville, Grant County, Wisconsin.

- (6) Zone of Influence for Well #5 – The distance to one foot of aquifer drawdown at the anticipated final pumping rate when pumpage of Well #5 is assumed to be continuous without recharge for 30 days. The zone of influence shall be calculated using the Theis Method with or without groundwater modeling unless another method is approved by the Wisconsin Department of Natural Resources (DNR).
- (7) Wellhead Protection Area Overlay District (the District) – The portion of the recharge and the zone of influence areas that lie within Zones A and B as shown on Exhibit 1, which is attached hereto and by this reference is incorporated herein as if set out in full.

(E) MINIMUM SEPARATION DISTANCES FROM CONTAMINATION SOURCES.

- (1) Intent – The area to be protected is the land immediately surrounding Well #5. The land in the District is subject to certain restrictions as set forth in this Section because of its proximity to the well and the corresponding threat of contamination. The minimum separation distances shall be as set forth in NR 811.12(5)(d) or as that section may be amended.
- (2) NR 811.12(5)(d) Minimum Separation Distances – Well #5 shall be adequately separated from potential sources of contamination. Unless a hydrogeologic investigation indicates lesser separation distances would provide adequate protection of Well #5 from contamination or DNR approved treatment is installed to address potential contamination concerns, the minimum separation distances shall be:
  - (a) Ten feet (10') between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. SPS 310.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110.
  - (b) Fifty feet (50') between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.

- (c) Two hundred feet (200') between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or POWTS treatment tank or holding tank component and associated piping.
- (d) Three hundred feet (300') between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (e) Three hundred feet (300') between a well and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (f) Four hundred feet (400') between a well and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.
- (g) Six hundred feet (600') between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage



monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. SPS 310.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

- (h) One thousand feet (1,000') between a well and land application of municipal, commercial, or industrial waste; the boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718 while that facility is in operation; agricultural, industrial, commercial or municipal wastewater treatment plant treatment units, lagoons, or storage structures, manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.
- (i) Twelve hundred feet (1200') between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank that has or has not received written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS.110 for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

(F) USES PERMITTED.

- (1) Permitted uses are all specified uses in the underlying zoning district, except as prohibited by the minimum separation distances from contamination sources set forth in Section (E), or as prohibited in Section (H). The restrictions set forth herein are in addition to the restrictions and requirements of the underlying district applicable to a particular property. If there is a conflict between the restrictions and requirements associated with the district, those most restrictive to the use of the property shall apply.
- (2) The following uses shall require the approval of a Conditional Use Permit:

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- (a) All conditional uses in the underlying zoning district.
- (b) Those uses listed in Section (G).
- (c) All specified uses that do not meet the minimum separation distances from contamination sources set forth in Section (E).
- (d) Those Prohibited uses set forth in Section (H) that are found to be harmful to the groundwater may be approved as conditional uses within Zone B.

### (G) CONDITIONAL USE PERMITS.

- (1) Applications for a conditional use of land within the District shall be made as provided in Section 22.13.
- (2) The following uses/facilities are conditional uses within Zone B:
  - (a) Jewelry plating and metal plating.
  - (b) Commercial establishments utilizing a private on-site wastewater treatment system receiving less than 8,000 gallons per day, which is in conformance with SPS 383, Wis. Admin. Code.
  - (c) Exposed hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)
  - (d) Chemical manufacturers. (SIC Major Group 28)

### (H) PROHIBITED USES.

- (1) The following uses are prohibited in Zones A and B:
  - (a) Buried hydrocarbon, petroleum or hazardous chemical storage tanks (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)
  - (b) Cemeteries
  - (c) Coal Storage
  - (d) Dry Cleaners
  - (e) Industrial Lagoons and Pits

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- (f) Landfills and any other solid waste facility, except post-consumer recycling
  - (g) Manure and animal waste storage except animal waste storage facilities regulated by the County
  - (h) Nonmetallic earthen materials extraction or sand and gravel pits
  - (i) Pesticide and fertilizer bulk storage
  - (j) Railroad yards and maintenance station
  - (k) Rendering plants and slaughterhouses
  - (l) Salt or deicing material bulk storage
  - (m) Salvage or junk yards
  - (n) Septage, wastewater, or sewage lagoons
  - (o) Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more
  - (p) Stockyards and feedlots
  - (q) Wood preserving operations
- (I) PRE-EXISTING NONCONFORMING USES AND STRUCTURES. The provisions of Section 22.12 shall apply to any pre-existing nonconforming uses or structures within the District.
- (J) REQUIREMENTS FOR FACILITIES.
- (1) Approvals and Certificates – Facilities within the District shall provide, within 30 days of the receipt by the facility, copies of all federal, state and local facility operation approvals or certificates and on-going environmental monitoring results mandated by local, state or federal law to the City.
  - (2) Release of Contaminants – In the event an individual or facility within the District causes the release of any contaminants that pose a danger to the water supply, the owner shall immediately cease the activity causing the release and cleanup and remove the contaminants. The owner shall be responsible for all costs of cleanup. Such cost shall include the City's costs for supervision of the cleanup if no federal, state or other local agency assumes responsibility for the monitoring and supervision of cleanup as authorized under Chapter 292 Wis. Stats.

**22.06 SPECIFIC STANDARDS.**

(A) SPECIFIC STANDARDS.

- (1) In order to insure that the intent of this Ordinance is met and that certain uses are developed in a manner which is consistent with the purpose of this Chapter, the following Specific Standards are adopted for the uses listed in this section.
- (2) Whenever any use listed in this section is requested to be established as a specified use or a conditional use, the applicant requesting such use shall provide to the Zoning Administrator information adequate to show that the specific standards for that use are met, such as a site plan and/or other documentation. These materials shall be in addition to any required documentation as specified in Section 22.13.

(B) CUSTOMARY HOME OCCUPATIONS. Home occupations are an accessory use in all residential districts and are subject to the requirements of the district in which the use is located. In addition, the following regulations apply to all home occupations:

- (1) Home occupations shall be conducted only within the enclosed area of the dwelling unit or the garage. No more than 25 percent of a principal structure or 75 percent of an accessory structure may be dedicated to a home occupation. No accessory building may be built, altered, or used primarily for use in the home occupation.
- (2) There shall be no exterior alterations which change the character of the dwelling and there shall be no exterior evidence of a home occupation other than a sign as permitted below.
- (3) No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible outside any structure located on the premises.
- (4) No stock in trade may be displayed or sold at retail on the premises.
- (5) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, electrical interference, excess trash, or any nuisance not normally associated with the usual residential use in the district.
- (6) Only one wall sign of four (4) square feet or less shall be permitted. No sign identifying a home occupation shall be illuminated. Any such sign shall be affixed to the principal structure in the same plane as the wall to which it is attached. A larger building sign or freestanding sign may be approved as a Conditional Use.

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- (7) A home occupation shall be clearly incidental to the principal residential use of the building.
- (8) Stock in trade, including that which is provided on the premises, shall not require receipt or delivery of merchandise, goods, and supplies other than by United States Mail, similar parcel delivery service, or by private vehicle similar in size and weight to the U.S. Mail/other parcel delivery service vehicles.
- (9) No other person other than members of the family occupying the residence may be employed in the home occupation.

(C, D, E) Deleted 5-28-24

### (F) BED AND BREAKFAST ESTABLISHMENTS.

- (1) For an existing structure which is proposed to be converted to a bed and breakfast establishment, all dimensional requirements of the zoning district are waived.
- (2) Required off-street parking areas and access drives shall be hard surfaced and dust free.
- (3) Bed and Breakfast establishments shall conform to all state requirements.
- (4) Signs:
  - (a) One wall sign shall be permitted, which shall not exceed four (4) square feet in area.
  - (b) The sign shall be attached to the building in the same plane as the wall to which it is attached. A larger building sign or freestanding sign may be approved as a Conditional Use.

### (G) FUEL TANKS AND FUEL DISPENSING EQUIPMENT.

- (1) Fuel pumps and above-ground fuel tanks used for or intended for use as dispensing equipment for motor vehicle fuel are prohibited in residential districts. In other districts any such equipment shall be located a minimum of 30 feet from any lot line.

### (H) DRIVE-THROUGH FACILITIES.

- (1) Vehicle Stacking Requirements. Drive-through facilities shall be designed so that vehicles are not required to stack on the public right-of-way. Further, drive-through facilities shall provide the following minimum stacking spaces on the site:

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- (a) Drive-through Restaurant Facilities: a minimum of five vehicle stacking spaces (including the vehicle at the first service window).
    - (b) All other drive-through facilities: a minimum of two vehicle stacking spaces (including the vehicle at the first service window).
  - (2) Any amplified audio equipment shall be located a minimum of 30 feet from any lot line abutting a residential district.
- (I) VEHICLE WASHING FACILITIES.
- (1) There shall be no less than three vehicle stacking spaces per bay, not including the bay itself. The site shall be designed so that all stacking is on the site and no vehicles are required to stack on the public right-of-way.
  - (2) The facility shall be designed so that any runoff is contained on the site. Provisions shall be made to contain water dripping from vehicles to the greatest degree possible.
- (J) OUTDOOR EATING OR DRINKING AREAS OR BEER GARDENS. Outdoor eating or drinking areas or beer gardens must be located on the same property as an approved indoor establishment and shall be subject to the following requirements:
- (1) The outdoor eating and drinking facility shall be operated and maintained by the same person or entity that operates and maintains the related indoor establishment.
  - (2) All outdoor loudspeakers shall be oriented away from any abutting residential uses. All outdoor music or entertainment shall cease by 10:30 p.m. on Sunday through Thursday, and by 11:30 p.m. on Friday and Saturday, or earlier as specified in the Conditional Use Permit approval.
  - (3) All necessary amendments to the liquor license regarding the description of the area of the licensed premises shall be approved prior to the service of alcohol in the outdoor area.
  - (4) Adequate trash receptacles shall be provided and the outdoor dining area shall be kept clean and free of debris.
  - (5) The outdoor seating area shall not obstruct any fire exit, fire escape, or other required means of ingress or egress.
  - (6) The outdoor dining area, and all related activities, shall remain within the property boundaries. Requirements for fencing or providing another type of enclosure may be included as part of a Conditional Use Permit.

- (7) The business owner shall be responsible for enforcing the provisions of this ordinance.

## 22.061 DESIGN REVIEW

- (A) **PURPOSE AND INTENT.** Pursuant to the authority of Section 62.23(3), Wisconsin Statutes, the purpose of this chapter is to establish requirements to guide and coordinate commercial development within the community. Specifically, the standards established by this Chapter are to insure that commercial development is compatible with surrounding land uses, contributes to the unique character and aesthetics of the City of Platteville, does not have an adverse fiscal impact on City infrastructure or services, and promotes the general health, safety and welfare of the community.
- (B) **APPLICABILITY.**
  - (1) **New Construction.** The following design standards and conditional use permit requirement for large developments shall apply to new buildings and uses in the City that are located within the B-2 and B-3 districts, and to non-residential buildings in the B-1 and CBT zoning district. The standards are required in addition to the general standards and requirements of the Zoning Ordinance and to all other applicable ordinances, rules, regulations, and laws. In the event of conflicting provisions, the more restrictive shall control.
  - (2) **Existing Buildings.** Where changes or additions are proposed for buildings constructed prior to the effective date of this Ordinance and such buildings do not comply with the standards in this section, such changes and additions must comply with the standards in this section as follows:
    - (a) All building additions located between the existing building and the street must comply with the architectural standards of this section.
    - (b) Building additions in excess of fifty percent (50%) of the existing floor area shall comply with the architectural standards, landscaping and site design standards in this section.
  - (3) **Large Commercial Developments.**
    - (a) All new commercial establishments whose gross enclosed floor areas are equal to or greater than one hundred twenty five thousand (125,000) square feet shall be required to apply for and receive a conditional use permit from the Common Council, which shall apply the standards of Section 22.13 of the Municipal Code, in addition to those set forth herein, in determining whether or not to grant such a permit. A separate conditional use permit is not required where such buildings are part of an approved Planned Unit Development.
    - (b) All additions to existing commercial buildings built either before or after the adoption of this section, which bring the total enclosed gross floor

area of the building equal to or over 125,000 square feet shall also require a conditional use permit and become subject to the requirements of this section.

- (c) When considering a conditional use permit application under this section, the Plan Commission or Council may require that additional information be submitted for review, which may include, but not be limited to, the following:
  - 1. A completed transportation and traffic impact analysis in a format acceptable to the State of Wisconsin District 1 and the City Engineer.
  - 2. A detailed fiscal impact analysis, which will determine the impacts on City services, utilities and facilities, and determine the ability of the City to provide the needed public services and facilities to adequately serve the proposed development. Public services reviewed may include, but not be limited to, water, sanitary sewer, storm sewer, streets, sidewalks, traffic control, fire, EMS, and police protection.
  - 3. If determined necessary by the Council, the applicant shall provide adequate funding to the City to hire a consultant, selected by the Council, that has appropriate experience to complete and present the above desired studies, or review the analysis completed by the developer. If a consultant is hired by the Council, the competitive bidding requirements of the City shall apply, however, the total cost to the applicant for the City's consultant costs shall not exceed one hundred dollars (\$100) per one thousand (1000) square feet of gross enclosed floor area of the proposed building.
- (d) The Plan Commission and/or Council may use the results of any studies or analysis to help evaluate whether a project should be approved, denied, or approved with conditions which are intended to help mitigate potential adverse impacts to the community, neighborhood, infrastructure or City services.
- (e) Any impact assessment/study that is required, as part of a Conditional Use Permit approval for a large commercial development, shall assess the following areas of potential impact:
  - 1. Traffic Impact. a. Existing Traffic Conditions: Average daily and peak hour volumes, sight distances, street capacity, level of service, physical characteristics of the streets, number and location of driveways and intersections, average and peak



speeds, accident data, pedestrian movement, and public transportation and traffic controls for streets and intersections adjacent to the project and for streets and intersections which will experience a 10% increase in peak hour traffic as a result of the project or which will experience a reduction in the level of service as a result of the project, and for failing streets and intersections which will experience an increase in traffic as required by the Council.

- b. Projected Traffic Conditions: Average daily and peak hour traffic projections and directional distribution of site generated traffic, sight distances at proposed driveway intersections with streets, on-site traffic circulation and parking layout, pedestrian movement and background traffic conditions for the design year including any planned roadway/traffic improvements and other proposed projects in the vicinity of the site.
  - c. Projected Traffic Impact: Evaluate how the proposed project will affect traffic conditions on streets and intersections adjacent to and those likely to be affected by the proposed project including level of service, traffic flow, turning movements, sight distances, traffic controls, pedestrian movement, and public transportation.
2. Impact to Municipal Utilities/Services.
- a. Water Supply: Describe the proposed water supply system including average daily and peak water demand; location, sizing, and accessibility to municipal water mains; and water pressure and flows available at the site. Evaluate the capacity of the City's water supply and distribution system to adequately service the projected water and fire flow needs of the project; the need for pumping stations, standpipes, or improvements to the water system required to service the project. Estimate the cost and discuss the responsibility for construction of improvements and on-going maintenance.
  - b. Sewage Disposal: Describe the proposed sewage disposal system including average daily and peak wastewater discharges to the municipal sewer system; composition and concentration of wastewater; location, sizing, and pumping stations, forced mains or other system improvements required to adequately service the project. Evaluate the capacity of the sewage treatment plant and the sewerage system to accommodate the wastewater flows. Estimate the cost and discuss the

responsibility for construction of system improvements and on-going maintenance.

- c. Storm Sewers: Describe the proposed surface drainage system including pre and post runoff calculations; the location, sizing, accessibility, and proposed discharges to the municipal storm system. Evaluate the capacity of the existing storm sewers to accommodate projected storm water runoff. Estimate the cost and discuss the responsibility for construction of storm sewer improvements and on-going maintenance.
  - d. Emergency Services: Describe the anticipated fire and police protection needs including time and demand on municipal personnel; provision for alarms or warning devices; on-site fire-fighting and security capabilities; need for increased municipal personnel or equipment. Estimate the cost and discuss the responsibility for providing emergency protection to the project.
3. Fiscal Impact. a. Evaluate the projected costs and benefits to the community resulting from the project including: Projected costs arising from increased demand for and required improvements to public services and infrastructure; Value of improvements to public services and infrastructure to be provided by the project; Projected tax revenues to be generated by the project; Projected impact of the project on surrounding land values and any potential loss or increase in tax revenues to the City; Short-term and long-term projection of increased City revenues and costs resulting from the proposed project.
- (f) The Plan Commission and Council shall consider the following standards when reviewing the results of the required impact assessment/study:
- 1. Traffic Impact Standards. a. The Level of Service (LOS) of all streets and intersections evaluated under this Ordinance shall not be reduced below a level determined acceptable by the City Engineer.
  - b. The design goal for all streets, signalized intersections, and turning movements at unsignalized intersections shall be LOS C or better. For streets and intersections currently functioning at LOC C or better, mitigation measures shall be provided to maintain or improve the existing LOS, if reasonably possible. Where the existing

LOS is D, mitigation measures shall at a minimum, maintain the existing conditions or upgrade the LOS to C or better.

- c. For all streets and intersections that are currently failing (LOS E or worse), the goal of mitigation measures is to provide a LOS D or better. At a minimum, existing conditions at failing streets and intersecting shall not be further degraded as a result of the project.
  - d. Driveways shall be located to limit conflict points with existing driveways and intersections and shall meet intersection design standards for secondary roads required in the Chapter 21, the Subdivision Regulations.
  - e. Shared driveways and service roads shall be used to control access onto existing streets.
  - f. The impact of increased turning movements shall be mitigated.
  - g. The project shall be sited and driveways located to prevent routing of non-residential traffic to and through residential streets.
  - h. Pedestrian and bicycle circulation shall be separated from motor vehicle circulation as far as practicable.
2. Municipal Utilities/Services Impact Standards.
- a. The public water, sewer, and drainage systems in the vicinity of the site shall be adequate to serve the proposed project. If public utilities are not adequate to serve the project, the reviewing authority may require, as a condition of approval, off-site improvements to increase the capacity of such utilities sufficient to serve the project.
  - b. All utilities shall be placed under ground where physically feasible.
  - c. Discharges to the sewage treatment plant will need to be pretreated if required by the Water and Sewer Commission to prevent overloading of the treatment plant.
  - d. On-site storm water management measures shall be required to ensure that the rate of runoff from the site

to the municipal storm sewer is not increased. Provision shall be made for on-going maintenance of on-site storm water management facilities connected to the public storm drain.

- e. Municipal police and fire services shall not be strained by the proposed project. Adequate fire flows shall be available at the site. Improvements to the water system may be required to provide adequate service or on-site alternatives owned and maintained by the landowner may be required.
  - f. The project shall not cause erosion, flooding, sedimentation, or increase the rate of runoff from the site. Provision shall be made for attenuation of runoff pollutants. Groundwater recharge shall be provided where the City deems it important.
3. Fiscal Impact Standards.
- a. The proposed project shall not have a significant adverse impact on the City in terms of balancing as near as possible the cost of public services and public revenue provided through taxes and other income. The Council may require phasing of the project to minimize negative fiscal impacts to the City over the short term.
  - b. The project shall be designed to minimize any negative impacts to adjoining property values.
  - c. The applicant may be required to demonstrate the financial ability to complete the project and to achieve long-term financial stability.
- (g) The Common Council shall, within ninety (90) days from the date of initial review by the Plan Commission, either approve, conditionally approve or deny the Conditional Use Permit request.
- (4) Exceptions. This section shall not apply to the following:
- (a) Restoration of buildings or landscapes with a historic designation or developments located within the Main Street Commercial Historic District.
  - (b) Expansion of a parking lot or circulation area without any other modifications to any structures on the site shall not require the entire site to be brought up to full compliance with landscape standards.

- (c) For developments equal to or over 125,000 square feet, the Council may grant waivers to the standards of this section under the following circumstances.
  - 1. Strict application of the standard would result in peculiar or exceptional practical difficulties or exceptional and undue hardship upon the owner or developer of the property; or
  - 2. The proposed alternative building or site design satisfies the intent of the ordinance as well or better than would strict compliance with the standard; or
  - 3. Granting of the waiver would not impose significantly more negative impacts on nearby properties.

(C) ARCHITECTURAL STANDARDS. (1) Building Design. Buildings should provide visual interest, identity, character and scale by providing the following:

- (a) Building Width and Façade.
  - 1. Façades greater than one hundred (100) feet in length, and visible from a public street, shall incorporate wall plan projections or recesses having a depth of at least six (6) feet and extending at least twenty (20) percent of the length of the façade.
  - 2. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.
  - 3. Ground floor façades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of their horizontal length.
  - 4. Building façades over one hundred (100) feet in length and facing a street shall include a repeating pattern that includes no less than three (3) of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv). expression of architectural or structural bay through a change in plane no less than twenty four (24) inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

5. Public building entryways shall be clearly defined and highly visible on the building's exterior design, and when possible should be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details.

(b) Loading and Mechanical Facilities.

1. The preferred location for loading and staging areas is on the side or rear of the building, and the following conditions shall be met for all loading areas:
  - a. All loading areas that are visible from the street, or that are facing a residential property, shall be screened with landscaping and/or walls. If screening is provided with landscaping, then the additional landscaping must add the required number of points for each loading dock according to Section F. If the delivery/loading operations are screened by walls, then the walls shall be not less than six feet in height, and constructed of the same materials as are used in the principal structure, or other suitable material as determined by the Zoning Administrator.
  - b. If permitted by the Zoning Administrator, street side loading shall be allowed provided the loading dock is set back a minimum of sixty (60) feet from the street right-of-way line, and at least ten (10) feet further back than the front façade. No loading dock shall be located so as to make it necessary for vehicles to be within the street right-of-way during loading and unloading operations.
2. All electrical and air conditioning structures, including towers and air handling units, regardless of location and whether on the roof or otherwise, shall be concealed by landscaping, parapet walls, screening walls or by decorative screening materials which form an integral part of the design.

(c) Roof Treatment.

1. Roofs shall have no less than two (2) of the following features:
  - a. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average

height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one third (1/3) of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments.

- b. Overhanging eaves, extending no less than three feet past the supporting walls.
  - c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of the vertical rise for every one foot of horizontal run.
  - d. Three or more roof slope planes.
2. Buildings façades over one hundred (100) feet in length and facing a street shall have a minimum of twenty percent (20%) of all of the combined linear roof eave or parapet lines of the structure employ differences in height, with such differences being four (4) feet or more as measured eave to eave or parapet to parapet.
- (2) Building Materials. To establish a standard of quality and to maintain architectural integrity, all buildings shall use durable and attractive materials that meet the following standards:
- (a) The preferred building materials for exterior walls facing streets are brick, decorative masonry block, stone, wood and/or stone aggregates. Exterior Insulated Finish Systems (EIFS) or equivalent exterior finish may also be used, but preferably will not exceed a coverage of more than fifty percent (50%) of the wall elevation. Unfaced concrete block, structural concrete, prefabricated metal siding, and the like are discouraged from such façade areas. Other materials may be used for trim and/or architectural details, but these materials should not cover more than ten percent (10%) of the façade.
  - (b) Surface coverings on flat or low-slope roofs that are visible from a public street shall be of material that is non-reflective and non-glare. Heavy-duty contoured shingles, shakes, and standing seam metal roofing materials are acceptable for pitched roofs.
  - (c) If building materials other than preferred materials are used on the building façade(s) facing a street, then additional landscaping is required between the building and the street right-of-way. The

additional landscaping must add the required number of points for the linear frontage of the building according to Section F.

- (D) **PARKING DESIGN.** (1) The preferred location for parking is within the side or rear building yards. If parking is provided in the street yard, then additional landscaping is required between the parking area and the street right-of-way. The additional landscaping must add the required number of points for each parking space according to Section F below.
- (2) Whenever possible, parking areas should be designed so that the parking is separated into smaller delineated groupings of spaces. Such groups should be separated by landscaping and/or design components of the proposed building.
- (3) Whenever possible, provisions should be made to allow direct vehicular circulation between adjacent parcels. This can be accomplished through the use of access easements and driveways connecting parking lots and access drives.
- (4) All parking areas of five (5) or more vehicles shall be paved and graded according to a drainage plan designed and installed in accordance with accepted engineering practice, which may include catch basins, sumps, and underground storm sewers. All drainage plans shall be reviewed and approved by the City Engineer.
- (E) **OUTDOOR STORAGE AND SCREENING.** (1) The preferred location for the outdoor storage of products, materials or equipment is within the side or rear building yards. If these functions are provided in the street yard, then additional landscaping is required between the outdoor storage area and the street following the standards of Section F. This restriction does not apply to short-term display items or items that are available for purchase by the consumer.
- (2) All outdoor refuse collection areas shall be visually screened from public streets and adjacent property by a complete opaque screen, fence or wall.
- (3) The exterior storage of boats, campers, and other materials or products not associated with the permitted use of the premises on which they are located is not permitted.
- (F) **LANDSCAPING AND GREENSPACE.** (1) All ground, with the exception of walks, drives, parking facilities and service areas, will be landscaped with permanent lawn and ground covers, shrubs and trees, in a manner that is complimentary to the architecture and provides the required screening.
- (2) Where the development adjoins a residential property, at a minimum, a ten (10) foot landscape buffer is required between any parking area, loading area,



refuse collection area, or outside storage area and the residential lot line. The landscape buffer area shall include plantings to meet the point as required by this section, and a berm, solid fence, or wall at least five (5) feet tall. Temporary outdoor storage consisting of semi-trailers does not require a solid fence or wall, but it shall meet the landscape requirements. The placement of semi-trailers and other storage containers shall be transitory in nature and they shall not be used for permanent or long-term storage.

- (3) All required landscaping shall be completed within twelve (12) months of the issuance of an occupancy permit or final inspection, in accordance with the approved landscaping plan.
- (4) Minimum Requirements. All developments are required to have a minimum quantity of landscaping based on the size of the parcel, structure, and parking lot according to Schedule 1:
  - (a) One (1) canopy tree is required for each one hundred feet (100') of lot frontage, and should be located along the street frontage of the property, or between the building and the street.
  - (b) A combination of landscaping in addition to the required canopy trees to equal ten (10) points for each one-thousand (1,000) square feet of enclosed ground floor building area. Buildings over 25,000 square feet in area shall be required to accumulate ten (10) points for each one-thousand (1,000) square feet for the first 25,000 square feet, and five (5) points for each one-thousand (1000) square feet of additional building area. The required landscaping should be located between the building and the street, or between the building and any residential properties, unless another location is agreed to by the Zoning Administrator.
  - (c) A combination of landscaping to equal five (5) points per parking space for parking areas that contain up to fifty (50) parking spaces, and two and one-half (2.5) points per space for additional spaces over fifty (50).

**Schedule 1**

<b>Point Schedule for Landscape Elements</b>		
Landscape Element	Minimum Plant Size (installed)	Points
Canopy Trees	2 1/2" diameter min. caliper	50
Canopy Trees	Under 2 1/2" diameter caliper	30
Evergreen Trees	4 feet and larger	30

Low Ornamental Trees	5 feet and BB stock	20
Tall Shrubs	36 and taller	15
Medium Shrubs	24 to 36	10
Low Shrubs	12 to 24	5

- (4) Additional Requirements. Additional landscaping may be required for developments that do not meet the preferred goals for building design, building materials and site layout, or as required as part of a Conditional Use Permit. The extra landscaping shall be calculated based on Schedule 1 and the following requirements:
- (a) A combination of landscaping to equal five (5) points for each ten (10) feet of building frontage, for buildings that do not utilize the preferred materials on the street façade, which should be located between the building and the street.
  - (b) A combination of landscaping to equal two hundred (200) points for each loading dock located on the front of the building, visible from the street, or facing a residential property. The landscaping shall be located between the loading dock and the street, or the loading dock and the residential property.
  - (c) A combination of landscaping to equal twenty (20) points for each ten (10) feet of perimeter around an outside storage area, including parking areas for semi-trailers, and refuse enclosures.
  - (d) A combination of landscaping to equal two and on-half (2.5) points per space for parking located within the street yard, or within twenty (20) feet of residential parcels. The required landscaping should be located between the parking area and the street, or between the parking area and the residential parcel.
- (6) The applicant may request points for decorative fences, earth berms, ground covers and existing vegetation. The applicant must demonstrate that these landscape elements will contribute to the overall landscape objectives, and these items must be shown on the landscape plan that is submitted for approval. Shrubs and small evergreen trees shall be counted on a one for one basis. Existing deciduous trees shall be calculated as follows:

Existing Trees	Number of Trees Credited (2 1/2" caliper)
36" or greater	8 trees
18-35"	6 trees
12-17"	4 trees
6-11"	2 trees
Less than 6"	1 tree

- (7) The landscaping point requirements do not apply to parking spaces that utilize “turf-based” surface materials, such as Geoblock or Grasspave.
- (8) A landscape plan must be submitted which includes details of all proposed landscaping, buffering, and screening. The plans shall show the location and dimensions of all existing and proposed structures, parking, drives, rights-of-way, and any other permanent features, and all other information required by the zoning administrator, plan commission, or the common council, including but not limited to the following.
  - (a) A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing, and the scientific and common names of all landscape materials used.
  - (b) The size of existing trees shall be provided.
  - (c) The location and percent of slope of all proposed berms using one foot contours.
  - (d) Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
- (G) Lighting and Utilities.
  - (1) Light design and installation shall emphasize low-level, uniform lighting to avoid abrupt changes from bright lights to darkness. Design limits and intensity requirements may be placed on large establishments as a condition of a Conditional Use Permit.
  - (2) Parking and security lighting poles shall not be taller than the maximum allowable building height allowed in the underlying zoning district for the property, or 35 feet, whichever is less.
  - (3) All exterior lighting shall be of full cutoff design, or shielded and positioned at a ninety-degree (90°) angle directly horizontal to the ground and away from adjoining property, so as to prevent unnecessary glare and avoid light pollution. Lighting photometrics and/or a detailed lighting plan and additional information may be required by the Zoning Administrator or the Council.

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- (4) On-Site Utilities. All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or street right-of-way to structures and to utilities supplying service between structures.
- (H) Natural Resources Protection. Each project shall meet the erosion control and storm water management standards of the City of Platteville and the Wisconsin Department of Natural Resources. Maintenance of any storm water detention or conveyance features are solely borne by the developer and/or owner unless dedicated to, and accepted by, the City.
- (I) Sidewalks and Bike Paths. (1) Each project shall include the installation of sidewalks within the public right-of-way along the frontage of the property, which shall be installed by and at the expense of the developer/property owner. The Council may waive this requirement if it is determined the sidewalks are not necessary to serve pedestrian traffic, or connecting sidewalks are not present or planned for on the adjacent properties. If sidewalks are not required to be installed as part of the project, the City maintains the right to construct sidewalks at a future date and assess the owner(s) of the adjacent land for the costs thereof.
  - (2) Bike paths may be required to be installed on the property as part of a Conditional Use Permit approval. If installation of bike paths is required, the developer shall grant to the City such easements as would be reasonably necessary to allow construction and use of the bike path, and pay for the costs of installation according to specifications required by the City.
- (J) Vacation and Maintenance of Buildings. As part of the Conditional Use Permit approval for a Large Commercial Development, the developer may be required to enter into an agreement with the City that would require action to minimize the negative impacts that may come from vacating an existing building located in the City, or vacating the proposed development at a future date. Such agreement may include, but not be limited to the following requirements:
  - (1) Marketing the existing or new building. If a developer chooses to vacate an existing building and property located in the City and/or a new building, the developer agrees to cooperate with the City, the Platteville Area Industrial Development Corporation (“PAIDC”), Grant County Economic Development Corporation (“GCEDC”) and the Platteville Area Chamber of Commerce (the “Chamber”) in marketing the building, as appropriate, including but not limited to preparing and distributing marketing material for the same and marketing to local and national retailers and commercial developers.
    - (a) The developer agrees to provide periodic written reports to the City regarding the status of the marketing of the property upon written request by the City.

- (b) The developer may divide or reconfigure the property, as appropriate, to accommodate an adaptive re-use, in order to meet the needs of future tenants; however, other arrangements may be negotiated with tenants, depending upon the nature of the tenants lease requirements.
  - (c) The developer agrees that if it chooses to sell or otherwise lease the property to an unaffiliated entity, that it will install at least one (1) professionally designed sign, consistent with local sign ordinances, not to exceed thirty-two (32) square feet in area, which shall be installed at the front of the property, as appropriate, which provides the contact information of the person or agency handling the sale and/or lease of the property, and includes a statement that the property is available for sale and/or lease.
  - (d) Should a tenant of the developer vacate the property, the developer agrees that it will undertake the same measures referenced above to secure additional tenants and/or purchasers for the property, as appropriate and the developer shall continue these activities during the primary term of a lease, or any renewals by the any tenants thereof.
- (2) Property Maintenance. The developer, through its employees, contractors or agents, agrees to maintain and keep the existing building and/or the new building exterior, landscaping, parking lots and other site improvements in a safe, well-kept manner.
- (a) The developer shall exercise reasonable care to prevent trash, garbage, litter or other refuse from accumulating on the existing parcel and/or the new building. “Reasonable care” as this term is defined in this subsection shall include but not be limited to inspecting the existing parcel and/or the new building at least weekly, and at such time removing trash, garbage, litter or other refuse that may have accumulated.
  - (b) The developer shall exercise reasonable care to maintain the vegetation, trees, shrubs, sod and other landscaping as may exist on the existing parcel and/or the new building at the time such store building is vacated. “Reasonable care” in this subsection shall include watering, fertilizing, trimming, mowing and replacing dead vegetation, trees, shrubs, sod and other landscaping.
  - (c) The developer shall exercise reasonable care to keep the existing parcel building and/or the new building, parking lot and other related improvements and fixtures in a condition substantially similar to the condition as existed on the date such store building was vacated. “Reasonable care” shall include but not be limited to, painting the exterior of such building, replacing damaged or worn exterior façade

building materials, and sealing and resurfacing the parking lot, all as may be necessary from time to time.

**22.062 MULTI-FAMILY DESIGN REVIEW.**

- (A) **PURPOSE AND INTENT.** Pursuant to the authority of Section 62.23(3), Wisconsin Statutes, the purpose of this Chapter is to establish requirements to guide and coordinate multi-family development within the community. Specifically, the standards established by this Chapter are to insure that multi-family development is compatible with surrounding land uses, contributes to the unique character and aesthetics of the City of Platteville, does not have an adverse fiscal impact on City infrastructure or services, and promotes the general health, safety and welfare of the community.
- (B) **APPLICABILITY.** (1) **New Construction.** The following design standards shall apply to new residential buildings in the City that contain three (3) or more housing units, or existing buildings in which the exterior volume of the building is enlarged to provide additional housing unit(s), and the resulting building contains three (3) or more housing units. The standards are required in addition to the general standards and requirements of the Zoning Ordinance and to all other applicable ordinances, rules, regulations, and laws. In the event of conflicting provisions, the more restrictive shall control.
- (2) **Existing Buildings.** Where changes or additions are proposed for buildings constructed prior to the effective date of this Ordinance and such buildings do not comply with the standards in this section, such changes and additions must comply with the standards in this section as follows:
- (a) All building additions located between the existing building and the street must comply with the architectural standards of this section.
  - (b) Building additions in excess of fifty percent (50%) of the existing floor area shall comply with the architectural standards, landscaping and site design standards in this section.
- (3) **Exceptions.** This section shall not apply to the following:
- (a) Restoration of buildings or landscapes with a historic designation or developments located within the Main Street Commercial Historic District.
  - (b) Expansion of a parking lot or circulation area without any other modifications to any structures on the site shall not require the entire site to be brought up to full compliance with landscape standards.

- (C) ARCHITECTURAL STANDARDS. (1) Building Location and Orientation. Multi-family developments shall meet the following standards:
- (a) Buildings and site layouts shall meet the prescribed building and fire code requirements.
  - (b) Developments that have multiple residential buildings on a site shall have a minimum separation of twenty (20) feet between the buildings. When the building separation is less than thirty (30) feet, the buildings should be oriented in a manner that does not align windows on one building with windows on another.
  - (c) No detached parking garage may be located within twenty (20) feet of a residential structure and may not be located in the street yard.
  - (d) Garbage and refuse enclosures shall be located in the side or rear yard and shall be screened from public streets and adjacent property by an opaque screen, fence, or wall at least five (5) feet tall.
- (2) Building Design. New multi-family construction shall comply with the following building form standards:
- (a) Structures that have one or two stories (levels) shall not have a continuous horizontal distance exceeding one hundred sixty (160) feet (measured from end wall to end wall), without an offset or change in the front façade that has a depth of at least six (6) feet. Structures that have three or greater stories (levels) shall not have a continuous horizontal distance exceeding one hundred twenty (120) feet (measured from end wall to end wall), without an offset or change in the front façade that has a depth of at least six (6) feet.
  - (b) Roofs shall have gable, hip, or gambrel forms (minimum pitch 3 to 12) with at least a 6-inch overhang.
  - (c) No uninterrupted roof plane shall extend for more than sixty (60) feet, as measured at the roof eave, without a change in roof elevation, roof slope, or other design feature.
  - (d) A minimum of fifteen percent (15%) of the area of a façade facing a street shall consist of windows or doors. Plans should show the street façade area and window/door measurements and demonstrate on the plan that the fifteen percent (15%) standard has been met.
  - (e) Garages attached to living units that have garage doors facing the street shall not extend more than four (4) feet in front of the main façade(3) of a dwelling structure.

- (f) Garage doors of attached garages shall not comprise more than fifty percent (50%) of the total length of a multi-family building's street façade(s), and every two (2) single-bay garage doors or every double garage door shall be offset by at least four (4) feet from the plane of an adjacent garage door(s).
  - (g) Building entrances shall be designed in a manner that provides a safe, inviting environment, and shall not create dark, hidden spaces. Each building entry shall be visible from the street, from a parking area, or from a window of a unit within the building. Entrance doors that provide access to common areas in the building shall be locked to prevent uninvited access to the general public. Access shall be provided only to the tenants of the building and the building owner or manager.
  - (h) At least one building entrance shall face the street or the main parking area.
  - (i) Building entrances shall be clearly defined and highly visible on the building's exterior design, and when possible should be emphasized by on-site traffic flow patterns. The front entry shall include some form of entry feature, such as a porch, portico, peaked roof form, or other distinct architectural feature.
  - (j) Building elevations facing a street (facades) shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall occur at a minimum of every thirty (30) feet, and on each floor shall contain a minimum of two (2) of the following features:
    - 1. Recesses (e.g., deck, patio, courtyard, entrance, window reveals) that have a minimum depth of three (3) feet;
    - 2. Extensions (e.g., floor area, deck, patio, entrance) that have a minimum depth of two (2) feet and minimum width of four (4) feet; and/or
    - 3. Offsets or breaks in roof elevation (height) of two (2) feet or greater in height.
- (3) Building Materials. To establish a standard of quality and to maintain architectural integrity, all buildings shall use durable and attractive materials that meet the following standards:



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- (a) Allowable building materials for exterior walls facing streets and facades facing a property zoned R-1, or a property zoned R-2 and used as a single-family residence, are brick, decorative masonry block, stone and/or stone aggregates, wood, vinyl, EIFS or equivalent exterior finish. Unfaced concrete block, structural concrete, pre-fabricated metal siding, and the like are not permitted on such façade areas.
  - (b) A minimum of twenty five percent (25%) of the total net exterior wall area of the street façade(s) of the building, excluding gables, windows, doors and related trim, shall be brick, stone, or decorative masonry block.
  - (c) Surface coverings on flat or low-slope roofs that are visible from a public street shall be of a material that is non-reflective and non-glare. Heavy-duty contoured shingles, shakes, and standing seam metal roofing materials are acceptable for pitched roofs.
- D. SITE DESIGN STANDARDS. (1) Open Space. New multi-family construction shall comply with the following open space standards:
- (a) The area of the property that is covered by buildings, driveways and parking areas shall not exceed seventy percent (70%) of the total property area.
  - (b) A minimum of five percent (5%) of the property area shall be maintained as common open space for active and passive recreational use by residents. Parkland dedicated to the City as part of the development shall count toward this requirement.
  - (c) Common open space areas provided to comply with this ordinance shall have no horizontal dimension less than twenty feet (20').
  - (d) Areas used for stormwater detention, and areas with slopes over twenty percent (20%) will not be counted toward the minimum common space area. Patios, basketball courts, and other similar structures may be located in the required area, but non-recreational structures are not permitted in this common space.
- (2) Parking and Vehicular Access. Multi-family developments shall provide parking design in accordance with the following standards:
- (a) The preferred location for parking is within the side or rear building yards. If parking is provided in the street yard, then additional landscaping is required between the parking area and the street right-of-way. The additional landscaping must add the required number of points for each parking space according to Section 3 below.

- (b) Whenever possible, parking areas should be designed so that the parking is separated into smaller delineated groupings of spaces. Such groups should be separated by landscaping and/or design components of the proposed building.
  - (c) All parking areas of five (5) or more vehicles shall be hard surfaced and graded according to a drainage plan designed and installed in accordance with accepted engineering practice, which may include catch basins, sumps, and underground storm sewers. All drainage plans shall be reviewed and approved by the City Engineer.
  - (d) No driveway, parking stall or paved vehicular surface may be located within five (5) feet of any property line.
  - (e) A minimum five (5) foot wide planter area shall separate and visually screen parking from living area windows. The planter area shall include a mix of ground cover and shrubbery.
  - (f) All parking stalls fronting a sidewalk, or planted area shall be provided with a secure wheel bumper not less than 6 inches in height and set back from the front a minimum of two (2) feet to allow for vehicle encroachment. As an option, the sidewalk or planter may be protected by a curb not less than 6 inches in height.
- (3) Pedestrian Circulation and Access. Multi-family developments with more than eight (8) units shall provide pedestrian circulation in accordance with the following standards:
- (a) Internal sidewalks shall be provided to connect all abutting streets to primary building entrances, and shall connect the dwelling units to parking areas and abutting public sidewalks and pedestrian trails (if available).
  - (b) Internal sidewalks shall be separated a minimum of five (5) feet from dwellings, measured from the sidewalk edge closest to any dwelling unit.
  - (c) Internal sidewalks shall be at least four (4) feet wide and shall have a surface of concrete, asphalt or masonry pavers.
- (4) Landscaping and Screening. Multi-family developments shall provide landscaping in accordance with the following standards:
- (a) All ground, with the exception of walks, drives, parking facilities and service areas, will be landscaped with permanent lawn and ground

covers, shrubs and trees, in a manner that is complimentary to the architecture and provides the required screening.

- (b) Where the development adjoins a property zoned R-1, or a property zoned R-2 and used as a single-family residence, a ten (10) foot landscape buffer is required between any parking area or refuse collection area and the residential lot line. The landscape buffer area shall include plantings to meet the points as required by this section. The width of the buffer area may be reduced to five (5) feet if a berm, solid fence, or wall that is six (6) feet tall is provided within this buffer area.
- (c) Minimum Requirements. All developments are required to have a minimum quantity (points) according to Schedule 1 and the following criteria:
  - 1. Lot Frontage. One (1) canopy tree is required for each one hundred feet (100') of lot frontage, and should be located along the street frontage of the property, or between the building and the street.
  - 2. Building Area. A combination of landscaping in addition to the required canopy trees to equal ten (10) points for each one-thousand (1,000) square feet of enclosed ground floor building area. The required landscaping should be located between the building and the street, or between the building and any single-family residential properties, unless another location is agreed to by the Zoning Administrator.
  - 3. Parking. A combination of landscaping to equal five (5) points per parking space for exterior parking areas. An additional two and one-half (2.5) points per space for parking located within the street yard, or within twenty (20) feet of a property zoned R-1, or a property zoned R-2 and used as a single-family residence. The required landscaping should be located between the parking area and the street, or between the parking area and the single-family residential parcel.
  - 4. Refuse Enclosure. A combination of landscaping to equal two and one-half (2.5) points for each foot of perimeter around a refuse enclosure.

**Schedule 1**

<b>Point Schedule for Landscape Elements</b>		
Landscape Element	Minimum Plant Size (installed)	Points
Canopy Trees	2 1/2" diameter min. caliper	50
Canopy Trees	Under 2 1/2" diameter caliper	30
Evergreen Trees	4 feet and larger	30
Low Ornamental Trees	5 feet and BB stock	20
Tall Shrubs	36 and taller	15
Medium Shrubs	24 to 36	10
Low Shrubs	12 to 24	5

- (d) A landscape plan must be submitted which includes details of all proposed landscaping, buffering, and screening. The plans shall show the location and dimensions of all existing and proposed structures, parking, drives, rights-of-way, and any other permanent features, and all other information required by the zoning administrator, or the common council, including but not limited to the following:
  - (1) A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity) and the scientific and common names of all landscape materials used.
  - (2) The size of existing trees shall be provided.
  - (3) The location and percent of slope of all proposed berms using one foot contours.
  - (4) Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
  
- (e) The applicant may request points for decorative fences, earth berms, ground covers and existing vegetation. The applicant must demonstrate that these landscape elements will contribute to the overall landscape objectives, and these items must be shown on the landscape plan that is submitted for approval. Shrubs and small evergreen trees shall be counted on a one for one basis. Existing deciduous trees shall be calculated as follows:

Existing Trees	Number of Trees Credited (2 1/2" caliper)
36" or greater	8 trees
18-35"	6 trees
12-17"	4 trees
6-11"	2 trees
Less than 6"	1 tree

- (f) All required landscaping shall be completed within twelve (12) months of the issuance of an occupancy permit or final inspection, in accordance with the approved landscaping plan.
  
- (5) Lighting and Utilities. Multi-family developments shall adhere to the following standards for on-site utilities:
  - (a) Light design and installation shall emphasize low-level, uniform lighting to avoid abrupt changes from bright lights to darkness.
  - (b) Parking lot lighting shall be provided for safety purposes. Parking and security lighting on poles shall not exceed twenty-five (25) feet in height.
  - (c) All exterior lighting shall be of full cutoff design, or shielded and positioned at a ninety-degree (90<sup>0</sup>) angle directly horizontal to the ground and away from adjoining property, so as to prevent unnecessary glare and avoid light pollution. Lighting photometrics and/or a detailed lighting plan and additional information may be required by the Zoning Administrator.
  - (d) All electrical and air conditioning structures, including towers and air handling units, regardless of location and whether on the roof or otherwise, shall be concealed by landscaping, parapet walls, screening walls or by decorative screening materials which form an integral part of the design.
  
- (6) Natural Resources Protection. Multi-family developments shall adhere to the erosion control and stormwater management standards of the City of Platteville and the Wisconsin Department of Natural Resources. Maintenance of any stormwater detention or conveyance features are solely borne by the developer and/or owner unless dedicated to, and accepted by, the City.

**22.07 PLANNED UNIT DEVELOPMENT DISTRICT (PUD).**

**(A) PURPOSE AND INTENT:**

- (1) Planned Unit Development District regulations are intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of a site than is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of land which will provide, over a period of time, development of land that promotes the maximum benefit from coordinated site planning, diversified location of structures and mixed compatible uses, while also providing a harmonious variety of housing choices, a higher level of amenities, adequate buffering between adjacent uses, and preservation of the natural qualities of open spaces. The Planned Unit Development procedure requires a high degree of cooperation between the developer and the City. The procedure described herein is designed to give the developer general plan approval before completing all detailed design work while providing the City with assurances that the project will retain the character envisioned at the time of approval.
- (2) Planned Unit Developments have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Section. In addition to such potential, Planned Unit Developments also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case by case basis. In order to prevent undesirable impacts from occurring, all Planned Unit Developments are required to meet certain procedural requirements applicable only to Planned Unit Developments, in addition to the general requirements of this Section. A public hearing process is required to review a request for a Planned Unit Development. This process shall essentially combine the process for a zoning map amendment with the process required for a conditional use, with several additional requirements.
- (3) Planned Unit Developments are designed to forward both the aesthetic and economic development objectives of the City by adhering to standards consistent with sound land use and urban design and by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the Planned Unit Development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than is normally required for other developments.

(B) GENERAL PROVISIONS:

- (1) The Common Council may establish Planned Unit Development Districts which will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling types and mixed compatible uses. Adequate buffering and preserving open spaces shall also be provided in a PUD.
  - (a) Permitted Uses: All residential, institutional, business, or manufacturing land uses may be permitted within a PUD.
  - (b) Mixed Uses: A mix of different uses within a PUD District may be permitted if the Common Council determines that the mix of uses is compatible and appropriate to achieve the objectives of the PUD.
  - (c) Number of Buildings on a Lot: The Planned Unit Development District may allow more than one principal structure on a lot.
  - (d) Density, Intensity and Bulk Requirements: The Planned Unit Development District may permit the modification of requirements for density, intensity, and bulk (building height, setback, area, etc.) from what is permitted in the conventional zoning districts.
  - (e) Parking Requirements. Requirements for parking may be waived or modified within a Planned Unit Development.
  - (f) Minimum Area for a Planned Unit Development District: Planned Unit Development Districts are intended to provide flexibility to encourage more creative design for all sizes of sites than would be allowed under conventional zoning. To achieve this goal, there is no minimum parcel or lot size area for a PUD.
- (2) Planned Unit Developments shall be permitted with the approval of a Planned Unit Development Zoning District, specific to the approved PUD.
- (3) Requested modifications from standards in Section 22 relating to land use, density and intensity, bulk (building height, setback, area, etc.), landscaping, and parking and loading requirements shall be made explicit by the Applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the Common Council. If not so requested and approved, such modifications shall not be permitted.
- (4) Only development which is explicitly depicted on the required site plan approved by the Common Council as part of the Planned Unit Development shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in the conventional zoning districts or

elsewhere in Section 22.

(C) APPROVAL CRITERIA FOR PLANNED UNIT DEVELOPMENTS

- (1) In recommending approval or conditional approval of a Planned Unit Development (PUD), the Plan Commission shall find that the application meets all of the criteria below or will meet them when the Commission's conditions are complied with. The Common Council shall also find, in granting approval or conditional approval, that all of the following criteria are met or will be met when the conditions to which the approval is made subject are complied with:
  - (a) **Quality Design.** The PUD represents a more creative approach to the unified planning of development and a higher standard of integrated design and amenities than could be achieved under otherwise applicable zoning district and subdivision regulations, and on this basis, modifications to the use and design standards established by such regulations are warranted.
  - (b) **Meets PUD Requirements.** The PUD meets the requirements for Planned Unit Developments set forth in this Ordinance, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.
  - (c) **Consistent with Comprehensive Plan.** The PUD is generally consistent with the goals and objectives of the City Comprehensive Plan as viewed in light of any changed conditions since its adoption.
  - (d) **Public Welfare.** The benefits to the public and the community as a result of the PUD will exceed any significant negative impact on the use and enjoyment of other properties in its vicinity. The PUD will not seriously harm environmental quality in the neighborhood, or impede the orderly development of surrounding property.
  - (e) **Natural Features.** The design of the PUD is as consistent as practical with the preservation of natural features of the site such as flood plains, wooded areas, steep slopes, natural drainage ways, or other areas of sensitive or valuable environmental character.
  - (f) **Circulation and Access.** Streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided, and are adequate in location, size, capacity, and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks, and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary



through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.

- (g) Open Space and Landscaping. The quality and quantity of public and common open spaces and landscaping provided are consistent with the standards of design and amenity required of a PUD. The size, shape, and location of a substantial portion of total public and common open space provided in residential areas render it useable for recreation purposes. Open space between all buildings is adequate to allow for light and air, access by firefighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the development is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development.
- (h) Covenants and Restrictions. Where individual parcels are to be later sold, adequate provision has been made in the form of deed restrictions, restrictive covenants and/or rules and regulations contained in owners or condominium associations documentation, or the like for:
  - 1. The preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or another public body.
  - 2. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD Plan, such provision to be binding on all future owners.
- (i) Public Services. The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the City, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, storm water management, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.
- (j) Phasing. Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. The provision and improvement of public or common area improvements, open spaces, and amenities, or the provision of financial security guaranteeing the installation of such improvements is phased generally proportionate to

the phasing of the number of dwelling units or the amount of non-residential floor area.

(D) QUALITY OF DESIGN

- (1) To be granted the flexibility permitted by this ordinance, a Planned Unit Development must evidence a high quality level of design and amenities. Among the features that may evidence such quality and amenities are:
  - (a) Amount and quality of landscaping or screening.
  - (b) Amount, quality, and interconnectedness of common open space.
  - (c) Provision of pedestrian or bicycle paths separated from streets.
  - (d) Preservation of drainage ways, trees, habitat and other natural features.
  - (e) Provision of common recreational facilities.
  - (f) Enclosed, underground, depressed, or highly landscaped parking areas.
  - (g) Varied building setbacks or other measures to reduce monotony in design.
  - (h) Quality of building materials and architectural design.
  - (i) Incorporation of storm water management Best Management Practices (BMPs).
  - (j) Incorporation of green building, smart growth and other sustainable design principles.
  - (k) Leadership in Energy and Environmental Design (LEED) and/or LEED Neighborhood Design (LEED-ND) certifications and/or other nationally recognized sustainable design criteria and standards.
  - (l) More efficient and economic arrangement of buildings, pedestrian, bicycle and vehicle circulation and access systems and facilities.
  - (m) Provides a buffer or transition between the PUD and adjacent and nearby zoning districts, land uses, and development intensities.
  - (n) Provides for a wide-range of housing opportunities.

- (o) Other features as determined by the Plan Commission or Common Council.

(E) APPLICATION AND PROCEDURAL REQUIREMENTS:

(1) Pre-Application Conference: The Applicant shall contact the Community Planning & Development Director to place an informal discussion item for a Planned Unit Development on the Plan Commission agenda. At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the potential Planned Unit Development. Appropriate topics for discussion may include the location of the PUD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Comprehensive Plan. Points of discussion and conclusions reached in this stage of the process shall be in no way binding upon the Applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step.

(2) Concept Plan:

(a) The Applicant shall provide the Community Planning & Development Director with a draft Planned Unit Development Concept Plan for a determination of completeness prior to placing the proposed Planned Unit Development on the Plan Commission agenda for Concept Plan review. This submittal shall contain all of the following items, prior to its acceptance by the Community Planning & Development Director and placement of the item on a Plan Commission agenda for Concept Plan review:

1. A location map of the subject property and its vicinity within a radius of 200 feet.
2. A general written description of the proposed Planned Unit Development including:
  - (a) The general mix of dwelling unit types and/or land uses,
  - (b) Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio,
  - (c) The general treatment of natural features,
  - (d) The general relationship to nearby properties and

- public streets,
  - (e) The general relationship of the project to the Comprehensive Plan,
  - (f) An initial draft list of zoning standards which will not be met by the proposed Planned Unit Development and the location(s) in which the standards are not met, and a complete list of zoning standards which will be exceeded, and or benefits provided by, the proposed Planned Unit Development. The conventional zoning district(s) that are most applicable to the proposed development shall be used for comparison. The essential purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
3. A written description of all modifications requested to the requirements of the conventional zoning districts, in the following order:
- (a) Land Use Modifications.
  - (b) Density and Intensity Modifications.
  - (c) Bulk Modifications.
  - (d) Landscaping Modifications.
  - (e) Parking and Loading Requirement Modifications.
4. A conceptual plan drawing (11" x 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction.
- (b) Within ten (10) working days of receiving the draft Planned Unit Development Concept Plan, the Community Planning & Development Director shall determine whether the submittal is complete. Once the Community Planning & Development Director has received a complete submittal, the proposed Planned Unit Development Concept Plan shall be placed on the next available Plan Commission agenda.

- (c) The City shall give written notice to all property owners within 500 feet of the subject property prior to the Plan Commission meeting.
  - (d) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual Planned Unit Development. Appropriate topics for discussion may include the information provided in the Concept Plan submittal, or other items as determined by the Plan Commission.
  - (e) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the Applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the Concept Plan to occur prior to introduction of the formal petition for rezoning which accompanies the General Development Plan application.
- (3) General Development Plan (GDP): The Applicant shall provide the Community Planning & Development Director with a draft GDP packet for a determination of completeness prior to placing the proposed GDP on the Plan Commission agenda for GDP review. The submittal packet shall include an application fee in the amount as established from time to time by resolution of the Common Council, and shall contain all of the following items prior to its acceptance by the Community Planning & Development Director and placement of the item on a Plan Commission agenda for GDP review:
- (a) A location map of the subject property and its vicinity within 200 feet.
  - (b) A map of the subject property showing all the lands included in the proposed Planned Unit Development. Said map shall clearly indicate the current zoning of the subject property and the property located within 200 feet. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equaling 100 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
  - (c) A site map showing existing topography and significant vegetation.
  - (d) A general written description of the proposed Planned Unit Development including:
    - 1. The general mix of dwelling unit types and/or land uses,
    - 2. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area

- ratio and impervious surface area ratio,
3. The general treatment of natural features,
  4. The general relationship to nearby properties and public streets,
  5. The general relationship of the project to the Comprehensive Plan,
  6. A Statement of Rationale as to why Planned Unit Development zoning is proposed. This shall identify barriers that the Applicant perceives in complying with the requirements of conventional zoning districts and benefits to the community the Applicant suggests are available through the proposed Planned Unit Development zoning.
  7. A complete list of zoning standards which will not be met by the proposed Planned Unit Development and the location(s) in which they apply, and a complete list of zoning standards which will be met or exceeded, and benefits provided, by the proposed Planned Unit Development. The essential purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
  8. A written description of all requested modifications to the requirements of the conventional zoning district, in the following order:
    - (a) Land Use Modifications.
    - (b) Density and Intensity Modifications.
    - (c) Bulk Modifications.
    - (d) Landscaping Modifications.
    - (e) Parking and Loading Requirement Modifications.
- (e) A General Development Plan drawing at a minimum scale of 1" = 100" (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

1. A conceptual plan drawing (11" x 17") of the general land use layout and the general location of public streets and/or private drives, and sidewalks. The Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction;
  2. Location of recreational and open space areas and facilities, and specifically describing those areas that are to be dedicated for public use;
  3. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Common Council;
  4. Notations relating the written information provided to specific areas on the GDP Drawing; and
  5. Conceptual grading plan showing general site drainage, the location of on-site storm water management facilities and any modification of the existing topography.
- (f) A general conceptual landscaping plan for the subject property, noting approximate locations of foundation, street, yard and paving landscaping, and compliance with all landscaping requirements of Chapter 22 (except as noted in the listing of modifications) and, where applicable, the use of extra landscaping and buffer yards.
- (g) A general signage and lighting plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices.
- (h) Written justification for the proposed Planned Unit Development. (The Applicant is advised to use the requirements of the conditional use procedure to develop the written justification.)
- (i) The Plan Commission shall hold a public hearing concerning the proposed PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD. Following the public hearing, the Plan Commission shall vote to recommend to

the Common Council that the PUD be approved as presented, modified, or denied.

- (j) The Common Council shall hold a public hearing concerning the proposed PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD.
  - (k) Following such hearing and after careful consideration of the Plan Commission's recommendations, the Common Council shall vote on the approval of the proposed PUD. After approval, the PUD boundaries shall be shown on the Zoning Map.
- (4) Specific Implementation Plan: After the effective date of the rezoning to PUD/GDP, the Applicant shall file an application for a Specific Implementation Plan (SIP) with the Plan Commission. This submittal shall include an application fee in the amount as established from time to time by a resolution of the Common Council, and shall contain all of the following items, prior to its acceptance by the Community Planning & Development Director and placement of the item on a Plan Commission agenda for SIP review:
- (a) A location map of the subject property and its vicinity within 200 feet.
  - (b) A map of the subject property showing the lands included in the PUD. Said map shall clearly indicate the current zoning of the subject property and the property located within 200 feet. The map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equaling 100 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
  - (c) A detailed written description of the proposed SIP including:
    - (1) The specific mix of dwelling unit types and/or land uses.
    - (2) Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio.
    - (3) The specific treatment of natural features.
    - (4) The specific relationship to nearby properties and public streets.
    - (5) A Statement of Rationale as to why PUD zoning is proposed. This shall identify barriers that the Applicant perceives in



complying with the requirements of standard zoning districts and benefits to the community the Applicant suggests are available through the proposed Planned Unit Development zoning.

- (6) A complete list of zoning standards which will not be met by the proposed PUD and the location(s) in which they apply, and a complete list of zoning standards which will be exceeded and benefits provided by the proposed PUD. The essential purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
- (d) A Specific Implementation Plan drawing at a minimum scale of 1" = 100" (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to demonstrate the project satisfies the approval criteria for planned unit developments:
- (1) A SIP site plan conforming to any and all the requirements of the PUD/GDP;
  - (2) Location of recreational and open space areas and facilities and specifically describing those areas that are to be dedicated for public use;
  - (3) Statistical data on minimum lot sizes in the development, the precise areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Common Council; and
  - (4) Notations relating the written information provided above to specific areas on the SIP Drawing.
- (e) A landscaping plan for the subject property, specifying the locations, species and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and location (foundation, street, yard, paved area or buffer yard) of all trees and shrubs.
- (f) Engineering plan showing existing and proposed topography with

contours at intervals not exceeding 2 ft, proposed drainage patterns, site grading plan, sanitary sewer system, storm sewer system, and water supply system (including fire hydrants).

- (g) A series of building elevations for the exterior of all buildings in the Planned Unit Development, including detailed notes as to the materials and colors proposed.
  - (h) A signage and lighting plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles). The plan shall identify which lights are proposed to vary from City standards or common practices and the plan shall identify which zoning district(s) sign regulations shall apply to the project.
  - (i) An outline of the intended organizational structure for a property owners or condominium association, if any; deed restrictions, restrictive covenants and/or rules or regulations contained in owners or condominium associations documentation and provisions for private provision of common services, if any.
  - (j) A written description which demonstrates the proposed SIP complies in all respects with the approved GDP.
  - (k) Any and all variations between the requirements of the applicable PUD/GDP zoning district and the proposed SIP development.
  - (l) The area included in a SIP may be only a portion of the area included in a previously approved GDP.
  - (m) The Plan Commission or Common Council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the SIP, as such may be relevant to review.
  - (n) The Plan Commission shall review and consider the SIP and forward its recommendation to the Council. The Common Council shall vote to approve as presented, approve with conditions or deny the PUD-SIP.
- (5) Combining Steps. An applicant may request approval to combine the Pre-Application Conference and Concept Plan steps together. The Community Planning & Development Director shall determine if that request is appropriate based on the complexity and nature of the proposed development. If approved, all of the required application materials and the public notice requirements for both of the combined steps shall be provided. An applicant

may also request approval from the Plan Commission to combine the GDP and SIP steps together. If this request is approved by the Plan Commission, all of the required application materials, and all of the public notice requirements for both of the combined steps shall be provided.

(F) CONDITIONS AND RESTRICTIONS:

- (1) The developer shall enter into a development agreement with the City to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific Planned Unit Development, and to assure the construction of all facilities and infrastructure associated with the project.
- (2) No building permit shall be issued until all applicable fees and assessments have been paid and either all public construction has been completed and approved, or a development agreement has been approved and executed and financial security has been provided. For staged development, such development agreements may provide for the construction of improvements and the use of common areas outside of the subject stage.
- (3) The Common Council may revoke an approved PUD, if the project has not commenced within two (2) years. In the event the PUD is revoked, the zoning of the property shall revert to the zoning district in place prior to approval of the PUD.
- (4) The Common Council may revoke portions of an approved PUD-SIP that are not fully developed within ten (10) years of final Common Council approval. If the PUD is revoked, the Common Council may rezone the property to a different zoning district, or may consider an application for a new PUD-GDP.
- (5) Pursuant to Wisconsin Statutes Section 349.03, approval of the PUD shall constitute an agreement permitting the City to enforce traffic regulations under Chapter 346 Wisconsin Statutes or local ordinances in conformity with such regulations on any private streets and driveways located within the PUD. The City shall also have the right to access the PUD for the purposes of snow removal, weed cutting and trash disposal. If the City performs such services, the City shall have the right to impose a special charge against the property for the costs of these services, pursuant to Wisconsin Statutes Section 66.0627.

(G) CHANGES OR REVISIONS:

- (1) All proposed changes, revisions, and additions to any aspect of an approved Planned Unit Development project shall be submitted to the Plan Commission for its review. The Plan Commission shall determine whether the change, revision or addition is minor or if the change is substantial. A

minor change would include small modifications to the approved SIP. A substantial change would include major modifications to the SIP, or modifications to the GDP, because the change materially affects the intended design of the project and the impact of the project on neighboring uses. Based on the significance of the revision, the Plan Commission shall also determine what public hearings may be needed to review the change.

- (2) If the change is determined to be a minor adjustment to the SIP, the Plan Commission shall review the request and may approve the change without a public hearing. The recommendation of the Plan Commission shall then be forwarded to the Common Council for final action. The Common Council may also consider the change without a public hearing.
- (3) If the requested change is determined by the Plan Commission to be substantial, because of its effect on the intended design of the project or on neighboring uses, a public hearing shall be held by the Plan Commission to review the proposed change. The City shall give written notice to all property owners within 500 feet of the subject property prior to the Plan Commission meeting at which action shall be taken. The recommendation and findings of the Plan Commission shall be forwarded to the Common Council. A substantial change may also require that the Common Council hold a public hearing before taking final action on the amendment.
- (4) If the Common Council approves any substantial or material change, an ordinance shall be passed and any necessary amendments to any development agreement(s) shall be executed prior to the Developer proceeding with implementation of any approved change or modification.

## **22.08 MOBILE HOME PARKS**

(A) STATUTES APPLY. The provisions of Section 66.058 of the Wisconsin Statutes and HSS 177 of the Wisconsin Administrative Code, and the definitions therein are hereby adopted by reference. To insure uniformity between City of Platteville ordinances and State of Wisconsin regulations, any future amendments, revisions or modifications of the statutes and Wisconsin Administrative Codes incorporated herein are hereby made a part of this chapter.

### **(B) LOCATION OUTSIDE MOBILE HOME PARK**

- (1) It is hereby declared to be the policy of the City of Platteville, that no mobile home shall hereinafter be placed outside of a mobile home park within the City of Platteville.
  - (a) Temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and

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parking regulations for that street, alley or highway. In case of emergency or breakdown such parking or stopping shall be permitted for not more than 4 hours.

- (2) Existing mobile homes outside of a mobile home park shall be classified as existing nonconforming uses and subject to the provisions of Chapter 22 and other applicable chapters of the Municipal Code of the City of Platteville.

### (C) PERMITS, LICENSE AND FEES

- (1) Parking Permit Fee – There is hereby imposed on each mobile home located in the City of Platteville, a monthly parking fee as determined in accordance with Section 66.058, Wisconsin Statutes. Said fees shall be paid to the City Treasurer on or before the 15<sup>th</sup> day of the month for which such fees are due.

- (2) Mobile Home Park License – It shall be unlawful for any person to operate upon property owned or controlled by him within the City of Platteville a mobile home park without having first secured a license therefor from the City Clerk. The application for such license shall be accompanied by a fee for each space in the existing or proposed park. The fee shall be in the amount as established from time to time by resolution of the Common Council. The annual license shall expire yearly on June 30<sup>th</sup>.

- (a) It shall be the full responsibility of the mobile home park licensee to collect the parking permit fee as described in 22.08(C)(1), from each mobile home owner. Said fees shall be paid to the City Treasurer on or before the 15<sup>th</sup> day of the month for which such fees are due.

- (3) Revocation of Licenses and Permits – The Common Council is hereby authorized to revoke any license or permit issued pursuant to this chapter for violation of any provision of this chapter or any other health or police regulation of the City or the state.

- (4) All license or permit fees not paid shall be extended upon the tax roll as a delinquent tax against the parcel where such park, camp or home is or was situated at the time when such liability was incurred. All proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such delinquent license or permit fee.

### (D) MANAGEMENT OF MOBILE HOME PARKS. In addition to the duties of the mobile home park operator or manager as described in HSS 177 of the Wisconsin Administrative Code the following shall apply:

- (1) Each mobile home shall be numbered and said numbering shall correspond with Lot # of park plan. All numbering shall be easily visible from the street.

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- (2) Furnish information to the City Clerk and City Assessor on mobile homes added to the park within 5 days of their arrival, on forms furnished by the Assessor.
- (E) **APPLICABILITY OF PLUMBING, HVAC, ELECTRICAL AND BUILDING REGULATIONS.** All plumbing, HVAC, electrical, building and other work on or at any licensed mobile home park, or at or within any mobile home within or outside of a mobile home park, shall be in accordance with this code and the requirements of the Building Codes as designated in Chapter 23 of the Municipal Code and the regulations of the State Board of Health.
- (F) **MOBILE HOME PARKS**
  - (1) **GENERAL PROVISIONS**

- (a) A mobile home park may be established as a Conditional Use within the R-3 District. A mobile home park shall contain a minimum of ten mobile home spaces and no mobile home shall hereinafter be placed outside of a mobile home park within the City of Platteville.

When submitting an application for a Conditional Use Permit, the applicant shall concurrently submit preliminary park plans which clearly show or provide the following items of information:

- a. Unit density.
      - b. Lot layout and areas.
      - c. Setback lines.
      - d. Location of recreation areas.
      - e. Location and extent of related non-residential uses (laundromat, shelter, etc.).
      - f. Location of park sign.
      - g. Traffic, parking and access plans.
      - h. Sidewalk layout.
      - i. Utility improvements, including lighting.
    - (b) Construction, alteration, or extension of a mobile home park shall be subject to the issuance of a permit as set forth in Chapter 23 of the Municipal Code.

- (c) Operation of a mobile home park shall be subject to the issuance of a license as set forth in this chapter and compliance with the provisions set forth in Wisconsin Statutes and Wisconsin Administrative Codes.
- (d) Any newly-placed mobile home in an existing mobile home park, any mobile home placed in a new mobile home park, or any improvement to an existing mobile home exceeding 50% of the assessed value shall conform to applicable sections of Chapter 26, Flood Plain Zoning.
- (e) All mobile home parks established in the City shall comply with the requirements set forth hereunder.

(2) ENVIRONMENTAL REQUIREMENTS

- (a) Density: The maximum allowable density in a mobile home park development shall be eight units or lots per acre.
- (b) Minimum lot size: Individual lots within a mobile home park must contain an area of not less than four thousand square feet.
- (c) Required separation between mobile homes: Mobile homes shall be separated from each other and from other buildings or structures by at least 20 feet. Structural attachments to mobile homes, such as porches, storage sheds, and the like, are considered part of the mobile home. Detached accessory structures shall be allowed only if included and approved as part of the original mobile home park plan and shall not be closer than 5' to the principal structure of any lot line.
- (d) Setbacks: Each mobile home shall be located a minimum of ten feet from any mobile home lot line. There shall be a minimum distance of twenty feet between the mobile home stand and abutting park street right of way. All mobile homes shall be located at least fifteen feet from any park boundary except where the adjoining property is also a mobile home park.
- (e) Recreation areas: In all mobile home parks there shall be one or more recreation areas which are accessible to park residents. The size of such recreation areas shall be based on a minimum of two hundred square feet for each lot. No such outdoor recreation area shall contain less than 2,500 square feet. Recreation areas shall be located so as to be free of traffic hazards and should, where the topography permits, be centrally located.
- (f) Allowable uses: Only single family mobile homes and any approved accessory structures included in the original plans and specifications

and revisions thereof are allowed in mobile home parks. Mobile homes without plumbing are prohibited.

Parks, playgrounds, open space and the following commercial uses are allowed when they are for the exclusive use of park residents: Mobile home park office; Laundromat; Clubhouse and facilities for private, social or recreation clubs.

- (g) Signs: Signs which pertain to the lease, sale, or hire of individual mobile homes, not more than four square feet in area, shall be allowed, as well as one non-illuminated mobile home park identification sign not more than fifty square feet in area and located in proximity to the mobile home park entrance.

(3) ACCESS REQUIREMENTS

- (a) Street access in all mobile home parks: Safe and convenient access shall be provided by means of streets or roads, except that in those mobile home parks in which grouping or clustering of parking spaces or other such design features are employed in the layout, direct access need not be provided to every lot. However, in all cases direct access adequate for fire protection and other emergency vehicles shall be provided.
- (b) Park Entrance: Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
- (c) Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:

Roadway width, all streets . . . . . 25 feet  
Right-of-way width . . . . . 40 feet

Dead end streets, including cul-de-sacs, shall be limited in length to 1,000 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 85 feet.

(4) STREET CONSTRUCTION AND DESIGN STANDARDS. All street construction and design in mobile home parks shall be approved by the Director of Public Works.



(5) PARKING REQUIREMENTS

- (a) Occupant Parking: A minimum of two parking spaces shall be provided for each mobile home lot. Such spaces shall be located within 150 feet of the mobile home lot to be served.
- (b) Parking Space: Each parking space shall contain a minimum of 180 square feet. The space shall be paved with a smooth, hard, and dense surface which shall be durable and well drained under normal use and weather conditions.
- (c) Use of Right-of-Way for Parking: In no instance shall the required street pavement width be used for parking purposes. The remaining right-of-way on either side of the street pavement may be used for parking purposes.
- (d) Parking Restrictions: Parking of boats, trailers, campers, snowmobiles or other motorized vehicles shall be restricted to an area or areas provided by the park management specifically for said purpose and in the event no such area as provided by park management, such boats, trailers and campermobiles shall not be parked in a mobile home park.

(6) WALKWAYS. All parks shall be provided with safe, convenient, all-season pedestrian access, the design and construction of which shall be subject to the approval of the Director of Public Works.

- (a) Common Walk System: A common walk system shall be provided and maintained where pedestrian traffic is concentrated. Such common walks shall have a minimum width of two and one-half feet.
- (b) Individual Walks: All mobile home stands shall be connected to common walks or to a paved street or roadway by individual walks. Such individual walks shall have a minimum width of two feet.

(7) MOBILE HOME STANDS. The dimensions of every mobile home stand shall not be less than 15 feet by 70 feet. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

- (a) The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men" eyelets embedded in concrete foundations or runway sewer augers, arrowhead anchors, or other devices securing the stability of the mobile home.

- (b) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile load of 2,800 pounds. Where located in a flood hazard area, newly-placed mobile homes shall be anchored as follows:

Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations. Mobile homes less than fifty feet long shall require only one additional tie per side.

Frame ties shall be provided at each corner of the mobile home with 5 additional ties per side at intermediate points. Mobile homes less than fifty feet long shall require only four additional ties per side. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

Any additions to the mobile home shall be similarly anchored. The placement of all new mobile homes in addition to the standards listed above, must also meet the residential development standards in the floodfringe as found in applicable sections of Chapter 26, Flood Plain Zoning.

- (c) Mobile home park developments shall comply with Chapter 26, Flood Plain Zoning, of this code where applicable.
- (8) STREET AND PUBLIC WALKWAY ILLUMINATION REQUIREMENTS. All parks shall be lighted as determined by the Plan Commission.
  - (9) EXISTING MOBILE HOME PARKS. The lawful nonconforming use or layout of a mobile home park existing at the time of the adoption or amendment of this ordinance may be continued even though the use or layout does not conform with the provisions of this ordinance. However, only that portion of the land in actual use may be so continued and the park may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.

Owners and operators of all existing mobile home parks and subdivisions located in the regional floodplain shall file an evacuation plan with the building inspector indicating alternate vehicular access and escape routes, including mobile home hauler routes, with the appropriate local disaster preparedness authorities and shall provide for adequate surface drainage to minimize flood damage.

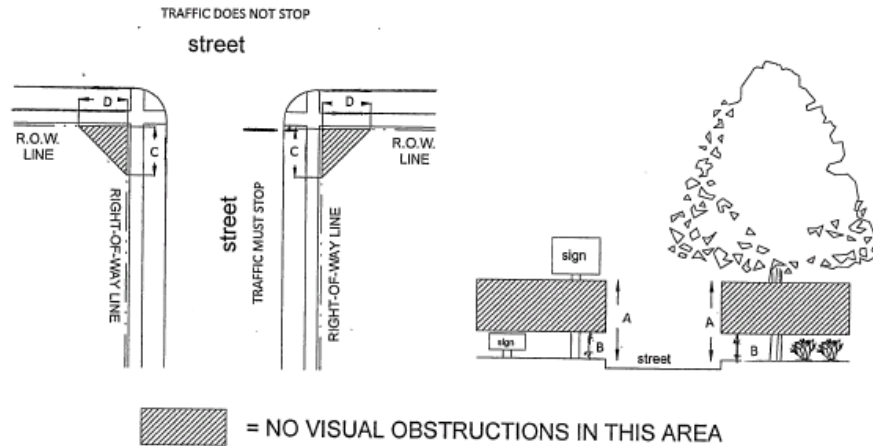
**22.09 TRAFFIC, PARKING AND ACCESS**

(A) VISION CLEARANCE AT INTERSECTIONS. To provide clear vision for motorists at intersections, there shall be a vision clearance area required on properties adjacent to certain intersections of streets with other streets and public alleys in accordance with the following requirements:

- 1) In the vision clearance area, no buildings, fences, structures or landscaping shall be permitted that will block vision between the heights of 2 ½ feet and 10 feet above the plane through the mean curb-grades within the triangular space as defined in Paragraph 3 below.
- 2) Allowable installations in the vision clearance area include public utility poles and supports, other utility structures, official traffic signs and signals, mail boxes, sign poles or columns that do not exceed a diameter of 18 inches, and trees that have branches no lower than 10 feet above grade, and where the trunk doesn't exceed 18 inches in diameter.
- 3) The size of the required vision clearance area shall be determined by the characteristics of the street intersection based on the following standards:
  - (a) Except as provided below, properties adjacent to intersections shall have a vision clearance area defined as a triangle whose two legs are measured along the right-of-way lines of the adjoining or intersecting streets or alleys. The length of these legs shall be measured in the direction away from the intersection as follows: (see Plate 1)
    1. Fifteen (15) feet from the intersection of the rights-of-way along the right-of-way of a street or alley on which traffic must stop or yield.
    2. The distance along the right-of-way of a street or alley on which traffic does not stop or yield shall depend on the posted speed limit for that street as follows: twenty five (25) feet for streets with a 25 mph or less speed limit, or where there is no posted speed limit; thirty five (35) feet for streets with a thirty (30) or thirty five (35) mph speed limit; fifty (50) feet for streets with a forty (40) mph or higher speed limit.
    3. The third leg of such triangle shall be the connection of the two previously described lines.
  - (b) Properties adjacent to intersections that have four-way stop signs or traffic signals are exempt from the vision clearance requirements.

- (c) Properties located within the area regulated by the Downtown Design Standards, as provided in Section 22-063 of this code, may have different vision clearance requirements, as approved by the Design Review Committee.

Plate 1



**DIMENSIONS:**

A: 10 feet

B: 2.5 feet

C: 15 feet

Distance

D: 25 feet

35 feet

50 feet

Speed Limit

25 mph or less

30 – 35 mph

40+ mph

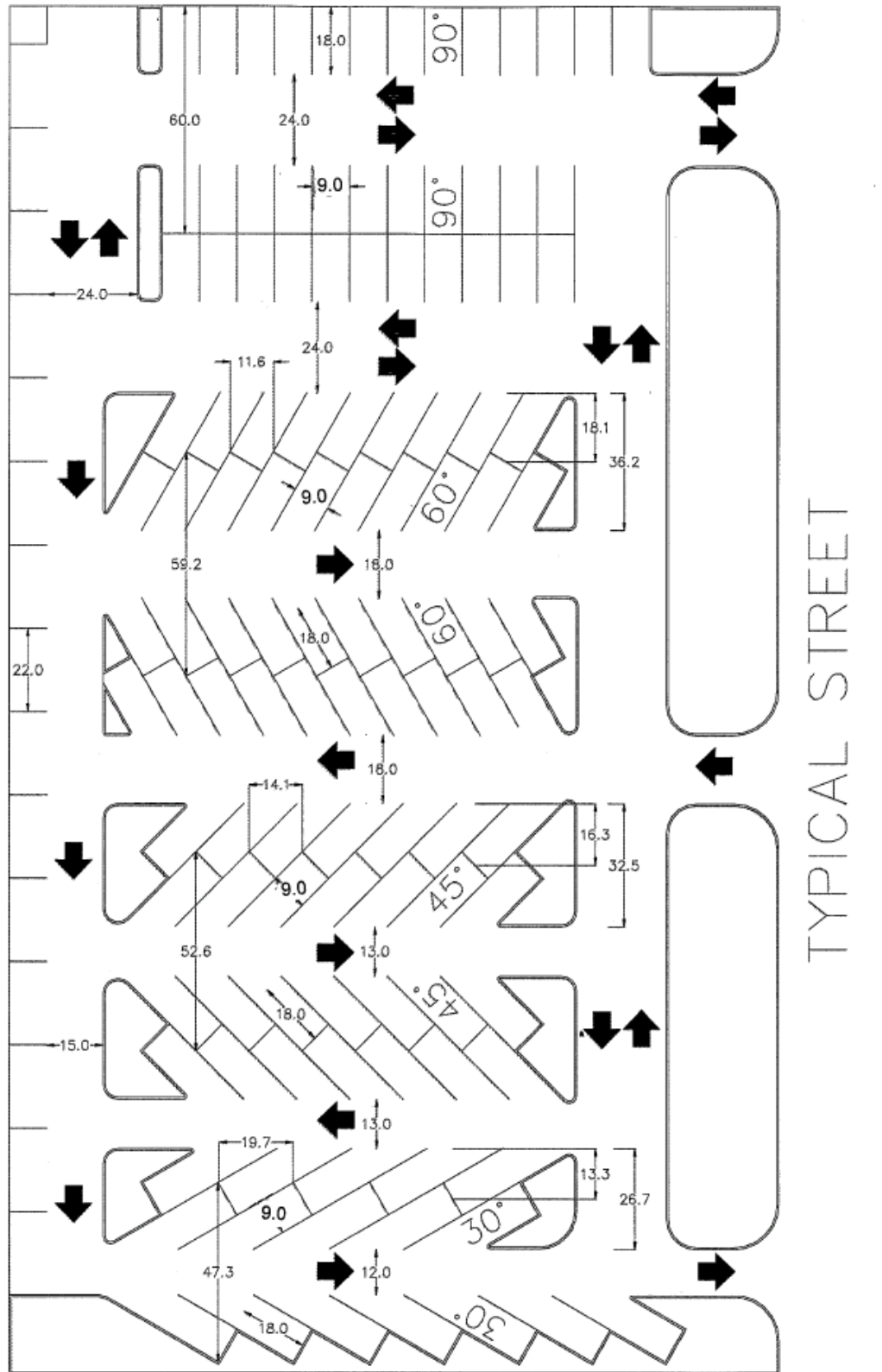
- (B) **LOADING REQUIREMENTS.** In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.
- (C) **GENERAL PARKING REQUIREMENTS.** In all districts and in connection with every use, there shall be provided, at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:
- (1) Adequate access to an improved public street shall be provided for each parking space and driveways shall be at least ten (10) feet wide for one and two-family dwellings and a minimum of sixteen (16) feet wide for all other uses.
  - (2) Except for one- and two-family dwellings, all parking spaces shall be designed so that each space can be safely accessed without moving any other vehicle.
  - (3) Dimensions.

- (a) Parking spaces: The size of each parking space shall be nine (9) feet wide by eighteen (18) feet deep, except parallel parking spaces which shall be nine (9) feet by twenty two (22) feet.
- (b) Aisles: Traffic aisles which provide direct access to parking spaces shall be dimensioned as follows:

Angle of Spaces	Aisle Width
90°	24 feet
60°	18 feet
45°	13 feet
30°	12 feet
Parallel	15 feet (1-way); 24 feet (2-way)

All two-way traffic aisles shall be a minimum of twenty four (24) feet wide. One-way traffic aisles, when not providing direct access to parking spaces, shall be a minimum of fifteen (15) feet wide. See Plate 2 for illustrations.

Plate 2



FOR ILLUSTRATIVE PURPOSES ONLY. See text for requirements

- (c) Handicapped-Accessible spaces. When required, handicapped-accessible parking spaces and accesses shall be dimensioned in accordance with the Wisconsin Administrative Code, as amended.
- (4) Surfacing.
- (a) All off-street parking areas and driveways shall have an improved surface consisting of a hard surface of bituminous paving over a base course, Portland cement concrete, seal coating, or a brick, paver or block design laid over a base with adequate load bearing capacity.
  - (b) A reasonable time shall be allowed for compaction of new parking lots constructed on fill, but not to exceed six (6) months.
  - (c) All off-street parking areas shall be graded and surfaced with a hard surface, properly drained. Such properties with parking area(s) for five (5) or more vehicles shall have aisles and spaces clearly marked. Hard surfaced parking areas shall be maintained to remain dust free and generally smooth, and parking space and aisle markings shall be maintained to be clearly discernible.
- (5) Landscaping. A headlight screen, with an initial height adequate to screen automobile headlights, shall be required for properties and uses in non-residential districts, under the following circumstances:
- (a) Whenever a parking space which is angled 45 degrees or greater is located within 20 feet of a right-of-way line and is across the right-of-way from any residential use, a headlight screen of dense shrubbery or similar landscape screening shall be planted between said parking spaces and the right-of-way line.
  - (b) Whenever a parking space which is angled 45 degrees or greater is located within 10 feet of a lot line which is adjacent to a one- or two-family principal structure, provided that said principal structure is within 50 feet of the parking space and that the structure is in direct line of the headlights of a vehicle parked within the space, a headlight screen consisting of a fence, a hedge, or similar screening shall be located between the parking spaces and the property line.
- (6) Whenever a parking area is adjacent to or near a property line, curbs, landscaping, or other barriers shall be installed so as to prevent parked vehicles from extending over any lot line.

## CHAPTER 22 Zoning

- (7) Joint Use. The Zoning Administrator may approve joint use of parking facilities for two or more uses or activities only under the following conditions:
    - (a) The uses utilizing the parking facility must operate at different times of the day, so that there is no conflict in the use of the parking area.
    - (b) The main entrance of any use which utilizes the parking facility may be no more than 300 feet from the nearest driveway of the parking facility.
    - (c) All parties to the joint use, including the owner(s) of the parking facility, must sign an agreement which allows for the joint use and outlines the hours of operation of the various uses of the facility, subject to review and approval by the Zoning Administrator.
    - (d) The Zoning Administrator and the City Engineer must find that the joint use will not result in any increased congestion in the public streets and will not otherwise violate the intent of this Section.
  - (8) Zoning of Parking Areas. Except for parking areas allowed as a Specified Use in the B-2 District, as a Conditional Use in other designated districts, and approved joint use parking areas, all parking areas shall be in the same or less restrictive zoning district as the use that the parking area serves.
- (D) DRIVEWAYS
- (1) Openings for vehicular ingress and egress shall not exceed twenty four (24) feet at the property line and thirty (30) feet at the roadway unless prior approval is granted by the Department of Public Works.
- (E) LOCATION OF PARKING AREAS; USE OF YARDS
- (1) Except for approved joint use parking areas, the location of required parking spaces shall be on the same lot or contiguous parcel of land as the specified use.
  - (2) No parking stall or driveway, except in residential districts, shall be closer than twenty five (25) feet to a residential district lot line unless it has been approved by the Zoning Administrator or Plan Commission. Natural topographic barriers, privacy fencing, shrubbery or similar devices may be utilized to waive or vary these requirements.
  - (3) Except for one- and two-family dwellings, parking areas may be located on any required yard, subject to buffer and setback requirements as enumerated elsewhere in this Section. All vehicles must be parked on an improved surface as described above. Except as provided below, no vehicles of any kind may be parked on lawns or landscaped areas.



- (4) For one- and two-family dwellings, yard setback areas as required by this Ordinance may be used for parking, subject to the following requirements:
  - (a) No more than twenty five percent (25%) of the area of the street yard may be used for parking; however, a driveway of up to twenty (20) feet wide is permitted regardless of street yard area. The Zoning Administrator may waive or vary this requirement for unique situations, such as extra wide lots, location of existing landscaping features, location of existing curb cuts, or spacing of drives as required by the City Engineer.
  - (b) Vehicles may only be parked on an improved parking surface as described above. Parking on lawn areas is prohibited; however, short term parking for the purpose of moving into a home, etc., is permitted for a period not to exceed 48 hours. Notwithstanding the above, recreational vehicles, boats, campers/trailers and similar vehicles which are parked for long-term seasonal storage may be parked on lawn areas, provided that such storage is in the rear yard or side yards only.
  
- (F) **HANDICAPPED-ACCESSIBLE PARKING SPACES.** In addition to the required number of parking spaces enumerated below, handicapped accessible parking spaces must be provided in accordance with the Wisconsin Administrative Code, as amended.
  - (1) For parking lots of 20 spaces or less, the number of required handicapped-accessible parking spaces are in addition to the number of spaces required below and may not be counted in the total number of spaces required for a use.
  - (2) For parking lots of over 20 spaces, the required handicapped-accessible spaces may be counted in the total number of spaces required for a use.
  
- (G) **NUMBER OF PARKING SPACES REQUIRED**
  - (1) Whenever “floor area” is used for the purpose of determining the number of parking spaces required for a use, only those areas within a use which generate parking demand need be counted as “floor area”. Stairwells, mechanical rooms, unfinished attic and basement areas, closets, etc., are generally not counted as floor area for this purpose.
  - (2) Whenever determination of required parking spaces is dependent on occupancy, such as the number of employees, etc., the number used shall be based on the period of maximum occupancy.

## CHAPTER 22 Zoning

- (3) When calculating the required number of spaces, any fractional result of 0.25 or more shall be rounded up to the next whole number.
- (4) Each use, except as described otherwise in Section H, shall provide parking spaces in accordance with the following schedule:
  - (a) Automobile repair garages, service garages, and gas stations – One (1) space for each 300 square feet of floor area.
  - (b) Bowling alleys – Four (4) spaces for each alley.
  - (c) Churches, auditoriums and theaters used for live performances, community centers, and other places of public assembly – One (1) space for each five (5) seats.
  - (d) Cinemas and movie theaters – One (1) space for each six (6) seats.
  - (e) Colleges, secondary and elementary schools – One (1) space for each two (2) employees plus one (1) space for each four (4) students of 16 years of age or more.
  - (f) Financial institutions; business, government, and professional offices – One (1) space for each 400 square feet of floor area.
  - (g) Funeral homes – Twenty (20) spaces for each viewing room.
  - (h) Hospitals, sanitariums, institutions, rest and nursing homes – One (1) space for each three (3) beds plus one (1) space for each three (3) employees plus one (1) space for each physician.
  - (i) Hotels, motels – 1.25 stalls for each guest room.
  - (j) Manufacturing and processing plants (including meat and food processing plants), laboratories and warehouses – One (1) space for each 2,000 square feet of principal building area or one (1) space for each two (2) employees on maximum shift, whichever is greater.
  - (k) Medical and dental clinics – One (1) space for each 300 square feet of floor area.
  - (l) Motor vehicle sales (new and used) – One (1) space for each 800 square feet of floor area used plus 300 square feet of outdoor display area for each motor vehicle to be displayed.
  - (m) Two-family and Multi-family dwellings:

## CHAPTER 22 Zoning

- a. Efficiency units – One (1) space per unit.
- b. One-bedroom units – One (1) space per unit.
- c. Two or more bedroom units – 0.75 spaces per bedroom, per unit.
- (n) Repair shops – One (1) space for each 300 square feet of floor area.
- (o) Retail and service stores – One (1) space for each 300 square feet of floor area.
- (p) Restaurants, bars, places of entertainment – One (1) space for each 200 square feet of floor area plus one (1) space for each two (2) employees.
- (q) Retirement homes, elderly housing, congregate housing, orphanages, convents, and monasteries – One (1) space per 1,000 feet of principal floor area.
- (r) Rooming and boarding houses, fraternity and sorority houses, and rectories – One (1) space for each of seventy five percent (75%) of the number of beds contained therein.
- (s) Single-family homes – Two (2) spaces.
- (t) Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- (u) Combinations of any of the above uses shall provide the total of the number of stalls required for each use.

### (H) DOWNTOWN PARKING

- (1) The following requirements shall apply to parking in the B-2 Central Business District.
  - (a) Except as provided below, parking stalls are not required to be provided for uses in existing buildings in the B-2 Central Business District, but when they are provided they shall conform to the requirements of size, access, surfacing and barriers, but not number of stalls as specified above.
  - (b) Uses in new buildings, additions to existing buildings, and reconstruction of buildings that increases the square footage of the building area on the property shall provide parking spaces only for the increased floor area at

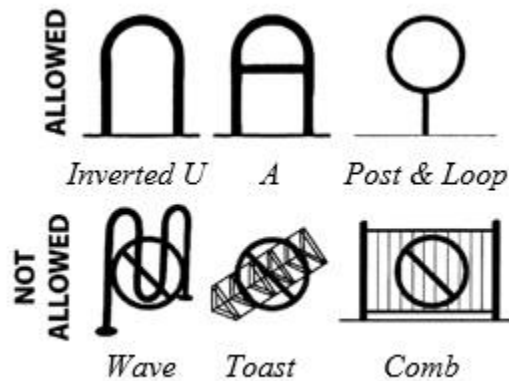
seventy five percent (75%) of the amount as enumerated in Section 22.09(G).

- (c) Whenever the interior remodeling or renovation of existing buildings adds additional dwelling units, parking spaces shall be provided for these new units at seventy five percent (75%) of the amount as enumerated in Section 22.09(G).
- (2) The following requirements shall apply to parking in the CBT Central Business Transition District.
    - (a) Uses on all properties within the CBT District shall provide seventy five percent (75%) of the required number of spaces as enumerated in Section 22.09(G).
  - (3) The parking spaces as required in sections (1) and (2) above may be provided off-site, if the following requirements are met:
    - (a) Parking spaces shall be located not more than one thousand three hundred twenty feet (1,320') from the property line of the use being served.
    - (b) The availability of the off-site parking spaces shall be evidenced by a written agreement between the owner of the land on which the parking is located, and the owner of the use that requires the parking. This written agreement shall be in the form of a lease, contract, easement or similar instrument, and shall be for a minimum duration of one year. The written agreement shall be recorded with the Grant County Register of Deeds and a copy provided to the City.
    - (c) If the owner of a building or use no longer has the right to maintain or use off-site parking spaces on a separate parcel, the owner of a building or use shall accommodate all required off-street parking spaces on the site of the building or use, obtain a variance, or obtain a new off-site parking agreement in accordance with this chapter. If the owner is unable to accommodate the off-street parking spaces, is unable to obtain a variance, or is unable to arrange a new off-site parking agreement, then the owner of a building or use shall pay a per parking space fee to the City as provided in Section (4) below.
  - (4) In lieu of providing the parking spaces as required in sections (1) and (2) above, a per parking space fee may be paid to the City, in an amount as established from time to time by the Common Council. The fee shall be paid at the time the building permit is issued for the project that results in the need for parking, or at the time an off-site parking agreement expires. Said fee shall be used by the City to provide parking improvements in the downtown area.

(I) BICYCLE PARKING REQUIREMENTS. In all districts and in connection with every use, except single-family residential, there shall be provided, at the time any building is erected, enlarged, extended or increased, off-street parking spaces for bicycles in accordance with the following:

(1) Design Criteria and Dimensions

- (a) Bicycle parking requirements can be fulfilled by lockers, racks, or equivalent structures in or upon which the bicycle may be locked by the user.
- (b) Bicycle racks shall accommodate locking of the bicycle frame and at least one wheel with u-locks.
- (c) Bicycle racks shall support a bicycle upright by its frame at two points of contact to prevent bicycles from pivoting or falling over. Common examples of bicycle racks meeting this criterion include the Inverted “U”, “A”, and Post and Loop Racks.



- (d) Bicycle parking shall be provided on an improved hard surface and securely anchored to a supporting surface. Installation of bicycle racks shall also conform to the requirements set forth by the bicycle rack manufacturer.
- (e) Bicycle racks shall be installed with adequate space beside the parked bicycle so that a bicyclist will be able to reach and operate their locking mechanism.
- (f) Required bicycle spaces shall be at least three (3) feet by six (6) feet, with a vertical clearance of at least six (6) feet.

(2) Location

## CHAPTER 22 Zoning

- (a) Bicycle parking shall be located on the same lot as the building or use served, except for shared parking as provided in this section.
  - (b) Bicycle racks shall be located such that they are visible from the street and/or main building entrance with lighting that is a minimum of one foot candle per square foot at ground surface.
  - (c) Bicycle racks intended for the sole use of employees or tenants of a property can be located inside of a parking garage, building or near an employee or tenant entrance.
  - (d) Bicycle parking shall be located in designated areas, which minimize pedestrian and vehicular conflicts.
  - (e) Bicycle parking located within an automobile parking area shall be clearly designated and located as close to a building entrance as possible.
- (3) Shared Bicycle Parking Facilities
- (a) Bicycle parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements governing the number of spaces required in relation to the use served.
  - (b) Such facilities shall be located on one of the lots on which a use served is located; provided, that such facilities are also located not more than three-hundred (300) feet walking distance from all of the buildings, structures, or uses of land which such bicycle rack facilities are intended to serve.
- (4) Number of Spaces
- (a) No bicycle spaces are required for single-family uses.
  - (b) For multi-family uses, the number of bicycle parking spaces provided shall be twenty five percent (25%) of the total number of parking spaces required for automobile parking for a building or use as enumerated in Section 22.09(G).
  - (c) For all uses other than single-family and multi-family, the number of bicycle parking spaces provided shall be ten percent (10%) of the total number of parking spaces required for automobile parking for a building or use as enumerated in Section 22.09(G).

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- (d) After the first twenty five (25) bicycle parking spaces are provided, additional bicycle parking spaces required are one half (0.5) the normal amount.

### (J) HIGHWAY ACCESS

- (1) No direct private access shall be permitted to the existing or proposed rights-of-way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (2) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
  - (a) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
  - (b) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
  - (c) Streets intersecting or interchanging with a controlled access highway within 1,500 feet of the most remote end of the taper of the turning lanes of the intersection or interchange.
  - (d) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
  - (e) Temporary access to the above rights-of-ways may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.

### (K) FRONTAGE STREETS

- (1) Frontage Streets, where required, shall provide access to abutting properties and protection for vehicles from fast or heavy traffic on highways or arterial streets. The right-of-way for frontage streets shall be adjacent, parallel and directly abutting the right-of-way of the principal highway or street.

## 22.10 MODIFICATIONS AND EXCEPTIONS.

- (A) HEIGHT. The district height limitations set forth in this ordinance may be exceeded, but such modifications shall be in accordance with the following:

## CHAPTER 22 Zoning

- (1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flag poles, elevator penthouses, roof-top mechanical equipment, flues and chimneys shall be exempt from the height limitations, provided however, that such projections shall not have a total area greater than twenty five percent (25%) of the roof area of the building, and shall not be used as habitable space.
  - (2) Special structures, such as gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, flag poles, silos and smoke stacks are exempt from the height limitations of this ordinance, provided that such structures shall not occupy more than twenty five percent (25%) of the total area of the lot, and provided that the structures meet the minimum setbacks for principal structures for the district in which they are located.
  - (3) Essential services, utilities, water towers, electric power and communications transmission lines are exempt from the height limitations of this ordinance.
  - (4) Communication structures, such as radio and television transmission and relay towers and aerials shall not exceed in height three (3) times their distance from the nearest lot line.
  - (5) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of fifty (50) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district in which it is located, the required yards shall be increased by a foot more than the standard yards of the district in which it is located.
- (B) YARDS. The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:
- (1) Uncovered decks, porches, stairs, landings, fire escapes and like structures may project into any required yard, not to exceed ten (10) feet of projection and not closer than fifteen (15) feet to any street or rear lot line, and not closer than five (5) feet to any side lot line.
  - (2) Uncovered handicap access ramps shall be exempt from the yard requirements.
  - (3) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet.



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- (4) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.
- (5) Landscaping, vegetation, mail boxes, light fixtures and flag poles are exempt from the yard requirements of this ordinance, except as restricted in 22.09(A).
- (6) The required street yard may be decreased in any Residential or Business district to the average of the existing street yards of abutting structures on each side, but in no case less than fifteen (15) feet in any residential district.

### 22.11 SIGNS.

- (A) **PERMIT REQUIRED.** No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except so as to comply with the provisions of this section. It shall be unlawful for any person to locate, erect, construct, enlarge or structurally modify a sign or cause the same to be done within the City of Platteville without first obtaining a sign permit for each sign from the Building Inspector, unless specifically exempted by this Section. All signs requiring review under the provisions of Chapter 27, Historic Preservation, shall meet the requirements of that Chapter in addition to the requirements of this section.
- (B) **GENERAL REGULATIONS**
  - (1) **Conflicts.** In the case of conflicting sign requirements and limitations, the more stringent shall apply.
  - (2) **Advertising.** Other than billboards, political signs and temporary signs as permitted by this Section, signs shall advertise only those locations, products, goods, or services available upon the same premises as the sign.
  - (3) **Installation.** All signs shall be properly secured, supported and braced. Signs shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.
  - (4) **Maintenance.** All signs, including supports and attachments, shall be kept in reasonable structural condition and shall be kept clean and well painted at all times.
  - (5) **Blanketing.** Blanketing of signs shall not be allowed.
  - (6) **Illumination.** When permitted, both indirect and directly illuminated signs shall concentrate light only upon the area of the sign. Light sources shall be shielded as necessary to prevent glare upon the street or adjacent properties.

- (C) DEFINITIONS AND REQUIREMENTS. The following definitions and sign requirements shall apply to all signs. Refer to Section 22.11(G) for regulations specific to each zoning district, and to Section 22.11(H) for regulations specific to temporary signs.
- (1) Area of Sign. The entire area within a single perimeter enclosing the extreme limits of a sign, not including any structural elements. The area of a multiple-faced or irregular-shaped sign shall be computed on the basis of the smallest area of the sign that can be enclosed by two contiguous rectangles. Only one side of a double-faced sign shall be used in computing the area of a sign, provided that the information on both sides is the same.
  - (2) Awning. A hood or cover that projects from the wall of a building, which can be retracted, folded or collapsed against the face of a supporting structure.
  - (3) Banner Sign. Any temporary sign of lightweight fabric, vinyl or similar material that is intended to promote a business, product or event. National, state or municipal flags shall not be considered a banner sign.
  - (4) Billboard. A sign that advertises goods, products or facilities, or services not on the premises where the sign is located or is intended to direct persons to a different location from where the sign is located. Also known as an off-premise advertising sign.
  - (5) Blanketing. The unreasonable obstruction of view of a sign caused by the placement of another sign.
  - (6) Building Frontage. The horizontal width of a building where it is oriented towards the right-of-way. On a corner lot, each face of the building facing a right-of-way is considered a separate building frontage.
  - (7) Building Sign. A sign attached to, painted on or made a part of a wall or a projection of a wall on a building, or erected upon or over the roof or parapet of any building. For the purposes of this Ordinance, there are four types of building signs.
    - (a) Awning/Canopy/Marquee Sign. Any sign attached to or made part of an awning, canopy or marquee, including any sign hanging from underneath the awning, canopy or marquee. Hanging signs may not be lower than 8 feet above a walkway or public sidewalk.
    - (b) Wall Sign. Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than twelve (12) inches from such wall.

- (c) Projecting Sign. Any sign extending more than twelve (12) inches, but no more than five (5) feet from the face of a wall or building. Projecting signs may not be lower than eight (8) feet above a walkway or public sidewalk.
- (d) Roof Sign. Any sign erected upon or over the roof or parapet of any building. The highest point of the sign may not be more than fifteen (15) feet above the roof surface or the coping of the building. The combined height of the building and the sign shall not exceed the height requirement for the zoning district in which it is located.
- (8) Canopy (or Marquee). A shelter attached to or connected with a building to provide cover over a door, entrance, window or outdoor service area.
- (9) Construction/Development Sign. Any temporary sign giving the name or names of contractors, architects, lending institutions, funding sources, responsible for construction on the site where the sign is placed, together with other pertinent information included thereon.
- (10) Directly Illuminated Sign. Any sign designed to give artificial light directly through a transparent or translucent material from a source of light originating within or upon such sign.
- (11) Directional Sign. Any sign which provides instruction or direction and is located entirely on a property to which it pertains, or adjacent to a driveway serving the property, and does not exceed eight (8) square feet in area. This includes, but is not limited to, such signs as those identifying entrances and exits, drive-through windows, restrooms, telephones, and parking areas.
- (12) Electronic Message Unit Sign. Any sign on which the message may be changed by an electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic and charitable events or the advertising of products or services available on the premises. This also includes traveling or segmented message displays.
- (13) Flashing Elements. Portions of any directly or indirectly illuminated sign (except for Electronic Message Unit signs) which contain artificial light which is not maintained stationary and constant in intensity and/or color at all times when in use. Where signs with flashing elements are permitted, the intensity of any single bulb or other light-emitting source cannot exceed twenty-five (25) watts. Bare reflecting-type bulbs of any kind are not allowed as flashing elements unless they are properly shaded so as not to interfere with surrounding properties. No more than twenty-five (25) percent of the area of any sign may contain flashing elements.

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- (14) Fraternity/Sorority Sign. A sign on a fraternity or sorority house which is recognized by the University of Wisconsin-Platteville, which contains only the name, Greek letters, and/or recognized logo of the fraternity/sorority.
- (15) Freestanding Sign. Any permanent sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (16) Height of Sign. The distance measured from the established grade at the ground level of the sign to the top-most element of the sign structure.
- (17) Indirectly Illuminated Sign. A sign that is illuminated from a source outside of the actual sign, which is directed at the sign and is installed for the purpose of sign illumination.
- (18) Institutional Sign. A sign for a public, educational, charitable or religious institution, which may include areas for movable copy.
- (19) Movable Board Sign. A two-sided sign designed to be temporarily placed on the sidewalk outside of a business that advertises goods or services available therein. A movable board sign located on a public sidewalk shall only be displayed during the hours the business is open, may not be fixed in a permanent position, shall not be located in front of another business, and may not be illuminated. The City accepts no liability for any movable board sign placed on a public right-of-way.
- (20) Multi-Family Complex Sign. A freestanding sign that displays the name of a multi-family apartment complex and related information (such as the phone number, vacancy status, etc.).
- (21) Neighborhood Identification Sign. A sign displaying the name of a particular neighborhood or subdivision located at the entrance to said area. A Neighborhood Identification sign may be illuminated and may be combined with a brick, masonry or stone wall and landscaping.
- (22) Nonconforming Sign. Any sign which does not conform to the regulations of this Section.
- (23) Occupant Frontage. In a multi-tenant building, the horizontal width of the business occupancy parallel to the front of the building or to its main entrance. In the case of an end unit with a wall face that faces a street right-of-way, each wall face may be considered a separate occupancy frontage.
- (24) Personal Greeting/Congratulatory Sign. A temporary sign with a non-advertising message providing a greeting or message to announce, congratulate or welcome.

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- (25) **Public Event Sign.** A temporary sign displaying information of interest to the general community regarding scheduled public events, public activities, fundraising events, religious or educational events or activities, or events of a philanthropic entity. Such signs shall not include product advertisement or an activity for private profit.
- (26) **Political Message Sign.** A temporary sign supporting a candidate for office or urging action on any other matter on the ballot of a primary, general or special election or urging that a matter be placed on a ballot of a primary, general or special election.
- (27) **Portable Sign.** A temporary sign mounted to a rigid structure which is not permanently affixed to the ground and which can be moved from one location to another, not including a moveable board sign.
- (28) **Real Estate Sign.** Any sign that is used to offer for sale, lease or rent the property upon which the sign is placed.
- (29) **Sign.** A sign shall include anything using words, letters, numbers, symbols or graphics that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location, individual, event or product.
- (30) **Sign Setback.** The distance from any property line to the plane formed by the nearest edge or element of the sign structure, extended to the ground.
- (31) **Street Frontage.** The distance measured along the lot line adjacent to a public right-of-way. Each separate street adjacent to a lot is considered a separate street frontage. When multiple signs are allowed, each sign shall use the frontage along which it is intended to be viewed as its street frontage for the purposes of determining sign area.
- (32) **Temporary Sign.** Any sign intended to be displayed for a limited period of time, including banners, movable board signs, portable signs, ground signs, flags, pennants, inflatable figures and balloons. The signs may be used for advertising a product, business or publicizing a special event. Seasonal or holiday lights, wreaths, trees, or other common holiday decorations are not considered temporary signs. Temporary signs shall be erected so as not be loosened as a result of wind or weather and shall be properly maintained.
- (33) **Warning Sign.** Signs which are intended to warn of regulations, restrictions or safety hazards affecting the property, e.g. "No trespassing", "beware of dog", "no parking", etc.
- (34) **Window Sign.** Any sign that is visible to the public located completely within a window, or attached to or painted upon the surface of a window of a building.

- (D) PERMIT-EXEMPT SIGNS. The following signs are exempt from the requirement that a permit be obtained and, unless otherwise stated, are permitted in all zoning districts, (unless within the Historic Preservation District, in which case all applicable historic preservation provisions shall apply):
- (1) Commemorative plaques of recognized historic agencies, commemorative signs recognizing a historic event, site or person, or identification emblems of historical agencies, not exceeding eighteen (18) square feet.
  - (2) Directional signs, in the Business and Manufacturing districts.
  - (3) Emblems or insignia of any nation or political subdivision, or non-profit organization, provided such signs shall not be illuminated nor exceed two (2) square feet in area.
  - (4) Government or official signs for the control of traffic and other regulatory purposes, danger signs, railroad crossing signs and signs of public utilities indicating danger, wayfinding signs, and aids to service or safety which are erected by or on the order of a public officer in the performance of his duty. Such signs shall be subject to approval by the Department of Public Works and the Building Inspector.
  - (5) Home-based professional office signs, home occupation identification signs, Bed and Breakfast establishment signs, and professional office signs (in the R-3 District) when located on the same premises as an approved Conditional Use. Such signs may not be illuminated and are limited to four (4) square feet in area. See Section 22.06 for further regulations.
  - (6) House numbers and name plates not exceeding two (2) square feet in area for each residential, institutional, business or manufacturing building.
  - (7) Interior signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications of this or any other applicable code, statute, or ordinance.
  - (8) Memorial signs or tablets, names of buildings and date of erection, inscriptions or emblems, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than 4 square feet in area and affixed flat against the structure.
  - (9) Municipal signs. Signs erected by the City of Platteville upon municipal property, buildings, parks or public recreational facilities.
  - (10) Official notices posted by public officers or employees in the performance of their duties.

- (11) Religious symbols or identification emblems of religious orders.
  - (12) University Signs. Signs erected by the University of Wisconsin-Platteville on University-owned property.
  - (13) Warning Signs.
  - (14) Window signs. Signs attached or affixed to the surface of a window; however, window signs located within a designated Historic District must first be approved by the Historic Preservation Commission in accordance with the requirements of Chapter 27.
  - (15) Temporary Signs. Some temporary signs are permit exempt, as described in Section (H).
- (E) PROHIBITED SIGNS. The following signs are prohibited:
- (1) Signs containing any obscene, indecent, or immoral matter.
  - (2) Signs which interfere with the safe conduct of travel on sidewalks, streets and highways. Advertising signs that are similar in appearance to traffic control signs and devices are prohibited.
  - (3) Any other sign that creates an unreasonable hazard or threat to public safety is hereby prohibited.
  - (4) Signs (other than billboards) which advertise a product or business which is no longer available or carried on upon the premises on which the sign is located. Such signs shall be removed within twelve (12) months of the cessation of such sales or business.
- (F) APPLICATION FOR A SIGN PERMIT
- (1) Application for a sign permit shall be made in writing upon a form furnished by the Building Inspector. With such application there shall be submitted plans showing:
    - (a) Location or position of the sign structure on the lot or building on which it shall be attached or erected, and
    - (b) Drawings and specifications showing area, height, location and setback of the sign, method of construction, and attachment to the building or other structure, or anchoring in the ground.

- (c) Any other information deemed necessary by the Building Inspector to meet the requirements of this Section.
  - (2) Permit fees shall be in the amount as established from time to time by the Common Council.
- (G) ZONING DISTRICT REGULATIONS FOR PERMANENT SIGNS
- (1) Residential Districts:
    - (a) Types Allowed. The following types of permanent signs are permitted in the R-1, R-2, and R-3 districts. Allowable temporary signs are described in Section (H).
      - 1. Institutional Signs.
        - a. Maximum Area: Thirty (30) square feet.
        - b. Maximum Height: Ten (10) feet.
        - c. Minimum Setback: Five (5) feet.
      - 2. Multi-Family Complex Signs, in the R-3 District only.
        - a. Maximum Area: Thirty- Five (35) square feet.
        - b. Maximum Height: Ten (10) feet.
        - c. Minimum Setback: Five (5) feet.
      - 3. Neighborhood Identification Signs.
        - a. Maximum Area: Twenty (20) square feet.
        - b. Maximum Height: Ten (10) feet.
        - c. Minimum Setback: Five (5) feet.
      - 4. Fraternity/Sorority Signs, where such uses are permitted.
        - a. Maximum Area: Twenty (20) square feet.
        - b. Maximum Height: Ten (10) feet.
        - c. Minimum Setback: Five (5) feet.
      - 5. Home Occupation Signs, where such uses are permitted, subject to the standards in 22.06 or as approved as part of CUP.
        - a. Maximum Area: Four (4) square feet.
    - (b) Illumination: The above permitted signs may be illuminated, except for the Home Occupation Signs. Flashing elements are prohibited.



(2) I-1 and C-1 Districts.

(a) Types Allowed. The following types of permanent signs are permitted in the I-1 Institutional and C-1 Conservation districts for all Specified and approved Conditional Uses. Allowable temporary signs are described in Section (H).

1. Building and Freestanding Signs.

- a. Building Sign Maximum Area: One (1) square foot per each linear foot of building frontage.
- b. Freestanding Sign Maximum Area: One square foot per each linear foot of street frontage, up to a maximum of 150 square feet. Maximum Height: Ten (10) feet. Minimum Setback: Five (5) feet.

(b) Illumination. All permitted signs may be illuminated. Flashing elements are prohibited.

(3) B-1 District:

(a) Types Allowed. The following types of permanent signs are permitted in the B-1 Neighborhood Business District, subject to the requirements herein. Allowable temporary signs are described in Section (H).

1. Building Signs:

- a. Maximum Cumulative Area: One (1) square foot per each linear foot of building frontage or, in the case of a multi-tenant building, one square foot per each linear foot of occupant frontage.
- b. Maximum Number per Building or Occupancy: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.

2. Freestanding Signs.

- a. Maximum Area: One (1) square foot per each linear foot of street frontage, up to a maximum of seventy-five (75) square feet.
- b. Maximum Height: Twenty-five (25) feet.
- c. Maximum per Lot: One (1).

3. Institutional Signs.

- a. Maximum Area: Thirty (30) square feet.
  - b. Maximum Height: Ten (10) feet for freestanding signs.
  - c. Minimum Setback: Five (5) feet.
- (b) Illumination. All permitted signs may be illuminated. Flashing elements are prohibited.
- (4) CBT District.
- (a) Types Allowed. The following types of permanent signs are permitted in the CBT Central Business Transition District, subject to the requirements herein. Allowable temporary signs are described in Section (H).
1. Building Signs:
    - a. Maximum Cumulative Area: One and a half (1.5) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, one and a half square feet per each linear foot of occupant frontage.
    - b. Maximum Number per Building or Occupancy: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.
  2. Institutional signs.
    - a. Maximum Area: Thirty (30) square feet.
    - b. Maximum Height: Ten (10) feet.
    - c. Minimum Setback: Five (5) feet.
  3. Freestanding Signs.
    - a. Maximum Area: One and a half (1.5) square feet per each linear foot of street frontage, up to a maximum of 100 square feet.
    - b. Maximum per Lot: One (1).
    - c. Maximum Height: Twenty Five (25) feet.
    - d. Minimum Setback: Five (5) feet.
  4. Multi-Family Complex Signs, and only when allowed as a conditional use.
    - a. Maximum Area: Thirty-five (35) square feet.
    - b. Maximum Height: Ten (10) feet.
    - c. Minimum Setback: Five (5) feet.

5. Fraternity/Sorority Signs, only when allowed as a conditional use.
    - a. Maximum Area: Twenty (20) square feet.
    - b. Maximum Height: Ten (10) feet.
    - c. Minimum Setback: Five (5) feet.
  - (b) Illumination. All signs in the CBT districts may be illuminated . Flashing elements (except for Electronic Message Unit signs) are prohibited.
- (5) B-2 District.
- (a) Types Allowed. The following types of permanent signs are permitted in the B-2 Central Business District, subject to the requirements herein. Allowable temporary signs are described in Section (H).
    1. Building Signs:
      - a. Maximum Cumulative Area: Two (2) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, two square feet per each linear foot of occupant frontage.
      - b. Maximum Number per Building or Occupancy: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.
    2. Electronic Message Unit Signs:
      - a. The maximum area dedicated to an electronic message unit shall be 50 percent of the sign area or 35 square feet (whichever is larger) per sign face and shall be inclusive of the maximum area permitted for the sign structure.
    3. Freestanding Signs:
      - a. Maximum Area: Two (2) square feet for each linear foot of street frontage, up to a maximum of 150 square feet.
      - b. Maximum per Lot: One (1) per street frontage; however, for lots where a street frontage is 200 feet or more, one (1) additional sign is permitted along that frontage; however, the aggregate area of all signs may not exceed the maximum area noted above.
      - c. Maximum Height: Twenty-five (25) feet.
      - d. Minimum Setback: Five (5) feet.

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- (b) Illumination. All signs in the B-2 district may be illuminated . Flashing elements (except for Electronic Message Unit signs) are prohibited.
- (6) B-3 District.
- (a) Types Allowed. The following types of permanent signs are permitted in the B-3 Highway Business District, subject to the requirements herein. Allowable temporary signs are described in Section (H).
    - 1. Billboard signs.
      - a. Maximum Area: 400 square feet per side.
      - b. Maximum Height: 30 feet.
      - c. Minimum Setback: 15 feet.
      - d. Maximum Number per Lot: For highways with speed limit <65 mph, one (1) per lot with a minimum spacing between signs of 500 feet of highway frontage. For highways with speed limit 65 mph, one (1) per lot with a minimum spacing between signs of 1500 feet of highway frontage.
      - e. Location: Billboards are only allowed on lots that have frontage on a State or Federal highway, or a highway business route. No billboards may be installed adjacent to or within 300 feet of an interchange, intersection at grade, off-ramp, safety rest area, or wayside. Said 300 feet shall be measured along the highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way of the primary highway.
      - f. Residential Setback: Billboards shall be setback a minimum of four hundred feet (400') from a property zoned residential, or from a structure used as a residence which is located on lands not zoned residential.
    - 2. Building signs:
      - a. Maximum Cumulative Area: Two and a half (2.5) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, two and a half (2.5) square feet per each linear foot of occupant frontage.
      - b. Maximum Number per Building: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.
    - 3. Electronic Message Unit signs.

- a. The maximum area dedicated to an electronic message unit shall be 50 percent of the sign area or 35 square feet (whichever is larger) per sign face and shall be inclusive of the maximum area permitted for the sign structure.
4. Institutional signs. Shall meet the applicable requirements for Building Signs and/or Freestanding Signs in this Section.
5. Freestanding signs.
  - a. Maximum Area: Two and a half (2.5) square feet for each linear foot of street frontage, up to a maximum of 200 square feet.
  - b. Number Per Lot: One (1) per street frontage; however, for lots where a street frontage is 200 feet or more, one (1) additional sign is permitted along that frontage; however, the aggregate area of all signs may not exceed the maximum area noted above.
  - c. Maximum Height: Thirty (30) feet.
  - d. Minimum Setback: Five (5) feet.
- (b) Illumination. All signs in the B-3 District may be illuminated. Flashing elements are permitted; however, flashing elements that may create a hazard as determined by the Zoning Administrator are prohibited.
- (7) Manufacturing Districts.
  - (a) Types Allowed. The following types of permanent signs are permitted in the M-1, M-2, and M-4 districts, subject to the requirements herein. Allowable temporary signs are described in Section (H).
    1. Billboard signs; however, billboard signs are not permitted in the M-4 District.
      - a. Maximum Area: 400 square feet per side.
      - b. Maximum Height: 30 feet.
      - c. Minimum Setback: 15 feet.
      - d. Maximum Number per Lot: For highways with speed limit <65 mph, one (1) per lot with a minimum spacing between signs of 500 feet of highway frontage. For highways with speed limit 65 mph, one (1) per lot with a minimum spacing between signs of 1500 feet of highway frontage.
      - e. Location: Billboards are only allowed on lots that have frontage on a State or Federal highway, or a highway

business route. No billboards may be installed adjacent to or within 300 feet of an interchange, intersection at grade, off-ramp, safety rest area, or wayside. Said 300 feet shall be measured along the highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way of the primary highway.

- f. Residential Setback: Billboards shall be setback a minimum of four hundred feet (400') from a property zoned residential, or from a structure used as a residence which is located on lands not zoned residential.

2. Building Signs:

- a. Maximum Area: Two and a half (2.5) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, two and a half (2.5) square feet per each linear foot of occupant frontage.
- b. Maximum Number per Building: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.

3. Electronic Message Unit Signs.

- a. The maximum area dedicated to an electronic message unit shall be 50 percent of the sign area or 35 square feet (whichever is larger) per sign face and shall be inclusive of the maximum area permitted for the sign structure.

4. Institutional Signs. Shall meet the applicable requirements for Building Signs and/or Freestanding Signs in this Section.

5. Freestanding Signs.

- a. Maximum Area: Two and a half (2.5) square feet for each linear foot of street frontage, up to a maximum of 200 square feet.
- b. Number Per Lot: One (1) per street frontage; however, for lots where a street frontage is 250 feet or more, one (1) additional pole sign is permitted along that frontage; however, the aggregate area of all signs may not exceed the maximum area noted above.
- c. Maximum Height: Thirty (30) feet.
- d. Minimum Setback: Five (5) feet.

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- (b) Illumination. All signs in the manufacturing districts may be illuminated. Flashing elements are permitted.
- (c) M-s Districts: Standards for signs in the M-3 Industrial Park District regarding sign area, height, setback, number and illumination limitations shall directly relate to the individual zoning district for which the use is listed as a specified use.

### (H) REGULATIONS FOR TEMPORARY SIGNS

- (1) Residential Districts – Permit Exempt. Temporary signs are allowed in the R-1, R-2 and R-3 districts without a permit, subject to the following requirements:
  - (a) Except for signs approved by the Common Council, all signs shall be located entirely within the property boundaries.
  - (b) Signs shall not obstruct the visibility from any intersection or driveway.
  - (c) Signs shall be adequately supported and anchored. Any sign that is frayed, damaged, dirty, worn, or that becomes loosened from its supports so that the sign is sagging, shall become an illegal sign and may be treated in the same manner as any other illegal sign under the provisions of this Chapter.
  - (d) Signs shall not be lit and shall not include any electrical, mechanical, video or audio device.
  - (e) Except for signs promoting a public event, charitable event or educational activity taking place at another location, signs must be promoting or otherwise related to a use that is permitted on the property where the sign is located.
  - (f) Signs related to a specific event or activity shall not be installed more than five (5) days prior to the start of such event or activity, and shall be removed within two (2) days following the event or activity.
  - (g) Total sign area shall not exceed sixteen (16) sq. ft. without a permit, and no individual sign shall exceed nine (9) sq. ft. in area.
- (2) Residential Districts – Permit Required. Additional signs beyond that identified in Section (H)(1) above shall require a sign permit.
  - (a) A permit is required for each twelve (12) sq. ft. of additional sign area.

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- (b) The additional permitted signs shall be allowed to remain for a maximum of fourteen (14) days per issued permit, and the property shall be limited to a maximum of four (4) additional permits per year.
  - (c) The total area of temporary signs on any property is limited to a maximum of 0.5 sq. ft. of sign area for each foot of lot frontage.
- (3) Non-Residential Districts – Permit Exempt. Temporary signs are allowed in the non-residential districts without a permit, subject to the following requirements:
  - (a) Except for signs approved by the Common Council, and movable board signs in the B-2 District, all signs shall be located entirely within the property boundaries.
  - (b) Signs shall not obstruct the visibility from any intersection or driveway, or the movement of pedestrians on a public sidewalk.
  - (c) Signs shall be adequately supported and anchored. Any sign that is frayed, damaged, dirty, worn, or that becomes loosened from its supports so that the sign is sagging, shall become an illegal sign and may be treated in the same manner as any other illegal sign under the provisions of this Chapter.
  - (d) Signs shall not be lit and shall not include any electrical, mechanical, video or audio device.
  - (e) Except for signs promoting a public event, charitable event or educational activity taking place at another location, signs must be promoting or otherwise related to a use that is permitted on the property where the sign is located.
  - (f) Signs related to a specific event or activity shall not be installed more than five (5) days prior to the start of such event or activity, and shall be removed within two (2) days following the event or activity.
  - (g) Total sign area shall not exceed sixteen (16) sq. ft. without a permit.
- (4) Non-Residential Districts – Permit Required. Temporary signs in addition to the signs described in Section (H)(3) above are subject to a sign permit and the following requirements:
  - (a) A permit is required for each sixteen (16) square feet of additional temporary sign area. Each sign shall be allowed for a maximum of fourteen (14) days, and the business or entity shall be limited to a maximum of four (4) additional permits per year.



- (b) Special Event Signs: Unlimited temporary signs are allowed with a permit for grand openings, sales, or other special events. Signs for each event shall be allowed for a maximum of thirty (30) days, and the property shall be limited to a maximum of two (2) events per year.
- (c) Except for Special Event Signs, the total amount of temporary signs allowed on a property is limited to a maximum of one and one-half (1.5) square feet of sign area for each linear feet of building frontage, or occupant building frontage for multi-tenant buildings.

(I) NON-CONFORMING SIGNS.

- (1) All signs, except temporary signs, that are in existence as of the adoption of this ordinance and that do not conform to this Section shall be considered as non-conforming and are subject to the requirements of Section 22.12.
- (2) Signs that are legal but non-conforming under this Section may not be enlarged, heightened, altered in shape, or moved. The copy on such signs may be altered, but only within the existing area of the sign.

(J) DANGEROUS AND ABANDONED SIGNS; VIOLATIONS.

- (1) All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of twelve (12) months or when, in the judgment of the Building Inspector, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Building Inspector may remove the sign at the cost of the owner, following adequate written notice. The owner may appeal the Building Inspector's decision to the Board of Appeals.
- (2) Alterations. Any sign that was erected before the adoption of this sign ordinance shall not be enlarged, rebuilt or relocated without conforming to all of the requirements of this Section.
- (3) Violations. All signs constructed or maintained in violation of any of the provisions of this sign ordinance are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the Building Inspector may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

**22.12 NONCONFORMING USES, STRUCTURES, AND LOTS.**

- (A) EXISTING NONCONFORMING USES. The lawful nonconforming use of a structure, land or water existing at the time of adoption of this ordinance may be

continued although the use does not conform with the provisions of this ordinance. However:

- (1) Only that portion of the land, structure or water in actual use may be so continued and the structure or use may not be extended, altered, enlarged, reconstructed, substituted, moved or structurally altered, except so as to comply with the provisions of this ordinance.
- (2) Total lifetime structural repairs or alterations to a structure dedicated to a nonconforming use shall not exceed 50% of the equalized value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the provisions of this ordinance.
- (3) If such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the structure, land, or water shall conform to the provisions of this ordinance. When a nonconforming use or structure dedicated to such nonconforming use is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its equalized value at the time such event occurred, it shall not be restored except so as to comply with the provisions of this ordinance.
- (4) Notwithstanding the above, for properties in the City of Platteville, a specified or conditional use in the R-1, R-2 and R-3 districts that is nonconforming because it is located on lands which do not conform to the regulations of the district in which said lands are located, may be rebuilt if such reconstruction is identical in building area and use to the original structure and the reconstruction is completed within one year of the damage occurring.
- (5) Notwithstanding the above, a structure located in the B-2 Central Business District that has a non-conforming residential use, including residential use of the ground floor, and that is damaged or destroyed by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its equalized value at the time such event occurred, may be rebuilt for the same use if such reconstruction meets the following conditions:
  - (a) A Building Permit for the reconstruction is obtained within twelve (12) months of the date of the catastrophe.
  - (b) The reconstruction will not increase any dimensional nonconformity of the building or structure, except as may be necessitated by compliance with Section 22.12(A)(5)(c) below.
  - (c) The reconstructed building or structure complies with all other City and State Codes and Ordinances existing at the time of reconstruction.

- (6) Notwithstanding the above, a structure located in a R-LO Limited Occupancy Residential Overlay District that has a non-conforming residential use because it is occupied by more than two unrelated individuals, and that is damaged or destroyed by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its equalized value at the time such event occurred, may be rebuilt for the same use if such reconstruction meets the following conditions:
  - (a) A Building Permit for the reconstruction is obtained within twelve (12) months of the date of the catastrophe.
  - (b) The reconstruction will not increase any dimensional nonconformity of the building or structure, except as may be necessitated by compliance with Section 22.12(A)(6)(c) below.
  - (c) The reconstructed building or structure complies with all other City and State Codes and Ordinances existing at the time of reconstruction.
  - (d) A rental license is obtained within twelve (12) months of the date the building permit is issued.

(B) EXISTING NONCONFORMING STRUCTURES

- (1) Any lawful nonconforming structure existing at the time of the adoption or amendment of this ordinance may be continued although its size and/or location does not conform to the lot width, area, yard, height, parking, loading, and access provisions of this ordinance.
- (2) Existing nonconforming structures shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or so as to comply with the provisions of this ordinance.
- (3) Notwithstanding the above, an existing nonconforming principal structure in the R-1, R-2, and R-3 districts which is used for any specified or conditional use, may be extended, reconstructed, moved, or structurally altered, but only if such change does not result in an increase to the nonconforming nature of the structure. No such change may increase the parking requirements for the use unless on-site parking spaces can be provided in accordance with Section 22.09.
- (4) When a nonconforming structure is damaged by fire, explosion, flood, violent wind, vandalism, ice, snow, mold, or infestation it may be reconstructed if such change does not result in an increase to the nonconforming nature of the structure.

(C) CHANGES AND SUBSTITUTIONS

- (1) Once a nonconforming structure or use has been changed to conform with this ordinance it shall not revert back to a nonconforming use or structure.
- (2) Except for bringing a use into conformance, any substitution of an existing nonconforming use must first be approved by the Board of Appeals. The Board of Appeals may only approve substituting an existing nonconforming use with an equal or more restrictive nonconforming use. Should the Board of Appeals permit the substitution of a more restrictive nonconforming use, the substituted use shall remain a nonconforming use, subject to the requirements of this Section. The Board of Appeals may impose conditions upon the substituted use to insure that any impacts to the surrounding area will be minimized.

(D) SUBSTANDARD LOTS

- (1) In any residential district a one-family detached dwelling and its accessory structure may be erected on any legal lot or parcel of record in the County Register of Deeds' Office before the effective date of adoption or amendment of this ordinance.
- (2) Such lots and parcels shall comply with all of the District requirements insofar as practical, but such lots and parcels shall not be less than the following:

Lot Width:	40 feet
Lot Area:	4,000 square feet
Yards: Street:	25 feet; the side street yard on corner lots shall be a minimum of 10 feet
Rear:	25 feet
Sides:	8% of the lot width and not less than 5 feet

**22.13 CONDITIONAL USE PERMITS.**

- (A) **CONDITIONAL USE PERMITS.** The Common Council, upon review and recommendation from the Plan Commission, may authorize the Zoning Administrator to issue a Conditional Use Permit for conditional uses, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.
- (B) **APPLICATION.** An application for a Conditional Use Permit shall be made to the Zoning Administrator or Zoning Coordinator on a form provided. The application shall include the following information:

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- (1) Name and addresses of the applicants, owners of the site, the architect or engineer, if any, the contractor, if any, and the names of property owners of record within 100 feet of the property in question, inclusive of right-of-way shall be so notified.
- (2) A description of the subject site by lot, block and recorded subdivision or by certified survey, the address of the site, the type of structure(s) on the site, proposed operation or use, the number of employees, and the zoning district within which the subject site lies.
- (3) Site Plan. A Site Plan shall be attached to the application including, at minimum, the following:
  - (a) All exterior dimensions of the property in question.
  - (b) Location, dimensions and setbacks of any existing or proposed buildings.
  - (c) Parking areas, including number of spaces required by Section 22.09, number of spaces proposed, and location and dimensions of parking spaces, including handicapped-accessible spaces as required.
  - (d) Locations of landscaping, exterior lighting, and signage.
  - (e) The Zoning Administrator may require additional information on the Site Plan as necessary to show that the proposed conditional use meets the purpose and intent of this Ordinance.
  - (f) The Site Plan shall be prepared by an architect, civil engineer, registered land surveyor, land planner or similar professional, unless the Zoning Administrator determines that the project's complexity is minimal and the plan may be prepared by a non-professional.
- (4) Any additional information which may be required by the Plan Commission, Director of Public Works, or the Zoning Administrator.
- (5) An application fee in the amount as established from time to time by the Common Council.

### (C) REVIEW AND APPROVAL

- (1) The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations,

street or highway access, traffic generation and circulation, drainage patterns, sewer and water systems and the proposed operation.

- (2) Conditions such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational hours, restrictions, increased yards or parking requirements or other requirements may be imposed by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.
  - (3) Compliance with all the other provisions of this ordinance such as lot width and areas, yards, height, parking, loading, traffic, and highway access, as well as performance standards, shall be required of all conditional uses. Variances shall only be granted pursuant to Section 22.14.
  - (4) The Zoning Coordinator shall give written notice to all property owners within 100 feet of the subject property prior to the Plan Commission meeting at which action shall be taken.
- (D) **DECISION.** No applications for conditional use permits may be resubmitted in person or by agent for the same or similar request for the same property within six (6) months after the decision by the Common Council unless substantial changes have been made in the request, as determined by the Zoning Administrator.
- Conditional use permits approved by the Common Council shall expire within twelve (12) months unless substantial work has commenced pursuant to such approval.
- (E) **MOBILE HOME PARKS.** The application requirements for a Conditional Use Permit for a mobile home park shall be subject to all of the requirements of Section 22.08.

#### **22.14 BOARD OF APPEALS**

- (A) **ESTABLISHMENT.** There is hereby established a Board of Appeals for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this ordinance which are in harmony with its purpose and intent.
- (B) **MEMBERSHIP**
- (1) The Board of Appeals shall consist of:
    - (a) four members, all of whom shall be City residents, appointed by the President of the Common Council, subject to confirmation of the Common Council, for terms of 3 years. The Council President may appoint, subject to confirmation by the Common Council, 3 alternate members whose terms shall also be for 3 years. One member, if

available, should be a registered architect, registered professional engineer, builder, or real estate appraiser.

- (b) one member who shall be a Plan Commissioner and, who shall be appointed by the President of the Common Council, subject to confirmation of the Common Council, at the second meeting of the Council in April, for a one-year term.
- (c) Notwithstanding the above, in order to provide for staggered terms in the membership of the Board of Appeals, the appointment of the six members that will be filling the terms that expire on 10/1/02 shall be as follows:
  - 1. one member shall serve for two years, and two members shall serve for three years;
  - 2. the alternate members shall be appointed so that one member shall serve for one year, one member shall serve two years, and one member shall serve three years.
- (2) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- (3) Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term.
- (4) No member of the Board on completion of his or her term shall be eligible for reappointment thereon until at least a period of one year shall have intervened between said terms as such Board member, but this provision shall not apply to a Board member who fills the unexpired term of a previous member or to the member of the Plan Commission who is appointed to the Board.

(C) ORGANIZATION

- (1) The Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this ordinance. Meetings shall be held at the call of the Chairman or of two members and shall be open to the public. Minutes of the meeting shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination and its findings of fact. These records shall be filed in the Office of the City Clerk and shall be a public record.
- (2) The concurring vote of four members of the Board shall be necessary to correct an error, grant a variance, make an interpretation or permit an accessory, temporary, unclassified, or unspecified use.

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### (D) POWERS. The Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Chapter or of any ordinance adopted pursuant thereto:
- (2) To authorize upon appeal in specific cases such variance from the terms of the ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (3) To consider substitution of a nonconforming use with a more restrictive nonconforming use.
- (4) To hear and grant applications for temporary uses in any district, when such uses do not involve the erection of a substantial structure, are compatible with the neighboring uses and have been reviewed and recommended by the Plan Commission. The permit shall be temporary, revocable, subject to any conditions required by the Board, and shall be issued for not more than 12 months.
- (5) The Board may, at any time request assistance from other City officers, departments, commissions and boards.

### (E) APPEALS.

- (1) Appeals from the decision of the Building Inspector or Zoning Administrator concerning the enforcement of this ordinance may be made to the Board of Appeals by any person aggrieved or by any officer, department, board, or bureau of the City. Such appeals shall be filed with the Zoning Coordinator within 30 days after the date of the decision of the Building Inspector or Zoning Administrator.

### (F) APPLICATION. Application for appeals and/or variances shall be on a form supplied by the Zoning Administrator and shall be accompanied by the following:

- (1) The names and addresses of the appellant or applicant and all property owners of record within 100 feet of the property.
- (2) A site plan of the subject property showing all information necessary to establish the case for appeal or variance.
- (3) Additional information required by the Zoning Administrator, Plan Commission, Director of Public Works, Building Inspector or the Board.



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- (4) Any other information which the applicant deems relevant in support of the application.
  - (5) An application fee in the amount as established from time to time by the Common Council.
- (G) HEARINGS. The Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten days prior to the hearing and shall give due notice to all parties in interest, the Building Inspector, and the Chair of the Plan Commission. At the hearing the appellant or applicant may appear in person or by agent.
- (H) STANDARDS. A variance from the provisions of this ordinance shall not be granted by the Board unless the variance request meets the following standards.
- (1) Area Variance. An area variance is defined as a request for a deviation from a zoning restriction governing area, setback, frontage, height, bulk or density.
    - (a) The proposed variance will not be contrary to the public interest or result in harm to the general public.
    - (b) The property has a special condition or unique physical limitation, such as a steep slope, soil type, wetland areas, etc., that limits the ability of the applicant to conform to the regulations.
    - (c) The special condition or unique physical limitation creates an unnecessary hardship, which exists when compliance with the strict letter of the restrictions governing area, setbacks, height, etc., would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome.
    - (d) The special condition or unique physical limitation must relate to the property and not to the owner, since a personal condition or preference of a landowner is not a condition affecting property.
    - (e) The hardship must be unique to the property and not self-created.
  - (2) Use Variance. A use variance is defined as a request to use the property for a purpose not permitted by the regulations.
    - (a) The proposed variance will not be contrary to the public interest or result in harm to the general public.

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- (b) The property has a special condition or unique physical limitation, such as a steep slope, soil type, wetland areas, etc., that limits the ability of the applicant to conform to the regulations.
- (c) The special condition or unique physical limitation creates an unnecessary hardship, which exists when compliance with the strict letter of the regulations results in the applicant having no reasonable use of the property in the absence of a variance. The variance should not conflict with the purpose of the zoning ordinance.
- (d) The special condition or unique physical limitation must relate to the property and not to the owner, since a personal condition or preference of a landowner is not a condition affecting property.
- (e) The hardship must be unique to the property and not self-created.

### (I) DECISION

- (1) The Board of Appeals shall decide all appeals and applications within 30 days of the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Building Inspector, the Chair of the Plan Commission, and the City Clerk.
- (2) Conditions may be placed upon any building permit ordered or authorized by the Board. Conditions may be placed on any decision made which does not involve a building permit.
- (3) Variances, substitutions, or use permits granted by the Board shall expire within twelve (12) months unless a building permit has been approved (if required) and substantial work has commenced pursuant to such grant.

(J) REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Appeals may appeal such decision to the Circuit Court of Grant County. All appeals must be filed with the court within 30 days after receipt of a copy of the Board's decision by the applicant or appellant.

(K) RE-APPEALS. No appellant may resubmit the same or similar appeal in person or by agent for the same property within 6 months after the decision by the Board.

### 22.15 DEFINITIONS

**ACCESSORY USE OR STRUCTURE** – A use or detached structure, including children's play equipment and structures that are larger than 100 sq. ft., subordinate to the principal use of a structure, land, or water, located on the same lot or parcel and serving a purpose customarily incidental to the principal use or the principal structure.

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An enclosed and/or covered accessory use or structure which is attached to the principal structure shall be considered to be part of the principal structure and is subject to the same setback requirements as a principal structure.

**ALLEY** – A public right of way, other than a street, which provides secondary access to a lot. For purposes of determining setback requirements, yards abutting alleys shall not be considered street yards.

**ALTERATION** – Any change, addition or modification in construction or type of occupancy or any change in the structural members of a building, such as walls, partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

**AWNING** – A hood or cover attached to a rigid frame projecting from the wall of a building, which is designed to provide protection from sun or weather. An awning may be designed so that it may be retracted, folded or collapsed against the face of a structure. The lowest part of any awning, including any signs or other appurtenances suspended below it, shall be a minimum of seven (7) feet above the sidewalk or surrounding grade in non-residential districts, or six (6) feet four (4) inches in residential districts.

**BED AND BREAKFAST** – A place of lodging as licensed by the State of Wisconsin which provided eight (8) or fewer rooms for rent to a maximum of twenty (20) tourists or other transients for more than ten (10) nights in a twelve (12) month period. The establishment must be the owner’s personal residence, it must be occupied by the owner at the time of rental, and the only meal served to guests is breakfast.

**BLOCK** – A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks, or a combination thereof. There may be more than one numbered block as shown on a plat, falling within a single block as herein defined.

**BUILDING** – Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, equipment, machinery or materials. Poles used for the support of transmission wires and appurtenant equipment for supplying public utility services and fences and tents shall not be considered as buildings or structures.

**BUILDING AREA** – The total of areas taken on a horizontal plane of the main grade level of the principal building or accessory buildings, exclusive of uncovered portions of the structure, such as porches, decks, terraces or steps. Also commonly referred to as a building “footprint”.

**BUILDING HEIGHT** – The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, or to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs, or to the deck line of mansard roofs.

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**BUILDING LINE** – A line parallel to a front lot line or a corner side lot line and at a distance from the lot line(s) to comply with the street yard setback requirements.

**CANOPY** – A permanent roof-like structure projecting beyond a building wall or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against sun and weather. The lowest part of any canopy, including any signs or other appurtenances suspended below it, shall be seven (7) feet above the sidewalk or surrounding grade. A canopy which provides protection to a building entrance is also commonly referred to as a marquee.

**COMMERCIAL RECREATION** – A private, for-profit use or facility (not including institutional uses or facilities) which provides recreation opportunities to the public. Such uses include, but are not limited to, billiard halls, bowling alleys, indoor playgrounds, game rooms and dance halls.

**COMPREHENSIVE PLAN** – The developed plan, also called a master plan, adopted by the Plan Commission and certified to the Common Council pursuant to Section 62.23, Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning ordinance, official zoning map, land division and building ordinances and capital improvement programs, shall also be considered a part of the comprehensive plan.

**CONVENIENCE STORE** – A retail establishment selling and storing only new merchandise and prepackaged food consisting primarily of daily necessity items. Retail automotive fuel sales may also be included but such business shall not include vehicle sales, service, mechanical and body repair, vehicle washing and upholstery repair.

**DAY CARE CENTER** – Any place which receives at any one time for compensation 4 or more children under the age of 7 years for care and supervision for less than 24 hours a day and for more than 10 days a month without the attendance of a parent, relative or legal guardian.

**DEVELOPMENT** – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures. Also, the construction of additions or substantial improvements to buildings, structures or accessory structures, the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extracting of materials, public or private sewerage disposal systems or water supply facilities.

**DRIVE-IN** – A business which is designed so that goods and services are delivered to patrons while they are reposed in automobiles, with the intent that the vehicle is parked while the products are consumed.

**DRIVE-THROUGH** – A facility such as a drive-up window or pneumatic delivery system attached to a principal use which is designed so that goods or services are delivered from within the facility to patrons while they are within a vehicle, after which the vehicle leaves the facility.

**DWELLING** – A detached building greater than 18' at its smallest dimension designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, tents, cabins. Notwithstanding the dimensional requirements above, a manufactured home located within a Mobile Home Park shall conform to applicable State and Federal standards.

**DWELLING, ONE FAMILY** – A building containing a single dwelling unit and occupied exclusively by one family. A one-family dwelling includes a “manufactured home”.

**DWELLING, TWO FAMILY** – A building containing two (2) dwelling units and occupied by no more than one family in each dwelling unit.

**DWELLING GROUP** – Two or more detached dwellings located on a parcel of land in one ownership and conforming to the special conditions and requirements set forth in a planned unit development.

**DWELLING, MULTI-FAMILY** – A building containing three (3) or more dwelling units and occupied by no more than one family in each dwelling unit.

**DWELLING UNIT** – A collection of rooms that are located in a dwelling, and that are arranged, designed, or used as living quarters for occupancy by no more than one family as a single housekeeping unit only, and containing complete kitchen and toilet facilities, permanently installed.

**EASEMENT** – An acquired or retained privilege or right of use in the land of another.

**ESSENTIAL SERVICES** – Services provided by public and private utilities which are necessary for the exercise of the principal use or the service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and municipal and emergency communication systems and accessories thereto, such as poles, towers, mains, drains, vaults, culvert, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

**FAMILY** – Any one of the following groups of individuals, but not more than one group at a time:

- (a) Any number of persons, all of whom are related to each other by blood, adoption, marriage, legal guardianship, or domestic partnership formed under

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Wis. Stats. 770, along with up to two (2) roomers or boarders not so related, living together in one dwelling unit as a single housekeeping entity;

- (b) Not more than four (4) persons who are not related by blood, adoption, or marriage, living together in one dwelling unit as a single housekeeping entity; or
- (c) Two (2) unrelated individuals and any children of either or both of them living as a single-housekeeping unit.

For purposes of the definition of family, the term “related” shall mean a spouse, parent, child, stepchild, child of a parent in a domestic partnership, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, and great-grandchild, or a child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, or great-grandchild of a person in a domestic partnership. The term “related” does not include other, more distant relationships such as cousins.

The definition of family includes up to two (2) guests if the guests live and cook together with the family in a single dwelling unit and do not pay rent or give other consideration for the privilege of staying with the family. The definition of “guest” under this section is defined as a person who stays with a family for a period of less than thirty days within any rolling one-year period and does not utilize the dwelling as a legal address for any purpose.

**FAMILY CHILD CARE HOME** – A dwelling licensed as a child care center by the Wisconsin Department of Children and Families under s. 48.65 where care is provided for not more than eight (8) children.

**FOSTER HOME** – A facility operated by a person who is licensed under Section 48.62, Wisconsin Statutes, which provides care and maintenance for no more than 4 children, unless all children are siblings.

**FLOOR AREA** – The total number of square feet of enclosed ground floor construction measured and calculated using exterior dimensions.

**FRATERNITY OR SORORITY** – A group or organization composed of students attending the University of Wisconsin-Platteville and designated by such group as a fraternity or sorority and recognized and approved as a fraternity or sorority by the administration of the University of Wisconsin-Platteville.

**FRONTAGE** – All parts of a lot abutting on a public street, not including alleys.

**GARAGE, PARKING** – A structure or series of structures for the temporary storage or parking of motor vehicles, not primarily commercial vehicles and not for dead storage vehicles, having no public shop or service in connection therewith, other than for the supplying of motor fuels, lubricants, air, water and other operating commodities

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wholly within the buildings to the patrons of the garage only, and not readily visible from, or advertised for sale on, the exterior of the building.

**GARAGE, PRIVATE** – An accessory building or portion of a main building designed or used solely for the storage of motor vehicles, boats and similar vehicles owned or used by the occupants of the building to which it is accessory.

**GROUP HOME** – A household unit of more than two (2) unrelated persons in a single dwelling unit under direct or indirect supervision for the purpose of adapting or acquainting disadvantaged persons with normal social environments. Such households may also be referred to and include half-way houses, interim housing, community based residential facilities and sheltered facilities. Such facilities shall conform with all applicable State and Federal requirements and licenses.

**HABITABLE BUILDINGS** – means any building, or portion thereof used for human habitation.

**HEARING NOTICE** – means publication or posting meeting the requirements of Ch. 985, Stats. Class 1 notice is the minimum required for variances and appeals. A Class 1 notice is published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all planned unit developments and amendments thereto, zoning ordinances and text amendments, and rezonings. A Class 2 notice is published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

**HIGHWAY OR PRIMARY THOROUGHFARE** – An officially designated Federal or State highway or other road designated as an interstate, arterial, or collector on the Comprehensive Plan as officially adopted and amended from time to time by the Plan Commission and Common Council.

**HOME OCCUPATION** – A business use located on a residential property that is accessory to the residential use of the property and that is operated by a resident of the property. Home occupations are subject to the specific standards in Section 22.

**HUMAN HABITATION** – A building or structure meant to be occupied by human beings.

**LAND USE** – Any use made of unimproved or improved real estate (Also see DEVELOPMENT).

**LAND USE PLAN** – The land use element of the Comprehensive Plan, as herein defined, consisting of a map showing the current and proposed land uses for the area subject to the Plan, along with any related narrative descriptions.

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**LOADING AREA** – An off-street space or berth on the same lot as the principal structure or use for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**LOT** – For zoning purposes, a parcel of land occupied or intended to be occupied by a principal structure and accessory building or use and being of sufficient size to meet minimum zoning requirements for use coverage and area and to provide such yards and other open spaces as are required. Such lots shall have frontage on an improved public street and may consist of:

- (a) a single lot of record;
- (b) a portion of a lot of record;
- (c) a combination of complete lots of record, of complete lots of record or of portions of lots of record;
- (d) a parcel of land described by metes and bounds provided that in no case of division or combination any residual lot or parcel is created which does not meet the requirements of this ordinance.

**LOT AREA** – The horizontal area within the lot lines of a lot.

**LOT, CORNER** – A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. See Plate 3.

**LOT COVERAGE** – The area of the lot covered by buildings, pavement, and other impervious surfaces or structures.

**LOT DEPTH** – The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. See Plate 3.

**LOT FRONTAGE** – That portion of a lot lying along and abutting a public street.

**LOT, INTERIOR** – A lot other than a corner lot. See Plate 3.

**LOT LINES** – The lines bounding a lot as defined below. See Plate 3.

- (a) **Front Lot Line** – In the case of an interior lot, the line separating such lot from the street right of way. In the case of a corner lot, the front lot line shall be the lot frontage of least dimension. In the case of a through lot, the lines separating such lot from the street on which the building is addressed shall be the front lot line.



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- (b) Rear Lot Line – The lot line most opposite the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front line and wholly within the lot.
- (c) Side Lot Line – Any lot line other than the front or rear lot line. A side lot line separating a lot from another lot is an interior lot line. On a corner lot, the line abutting a street which is not the front lot line is the corner side lot line.

LOT OF RECORD – A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT, REVERSED CORNER – A corner lot, the rear of which abuts upon the side lot line of an adjoining lot. See Plate 3.

LOT, THROUGH – An interior lot having frontage on two parallel, approximately parallel diverging, diverging, or converging streets. See Plate 3.

LOT WIDTH – Width of a parcel of land measured at the rear of the specified street yard building line and parallel to the front lot line. See Plate 3.

MANUFACTURED HOME – “Manufactured home” means a structure certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426, which, when placed on the site:

- (a) Is set on an enclosed foundation in accordance with sec. 70.043(1), Stats., and subchapters III, IV and V of ch. COMM 21, Wis. Admin. Code, or is set on a comparable enclosed foundation system approved by the Building Inspector. The Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home;
- (b) Is installed in accordance with the manufacturer’s instructions; and
- (c) Is properly connected to utilities.

MARQUEE – See CANOPY.

MASTER PLAN – See COMPREHENSIVE PLAN.

MOBILE HOME DWELLING – A detached, residential dwelling unit designed for transportation after its assembly, on streets or highways on its own wheels or on flatbed or other trailers and arriving complete and ready for occupancy at the site where it is to be occupied as a dwelling, except for minor and incidental unpacking or assembly operations, location on jacks or other temporary or permanent

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foundations, or connections to utilities. A recreational travel trailer is not considered a mobile home dwelling. Under Wisconsin law, manufactured homes constructed prior to June 15, 1976, are called "mobile homes" for purposes of distinguishing such homes from manufactured homes that are constructed according to HUD standards.

**MOBILE HOME PARK** – Any site or tract of land under single ownership upon which are located two or more mobile home dwelling spaces. A mobile home park shall include roadways, buildings, structures, vehicles, or enclosures, used or intended for use as part of the facilities of such park. This definition shall not reduce or alter the requirements for the development or maintenance of mobile home parks in the City of Platteville and its Extraterritorial limits which require 10 or more mobile home spaces.

**NONCONFORMING USES OR STRUCTURES** – Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this ordinance or amendments thereto which does not conform to the regulations of this ordinance or amendments thereto. Any structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure.

**OFFICIAL MAP** – A map adopted by the Common Council pursuant to Section 62.23(6), Wisconsin Statutes, for the precise designation of right-of-way lines and boundaries of streets, highways, parkways, parks, playgrounds, greenways, historic districts and public transportation facilities, both existing and proposed. The Official Map may include areas beyond the corporate limits but within the extraterritorial jurisdiction of the City.

**OUTLOT** – An outlying parcel of land, other than a lot or block, and so designated on a plat.

**PARKING SPACE** – A graded and surfaced area, either enclosed or open, for the parking of a motor vehicle and having adequate ingress and egress to a public street or alley.

**PARTIES IN INTEREST** – All abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages of a subject property and all persons whose rights or interests might be affected by a decision of a board or commission or by the enforcement of any provisions of this ordinance.

**PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

**PLANNED UNIT DEVELOPMENT (PUD)** – A parcel which contains or will contain one or more principal structures, the development of which is unique and intended to permit diversification and variation in the relationship of uses and structures. The PUD has certain facilities in common, such as yards, open spaces, recreation areas, garages and parking areas. Compatibility of uses and structures are to be ensured through approval of an overall plan showing proper orientation, desirable design character,

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compatible land uses and a tendency over a period of time to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses. See Section 22.07.

PLAT – A map of a subdivision as follows:

- (a) Preliminary Plat means a preliminary map showing the proposed layout of a subdivision in sufficient detail to allow review by the Plan Commission.
- (b) Final Plat – means a map of all or part of the subdivision prepared and certified by a registered engineer or land surveyor in accordance with the requirements of the Subdivision Regulations of the city.

PUBLIC UTILITIES – means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

RECYCLING OPERATION – An operation that collects and separates cans, bottles, plastic and/or paper from other waste products for further utilization and which is operated within a building.

ROOMING HOUSE – A building containing two (2) or more rooms to rent or let, which contains common facilities including (but not limited to) common toilet, kitchen, and dining facilities. Maximum occupancy in a rooming house is subject to the requirements of the building codes as well as other requirements of this Ordinance.

SALVAGE YARD – Any place which is owned, maintained, operated or used for storing, processing, buying or selling junk, including junk yards, automobile grave yards, auto-recycling yards and wrecking yards. Such facilities shall be screened by a solid fence or evergreen planting completely preventing view from any other property or public right-of-way. If evergreen planting or similar device is utilized, an additional fence or similar security device shall be installed to prevent unauthorized entry.

SIGN – See Section 22.11.

STORY – That part of a building included between the surface of one floor and the surface of the next floor. If the floor level directly above a basement is more than 6 feet above grade such basement shall be considered a story.

STORY, HALF – An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purposes of this ordinance the usable floor area is only that area having at least four feet clear height between floor and ceiling.

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**STREET, IMPROVED** – A public right-of-way other than an alley which has, at minimum, a pavement which is hard surfaced and which meets the requirements of Chapter 21 of the Municipal Code.

**SUBSTANDARD LOT** – A lot or parcel of record in the office of the County Register of Deeds, duly recorded before the effective date of this Ordinance, which does not meet both the lot width and lot area requirements for the district in which it is located.

**SUBSTANTIAL IMPROVEMENT** – Any structural repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure, either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. This term does not, however, include either: (a) existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, listed on the National Register of Historic Places, or within any historic district designated by the City in accordance with Chapter 27 of the Municipal Code. Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows and other nonstructural components. For purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

**TELECOMMUNICATIONS CENTER** – An office wherein one or more employees representing a company or product communicates with the public or conducts business via telecommunication, such as answering services, telemarketing, customer information and service centers, and insurance claims processing centers.

**TURNING LANE** – An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

**UNNECESSARY HARDSHIP** – Any unique and extreme inability to conform to the provisions of this ordinance due to special conditions affecting a particular property which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

**UTILITIES** – Public and private facilities such as water wells, water and sewer mains, pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including

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sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

**VARIANCE** – An authorization granted by the Board of Appeals to construct, alter, or use a structure or land in a manner which is inconsistent with the dimensional standards or regulations contained in this ordinance.

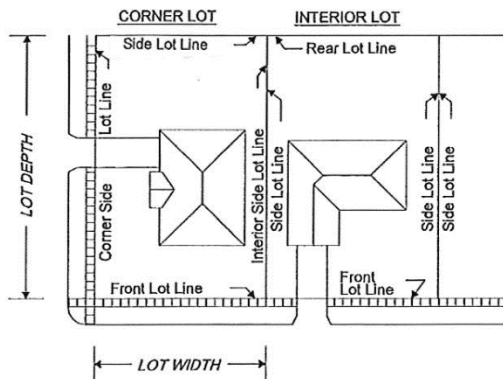
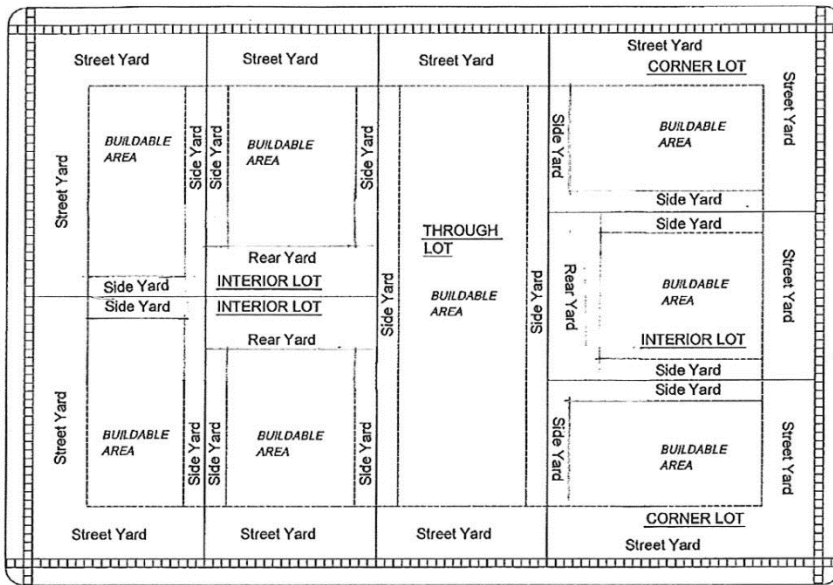
**VEHICLE SERVICE AND REPAIR** – Any premises used for service or care of motor vehicles or where motor vehicles are equipped for operation, are repaired or kept for remuneration, hire, or sale.

**VEHICLE WASHING FACILITY** – A private facility which provides automated, attended, or self-service vehicle washing equipment or personnel, subject to the requirements of Section 22.06. “Vehicle washing facility” does not include a self-contained washing facility which is attached to a vehicle service and repair facility or an automobile dealership, and which is used only for washing vehicles which are repaired or are for sale on the same site.

**YARD** – An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation and fences in good repair, as defined below. See Plate 3.

- (a) **Rear Yard** – A yard extending across the full width of the lot (except on a corner lot, the width of the rear yard does not extend into the street yard), the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard, or the front street yard on a corner lot.
- (b) **Side Yard** – A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the interior side lot line and a line parallel thereto through the nearest point of the principal structure.
- (c) **Street Yard** – A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two street yards; the yard abutting the front lot line shall be the front street yard.

Plate 3



LOT TYPES,  
LOT LINES,  
AND YARDS

ZONING DISTRICT – A portion of the incorporated area of the City within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.

**22.16 CHANGES AND AMENDMENTS**

(A) AUTHORITY

- (1) Whenever public necessity, convenience, general welfare or good zoning practice requires, the Common Council may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this ordinance or amendments thereto.

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- (2) Such change or amendment shall be subject to the review and recommendation of the Plan Commission.
- (B) INITIATION. A change or amendment may be initiated by the Common Council, Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be rezoned or affected by the proposed changes.
- (C) PETITIONS
  - (1) Petitions for any change to the district or lot boundaries or amendments to the text of this ordinance shall be filed with the City Clerk, describe the premises to be rezoned, the lot or lots to be re-divided or the text to be amended, list the reasons for the petitions, and specify the proposed use. For changes to zoning district boundaries, petitions shall also contain the following:
    - (a) A map drawn to a scale of not less than 1:300 showing the area proposed to be rezoned, its location, its dimensions, the location, zoning, and existing use of all properties within 200 feet of the area proposed to be rezoned.
    - (b) The names and addresses of owners of all properties within 200 feet of the area proposed to be rezoned; however, if the change or amendment is for a Planned Unit Development, the names and addresses of owners of all properties within 500 feet shall be provided.
    - (c) An application fee in the amount as established from time to time by the Common Council.
- (D) RECOMMENDATIONS. The Plan Commission shall review all proposed changes and amendments and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made in writing to the Common Council.
- (E) HEARINGS. The Common Council shall hold a public hearing upon each recommendation involving changes of zoning or amendments to this Chapter after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and the changes or amendments proposed. The Common Council shall also give at least ten days prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment and shall mail a notice of the public hearing to owners of all land within 200 feet of the area proposed to be rezoned at least 10 days prior to the public hearing; however, if the change or amendment is for a Planned Unit Development, other than for an approved PUD, all property owners within 500 feet shall be so notified.

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- (F) **COMMON COUNCIL ACTION.** Following such hearing and after careful consideration of the Plan Commission's recommendations, the Common Council shall vote on the passage of the proposed change or amendment. Changes to the district boundaries must be shown on the Zoning Map on the effective date of the change.
- (G) **REPETITIONING.** No petition requesting the same or similar action may be resubmitted by the original petitioner or his agent for the same property before the passage of six months following Common Council action.

### **22.17 LEGAL PROVISIONS**

- (A) **AUTHORITY.** These regulations are adopted under the authority of Sections 62.23(7) and 87.30 of the Wisconsin Statutes, as amended.
- (B) **VIOLATIONS.** It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this ordinance. In case of any violation the Common Council, the Building Inspector, the Plan Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ordinance.
- (C) **ABROGATIONS AND GREATER RESTRICTIONS.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.
- (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 City and shall not be deemed a limitation or repeal of any other power granted to the City by law. Where a provision of the floodplain zoning ordinance is required by a standard in Chapter NR 116, Wisconsin Administrative Code, and where the meaning of the ordinance provisions is unclear, the provision shall be interpreted in light of the Chapter NR 116 standards in effect on the date of the adoption of that ordinance or in effect on the date of the most recent text amendment to that ordinance.
- (E) **SEVERABILITY.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction the remainder of this ordinance shall not be affected thereby.
- (F) **REPEAL.** All other ordinances or parts of ordinances of the City inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed



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- (G) TITLE. This ordinance shall be known as, referred to or cited as the ZONING ORDINANCE, CITY OF PLATTEVILLE, WISCONSIN.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 23, BUILDING CODE  
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## CHAPTER 23

### BUILDING CODE

**23.01 INTRODUCTION.** (a) Purpose of Chapter. The purpose of this chapter is to protect the health, safety and welfare of the public and employees by establishing minimum standards for the design, construction, structural strength, quality of materials, adequate egress facilities, sanitary facilities, natural lighting, heating and ventilation, energy conservation, and fire safety for all buildings and places of employment in the City of Platteville.

- (b) Building Inspector. The City Manager shall appoint a Building Inspector who shall have the power and duty to enforce the provisions of this chapter and of all other ordinances, laws and rules of the State of Wisconsin which relate to building construction, and for purposes of building inspection or land-use inspection, he shall have the right at all reasonable times to enter buildings and premises. With the consent of the Common Council, the City Manager may hire additional inspectors and delegate to them the above mentioned powers and duties. All inspectors shall maintain current State Certification in those categories in which they will be conducting inspections, per the Uniform Dwelling Code (UDC).
- (c) Enforcement. It shall be the duty of the Building Inspector, with the aid of the Police Department, the Fire Department and State Department of Safety and Professional Services (SPS), to enforce the provisions of this chapter.
- (d) Enforcement Policy. This chapter, adopted under the police powers of the City for the purpose of protecting the public health, safety and welfare, shall be administered reasonably and uniformly, in accordance with the constitutionally guaranteed rights of private property and due process.
- (e) Performance Code. This chapter shall be interpreted and administered as a performance code.
- (f) Conflicts. Whenever two or more provisions of this chapter have conflict, the most restrictive shall apply.
- (g) Definitions. Definitions of terms used in this chapter shall be as provided herein, as provided in Chapter 22, and as provided in the Wisconsin Statutes.
  - (1) Words used in the present tense shall include the future.
  - (2) Words used in the singular number shall include the plural number, and the plural, the singular.

- (3) The word “shall” is mandatory and not discretionary.
  - (4) The word “may” is permissive.
  - (5) The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.
- (h) Records. The Building Inspector shall keep a record of all permits issued and fees collected under this chapter, and shall make an annual report thereof to the Common Council.

**23.02 BUILDING PERMITS.** (a) A building permit is required for the following:

- (1) The construction of new structures.
- (2) The remodeling or alteration of existing structures which involves structural strength, fire hazard, exits, natural lighting or an expenditure of an amount greater than \$500.
- (3) The remodeling or alteration of a contributing building within the historic district regardless of cost. For an expenditure under \$500, the building permit fee shall be waived. Plans for remodeling or altering the exterior of a contributing building in the historic district shall be submitted to the Historic Commission for review and approval prior to the issuance of a building permit.

By way of illustration, but not limitation, building permits are required for the following types of projects:

- (1) A new home, addition, garage, or storage building.
- (2) Complete residing, reroofing or insulation.
- (3) Kitchen remodeling.
- (4) A deck or fence.
- (5) Concrete work.

By way of illustration, but not limitation, permits are generally not required for the following types of projects:

- (1) Painting a house.
- (2) Replacing the deck of a porch, if less than \$500.
- (3) Interior decorating.

- (4) Paneling one room, if less than \$500.
- (b) Fee Amount. Building permit fees shall be in the amounts as established from time to time by the Common Council. Work which has commenced prior to the issuance of a required building permit shall be charged double the normal fee. This fee shall be in addition to any penalties provided for in Section 23.18.

General. The Building Inspector is authorized to estimate the value of the project at the time the application for the permit is made. The estimate of the Inspector as to the value of the improvement shall be final and binding at the time of the issuance of the permit, but any person shall have the right to a refund of a part thereof upon satisfactorily showing to the Building Inspector, after the improvement is made, that the estimate was erroneous.

- (c) The homeowner and/or agent shall be responsible to provide full disclosure of entire project, including all phases.
- (d) Only the Building Inspector or his assistants may waive the requirement for a building permit.

**23.03 PLUMBING PERMITS.** (a) By way of illustration, but not limitation, plumbing permits are required for the following types of projects:

- (1) Installations in new structures.
- (2) Plumbing installations in additions or alterations to existing structures exceeding \$500.00 in value, including material and labor.
- (3) Repair or replacement of plumbing exceeding \$500.00 in value, including materials and labor.

The Building Inspector may request written evidence that the \$500.00 limit has not been exceeded.

Plumbing permits may only be issued to or on behalf of those persons licensed as Master Plumbers in the State of Wisconsin, except that a homeowner, or his/her agent, may be issued a plumbing permit for work in a single family home owned and occupied by him/her.

- (b) Fees. The fee for plumbing permits shall be in the amount as established from time to time by the Common Council. Work which has commenced prior to the issuance of a required plumbing permit shall be charged double the normal fee. This fee shall be in addition to any penalties provided for in Section 23.18.

### 23.04 ELECTRICAL PERMITS.

- (a) Except for an electrical wiring project described in s. 101.875 (2), Wis. Stats., and as provided in par. (b), no electrical wiring project may commence unless the owner of the premises where the installation is to occur or their agent holds a permit from the City if the project involves the installation of new or an addition to any electrical service, feeder, or branch circuit serving any of the following:
  - (1) A farm.
  - (2) A public building, structure, or premises.
  - (3) A place of employment.
  - (4) A campground.
  - (5) A manufactured home community.
  - (6) A public marina, pier, dock, or wharf.
  - (7) A recreational vehicle park.
  - (8) Electrical installations in new structures.
  - (9) Additions, alterations, repair or replacement of existing electrical installations exceeding \$500.00 in value, including materials and labor. The Building Inspector may request written evidence that the \$500.00 limit has not been exceeded.
  - (10) Change or upgrade of an electrical service.
- (b) Under emergency conditions, the necessary electrical wiring may commence without obtaining a permit, provided the owner of the premises where the installation is to occur, or their agent submits a permit application to the City for the installation no later than the next business day after commencement of the installation.
- (c) The application for a permit shall contain all of the following information:
  - (1) The name of the applicant.
  - (2) The name of the building or property owner.
  - (3) The location of the electrical wiring installation.
  - (4) The scope and extent of the electrical wiring installation.
  - (5) The name of the person responsible for the installation.
  - (6) The name and license number of the master electrician, residential master electrician, or registered master electrician under SPS 305.437 responsible for the installation, unless exempted under s. 101.862 (4), Stats.
- (d) The City shall indicate on the electrical permit the date of issuance.
- (e) The permit shall expire twelve (12) months after the date of issuance, if installation of the electrical wiring has not commenced.
- (f) The fee for electrical permits shall be in the amount as established from time to time by the Common Council. Work which has commenced prior to the issuance of a required electrical permit shall be charged double the normal fee. This fee shall be in addition to any penalties provided for in Section 23.18.

**23.05 HVAC PERMITS.** (a) A heating, ventilating and air conditioning permit is required for the following HVAC work:

- (1) New furnace installations in any new or existing building.
- (2) Additions, extensions or alterations of any existing HVAC system exceeding \$500.00 in value, including materials and labor.
- (3) Installation of any type of fireplace or freestanding stove and/or chimney.
- (4) Installation of a central air conditioning system in any building.

The Building Inspector may request written evidence that the \$500.00 limit has not been exceeded.

(b) Fees. The fee for HVAC permits shall be in the amount as established from time to time by the Common Council. Work which has commenced prior to the issuance of a required HVAC permit shall be charged double the normal fee. This fee shall be in addition to any penalties provided for in Section 23.18.

**23.06 RAZING PERMITS.** (a) A permit is required to raze any building within the City limits of Platteville to ensure removal of the property from the tax roll.

(b) Fees. The fee for razing permits shall be in the amount as established from time to time by the Common Council

(c) As a condition of the demolition permit, the following procedures shall be followed:

1. At least ten (10) days prior to issuing the razing permit, the City shall notify the owners of record, as listed in the assessor's office, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property on which the structure is located.
2. A snow fence or other approved barricade shall be provided around the structure before any portion of the building is removed, and shall remain during razing operations.
3. If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.

4. The owner shall submit documentation from the appropriate utility providers evidencing that all water, electricity, natural gas, cable, and telephone lines have been shut off and capped or sealed.
  5. Remove and/or fill, as required, all septic, holding tank and other sanitary disposal facilities and cap and seal all private wells.
  6. If applicable, the owner shall submit an asbestos renovation/demolition notification form (4500-113) to the Wisconsin Department of Natural Resources.
  7. If applicable, the owner shall excavate and expose the existing sanitary and water laterals on the property at the point where they enter the public right-of-way or easement. The owner shall notify the Director of Public Works at least twenty-four (24) hours in advance and shall allow entry on the property to plug/cap the abandoned lateral or laterals. The owner shall backfill the excavation with supervision of the Director of Public Works to insure no damage is done to the lateral by the backfill operation.
  8. Remove all above ground or underground fuel storage tanks in accordance with sec. SPS 310.732 Wisconsin Administrative Code, as amended.
  9. After all razing operations have been completed, the excavation shall be filled to match the adjacent grade after settling, the property raked clean, and all debris hauled away. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
- (d) Appeal. If a property owner is denied a permit authorizing demolition of all or part of a building, the property owner may appeal such decision to the Zoning Board of Appeals within thirty (30) days of the decision. The procedures in Section 23.14 shall apply.

**23.07 SIGN PERMITS.** (a) A sign permit is required for any sign located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered in the City of Platteville. See Chapter 22, Municipal Code.

(b) Fees. Fees for sign permits shall be in the amount as established from time to time by the Common Council.

**23.08 OCCUPANCY PERMITS.** (a) Occupancy of any new building or new use of an existing or altered building is permitted only after issuance of an occupancy permit by the Building Inspector. Such permit shall only be issued after the Building Inspector has determined that the new building or new use complies with the provisions of this Chapter



and all other ordinances, codes and statutes applicable thereto. Such permit shall designate the approved use for the new, existing or altered building. A temporary permit may be issued by the Building Inspector for a temporary approved use of a portion of a structure prior to the completion and occupancy of the entire building, not to exceed a period of twelve months. The new or altered building, when completed, must be in substantial conformance with the plans used to obtain the building permit.

- (b) Fees. The fee for an Occupancy Permit shall be in the amount as established from time to time by resolution of the Common Council. This fee shall be in addition to any penalties provided for in Section 23.18.

**23.09 PERMIT ISSUANCE.** (a) Application. Applications for permits shall be made in writing on a form furnished by the Building Inspector. Those entries on the form relating to the specific type of permit shall be completed, as well as any other information the Building Inspector may require.

- (b) Plans. Complete sets of plans shall be submitted with each permit application requiring same as determined by the Building Inspector and/or Department of Safety and Professional Services. Plans shall meet the requirements of the Wisconsin Administrative Code as follows:

SPS 320 Applies to plans for new one or two-family dwellings, garages and additional or structural alterations to existing one or two-family dwellings.

SPS 361 Applies to plans for new buildings and alterations or additions to existing buildings covered by SPS 361-365 or 375-379.

SPS 382 Applies to those plumbing installations specified in SPS 382.

The Building Inspector may require a plot plan showing the location of buildings and the intended use of each building. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the Department of Safety and Professional Services. Such plans and specifications, if requested by the Building Inspector, shall be submitted in duplicate. One set shall be returned after approval as hereinafter provided and the other set shall remain on file in the office of the Building Inspector for a period of at least one year after the permit is issued.

If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans, provided the cost of such work does not exceed \$5,000.00. Plans may also be waived by the Building Inspector for non-structural work exceeding \$5,000.00 in value, such as siding, insulation or mechanical work if plans are not otherwise required by other sections of this Chapter.

- (1) Pursuant to this Section where the Building Inspector requires plans, the fee for plan review shall be in the amount as established from time to time by a resolution of the Common Council.
- (c) If the Building Inspector and/or Department of Safety and Professional Services determines that the proposed building or improvement will comply in every respect with all ordinances of the City and all applicable laws and codes of the State of Wisconsin, he shall approve the plans and return one copy to the owner and shall issue a permit for the building or improvement which shall be kept and displayed at the site of the proposed building or improvement. After being approved, the plans and specifications shall not be altered in any respect which involves this chapter or which involves the safety of the building or occupants, except with the written consent of the Building Inspector and/or Department of Safety and Professional Services. If adequate plans are presented for part of the building only, the Building Inspector may, at his discretion, issue a permit for a part of the building before receiving the plans and specifications for the entire building.
- (d) **Bonding and Security.** The Building Inspector may require a bond or other security from the applicant for a permit whenever the application is for a permit to demolish, tear down, dismantle or otherwise disassemble any building or structure. The bond or other security shall provide that the City will be indemnified and held harmless from any and all damages which may be incurred by the City by reason of damages or injury which may be sustained by any person or to any property while such building is being demolished or torn down, and shall also provide that the City shall be reimbursed for any damage or injury to its property sustained by reason of such tearing down or demolishing of any building or structure. The bond or other security shall also provide for reimbursement to the City or its agents, employees or assigns for any work of any nature which is required to make complete the demolition or tearing down of such buildings or structures if the demolition is not completed within a reasonable period of time. It shall be the duty and responsibility of the Building Inspector to see that such demolition or dismantling of buildings or structures is completed, but before making arrangements for such completion, the Building Inspector shall notify the applicant or his employees or agents in writing of this intention to have the demolition or dismantling completed.
- (e) **Payment of Fees.** All fees shall be paid to the City Treasurer. Upon presentation of the City Treasurer's receipt showing that the fees prescribed by this chapter have been paid, the Building Inspector may issue the proper permit. Permits for which the fees have not been paid in full shall not be valid.
- (f) **Governmental Bodies.** Projects or work performed for or on behalf of the City of Platteville on City property, for or on behalf of the School District of Platteville, for or on behalf of property owners of State of Wisconsin and for or on behalf of property owners of Federal Government require permits, but are exempt from the fees set forth in this chapter.

**23.10 INSPECTION OF WORK.** (a) Required Inspections. Pursuant to the provisions of SPS 361, SPS 320, and SPS 382, the following inspections are required before work is covered.

- (1) Footing and/or foundation forms, reinforcement and vapor barrier under slab prior to concrete placement.
  - (2) Drain tile prior to backfilling.
  - (3) Erosion Control.
  - (4) Under floor plumbing inspection and testing per SPS 382.
  - (5) Rough framing.
  - (6) Mechanicals, including plumbing, electrical, and HVAC ductwork and/or venting before application of sheet rock or other material.
  - (7) Completed wall insulation.
  - (8) Final inspection for Occupancy Permit.
  - (9) Any other inspection required per SPS 320.
- (b) Responsibility to Notify. It is the contractor's responsibility or owner's responsibility if a contractor is not used, to notify the applicable local or state Inspector, either orally or in writing, that work is ready for one or more of the required inspections. Once notified that an inspection is required, the applicable local or state Inspector shall have 48 hours to conduct the inspection, excluding Saturdays, Sundays and holidays. If the inspection is not made within 48 hours, work may proceed.
- (c) Voluntary Inspection. In addition to the inspections called for above, the Building Inspector may make or require any other inspections to ascertain compliance with this Chapter and other laws enforced by the Building Inspector.
- (d) Covering of Work. No installation in any building requiring inspection shall be covered until it has been inspected and/or tested, or the 48-hour notification period has expired. Inspector approval is required for cover-up anytime during the 48-hour notification period. If any work is covered before the required inspection is completed, it shall be uncovered at the direction of the Building Inspector. The City of Platteville shall not be held liable for additional expenses incurred by premature covering of work.
- (e) Reports. Reports of violations shall be provided to the contractor and/or owner. All corrections must be made within 30 days, or immediately if the violation could

jeopardize the health or safety of the occupants or employees at the job site. The applicable state or local Inspector may adjust the 30 day compliance requirement if determined appropriate. Occupancy permits shall be withheld pending correction of cited violations.

**23.11 MOVING BUILDINGS.** (a) Moving Permits. No building or structure shall be moved into or within the City of Platteville without first obtaining a permit therefor from the Building Inspector and Director of Public Works. Such permit may be issued only upon compliance with the provisions of this Chapter.

(b) Application. Application for such permit shall be made to the Building Inspector and shall include the following:

- (1) Name and owner of the building to be moved.
- (2) Present location of the building.
- (3) Proposed location to which the building is to be moved.
- (4) Name and address of mover engaged.
- (5) Streets or other routes over which said building is to be moved.
- (6) The date and time such moving will take place and the approximate length of time required therefor.
- (7) Any other information, data, or maps reasonably required by the Building Inspector to make a determination on the issuance of said permit.

(c) Fees for Permit. The fees for moving permits shall be in the amount as established from time to time by a resolution of the Common Council.

Where police officers or other City personnel are required to expend substantial additional time in connection with such move, then the fees therein set forth shall be increased accordingly to cover the cost to the City.

(d) Requirements for Permit.

- (1) No permit shall be granted for the moving of any building or structure or portion thereof which is deteriorated or damaged to an extent greater than 50 percent of the assessed valuation of said building.
- (2) No permit shall be issued unless the proposed use and location of said structure, when moved, will comply with the applicable zoning ordinances, building codes, subdivision regulations, and all other applicable ordinances.

- (3) Where the issuance of a permit is conditioned upon alterations or improvements to be made in the structure after moving is completed, the Building Inspector may require a bond or other suitable guarantee to the City that such alterations will be completed within a reasonable time thereafter. The term "reasonable time" means a period which is fair under the then existing circumstances, taking into consideration the amount and kind of alterations, the time of year, and the availability of personnel required to make the alterations or improvements.
  - (4) No permit shall be issued unless all reasonable steps are taken to ensure that the moving may be done with reasonable safety to other property and to persons. The applicant shall furnish to the Building Inspector proof of liability insurance in the minimum amounts of \$100,000 for injury to any person, \$200,000 for aggregate injuries to more than one person and \$50,000 for property damage.
- (e) Time Limitation. The permit shall be valid for the date and hour and on the routes set forth in the permit and no variations therefrom shall be permitted unless such variation shall have been authorized by the Building Inspector.

**23.12 CONSTRUCTION ZONE.** Revoked by Common Council action on 11/12/91.

**23.13 INSPECTION AND LICENSING OF RESIDENTIAL RENTAL PROPERTY.** Regulations regarding rental property licensing and inspection are covered in Chapter 33. Whenever a conflict exists between Chapter 33 and Chapter 23, the more restrictive shall apply.

**23.14 BOARD OF APPEALS.** (a) The Board of Appeals, established to hear appeals under Chapter 22 and Chapter 25 of the Municipal Code, shall also function as a Board of Appeals in matters relating to this Chapter, and shall entertain appeals in the manner prescribed in Chapter 22.

- (b) Board of Appeals – Powers. The Board of Appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is any error in any order, requirement, decision or determination made by the Building Inspector.
  - (2) To hear and decide special exceptions to the terms of this Chapter upon which the Board of Appeals is required to pass.
  - (3) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary

hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured and substantial justice done.

- (4) To reverse or affirm wholly or in part or to modify any order, requirement, decision or determination appealed from and to make such order, requirements, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. The concurring vote of 4 members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this Chapter.
- (5) To call on any other City department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.

**23.15 DESIGNATION OF UNFIT PROPERTIES, BUILDINGS OR STRUCTURES. (a)**

The purpose of this subsection is to provide for the designation of properties, and repair or razing of those buildings or structures which are so dilapidated, unsafe, dangerous, unhygienic, inadequately maintained, lacking in basic equipment, facilities, light, ventilation, heating, and/or appearance, so as to constitute a menace to the occupants or public or a blighting influence on the neighborhood.

- (1) Definition of blighting influence. Any property which by reason of dilapidation, deterioration and/or physical condition of the structure(s), site improvements or site conditions constitutes an economic or social liability to neighboring properties or the community or is detrimental to the public health, safety, morals or welfare due to one or more of the following conditions:
  - a. Deteriorating buildings, structures or structural components, including but not limited to roofs with loose, missing, or deteriorating shingles, sagging rooflines, missing soffit or canopy coverings, broken down or damaged chimneys, broken or boarded windows, damaged window screens or doors, damaged, deteriorated or missing siding, trim or building components, and peeling or loose paint.
  - b. The storage or accumulation of junk, trash, rubbish or refuse of any kind outdoors, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "junk" shall include but not be limited to parts of machinery or motor vehicles, unused or inoperable appliances, lawn mowers, snow blowers and similar tools and equipment stored or left in the open, remnants of wood, metal or any other cast off material.

- c. The parking or storage of “junk vehicles”, inoperable farm equipment or implements outside of a completely enclosed building for a period in excess of thirty (30) days. The term “junk vehicles” shall include but not be limited to any automobile, motorcycle, snowmobile, ATV, boat, RV or other motor vehicle which is not licensed for use upon the highways of the State of Wisconsin, and/or any motor vehicle, whether licensed or not, which is inoperable or does not have all of its main component parts attached, i.e. motor, fenders, chassis, transmission, hood, trunk or bumpers.
  - d. Deteriorating or damaged driveways, sidewalks, parking lots, retaining walls, fences or other site improvements.
  - e. The untended growth of vegetation, weeds and/or tall grasses, excluding undeveloped wooded or natural areas.
- (b) Any building or structure which shall be found to have any of the following defects may be designated as unfit for human habitation and in need of repairs or razing and placarded by the Building Inspector. Written notice of all defects or violations shall be served upon the owner of any building:
  - (1) Which is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety or general welfare of the occupants or of the public.
  - (2) Which lacks illumination, ventilation, heating, basic equipment or sanitary facilities adequate to protect the health, safety or general welfare of the occupants or of the public.
  - (3) Which because of its general condition, location or appearance is a blighting influence or causes decreased physical or monetary value of property in the neighborhood.
- (c) Any building or structure or part thereof designated and placarded by the Building Inspector as unfit for human habitation and in need of repairs or razing shall be vacated within a reasonable time as ordered by the Building Inspector.
- (d) No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by the Building Inspector. He shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.

- (e) No person shall deface or remove any placard from any building or structure or part thereof which has been condemned as unfit for human habitation and placarded as such.
- (f) Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Building Inspector which, in the opinion of the Building Inspector, would be unreasonable to repair shall be razed or removed upon order of the Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector shall cause such building to be razed or removed pursuant to Section 66.0413, Wisconsin Statutes.
- (g) Any property, building or structure due to its appearance that is a blighting influence in the neighborhood shall be considered a violation if not corrected upon written orders from the building inspector. The blighting influence can be due to the physical condition or the result of construction of or alteration to the structure. Examples of this would be patch work of roofing or siding or complete roofing or siding that provides patchwork appearance due to product mismatch. Camouflage painting is also an example of patchwork appearance.

**23.16 CODES ADOPTED.** (a) Wisconsin Administrative Code. The following chapters of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Chapter, with the following modifications.

Ch. SPS 320 – 325. Uniform Dwelling Code

- (1) SPS 320.05(1). The provisions of the Uniform Dwelling Code shall apply to additions and alterations to existing one and two-family dwellings, but only to that portion added, extended, or altered.
- (2) SPS 320.05(3). The Uniform Dwelling Code shall apply to existing one and two-family dwellings.
- (3) The Uniform Dwelling Code shall apply to residential accessory structures.

Ch. SPS 382. Design, Construction, Installation, Supervision and Inspection of Plumbing

Ch. SPS 384. Plumbing Products

UDC-Electrical. Chapters SPS 316, 320 and 324 and the adopted National Electrical Code (NEC)-2008 Edition or future editions as adopted by the State of Wisconsin (Covering the one- and two-family and less than 600 volt portions of: Article 90, Chapters 1 and 2, Articles 300, 310, 324, 333, 336, 338, 339, 345-352, 370-384, 400, 410, 422, 424, 430, 440, 545, 550, 680, 725 and Chapters 8 and 9)



The preceding list shall be construed as illustrative and shall not limit the Building Inspector's use of other Wisconsin Administrative codes as required by this Chapter. All commercial buildings and related issues shall be enforced by the State of Wisconsin Department of Safety and Professional Services.

(b) International Property Maintenance Code. The 2012 International Property Maintenance Code (IPMC) is hereby adopted by reference and made a part of this Chapter, except for the following deletions and modifications:

(1) Section 102.3 shall be replaced with the following language:

Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Wisconsin Administrative Code and NFPA1. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Platteville Municipal Code.

(2) Section 102.7 is deleted.

(3) Section 103.1 is deleted.

(4) Section 106 is deleted.

(5) Sections 107.2(5) and 107.2(6) are deleted.

(6) Section 107.5 is deleted.

(7) Section 107.6 is deleted.

(8) Section 109.6 is deleted.

(9) Section 110.2 is deleted.

(10) Section 111 is deleted.

(11) Section 112.4 is deleted.

(12) Section 201.3 shall be replaced with the following language:

Terms defined in other codes. Where terms are not defined in this code and are defined in the Wisconsin Administrative Code, NFPA1 or other sections of the Platteville Municipal Code, such terms shall have the meanings ascribed to them as stated in those codes.

(13) Section 302.4 is deleted. The regulations in Chapter 5 of the Municipal Code shall apply.

- (c) Intent. It is the intent of this section to have the codes applied as follows:
- (1) The “One and Two-Family Dwelling Code, 1975 Edition” shall apply to one or two-family dwellings in existence between January 1, 1975 and May 31, 1980.
  - (2) The Uniform Dwelling Code shall apply to all one and two-family dwellings, including additions and alterations and accessory structures.
  - (3) The IPMC (International Property Maintenance Code) may be applied in any instance in which maintenance or upkeep of a property is inadequate.
  - (4) Whenever a conflict exists between the State Building Code and the codes and requirements adopted herein by reference, the more stringent shall apply.
  - (5) It is also intended that nothing herein shall be construed to preclude the Building Inspector, the City of Platteville, or any authorized officer thereof from proceeding under any other law or ordinance relating to the same, similar or other violation, or to limit the discretion of the City of Platteville, the Building Inspector, or any authorized officer thereof, to select the method by which to enforce any ordinance, law, regulation or order.

**23.17 ADMINISTRATION.** (a) Permit Lapses. Building, plumbing, electrical, HVAC, razing, and sign permits shall lapse and be void unless work under the permit is commenced within six months from the date of issuance. Work shall only be allowed to the extent specified on the permit and the permit shall expire upon completion of the permitted work or within one year, whichever is sooner.

- (b) Revocation. If the Building Inspector finds at any time that any applicable ordinances, laws, codes, plans, or specifications are not being complied with and that the holder of the permit refuses to comply after a written warning or instruction, he shall revoke the permit by written notice posted at the site of the work. When any permit is revoked, it shall be unlawful to do any further work thereunder until the permit is re-issued, except such work as the Building Inspector may order to be done as a condition precedent to the re-issuance of the permit, or as he may require for the preservation of human life and safety. The re-issuance of any permit shall carry a fee in the amount as established from time to time by a resolution of the Common Council.
- (c) Owner’s Responsibility. No owner shall construct or alter any building or structure, or portion of a building or structure, or permit any building or structure to be constructed or altered except in compliance with the provisions of this Chapter.
- (d) Violations and Penalties. It shall be unlawful for any person to build, enlarge, alter, demolish, convert, or mechanically equip any structure or any portion of a structure contrary to, or in violation of, any of the provisions of this Chapter, or cause, permit, or suffer the same to be done.

- (e) Any person who shall fail or neglect to comply with any lawful order of the Building Inspector issued pursuant to the provisions of this Chapter shall be deemed guilty of a violation of this Chapter and every day or fraction thereof on which such person shall fail or neglect to comply with such order shall be deemed a separate offense.
- (f) Separability. The provisions of this Code shall be deemed separable in accordance with the following:
  - (1) If any court of competent jurisdiction shall declare any provision of this Chapter to be invalid, such declaration shall not affect any other provision of the Chapter.
  - (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code to any property, building or structure, such judgement shall not affect the application of said provision to any other property, building or structure not specifically included in said judgement.

**23.18 PENALTY AND ENFORCEMENT.** (a) Forfeiture Penalty. The penalty for violation of any provision of this Chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.

- (b) Forfeiture Schedule. The penalty for violation of any provision of this Chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this Code, with a maximum forfeiture of \$500.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 24, FIRE PREVENTION  
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## CHAPTER 24

### FIRE PREVENTION AND PROTECTION

**24.01 DEFINITIONS.** Terms used in this section have the following meanings:

- (a) City: City of Platteville, Wisconsin
- (b) Council or Common Council: The Common Council of the City of Platteville
- (c) Department: Platteville Fire Department or the Fire Department of the City of Platteville
- (d) Fire District: Geographical area where the Platteville Fire Department has the responsibility for providing fire protection services by ordinance or through contracted fire service agreements.
- (e) Authority Having Jurisdiction (AHJ) - Means an individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. The AHJ as it pertains to this section refers to the Fire Chief or the Fire Chief's designee.
- (f) Chief - Means the Fire Chief of the Platteville Fire Department.
- (g) Key Box - Means a key vault of a type approved by the Department, installed by the property owner, in an accessible location approved by the AHJ, for the purpose of containing keys or other access devices for the Department use only, to gain quick access to all areas of the premises without having to damage property.
- (h) Public Building - Means any structure, including the exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part, as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by three or more tenants except for one- and two-family dwellings.
- (i) Open Fire - Means any fire involving any type of combustible material, whether for cooking, pleasure, or any other purpose, located anywhere within the City of Platteville, on public or private property.
- (j) Outdoor Cooking Apparatus - Means a charcoal grill, barbecue grill, gas grill, camping stove, barbeque pit, or similar apparatus designed exclusively for cooking food.
- (k) Recreational Fire - Means any noncommercial burning of materials other than rubbish for pleasure, religious, ceremonial, cooking, or similar purposes.
- (l) Waste and Refuse - Means all rubbish, garbage, and residual matter of any kind, including grass trimmings and leaves.
- (m) Outdoor Solid or Liquid Fuel Heating Device - Means any outdoor device or structure designed for solid or liquid fuel combustion and for the purpose of

providing indoor heat including, but not limited to, combination fuel furnaces or boilers which burn solid or liquid fuel.

**24.05 FIRE DEPARTMENT ESTABLISHED.** The City of Platteville Fire Department, known as Platteville Fire Department, shall be recognized as the Fire Department of the City of Platteville and shall be responsible for the duties of firefighting, rescue, fire prevention and education, and preserving life and property for the citizens and property within the Platteville Fire Department fire district.

**24.06 FIREFIGHTER ASSOCIATION.** The City of Platteville recognizes the Platteville Fire Department, Inc., a non-stock non-profit 501(c)(3) corporation, and their mission to support the volunteer firefighters in their mission to provide rapid, professional, and humanitarian fire and rescue services essential to the protection of property, safety, and well-being of the citizens they protect.

The Platteville Fire Department, Inc. agrees to provide a copy of their annual report and financial report to the Common Council upon its completion or no later than April 1st of the succeeding year.

**24.10 ORGANIZATION.** (a) General. The Fire Department shall consist of a Fire Chief and Fire Inspector as well as a further complement of volunteer members or paid-on-call or paid members as authorized by the Common Council.

(b) Regulation. The organization and internal regulation of the Fire Department shall be governed by the provisions of this chapter and by policies and procedures adopted by the Fire Department and reviewed by the Police and Fire Commission, except as otherwise provided by law or ordinance.

(c) Chief of the Fire Department. The Police and Fire Commission shall appoint the Fire Chief of the Fire Department, who shall hold office during good behavior, subject to suspension or removal by the Commission for cause. The City Manager shall be the supervisor of the Fire Chief and the day-to-day operations of the Fire Department.

(d) Selection of Officers. Officers of the Fire Department shall be appointed by the Fire Chief subject to approval by the Police and Fire Commission.

(e) Subordinates.

(1) Volunteer members of the Fire Department shall be authorized by the Fire Chief subject to approval by the Police and Fire Commission.

(2) Full-paid members of the Fire Department shall be hired by the City subject to approval by the Police and Fire Commission as prescribed in Section 62.13, Wis. Stats.

**24.15 APPROPRIATIONS.** The Common Council shall appropriate funds for, but not limited to, department operations, apparatus, equipment, training, fire prevention, and any fire station/facilities for the Fire Department to perform its duties.

**24.20 COMPENSATION.** The officers and members of the Fire Department shall receive such compensation from the City as is fixed annually by the Common Council within the Fire Department budget.

**24.25 POWERS AND DUTIES OF FIRE CHIEF.** (a) General Supervision. The Fire Chief shall have command of the Fire Department and provide general supervision of the Department, which shall be subject to and not conflict with this chapter and the Department policies and procedures and shall enforce observance of this chapter, the Department policies, and procedures, and SPS 314 of the Wisconsin Administrative Code. The Fire Chief shall be responsible for the members and overall operation of the Fire Department.

- (b) Presiding Officer. The Fire Chief, or designee, shall preside at department meetings, call special meetings, preserve order, and decide all points of order that may arise.
- (c) Command at Incidents. The Fire Chief or Officer in Command shall have complete command of, and responsibility for all Fire Department operations, plan the control of the same, direct the action of the Fire Department when it arrives at an incident and observes that the Department does its duty.
- (d) Additional Resources. The Fire Chief, or designee, shall have the authority to request any additional resources from other jurisdictions under mutual aid or Mutual Aid Box Alarm System (MABAS) agreements.
- (e) Enforcement of Fire Prevention Ordinances. The Fire Chief, or designee, shall enforce all fire prevention ordinances of the City, state laws, and regulations pertaining to fire prevention.
- (f) Incident Reporting. The Fire Chief, or designee, shall prepare an incident report of every incident to which the Department was called and shall enter in the report the information required by National Fire Incident Report System (NFIRS) and submit such completed report as required to the NFIRS reporting system.
- (g) Apparatus and Equipment Inventory, Maintenance, and Use. The Fire Chief shall:
  - (1) Keep an inventory of all apparatus and equipment.
  - (2) Order the repair of apparatus and equipment.

- (3) Have control of the use of all apparatus used by the Fire Department and approve the use of apparatus or equipment that it may be used for responding to incidents, training, fire prevention, or other activities as deemed appropriate.

**24.30 AUTHORITY OF FIRE DEPARTMENT AT INCIDENTS.** (a) Command at Incidents. The Fire Department shall operate under the incident command system and the Fire Chief or Officer in Command shall have complete command of, and the responsibility for all Department operations, plan the control of the same, direct the action of the Department when it arrives at an incident, and observe that the Department does its duty.

(b) Police Powers at Incidents. The Fire Department Officers in Command at any incident shall have full and complete police authority at incidents. Any Fire Department Officer may order the arrest of any person who fails to give the right-of-way to the Department in responding to an incident.

(c) Control at Incidents. The Fire Department Officers in Command may prescribe certain limits in the vicinity of any incident within which no person except emergency personnel and others authorized by the Officer in Command may be within those limits. The Officer in Command may also cause the removal of any property whenever it becomes necessary for the preservation of property from an incident, or to prevent the spread of fire or damage, or to protect the adjoined property. During the progress of any incident, the Officer in Command may order the removal or destruction of any property necessary to prevent the further spread of fire or damage. The Officer in Command may also cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work or safety of the Department during the progress of an incident.

(d) Entering Premises.

(1) Any firefighter acting under the direction of the Officer in Command may enter upon the incident premise, premises adjacent to or in the vicinity of any building or other property on fire to extinguish such fire, and if any person hinders, resists, or obstructs a firefighter in the discharge of their duty, the person so offending may be charged with obstructing a firefighter in the discharge of their duties. This also applies to other types of emergency incident calls.

(2) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the Fire Chief, or designee, may require a key box to be installed as per Section 24.70 of this code.



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- (e) **Damage to Equipment.** No person shall willfully damage any hose, hydrant, fire apparatus, or any other equipment belonging to the Fire Department or City. Furthermore, no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway, or other place to be used at any incident without consent of the Fire Department office in command.

**24.35 RESPONSIBILITY.** The responsible party for every new and existing building, structure or premises shall construct, arrange, equip, maintain, and operate in accordance with this chapter to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion, and other hazardous conditions. Compliance with this chapter does not relieve the responsible party from compliance with other ordinances or Wisconsin Statutes and Administrative Rules.

**24.40 ENFORCEMENT AND PENALTY.** (a) **Enforcement.** The Authority Having Jurisdiction (AHJ) shall be authorized to ascertain and cause to be corrected any condition liable to cause fire or any violation of any law or order relating to the fire hazard or to the prevention of fire. This chapter shall be administered and enforced by the Fire Chief, Fire Officers and Fire Inspectors.

- (b) **Notice of violations.** Whenever the AHJ determines violations of this chapter, a written notice shall be issued to confirm such findings.
- (c) **Serving Notice of Violation.** Any order or notice of violation issued pursuant to this chapter shall be served upon the owner, operator, occupant, registered agent, or other person responsible for the condition or violation by one of the following means:
  - (1) Personal service.
  - (2) Emailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.
  - (3) Mailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.
- (d) **For Unattended or Abandoned Locations.** A copy of such order or notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice shall be disseminated in accordance with one of the following:
  - (1) Emailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.
  - (2) Mailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.

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- (3) Published in a newspaper of general circulation wherein the property in violation is located.
- (e) Duty to Correct. Upon notification of a violation, the responsible party shall have the duty to correct the violation(s) within the time specified by the AHJ.
- (f) Failure to Comply. Any person who fails to comply with the provisions of this chapter, fails to carry out an order made pursuant to this chapter, or violates any condition attached to a permit, approval or certificate shall be subject to the penalties established by the AHJ.
- (g) Penalty.
  - (1) The Fire Chief, Fire Officers, and Fire Inspectors are authorized to issue citations for violations of the provisions of this chapter. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined and set by the AHJ. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day upon which a provision of this chapter shall be violated shall constitute a separate offense.
  - (2) The penalty for violation of any provisions of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment. The penalty for violation of any provision of this chapter shall be set forth in the forfeiture schedule adopted by Section 1.10 of City Code.
  - (3) Any person maintaining a fire deemed by the Fire Chief or Fire Chief's designee to be in violation of this ordinance shall immediately extinguish such fire. In addition to the forfeiture provided herein, in the event of a Fire Department response to the location of the fire, the person responsible may be assessed a charge equal to the then current charge for a Fire Department response.

**24.45 COST RECOVERY FOR SPECIAL SERVICES AND MATERIALS.** (a) Costs for special services associated with an incident response including, but not limited to, firefighting foam, absorbents, and private vendor services, that exceed \$500.00, shall be recoverable by the City against the property owner of record.

- (b) When, in the opinion of the Authority Having Jurisdiction (AHJ), a danger exists, the AHJ shall be authorized to order the occupants to vacate, or temporarily close for use or occupancy, a building, the right-of-way, sidewalks, streets, adjacent buildings, or nearby areas. The AHJ shall be authorized to employ the necessary resources to perform the required work to mitigate the danger. Costs incurred by the AHJ in the

performance of emergency work shall be the responsibility of the property owner of record or other responsible party creating such danger.

**24.50 HAZARDOUS MATERIALS INCIDENT RESPONSE REIMBURSEMENT.** (a) Prohibited Discharges. No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached, or spilled on any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters or aquifers, or within the City, except those areas specifically licensed for waste disposal or landfill activities and licensed to receive such materials, explosives, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents or any solid, liquid or gas creating a hazard, potential hazard or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(b) Containment, Cleanup, and Restoration. Any person, firm, or corporation in violation of Section 24.50 (a), shall so notify the Fire Department and begin immediate actions to contain, cleanup, and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary personnel and equipment to comply or complete the requirements of this section, the Fire Chief or the office of emergency government director may order the required actions to be taken by public or private sources and allow the recovery of any and all costs incurred by the City as action imposed by Section 24.50(c).

(c) Emergency Services Response. Emergency services response includes, but is not limited to, fire service, emergency medical service, law enforcement, and public works. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this chapter. Actual and necessary expenses may include, but are not limited to, replacement of equipment damaged by the hazardous substance, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up, medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.

(d) Site Access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Fire Department personnel, law enforcement personnel, and office of emergency government personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up and restoration activities.

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- (e) **Public Protection.** Should any prohibited discharge occur which threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect the health, safety, and welfare of the community, the Fire Chief, their designee, or the senior law enforcement official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the emergency government director or Common Council can take appropriate action.
- (f) **Enforcement.** The Fire Chief, Fire Chief designee, or emergency government director shall have authority to issue citations or complaints under this chapter.
- (g) **Civil Liability.** Any person, firm, or corporation in violation of this chapter shall be liable to the City for any expenses incurred by the City for loss or damage sustained by the City by reason of such violations.

**24.55 CODES ADOPTED.** (a) Adoption of National Fire Protection Association Code (NFPA 1), Fire Code. The provisions of the NFPA 1, Fire Code, the referenced publications of NFPA 1 Chapter 2 and the Annexes, as published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein.

Note: A copy of National Fire Protection Code (NFPA) 1, Fire Code, is on file in the offices of the Fire Department and the legislative reference bureau. Copies of NFPA 1, Fire Code, may be purchased from the National Fire Protection Association at 11 Tracy Drive, Avon, MA 02322; and may be purchased or accessed free of charge at [www.nfpa.org](http://www.nfpa.org).

- (b) Adoption of International Fire Code (IFC). The provisions of the International Fire Code (IFC), the referenced publications of IFC Chapter 45 and the Appendixes, as published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein.

Note: A copy of the International Codes (ICC) adopted is on file in the offices of the Fire Department and the legislative reference bureau. Copies of the International Codes may be purchased from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, (708) 799-2300, website [www.iccsafe.org](http://www.iccsafe.org).

- (c) Adoption of Wisconsin Department of Safety and Professional Services Codes. The provisions of Wisconsin Administrative Codes, published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth

## CHAPTER 24 Fire Prevention

herein. The following Wisconsin Administrative Codes in effect on the date of adoption of this chapter, or as they may be amended or renumbered from time to time, are adopted by reference, enforced and incorporated into this chapter as if fully set forth herein:

SPS 305	Licenses, Certification and Registration
SPS 307	Explosive Materials and Fireworks Manufacturing
SPS 314	Fire Prevention
SPS 316	Electrical
SPS 318	Elevator Code
SPS 320-325	Uniform Dwelling Code
SPS 326	Manufactured Home Communities
SPS 328	Smoke Detectors and Carbon Monoxide Detectors
SPS 330	Fire Department Safety and Health Standards
SPS 334	Amusement Rides and Attractions
SPS 340	Gas Systems
SPS 343	Anhydrous Ammonia
SPS 361-366	Wisconsin Commercial Building Code
SPS 371	Solar Energy Systems
SPS 375-379	Buildings Constructed Prior to 1914

- (d) Adoption of the Wisconsin Agriculture, Trade and Consumer Protection Codes. The provisions of Wisconsin Administrative Codes, published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein. The following Wisconsin Administrative Codes in effect on the date of adoption of this chapter, or as they may be amended or renumbered from time to time, are adopted by reference, enforced and incorporated into this chapter as if fully set forth herein:

ATCP 93	Flammable and Combustible Liquids
ATCP 94	Petroleum Products

Note: Copies of the Wisconsin Department of Safety and Professional Services Codes and the Wisconsin Agriculture, Trade and Consumer Protection Codes respectively are available from: <https://docs.legis.wisconsin.gov/code/toc/sps> and <https://docs.legis.wisconsin.gov/code/toc/atcp>

- (e) Conflicting Provisions. In case of a conflict between the provisions of this section or between this section and existing City Ordinances, the strictest provisions shall apply.
- (f) Penalty. The failure or refusal of any person to obey the requirements of the Wisconsin Administrative Code provisions incorporated in this section by reference shall subject that person to penalties in the form of monetary forfeitures expressed

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therein or, if none, to the general penalty provisions under Chapter 1.10 of City Code.

**24.60 FIRE INSPECTIONS.** Statute Adopted. Wis. Stats. 101.14 is hereby adopted by reference.

- (a) Inspection Fees.
  - (1) A fire inspection fee is hereby established according to the fee schedule as established from time to time by a resolution of the Common Council.
  - (2) An additional inspection fee shall be charged if a premise is required to be inspected more than once in a calendar year.
- (b) Exemption From Fees. All buildings, structures, and premises in the Platteville Fire Department fire district that are owned by the Platteville School District, University of Wisconsin – Platteville, Townships, or any other units of government, shall be exempt from initial inspection fee and first re-inspection fee. Fees charged for second and subsequent re-inspections shall apply. Furthermore, all buildings, structures, and premises owned by the City of Platteville and United States Government shall be exempt from any fees for fire inspections.
- (c) Special Charge. The fire inspection fee shall constitute a special charge against the real property for services rendered under Wis. Stats. § 66.0627. Any fees remaining overdue and unpaid as of November 1 of each year shall be placed on the annual tax roll for collection as a special charge together with an administrative charge per parcel in the amount according to the fee schedule as established from time to time by a resolution of the Common Council.

**24.65 FREQUENCY OF FIRE PREVENTION INSPECTIONS.** In accordance with Wis. Adm. Code Section SPS 314.01(13)(b)7, fire prevention inspections of all public buildings and places of employment within the Platteville Fire Department fire district shall be conducted at least once per calendar year or more often as is ordered by the Fire Chief, provided the interval between such inspections shall not exceed fifteen (15) months.

**24.70 KEY BOXES.** (a) Requirements for Access by the Department. As required in Section 24.30(d)(2), when access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the Fire Chief may require a key box to be installed in an accessible location as approved by the AHJ. The key box shall be of a type approved by the AHJ and shall contain master key(s) as required by the AHJ to gain necessary access. The type, number of, and location of key boxes shall be approved by the AHJ.

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- (b) Contents of Key Boxes. The key box shall contain master key or keys or other devices to allow access as required by the AHJ.
- (c) Notification in Event of Change in Means of Access. If keys or devices for access are changed, new keys or devices shall be provided to the Fire Department within three business days.
- (d) Key Boxes Required. The AHJ shall require key boxes in the following instances:
  - (1) In all public buildings that are locked for security reasons that have common corridors serving individuals.
  - (2) All buildings having an automatic fire alarm system or equipped with an automatic fire suppression system, except one- and two-family residential structures.
  - (3) All multiple family residential structures containing 3 or more living units, whether rental or condominiums.
  - (4) All commercial and industrial buildings not openly accessible 24 hours a day.
  - (5) The size or construction of a building, or the physical barriers or terrain around the building may dictate more than one key box at the discretion of the AHJ.
- (e) Inspections. During a fire safety inspection, the keys or other devices stored in a key box may be accessed to ensure access to all areas of the structure.
- (f) Exception. Any building or structure having on-site 24-hour security personnel may be exempted from the requirements of this section by the Fire Chief.
- (g) New Construction. All new construction subject to the requirements of this section shall have a key box installed prior to the issuance of a certificate of occupancy.
- (h) Penalty. Failure or refusal to comply may result in assessment of penalty in accordance with Section 1.10 of City Code.

**24.75 SMOKE DETECTORS AND FIRE PROTECTION DEVICES.** Any building or structure occupied for sleeping purposes shall have smoke detectors installed and maintained in accordance with the laws of this state. Reference Wis. Admin. Code § SPS 321.09, § SPS 328, and § SPS 351.245.

- (a) No unauthorized person shall tamper with, alter, or remove any detector, fire extinguisher, fire protection apparatus, or alarm system from any building,

structure, or unit as required by this section or required by the laws of this state, except for necessary testing or maintenance.

**24.80 BUILDING NUMBERING REQUIRED.** (a) All buildings in the City shall be numbered in accordance with the following:

- (1) Numbers shall be easily seen from the street the building is addressed.
  - (2) Numbers shall contrast with their background, be of Arabic numbers or letters with a minimum of 4 inches in height with a minimum stroke width of 0.5 inch.
  - (3) Where access is by private road and/or the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure.
  - (4) Multiple dwelling units shall have each individual apartment identified with Arabic numbers or letters with a minimum height of 3 inches.
  - (5) When practical, the required numbers shall be placed as close to the main entry door as possible but are not to be placed on garage doors or in similar locations on a building that may become covered or nonvisible.
- (b) All new buildings shall meet the minimum requirements of this section prior to occupancy being granted.
- (c) All existing buildings shall meet the minimum requirements of this section.

**24.85 REQUIRED ACCESS FOR FIRE APPARATUS.**

- (a) General Requirements
- (1) Suitable Access. All premises, public or private, which the Fire Department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with access roads and/or fire lanes with suitable gates so that all buildings on the premises are accessible for fire apparatus and/or firefighters.
  - (2) Fire Lanes. Fire lanes shall be provided on public or private property devoted to Fire Department use for all buildings used for human habitation or occupancy which are set back more than 100 feet from any roadway access or exceed 30 feet in height and are set back more than 50 feet from a roadway. Fire lanes may also be designated on those private roadways where it is found by the Fire Chief that such access is necessary for fire apparatus and/or firefighters.



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- (3) Width. Fire lanes shall be at least 20 feet in width with the closest edge of the lane at least 10 feet and no more than 30 feet from the building.
  - (4) Dead-End Roads. Any dead-end road more than 300 feet long shall be provided a turnaround at the closed end of the roadway.
  - (5) Turning Radius. Curves and turnarounds shall be designed for a 45-foot turning radius.
  - (6) Designation, Marking and Maintenance of Fire Lanes. The designation, marking and maintenance of fire lanes shall be accomplished as specified by the Fire Department. The current Department of Transportation standards for roadway marking shall be used as guidelines in designating and marking any fire lanes.
  - (7) Accessibility. Fire lanes and access roadways shall remain accessible to the Fire Department at all times of the year. During winter months, fire lanes shall be maintained by the property owner or occupant to include proper and timely snow and ice removal.
- (b) Designated Fire Lanes
- (1) Designated fire lanes shall be marked with signs within 5 feet of the beginning and end of the fire lane, with spacing between signs not to exceed 75 feet. The curb shall be painted red; if there is no curb, a 4-inch-wide stripe shall be painted the full length of the fire lane. Fire lane signs shall be affixed to a stationary pole or object and be plainly visible.
  - (2) Roadways identified exclusively as fire lanes shall be identified with approved fire lane signs on each side facing forward and the pavement area between the signs shall be striped with 4-inch-wide red stripes.
  - (3) It shall be unlawful for any person or firm to post a fire lane sign without the approval of the Fire Department. Vehicles parked in a fire lane shall be cited with a notice of violation using a City parking violation. This citation may be issued by a member of the Police Department or Fire Department who have been granted citation authorization.
  - (4) Vehicles will be permitted to temporarily stop in a fire lane while actively loading or unloading provided the driver is present. When this requirement is met, a reasonable amount of time may be allowed for the completion of loading or unloading of a vehicle.
- (c) Fire Lane Parking Regulated

- (1) Removal of Parked Vehicle. Any vehicle that is parked within a fire lane designated and marked in accordance with Section 24.85(b) shall be removed at the vehicle owner's expense. Vehicles will be towed away under the following circumstances:
  - a. When a vehicle repeatedly violates fire lane regulations by habitually parking in a fire lane.
  - b. When a vehicle blocks the ingress/egress of a building such as, but not limited to, a business, theater, nightclub, apartment complex, gymnasium, or place of public assembly.
  - c. When the vehicle's presence threatens the safety of the public by impeding the ability of fire apparatus and/or emergency medical services to respond to an emergency.
  - d. Removal of a vehicle under such circumstances may be authorized by the person in lawful possession of the property or by the Fire Chief or their designee. The Police Department may order the towing of a vehicle at any time that the above conditions exist.
- (2) Obstructions other than Vehicles. An inspection report with warning notice shall be issued to the property owner, occupant or responsible party requiring that if the obstruction is not removed within the specified time period, the Fire Department may cause the removal of the obstruction with the cost of removal billed to the person or firm responsible for the obstruction.
- (3) Obstruction of a Fire Lane for Construction, Remodeling or Repair. When it becomes necessary to obstruct a fire lane for construction, remodeling or repair, site approval shall be required, and permission obtained from the Fire Department.

#### **24.90 FIRE HYDRANTS.**

- (a) Required. When a municipal water system is available in any portion of a commercial, residential, or industrial area in which the building is set back more than 400 feet from the municipal fire hydrants, the owner shall install at their expense approved fire hydrants. The setback distance shall be determined by measuring the travel distance from the municipal hydrant, along the centerline of a municipal street, private road suitable for travel by fire apparatus, or fire lane.
- (b) Location. Hydrants determined to be necessary in accordance with Section 24.90(a) shall be freestanding and in compliance with the standards of the City water utility. A hydrant shall be located at the main entryway to such building or

complex and additional hydrants shall be provided around the perimeter of the building or complex, so no hydrant is more than 400 feet from any other approved hydrant. No hydrant shall be placed within 25 feet of the building.

- (c) Approval. All water mains, hydrants and locations shall be approved by the Fire Department and City Utility Superintendent and installed in compliance with the standards of the City and City Water Utility specifications.
- (d) Maintenance. All owners of private property who have private fire hydrants located upon their property which are not serviced, maintained, flushed, or tested by the City Water Utility shall on an annual basis service, flush, test, repair and maintain the private fire hydrant to ensure that the hydrant is in proper working order in the event of emergency use. Records of all annual service, testing, flushing, maintenance, and repairs shall be made available to the Fire Department upon request.

#### **24.95 OPEN BURNING.**

- (a) Prohibited Open Burning.
  - (1) No person shall burn or cause to be burned any leaves, grass, wood, rubbish, or other combustible material on any street, alley, or sidewalk within the City at any time.
  - (2) The use of drums, barrels, or any containers used to burn leaves, yard waste, rubbish, garbage, other household wastes or hazardous materials upon any premises within the City is prohibited.
  - (3) No person shall burn or cause to be burned any leaves, grass, wood, rubbish, structure, or other combustible material outdoors on any lot or parcel of land within the City at any time without a burning permit. The provisions of this subsection, however, shall not apply to controlled outdoor burning as set forth in paragraph (4) below, and to subsections (b) and (c) below.
  - (4) A burning permit may be issued by the Fire Chief for prescribed vegetation management purposes subject to reasonable conditions to mitigate fire hazards. The fee for a prescribed vegetation management burn shall be as set forth in the City of Platteville Fee Schedule. If inspection or supervision is required, inspection and supervision costs shall be billed to the owner of the property.
- (b) Outdoor Cooking Apparatus and Open Fires used for Cooking are allowed only under the following circumstances:

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- (1) Outdoor cooking apparatuses are allowed but are limited to charcoal and gas grills, freestanding fireplaces (clay or metal) or fire pits.
  - (2) Fire pits used for cooking must comply with all requirements of recreational fires.
  - (3) Use of outdoor cooking apparatuses on decks is only allowed for one or two-family dwellings.
- (c) Recreational Fires are allowed only under the following circumstances:
- (1) Natural gas or propane burning fire pits, fire tables or similar devices must be Underwriter Laboratory (UL) listed, have at least 36 inches of clearance from the perimeter of the unit to any combustible sidewalls, ceilings, or materials, and shall adhere to the recommended clearances and use as listed by the manufacturer.
  - (2) Only clean and clear (unpainted, unfinished, untreated) wood, split firewood, tree limbs or charcoal may be burned. No rubbish, yard waste, leaves, garbage, household wastes or hazardous materials may be burned.
  - (3) No recreation fire shall be in an area larger than three feet in diameter (three feet by three feet).
  - (4) Only one recreational fire or fire area may be constructed or maintained upon any premises.
  - (5) Shall be a minimum of 15 feet from any structure and/or other combustible material and at least 10 feet of any lot line unless approved by the Fire Chief.
  - (6) No accelerants such as gasoline, kerosene, or any other accelerant may be used, with the exception of charcoal lighter fluid.
  - (7) A fire extinguisher or water hose shall be available nearby at all times until the fire is completely extinguished.
  - (8) When burning, all burning material must be completely contained within the freestanding fireplace or fire pit and shall not extend beyond the confines of such container and the flame height shall not exceed 4 feet from the base of the fire.
  - (9) If a fire pit is used, the construction and use of the fire pit shall, in addition to the above requirements, comply with the following requirements:
    - a. The diameter of the pit shall not exceed three feet.

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- b. The depth of the pit shall be a minimum of six inches.
  - c. The rim of the pit shall be lined with rock, concrete, brick or steel.
- (10) The smoke from the fire shall not create a nuisance for other properties or obstruction of vehicle travel due to decreased or diminished visibility.
- (11) Any open fires shall be attended by at least one person eighteen (18) years old or older when lighting the fire and at all times until the fire is completely extinguished.
- (12) Open flames and embers must be completely extinguished before the open fire is vacated.
- (d) Fires set by the Platteville Fire Department for practice and instruction of firefighters are allowed with authorization from the Fire Chief.
- (e) The Fire Chief is granted the authority to issue burning permits at a fee established according to the fee schedule as established from time to time by a resolution of the Common Council. Such permit shall allow open burning other than those authorized in Sections 24.95(b-c). The Fire Chief shall not issue a permit to burn any material that could result in a health hazard. Each permit shall indicate what material will be burned, when the material can be burned, where it will be burned, where it can be burned, under what wind and other climatic conditions and shall include such other or further restrictions that the Fire Chief may require to protect the health and safety of the public.
- (f) The Fire Chief is granted the authority as a delegation of power by the Common Council under Section 323.11, Wis. Stats., to declare a fire emergency in the City, during which open flames are prohibited, for such period of time during which the emergency conditions exist or are likely to exist.
- (g) Extinguishment. The Fire Department may extinguish any fire ignited or maintained contrary to this section on authority of the Fire Chief or their designee.
- (h) Liability. Persons utilizing and maintaining open fires shall be responsible for any liability resulting from damage caused by such fires.
- (i) Penalty. Violations of this section are punishable under Chapter 1.10 of City Code and citations for such violations may be issued by the Fire Chief or their designee as well as the Police Department.

**24.100 COST RECOVERY FOR NUISANCE FIRE DEPARTMENT RESPONSES.** Any person, industry, commercial property, apartment complex or other who shall cause for the response of the Fire Department that is deemed a nuisance to include, but not limited to,

illegal burning, multiple false alarms, disorderly act, shall forfeit to the City the sum of all costs incurred for the response to the reported nuisance. The person, industry, commercial property, apartment complex or other entity responsible for the nuisance may also be assessed a charge equal to the current charge for a Fire Department response as established according to the fee schedule established from time to time by a resolution of the Common Council.

**24.105 OUTDOOR SOLID OR LIQUID FUEL HEATING DEVICES.**

(a) All outdoor solid or liquid fuel fired heating devices constructed or installed after February 2, 2017, including replacements of outdoor solid or liquid fuel fired heating devices constructed prior to that date, shall be considered a public nuisance within the City of Platteville and are hereby banned. The responsible party for every new and existing building, structure or premises shall construct, arrange, equip, maintain and operate in accordance with this chapter to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion and other hazardous conditions. Compliance with this chapter does not relieve the responsible party from compliance with other ordinances or Wisconsin Statutes and Administrative Rules.

## **CHAPTER 25**

### **EXTRATERRITORIAL ZONING**

Note: Former Chapters 22 and 25 were revised in total and separately published by Ordinance No. 85-31, 10/29/85.

See Chapter 22 for text of Ordinance No. 85-31.

**EXTRATERRITORIAL ZONING**

**CHAPTER 25**

**Of**

**MUNICIPAL CODE OF THE CITY OF PLATTEVILLE**



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## **CHAPTER 25**

### **EXTRATERRITORIAL ZONING**

#### **25.01 GENERAL PROVISIONS**

(A) **PURPOSE**

The purpose of this extraterritorial zoning ordinance is to promote the public health, safety, morals, and general welfare and to provide controls over the use of land adjacent to the boundaries of the City of Platteville. It is also intended to conserve the value of land and buildings, encourage the most appropriate use of the land, lessen congestion in the streets, secure safety from fire, panic, and other dangers, provide adequate light and air, prevent overcrowding of the land, avoid an undue concentration of population, and facilitate the provision of transportation, water, sewer, schools, parks, and other public improvements.

(B) **ABROGATIONS AND GREATER RESTRICTIONS**

Whenever the provisions of this Chapter shall conflict with any state statute, city ordinance, regulation or any permit previously issued according to law applicable to the use of land or structures in the area described in Section 25.02, the more stringent law, ordinance, regulation, restriction, or requirement shall govern.

(C) **SEVERABILITY**

The restrictions and requirements imposed by this chapter shall be held to be minimum requirements necessary to conserve the value of the land and buildings and to encourage the most appropriate use of the land. Whenever any provision of this chapter is adjudged to be invalid or ineffective as to any portion of the territory described below, such judgement shall not affect the remainder of this chapter or its application to the remaining portion of the territory described below.

#### **25.02 EXTRATERRITORIAL ZONING AREA**

The following described area shall be subject to the provisions of this Chapter:

All land excepting that within the present corporate limits of the City of Platteville lying within and bounded by a line running from the northeast corner of the southwest quarter of the southwest quarter of Section 1 to the northwest corner of the southeast quarter of the southeast quarter of Section 5 on the north, from said northwest corner of southeast quarter of southeast quarter of Section 5 to the northwest corner of the southeast quarter of the southeast quarter of Section 20 on

the west, from said northwest corner of southeast quarter of southeast quarter of Section 20 to the southeast corner of the northwest quarter of the southwest quarter of Section 24 on the south, and from said southeast corner of northwest quarter of southwest quarter of Section 24 to said northeast corner of the southwest quarter of southwest quarter of Section 1 on the east , all references herein being to the Town of Platteville being Township 3 North, Range 1 West of the Fourth Prime Meridian in Grant County, Wisconsin.

### 25.03 ZONING DISTRICTS

Five zoning districts are provided for as follows:

#### (A) R-1 RESIDENCE DISTRICT

##### (1) Specified Uses

- (a) Single family dwellings as defined in Chapter 22.
- (b) Churches, schools, libraries, hospitals, and medical clinics.
- (c) Municipal buildings, except sewage treatment plants, garbage incinerators, garbage dumps, warehouses, garages, shops and storage yards.
- (d) Public parks, golf courses, playgrounds, recreational and community centers and grounds.
- (e) Telephone buildings, exchanges, lines, and transformer stations, except service garages, storage yards and micro-wave relay structures unless their location is approved by the City Plan Commission.

##### (2) Conditional Uses

- (a) In-season roadside stands for the sale of produce grown on the premises, including up to two unlighted signs of not more than eight square feet each, per side.
- (b) Fur farms, kennels, breeding facilities, nurseries and greenhouses.
- (c) Non-specified agricultural uses.
- (d) Intensive home occupations.
- (e) Home-based professional offices.

##### (3) Accessory Uses

- (a) One private garage.
- (b) Storage buildings.
- (c) Customary home occupations.

- (d) Uses customarily incidental to the above specified uses provided that no such use generates traffic or noise that would create a public nuisance.

(4) Dimensional Requirements

Lot Width: 200 feet

Lot Area: 1 acre (minimum)

Yards: Street: 35 feet from the property line (not on State Highway)  
60 feet from the property line (on a State Highway)  
Side: 20 feet (for principal structures)  
10 feet (for accessory structures)  
Rear: 40 feet (principal structures)  
10 feet (accessory structures)

Building Height: 30 feet (principal structures)  
15 feet (accessory structures) plus one (1) foot of additional height per foot of building setback distance beyond ten (10) feet, up to twenty-five (25) feet. Agricultural structures have no height limit.

Building Area: Accessory structures may not occupy more than ten percent (10%) of the lot area. The total cumulative ground floor area of accessory structures shall not exceed 2,500 sq. ft. for properties less than 2 acres, or 5,000 sq. ft. for properties 2 acres or larger. The building area limits shall not apply to agricultural structures.

Building Location: Accessory structures may be located only in rear yards and side yards, or 100 feet from the front lot line, whichever is less; however, this requirement shall not apply to agricultural structures.

Definition of Agricultural Structures: A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises.

(B) R-2 RESIDENCE DISTRICT

(1) Specified Uses

- (a) Any use permitted in the R-1 District above.
- (b) Charitable institutions.

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- (c) Rest homes and nursing homes.
- (d) Private, non-profit clubs and lodges.
- (e) Two family and multi-family dwellings.

(2) Conditional Uses

- (a) In-season roadside stands for the sale of produce grown on that farm, including up to two unlighted signs of not more than eight square feet each, per side.
- (b) Fur farms, kennels, breeding facilities, nurseries, and greenhouses.
- (c) Non-specified agricultural uses.
- (d) Intensive home occupations.
- (e) Home-based professional offices.
- (f) Mobile home parks.

(3) Accessory Uses

- (a) One private garage.
- (b) Storage buildings.
- (c) Customary home occupations.
- (d) Uses customarily incidental to the above specified uses provided that no such use generates traffic or noise that would create a public nuisance.

(4) Dimensional Requirements

- Lot Width: 100 feet
- Lot Area: 1 & 2 Family 16,000 sq. ft.  
Multi-Family 4,000 sq. ft. per unit with a min of 16,000 sq. ft.
- Yards: Street: 35 feet from the property line (not on State Highway)  
60 feet from the property line (on a State Highway)  
Side: 20 feet (for principal structures)  
10 feet (for accessory structures)  
Rear: 40 feet (principal structures)  
10 feet (accessory structures)
- Building Height: 40 feet (principal structures)  
15 feet (accessory structures) plus one (1) foot of additional height per foot of building setback distance beyond ten (10) feet, up to twenty-five (25) feet. Agricultural structures have no height limit.

**Building Area:** Accessory structures may not occupy more than ten percent (10%) of the lot area. The total cumulative ground floor area of accessory structures shall not exceed 2,500 sq. ft. for properties less than 2 acres, or 5,000 sq. ft. for properties 2 acres or larger. The building area limits shall not apply to agricultural structures.

**Building Location:** Accessory structures may be located only in rear yards and side yards, or 100 feet from the front lot line, whichever is less; however, this requirement shall not apply to agricultural structures.

**Definition of Agricultural Structures:** A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises.

(C) C-1 GENERAL COMMERCIAL AND INDUSTRIAL DISTRICT

(1) Specified Uses

- (a) Banks, commercial, and professional offices.
- (b) Hotels and motels.
- (c) Theaters and other legal places of entertainment.
- (d) Personal service establishments.
- (e) Vehicle sales, service, washing, and repair.
- (f) Farm equipment sales, service, and display.
- (g) Filling and service stations.
- (h) Bus depot.
- (i) Similar uses: any use which is interpreted by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

(2) Conditional Uses

- (a) Manufacturing and industry which does not generate noise, dust, odor, air or water pollution of such an amount so as to be a public nuisance.
- (b) Specified and conditional uses permitted in the R-1 and R-2 Districts.
- (c) In-season roadside stands for the sale of produce grown on that farm, including up to two unlighted signs of not more than eight square feet each, per side.
- (d) Fur farms, kennels, breeding facilities, nurseries, and greenhouses.
- (e) Non-specified agricultural uses.
- (f) Unspecified compatible uses.

(3) Accessory Uses

- (a) One private garage.
- (b) Storage buildings.
- (c) Uses customarily incidental to the above specified uses provided that no such use generates traffic or noise that would create a public nuisance.

(4) Dimensional Requirements

Lot Width: (Residential) 100 feet  
(Non-Residential) 200 feet

Lot Area: 16,000 sq. ft.

Yards: Street: 35 feet from the property line (not on State Highway)  
60 feet from the property line (on a State Highway)  
Side: 20 feet (for principal structures)  
10 feet (for accessory structures)  
Rear: 40 feet (principal structures)  
10 feet (accessory structures)

Building Height: 45 feet (principal structures)  
15 feet (accessory structures) plus one (1) foot of additional height per foot of building setback distance beyond ten (10) feet, up to thirty-five (35) feet. Agricultural structures have no height limit.

Building Area: Accessory structures may not occupy more than ten percent (10%) of the lot area. The total cumulative ground floor area of accessory structures shall not exceed 2,500 sq. ft. for properties less than 2 acres, or 5,000 sq. ft. for properties 2 acres or larger. The building area limits shall not apply to agricultural structures.

Building Location: Accessory structures may be located only in rear yards and side yards, or 100 feet from the front lot line, whichever is less; however, this requirement shall not apply to agricultural structures.

Definition of Agricultural Structures: A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises.

(D) W – CONSERVANCY DISTRICT

(1) Specified Uses

- (a) Management of forestry, wildlife, and fish habitats.
- (b) Harvesting of wild crops, berries, tree fruits, and tree seeds.
- (c) Hunting, fishing and trapping.
- (d) Similar uses: any use which is interpreted by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

(2) Conditional Uses

- (a) Dams and power stations.
- (b) Gravel pits and quarries, including washing and grading.
- (c) Amusement parks, golf courses, and driving ranges.
- (d) Public campgrounds.
- (e) Unspecified compatible uses.

(3) Accessory Uses

- (a) Uses customarily incident to any of the above uses.

(4) Dimensional Requirements

All dimensional requirements pertaining to lot size, structure height, and setbacks are conditional and subject to Plan Commission review and Common Council approval.

(E) A-T AGRICULTURAL TRANSITION DISTRICT

(1) PURPOSE

The A-T District is intended to:

- (a) Provide adequate restrictions and protection of lands adjacent to the City of Platteville boundaries or adjacent to urbanized areas where such lands are predominately in agricultural or related open space use but where conversion to non-agricultural use may occur in the foreseeable future.
- (b) Defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at reasonable cost.
- (c) Ensure that urban development is compatible with local land use plans and policies.



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- (d) Provide periodic review to determine whether all or part of the lands located therein should be transferred to other zoning districts.
- (e) Preserve agricultural land for food and fiber production.

(2) Review

Review of the A-T District shall be held by the Plan Commission and the Extraterritorial Zoning Committee:

- (a) A minimum of every five years, or
- (b) upon completion or revision of a county agricultural preservation plan or municipal land use plan which effects lands in the District, or
- (c) upon extension of public services, such as sewer and water, necessary to serve urban developments in the District.

(3) Specified Uses

- (a) Bee keeping, dairying, floriculture, grazing, livestock raising, orchards, raising grain, grass, mint and see crops, tree fruits, nuts, and berries, sod farming, vegetable raising, viticulture, forest and game management, nature trails and walks, greenhouses.
- (b) All buildings and structures compatible with the uses enumerated in 1 above.
- (c) One roadside stand per farm, of not more than 300 sq. ft., used solely for the sale of products produced on the premises or the adjoining premises.
- (d) Gas and electric utility uses not requiring authorization under Section 196.491, Wisconsin Statutes.
- (e) Single family residences occupied by a person who, or a family at least one member of which, earns a portion of his livelihood from farm operations on the farm parcel, or a parent or child of the farm operator.
- (f) Farm dwellings and related structures which remain after farm consolidation may be separated from the farm operation.
- (g) Single-family dwellings on lots in a subdivision of record or existing parcels of record separate from a farm operation. A single-family dwelling must be a minimum of 500 feet from the nearest building on any farm and a minimum of 1,500 feet from any feed lot.
- (h) Similar uses: any use which is interpreted by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

(4) Conditional Uses

- (a) Conditional uses allowed within R-1 and R-2 zoning districts.
- (b) Temporary housing for seasonal farm labor.

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- (c) Saw mills, fur farms, stables and paddocks, equestrian trails, fish farms, and dams and flowages.
- (d) Governmental uses such as police and fire stations, highway storage garages, solid waste disposal and sewage treatment plants, gravel pits and quarries, schools, parks, playgrounds, campgrounds, airports and landing strips.
- (e) Religious uses such as churches, schools, and cemeteries.
- (f) Utilities.
- (g) Feed lots.
- (h) Sale and service of machinery used in agriculture, production facilities for centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets. Storage and sale of feed, fertilizer and other products essential to agricultural production. Facilities used in the processing of agricultural products. Veterinarian facilities services for livestock.
- (i) Unclassified compatible uses.

(5) Special Exceptions

Special structures requiring an elevated location such as cooling towers, gas tanks, grain elevators, scenery lofts, silos, smokestacks, ventilators, windmills, and related mechanical equipment and appurtenances may exceed the height limitations of this District provided the height of such structure is not more than one and one-half times the distance to the nearest lot line and further provided that any structure exceeding 100 feet in height shall require the issuance of a Conditional Use Permit.

(6) Dimensional Requirements

- (a) Lot Area: Not less than 35 acres for a residence or farm operation, except as follows:
  - a. Farm residences existing before the adoption of this ordinance and which are separated from a larger parcel through farm consolidation shall not be less than ½ acre.
  - b. Lots of Record in existence prior to January, 1983.
  - c. A separate lot of record for an additional residence for persons earning a portion of their livelihood from farm operations or parents or children of the farm operator shall not be less than 26,000 square feet.
- (b) Minimum Yards:

All single-family dwellings shall meet the setback requirements for the R-2 District. Additional residences located on farms without creating

a separate parcel shall be a minimum of fifty feet from other residences and farm buildings.

- (F) **DETERMINATION OF SIMILAR AND COMPATIBLE USES.** In all districts except the R-1 and R-2 districts, the Zoning Administrator may determine if a use not specifically enumerated within that district is similar to the specified uses already listed. If the use is determined to be similar, that use may be allowed as a specified use. If the Zoning Administrator determines that an unclassified use is compatible with the uses allowed within the district and is consistent with the purpose and intent of the zoning district but is not similar to the specified uses already permitted, the person(s) requesting said use may apply for a Conditional Use Permit.

#### **25.04 AGRICULTURAL USES**

The following restrictions on agricultural uses are in addition to the requirements specified in the R-1, R-2, and C-1 Districts. When lands in these Districts are used for agricultural purposes the following restrictions apply:

- A. Buildings in which farm animals are kept shall be located at least 500 feet from the nearest platted residential or commercial lot and 500 feet from any tract or lot being used exclusively for residential, commercial, or industrial use.

#### **25.05 SIGNS**

##### **(A) PERMIT REQUIRED**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered except so as to comply with the provisions of this section. It shall be unlawful for any person to locate, erect, construct, enlarge or structurally modify a sign or cause the same to be done within the Extraterritorial Zoning Area of the City of Platteville, without first obtaining a sign permit for each sign from the City Building Inspector, unless specifically exempted by these regulations.

##### **(B) GENERAL REGULATIONS**

- (1) **Conflicts.** In the case of conflicting sign requirements and limitations, the more stringent shall apply.
- (2) **Advertising.** Other than billboards, political signs and temporary signs as permitted by these regulations, signs shall advertise only those locations, products, goods, or services available upon the same premises as the sign.

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- (3) Installation. All signs shall be properly secured, supported and braced. Signs shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector. All sign structures shall meet the wind load requirements of Chapter 53, Wisconsin Administrative Code, as amended.
- (4) Maintenance. All signs, including supports and attachments, shall be kept in reasonable structural condition and shall be kept clean and well painted at all times.
- (5) Blanketing. Blanketing of signs shall not be allowed.
- (6) Illumination. When permitted, both indirect and directly illuminated signs shall concentrate light only upon the area of the sign. Light sources shall be shielded as necessary to prevent glare upon the street or adjacent properties.
- (7) Responsibility for Compliance. The owner of the parcel of land on which a sign is placed and the person (or lessee) maintaining the sign are each fully responsible for the condition and maintenance of the sign, and for being in compliance with all of the provisions of these signage regulations.

## (C) DEFINITIONS AND REQUIREMENTS

The following definitions and sign requirements shall apply to all signs. Refer to Section (G) for regulations specific to each zoning district.

- (1) Agricultural Business Sign. A building or freestanding sign that advertises goods, products, facilities, or services available on the premises of a farm or agricultural-related business, where permitted.
- (2) Area of Sign. The entire area within a single perimeter enclosing the extreme limits of a sign, not including any structural elements. The area of a multiple-faced or irregular-shaped sign shall be computed on the basis of the smallest area of the sign that can be enclosed by two contiguous rectangles. Only one side of a double-faced sign shall be used in computing the area of a sign, provided that the information on both sides is the same.
- (3) Awning. A hood or cover that projects from the wall of a building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (4) Billboard. A sign that advertises goods, products or facilities, or services not on the premises where the sign is located or is intended to direct persons to a different location from where the sign is located. Also known as an off-premise advertising sign. Billboards may be freestanding or building signs,

but are only allowed in the C-1 District, and only on lots that have frontage on a State or Federal highway, or a highway business route. Other restrictions are detailed in this ordinance.

- (5) Blanketing. The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (6) Building Frontage. The horizontal width of a building where it is oriented towards the right-of-way. On a corner lot, each face of the building facing a right-of-way is considered a separate building frontage.
- (7) Building Sign. A sign attached to, painted on or made a part of a wall or a projection of a wall on a building, or erected upon or over the roof or parapet of any building. The following types of signs are considered building signs.
  - (a) Awning/Canopy/Marquee Sign. Any sign attached to or made part of an awning, canopy or marquee, including any sign hanging from underneath the awning, canopy or marquee. Hanging signs may not be lower than seven (7) feet above the established grade.
  - (b) Wall Sign. Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than twelve (12) inches from such wall.
  - (c) Projecting Sign. Any sign extending more than twelve (12) inches, but no more than five (5) feet from the face of a wall or building. Projecting signs may not be lower than seven (7) feet above the established grade.
  - (d) Roof Sign. Any sign erected upon or over the roof or parapet of any building. The highest point of the sign may not be more than 15 feet above the roof surface or the coping of the building. The combined height of the building and the sign shall not exceed the height requirement for the zoning district in which it is located.
- (8) Canopy (or Marquee). A shelter attached to or connected with a building to provide cover over a door, entrance, window or outdoor service area.
- (9) Directly Illuminated Sign. Any sign designed to give artificial light directly through a transparent or translucent material from a source of light originating within or upon such sign.
- (10) Directional Sign. Any sign which provides instruction or direction and is located entirely on a property to which it pertains, does not exceed 8 square feet in area and does not include any logo or does not otherwise advertise a business in any way. This includes, but is not limited to, such signs as those identifying entrances and exits, drive-through windows, restrooms, telephones, and parking areas.

- (11) **Electronic Message Unit Sign.** Any sign on which the message may be changed by an electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic and charitable events or the advertising of products or services available on the premises. This also includes traveling or segmented message displays. These signs may be building signs or freestanding signs, but are only allowed in certain districts.
- (12) **Flashing Elements.** Portions of any directly or indirectly illuminated sign (except for Electronic Message Unit signs) which contain artificial light which is not maintained stationary and constant in intensity and/or color at all times when in use. Where signs with flashing elements are permitted, the intensity of any single bulb or other light-emitting source cannot exceed twenty-five (25) watts. Bare reflecting-type bulbs of any kind are not allowed as flashing elements unless they are properly shaded so as not to interfere with surrounding properties.
- (13) **Freestanding Sign.** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (14) **Height of Sign.** The distance measured from the established grade at the ground level of the sign to the top-most element of the sign structure.
- (15) **Indirectly Illuminated Sign.** A sign that is illuminated from a source outside of the actual sign, which is directed at the sign and is installed for the purpose of sign illumination.
- (16) **Institutional Sign.** A sign for a public, educational, charitable or religious institution, which may include areas for movable copy.
- (17) **Movable Board Sign.** A two-sided sign designed to be temporarily placed outside of a business that advertises goods or services available therein. A movable board sign may not be fixed in a permanent position, illuminated, or placed in a public right-of-way. No movable board sign may exceed 10 square feet per sign face and may not exceed 42 inches in height.
- (18) **Neighborhood Identification/Multi-Family Complex Sign.** A sign displaying the name of a particular neighborhood, subdivision or apartment complex located at the entrance to said area. A Neighborhood Identification sign may be illuminated and may be combined with a brick, masonry or stone wall and landscaping.
- (19) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Section.
- (20) **Occupant Frontage.** In a multi-tenant building, the horizontal width of the business occupancy parallel to the front of the building or to its main

entrance. In the case of an end unit with a wall face that faces a street right-of-way, each wall face may be considered a separate occupancy frontage.

- (21) **Portable Sign.** Any sign mounted to a rigid structure which is not permanently affixed to the ground and which can be moved from one location to another, not including a moveable board sign. Portable signs shall be allowed as follows:
  - (a) One (1) portable sign per premises shall be allowed in addition to all other identification sign structures.
  - (b) Total sign area shall not exceed fifty (50) square feet for each side and the total sign area shall be included in determining the maximum allowed sign area per lot.
  - (c) Minimum setback is five (5) feet.
- (22) **Real Estate Sign.** Any sign used to offer for sale, lease or rent the property upon which the sign is placed.
- (23) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location, individual, or product.
- (24) **Sign Setback.** The distance from any property line to the plane formed by the nearest edge or element of the sign structure, extended to the ground.
- (25) **Street Frontage.** The distance measured along the lot line adjacent to a public right of way. Each separate street adjacent to a lot is considered a separate street frontage. When multiple signs are allowed, each sign shall use the frontage along which it is intended to be viewed as its street frontage for the purposes of determining sign area.
- (26) **Temporary Sign.** Any sign intended to be displayed for a short period of time, including banners publicizing a special event, decorative-type displays or anything similar to the aforementioned.
  - (a) Maximum Area: 50 square feet.
  - (b) Number per Lot: One (1).
  - (c) Time Limit: No temporary sign may be erected for a period exceeding two (2) weeks. Only four such two-week periods will be permitted per each premises in a single calendar year.
- (27) **Window Sign.** Any sign that is visible to the public located completely within a window, or attached to or painted upon the surface of a window of a building.

## (D) PERMIT-EXEMPT SIGNS

The following signs are exempt from the requirement that a permit be obtained and, unless otherwise stated, are permitted in all zoning districts:

- (1) Construction signs. Two per site, not exceeding 32 square feet in area each, confined to the site of construction, and removable 30 days after completion of construction or prior to occupancy, whichever is sooner.
- (2) Directional signs, in the Business and Manufacturing districts.
- (3) Emblems or insignia of any nation or political subdivision, or non-profit organization, provided such signs shall not be illuminated nor exceed two (2) square feet in area.
- (4) Government or official signs for the control of traffic and other regulatory purposes, danger signs, railroad crossing signs and signs of public utilities indicating danger, wayfinding signs, and aids to service or safety which are erected by or on the order of a public officer in the performance of his duty.
- (5) Home-based professional office signs, home occupation identification signs, Bed and Breakfast establishment signs, and professional office signs when located on the same premises as a permitted or approved Conditional Use. Such signs may not be illuminated and are limited to four (4) square feet in area.
- (6) House numbers and name plates not exceeding two square feet in area for each residential, institutional, business or manufacturing building.
- (7) Interior signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way.
- (8) Memorial signs or tablets, names of buildings and date of erection, inscriptions or emblems, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area and affixed flat against the structure.
- (9) Municipal signs. Signs erected by the City or Town of Platteville upon municipal property, buildings, parks or public recreational facilities.
- (10) No trespassing and no dumping signs, not to exceed 1 ½ square feet in area.
- (11) Official notices posted by public officers or employees in the performance of their duties.



- (12) Political and campaign signs on behalf of candidates for public office or measures on election ballots, provided that such signs are subject to the following regulations:
  - (a) Such signs may be erected not earlier than 45 days prior to the primary election and shall be removed within 7 days following the general election.
  - (b) Such signs may not be erected on any public right-of-way or other public property.
- (13) Real estate signs.
- (14) Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historical agencies.
- (15) Temporary public announcement and public service signs, provided the size, character, quality and message on each sign is specifically approved by the Common Council and further provided that prior to erection, an individual or group shall indicate that he/she or it shall be responsible for the maintenance of such sign. Such signs may be of a type, size and character approved by the Common Council, notwithstanding any regulations or restrictions contained in this chapter.
- (16) University Signs. Signs erected by the University of Wisconsin-Platteville on University-owned property.
- (17) Window signs. Signs attached or affixed to the surface of a window.

(E) PROHIBITED SIGNS

The following signs are prohibited:

- (1) Signs containing any obscene, indecent, or immoral matter.
- (2) Signs which interfere with the safe conduct of travel on streets and highways. Advertising signs that are similar in appearance to traffic control signs and devices are prohibited.
- (3) Any other sign that creates an unreasonable hazard or threat to public safety is hereby prohibited.
- (4) Signs (other than billboards) which advertise a product or business which is no longer available or carried on upon the premises on which the sign is located. Such signs shall be removed within twelve (12) months of the cessation of such sales or business.

(F) APPLICATION FOR A SIGN PERMIT

- (1) Application for a sign permit shall be made in writing upon a form furnished by the Building Inspector. In all cases for which a permit is required, the owner of the parcel of land on which the sign is to be placed shall be identified on the application. With such application there shall be submitted plans showing:
  - (a) Location or position of the sign structure on the lot or building on which it shall be attached or erected, and
  - (b) Drawings and specifications showing area, height, location and setback of the sign, method or construction, and attachment to the building or other structure, or anchoring in the ground.
  - (c) Any other information deemed necessary by the Building Inspector to meet the requirements of this Section.
- (2) Permit fees shall be calculated on the same basis as building permits.

(G) ZONING DISTRICT REGULATIONS

- (1) Agricultural/Conservancy Districts. Permitted and conditional uses in the Agricultural Transition (A-T) and Conservancy (W) districts are allowed the following signs with a permit, subject to the requirements herein:
  - (a) Types Allowed and Restrictions:
    1. Freestanding Signs, other than billboards.
      - a. Maximum Area: One (1) square foot per each linear foot of street frontage, up to a maximum of 100 square feet.
      - b. Number Per Lot: One (1) per street frontage; however, the aggregate area of all signs may not exceed the maximum area noted above.
      - c. Maximum Height: Twenty (20) feet.
      - d. Minimum Setback: Five (5) feet.
    2. Building Signs, other than billboards.
      - a. Maximum Cumulative Area: One (1) square foot per each linear foot of building frontage or, in the case of a multi-tenant building, one (1) square foot per each linear foot of occupant frontage.

- b. Maximum Number per Building: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.
- (b) Illumination: The above signs may be illuminated. Flashing, rotating, and intermittent elements are prohibited.
- (2) Residential Districts. Non-residential, permitted and conditional uses in the R-1 and R-2 districts are allowed the following signs with a permit, subject to the requirements herein:
  - (a) Types Allowed and Restrictions.
    - 1. Freestanding Signs, other than billboards.
      - a. Maximum Area: One(1) square foot per each linear foot of street frontage, up to a maximum of 100 square feet.
      - b. Number Per Lot: One (1) per street frontage; however, the aggregate area of all signs may not exceed the maximum area noted above.
      - c. Maximum Height: Ten (10) feet.
      - d. Minimum Setback: Five (5) feet.
    - 2. Building Signs, other than billboards.
      - a. Maximum Cumulative Area: One (1) square foot per each linear foot of building frontage or, in the case of a multi-tenant building, one (1) square foot per each linear foot of occupant frontage.
      - b. Maximum Number per Building: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.
    - 3. Neighborhood Identification/Multi-family Complex.
      - a. Maximum Area: 30 square feet.
      - b. Maximum Height: 10 feet
      - c. Minimum Setback: 5 feet.
      - d. Maximum Number per Lot: Two (2).
  - (b) Illumination: The above signs may be illuminated. Flashing, rotating, and intermittent elements are prohibited.
- (3) Business District. Permitted and conditional uses in the C-1 District are allowed the following signs with a permit, subject to the requirements herein:

- (a) Types Allowed and Restrictions.
1. Freestanding Signs, other than billboards.
    - a. Maximum Area: Two (2) square feet per each linear foot of street frontage, up to a maximum of 200 square feet.
    - b. Number Per Lot: One (1) per street frontage; however, for lots where a street frontage is 250 feet or more, one (1) additional sign is permitted along that frontage; however, the aggregate area of all signs may not exceed the maximum area noted above.
    - c. Maximum Height: Thirty (30) feet.
    - d. Minimum Setback: Five (5) feet.
  2. Building Signs, other than billboards.
    - a. Maximum Cumulative Area: Two (2) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, two (2) square feet per each linear foot of occupant frontage.
    - b. Maximum Number per Building: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.
  3. Electronic Message Unit signs, Movable Board Signs and Portable Signs are permitted, subject to the above requirements, and the restrictions in Section (C).
  4. Billboards.
    - a. Maximum Area: 400 square feet per side.
    - b. Maximum Height: 30 feet.
    - c. Minimum Setback: 15 feet.
    - d. Maximum Number per Lot: For highways with speed limit <65 mph, one (1) per lot with a minimum spacing between signs of 500 feet of highway frontage. For highways with speed limit 65 mph, one (1) per lot with a minimum spacing between signs of 1,500 feet of highway frontage.
    - e. Location: Billboards are only allowed on lots that have frontage on a State or Federal highway, or a highway business route. No billboards may be installed adjacent to or within 300 feet of an interchange, intersection at grade, off-ramp, safety rest area, or

wayside. Said 300 feet shall be measured along the highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way of the primary highway.

- f. Residential Setback: Billboards shall be setback a minimum of four hundred feet (400') from a property zoned residential, or from a structure used as a residence which is located on lands not zoned residential.

- (b) Illumination. All signs in the C-1 District may be illuminated. Flashing elements are permitted; however, flashing elements that may create a hazard as determined by the Zoning Administrative are prohibited.

#### (H) NON-CONFORMING SIGNS

- (1) All legal signs that are in existence as of the adoption or amendment of this ordinance and that do not conform to these regulations shall be considered as non-conforming signs and are subject to the following requirements.
- (2) Signs that are non-conforming under this code may not be enlarged, heightened, altered in shape, or moved, except when required to do so by law or so as to comply with the provisions of this ordinance. The copy on such signs may be altered, but only within the existing area of the sign.
- (3) When a nonconforming sign is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its equalized value at the time such event occurred, it shall not be restored except so as to comply with the provisions of this ordinance.
- (4) The City Council may require non-conforming signs to be removed or brought into compliance with the regulations in this ordinance within five (5) years after the adoption and effective date of this ordinance. The City shall pay just compensation upon the required removal of non-conforming billboard signs as required by State statutes governing just compensation and local acquisition of off-premise advertising signs.

#### (I) DANGEROUS AND ABANDONED SIGNS; VIOLATIONS

- (1) All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of twelve (12) months or when, in the judgment of the Building Inspector, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it within sixty (60) days after receiving notice in writing from the Building Inspector, then the Building Inspector may remove the sign

at the cost of the owner. The owner may appeal the Building Inspector's decision to the Board of Appeals.

- (2) Alterations. Any sign that was erected before the adoption of this sign Article shall not be enlarged, rebuilt or relocated without conforming to all of the requirements of this code.
- (3) Violations. All signs constructed or maintained in violation of any of the provisions of this code are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this code, the Building Inspector may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

## **25.06 CITY ORDINANCES APPLY**

### **(A) CHAPTER 22 – ZONING ORDINANCE**

The following sections of Chapter 22, to the extent they are not inconsistent or in conflict with the provisions of this chapter are hereby made a part of this chapter.

- 22.02 General Provisions
- 22.03 Site Restrictions
- 22.04 Use Restrictions
- 22.06 Specific Standards
- 22.08 Mobile Home Parks
- 22.09 Traffic, Parking and Access
- 22.10 Modifications and Exceptions
- 22.12 Nonconforming Uses, Structures and Lots
- 22.13 Conditional Use Permits
- 22.14 Board of Appeals
- 22.15 Definitions
- 22.16 Changes and Amendments

### **(B) CHAPTER 23 BUILDING CODE**

The Building Inspector of the City of Platteville is hereby authorized and directed to enforce this Chapter by means of Building Permits and for that purpose is empowered to perform the functions required of him under Chapter 23 of the Municipal Code and the provisions of said Chapter shall apply to this chapter.

### **25.07 EXTRATERRITORIAL ZONING MAP**

The “Extraterritorial Zoning Map” is hereby made a part of this Chapter, and together with this text shall be kept in the Office of the City Clerk and shall be open to public inspection during regular office hours. The map shall be certified by the President of the Common Council and the City Manager, and attested by the City Clerk. Any changes in the District boundaries shall be recorded on the map. No such change shall become effective until posted to the map and until a duly certified and attested certificate describing the change attached to the map.

### **25.08 VIOLATIONS**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Chapter. In case of any violation, the Common Council, the Building Inspector or any property owner who is damaged by such violation may institute appropriate action to enforce the provisions of this chapter. Each day that a violation exists shall constitute a separate offense.

### **25.50 PENALTY AND ENFORCEMENT**

- (A) Forfeiture Penalty. The penalty for violation of any provisions of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.
- (B) Forfeiture Schedule. The penalty for violation of any provision of this chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this code, with a maximum forfeiture of \$500.

# CHAPTER 26 FLOODPLAIN ZONING ORDINANCE

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**26.01 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS**

**26.01.1 STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

**26.01.2 FINDING OF FACT**

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

**26.01.3 STATEMENT OF PURPOSE**

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

**26.01.4 TITLE**

This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Platteville, Wisconsin.

**26.01.5 GENERAL PROVISIONS**

**(1) AREAS TO BE REGULATED**

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the

flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 26.08 Amendments) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Zoning Administrator, City of Platteville, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) OFFICIAL MAPS: Based on the FIS:

1. Flood Insurance Rate Map (FIRM), panel numbers 55043C0540F, 55043C0657F, 55043C0676F, 55043C0677F, and 55043C0685F, dated February 3, 2016; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated February 3, 2016, Volume number 55043CV000B.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
- (b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or

(b) below. If a significant difference exists, the map shall be amended according to s. 26.08 Amendments. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 26.07.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 26.08 Amendments.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 26.08 *Amendments*.

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

- (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the 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.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

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

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Grant County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

**26.02 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with

flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 26.07.1(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

### **26.02.1 HYDRAULIC AND HYDROLOGIC ANALYSES**

(1) No floodplain development shall:

- (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- (b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 26.08 Amendments are met.

### **26.02.2 WATERCOURSE ALTERATIONS**

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 26.02.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 26.08 Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

### **26.02.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT**

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to

the floodplain zoning ordinance are made according to s. 26.08 Amendments.

**26.02.4 PUBLIC OR PRIVATE CAMPGROUNDS**

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health Services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 26.03, 26.04, or 26.05 for the floodplain district in which the structure is located;
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

## **26.03 FLOODWAY DISTRICT (FW)**

### **26.03.1 APPLICABILITY**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 26.05.4.

### **26.03.2 PERMITTED USES**

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
  - they meet the standards in s. 26.03.3 and 26.03.4; and
  - all permits or certificates have been issued according to s. 26.07.1.
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
  - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 26.03.3(4).
  - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 26.03.3 and 26.03.4.
  - (5) Extraction of sand, gravel or other materials that comply with s. 26.03.3(4).
  - (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.

- (7) Public utilities, streets and bridges that comply with s. 26.03.3(3).

**26.03.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY**

**(1) GENERAL**

- (a) Any development in the floodway shall comply with s. 26.02 and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 26.02.1 and 26.07.1(2)(c):
  - 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow;  
or
  - 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (b) above.

**(2) STRUCTURES**

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Must be anchored to resist flotation, collapse, and lateral movement;
- (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.



**(3) PUBLIC UTILITIES, STREETS AND BRIDGES**

Public utilities, streets and bridges may be allowed by permit, if:

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of s. 26.02.1.

**(4) FILLS OR DEPOSITION OF MATERIALS**

Fills or deposition of materials may be allowed by permit, if:

- (a) The requirements of s. 26.02.1 are met;
- (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

**26.03.4 PROHIBITED USES**

All uses not listed as permitted uses in s. 26.03.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

## **26.04 FLOODFRINGE DISTRICT (FF)**

### **26.04.1 APPLICABILITY**

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 26.05.4.

### **26.04.2 PERMITTED USES**

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 26.04.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 26.07.1 have been issued.

### **26.04.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE**

S. 26.02.1 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 26.06 Nonconforming Uses;

#### **(1) RESIDENTIAL USES**

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 26.06 Nonconforming Uses;

- (a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s 26.04.3 (1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure.
- (b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- (d) In developments where existing street or sewer line elevations make

compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
2. The municipality has a DNR-approved emergency evacuation plan.

(2) ACCESSORY STRUCTURES OR USES

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 26.04.3(1). Subject to the requirements of s. 26.04.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 26.07.5. Subject to the requirements of s. 26.04.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 26.07.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 26.07.5.

(b) Minor roads or non-essential utilities may be constructed at lower

elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 26.07.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 26.07.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

(a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

1. have the lowest floor elevated to the flood protection elevation; and
2. be anchored so they do not float, collapse or move laterally during a flood

(c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 26.04.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 26.04.3 (11)(b) and (c). A mobile

recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

## **26.05 GENERAL FLOODPLAIN DISTRICT (GFP)**

### **26.05.1 APPLICABILITY**

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

### **26.05.2 PERMITTED USES**

Pursuant to s. 26.05.4, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (s. 26.03.2) and Floodfringe (s. 26.04.2) Districts are allowed within the General Floodplain District, according to the standards of s. 26.05.3, provided that all permits or certificates required under s. 26.07.1 have been issued.

### **26.05.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT**

S. 26.03 applies to floodway areas, s. 26.04 applies to floodfringe areas. The rest of this ordinance applies to either district.

- (1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
  - (a) at or above the flood protection elevation; or
  - (b) two (2) feet above the highest adjacent grade around the structure; or
  - (c) the depth as shown on the FIRM
- (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

### **26.05.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.

- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
  - (a) A Hydrologic and Hydraulic Study as specified in s. 26.07.1(2)(c).
  - (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
  - (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

## **26.06 NONCONFORMING USES**

### **26.06.1 GENERAL**

#### **(1) APPLICABILITY**

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
  - (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal

structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 26.04.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 26.04.3(1).
- (f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 26.04.3(1).
- (g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure

is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

- (h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

#### 1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 26.07.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 26.05.3(1).
- f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

#### 2. Nonresidential Structures

- a. Shall meet the requirements of s. 26.06.1(2)(h)1a-f.
- b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant



utility and sanitary facilities, shall meet the standards in s. 26.07.5(1) or (2).

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 26.05.3(1).

(3) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 26.03.3(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 26.07.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 26.06.1(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

#### **26.06.2 FLOODWAY DISTRICT**

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

- (a) Has been granted a permit or variance which meets all ordinance requirements;
- (b) Meets the requirements of s. 26.06.1;
- (c) Shall not increase the obstruction to flood flows or regional flood height;
- (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 26.07.5, by means other than the use of fill, to the flood protection elevation; and
- (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
  - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;
  - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
  4. The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 26.07.5(3) and ch. SPS 383, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 26.07.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

### **26.06.3 FLOODFRINGE DISTRICT**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 26.04.3 except where s. 26.06.3(2) is applicable.
- (2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 26.07.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
  - (b) Human lives are not endangered;
  - (c) Public facilities, such as water or sewer, shall not be installed;
  - (d) Flood depths shall not exceed two (2) feet;
  - (e) Flood velocities shall not exceed two feet per second; and

- (f) The structure shall not be used for storage of materials as described in s. 26.04.3(5).
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 26.07.5(3) and ch. SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 26.07.5(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

## **26.07 ADMINISTRATION**

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

### **26.07.1 ZONING ADMINISTRATOR**

#### **(1) DUTIES AND POWERS**

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:
  - 1. All permits issued, inspections made, and work approved;
  - 2. Documentation of certified lowest floor and regional flood elevations;
  - 3. Floodproofing certificates.
  - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
  - 5. All substantial damage assessment reports for floodplain structures.
  - 6. List of nonconforming structures and uses.

(e) Submit copies of the following items to the Department Regional office:

1. Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
2. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(g) Submit copies of amendments to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;

5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 26.03 or 26.04 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 26.02.1. This may include any of the information noted in s. 26.03.3(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:
  - a. Hydrology
    - i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
  - b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

    - i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
    - ii. channel sections must be surveyed.

- iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC\_RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.
- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

- v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.



vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

(a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

(b) Application for such certificate shall be concurrent with the application for a permit;

(c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

(d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 26.07.5 are met.

(4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

**26.07.2 ZONING AGENCY**

(1) The Plan Commission shall:

- (a) oversee the functions of the office of the zoning administrator; and
  - (b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.
- (2) The Plan Commission shall not:
- (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
  - (b) amend the text or zoning maps in place of official action by the governing body.

### **26.07.3 BOARD OF ADJUSTMENT/APPEALS**

The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

#### **(1) POWERS AND DUTIES**

The Board of Adjustment/Appeals shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

#### **(2) APPEALS TO THE BOARD**

- (a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:
  - a. Fix a reasonable time for the hearing;
  - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
  - c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
2. Hearing - Any party may appear in person or by agent. The board shall:
  - a. Resolve boundary disputes according to s. 26.07.3(3);
  - b. Decide variance applications according to s. 26.07.3(4); and
  - c. Decide appeals of permit denials according to s. 26.07.4.

(c) DECISION: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department Regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;

- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 26.08 *Amendments*.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
  - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
  - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  - 3. The variance is not contrary to the public interest; and
  - 4. The variance is consistent with the purpose of this ordinance in s. 26.01.3.
- (b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
  - 1. The variance shall not cause any increase in the regional flood elevation;
  - 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
  - 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;
2. Be granted for a hardship based solely on an economic gain or loss;
3. Be granted for a hardship which is self-created.
4. Damage the rights or property values of other persons in the area;
5. Allow actions without the amendments to this ordinance or map(s) required in s. 26.08 *Amendments*; and
6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

#### **26.07.4 TO REVIEW APPEALS OF PERMIT DENIALS**

(1) The Zoning Agency (s. 26.07.2) or Board shall review all data related to the appeal. This may include:

- (a) Permit application data listed in s. 26.07.1(2);
- (b) Floodway/floodfringe determination data in s. 26.05.4;
- (c) Data listed in s. 26.03.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
- (d) Other data submitted with the application, or submitted to the Board with the appeal.

(2) For appeals of all denied permits the Board shall:

- (a) Follow the procedures of s. 26.07.3;
- (b) Consider zoning agency recommendations; and
- (c) Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation the Board shall:

- (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 26.08 *Amendments*; and
- (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

**26.07.5 FLOODPROOFING STANDARDS FOR NONCONFORMING STRUCTURES OR USES**

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
  - (a) certified by a registered professional engineer or architect; or
  - (b) meets or exceeds the following standards:
    - 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - 2. the bottom of all openings shall be no higher than one foot above grade; and
    - 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
  - (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - (b) Protect structures to the flood protection elevation;
  - (c) Anchor structures to foundations to resist flotation and lateral

movement; and

- (d) Minimize or eliminate infiltration of flood waters.
- (e) Minimize or eliminate discharges into flood waters.

#### **26.07.6 PUBLIC INFORMATION**

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) Real estate transfers should show what floodplain district any real property is in.

#### **26.08 AMENDMENTS**

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 26.08.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 26.08.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 26.08.1.

#### **26.08.1 GENERAL**

The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 26.08.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in

26.01.5 (2)(b);

- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

#### **26.08.2 PROCEDURES**

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. The petitions shall include all data required by ss. 26.05.4 and 26.07.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

#### **26.09 ENFORCEMENT AND PENALTIES**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of \$50.00 (fifty dollars), together with a taxable cost 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 may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

## 26.10 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
5. ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
9. BUILDING – See STRUCTURE.

10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
11. CAMPGROUND – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. CRAWLWAYS OR "CRAWL SPACE" – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. DEPARTMENT – The Wisconsin Department of Natural Resources.
18. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood

elevation and wide enough for wheeled rescue and relief vehicles.

20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
22. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
  - The overflow or rise of inland waters;
  - The rapid accumulation or runoff of surface waters from any source;
  - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
  - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
27. FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide

floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

28. FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
29. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
34. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

37. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
38. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
39. HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. HISTORIC STRUCTURE – Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that

touches any of the exterior walls of a building.

45. **LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
46. **MAINTENANCE** – The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
47. **MANUFACTURED HOME** – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
48. **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING** – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
50. **MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
51. **MOBILE RECREATIONAL VEHICLE** – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

52. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
53. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
56. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. MUNICIPALITY" or "MUNICIPAL – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
58. NAVD” or “NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
59. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
60. NEW CONSTRUCTION – For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
61. NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of

this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

62. **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
64. **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 26.01.5(2), which has been approved by the Department and FEMA.
65. **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
66. **ORDINARY HIGHWATER MARK** – 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.
67. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
68. **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
69. **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
70. **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not



damage existing or proposed buildings.

71. REGIONAL FLOOD – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
72. START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
73. STRUCTURE – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
74. SUBDIVISION – Has the meaning given in s. 236.02(12), Wis. Stats.
75. SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
76. SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure

provided that the alteration will not preclude the structure's continued designation as a historic structure.

77. UNNECESSARY HARDSHIP – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
78. VARIANCE – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
79. VIOLATION – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
80. WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.
81. WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
82. WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 27, HISTORIC PRESERVATION  
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## CHAPTER 27

### HISTORIC PRESERVATION

**27.01 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, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people and the community. 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 Platteville's cultural, social, economic, political and architectural history.
- B. Safeguard the City of Platteville's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites, and districts.
- C. Stabilize and improve property values, and enhance the visual and aesthetic character of the City of Platteville.
- D. Protect and enhance the City of Platteville's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

**27.02 DEFINITIONS.** The definitions shall be as follows:

- A. *Commission* means the Historic Preservation Commission created under this section.
- B. *Improvement* means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.
- C. *Certificate of Appropriateness* means the certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction, demolition, or general site compatibility of a local historic structure, local historic site or any improvement in a local historic district.
- D. *National Historic District* means a district that is listed on the National Register of Historic Places as maintained by the National Park Service in the U.S. Department of the Interior.

## CHAPTER 27 Historic Preservation

- E. *State Historic District* means a district that is listed on the State Register of Historic Places, as maintained by the Division of Historic Preservation at the Wisconsin Historical Society.
- F. *Local Historic District* is an area designated by the Common Council, following the procedures set forth in this Chapter, that contains two or more historic improvements or sites.
- G. *Local Historic Site* means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this 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.
- H. *Local Historic Structure* means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City of Platteville, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
- I. *Parcel* means a portion of land having its own tax parcel identification number.

**27.03 HISTORIC PRESERVATION COMMISSION COMPOSITION.** A Historic Preservation Commission is hereby created, consisting of five (5) regular members and two (2) alternates, who shall be City residents. Each member shall have, to the highest extent practical, a known interest in historic preservation. Of the regular membership, if available, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be an alderperson; and one shall be a citizen member. The alternate members shall be citizen members. The Council President shall appoint the members subject to confirmation by the Common Council. The term of the alderperson shall be for one year. Initially, the term of the citizen shall be one year, the term of the licensed real estate broker shall be two years and the terms of the registered architect and the historian shall be three years. Thereafter, three year terms shall be established for all members, except the alderperson.

The alternate members shall receive agendas for all meetings, but will vote only in the absence of a regular member. Three members are needed to establish a quorum, and three affirmative votes are needed to approve any request.

A member, with the exception of the alderperson, on completion of his or her second term shall not be eligible for reappointment as a regular member thereon until at least a period of one year shall have intervened between said terms as such member, but this provision shall not apply to a member who fills the unexpired term of a previous member. Persons that have served two consecutive terms may be appointed as an alternate member, but then must take one year off before being reappointed.

**27.04 POWERS AND DUTIES.**

- A. Designation. The Commission shall have the power, subject to Section 27.05 and 27.06, to recommend the designation of local historic structures and local historic sites and to recommend designation of historic districts within the City limits of the City of Platteville. Such designations shall satisfy the requirements of Section 27.05(B). Local historic structures, sites and districts shall require the approval of the Common Council. Once designated, such local historic structures, sites and districts shall be subject to all the provisions of this ordinance.
  
- B. Regulation of Construction, Reconstruction, Alteration and Demolition.
  - 1. An owner or person in charge of a local historic structure, local historic site or structure within a local historic district shall not 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 or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. The Building Inspector shall not issue a permit for any such work until a Certificate of Appropriateness has been approved by the Commission. Demolition of such property shall also require approval by the Plan Commission and the Common Council.
  
  - 2. Upon filing of any application for a Certificate of Appropriateness with the Commission, the Commission shall approve the application unless:
    - a. In the case of a designated local historic structure or local historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
  
    - b. In the case of the construction of a new improvement upon a historic site, within a local historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
  
    - c. In the case of any property located in a local 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;
  
    - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Platteville and state;

- e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
  3. 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 the decision within forty-five (45) days of the filing of the application.
  4. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City of Platteville. 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. The property owner shall ensure that the necessary permits are obtained for the property.
  5. Ordinary building maintenance and other work that involves repairs to existing features of a historic structure or site, or the replacement of elements of a structure or site with pieces similar in appearance may be undertaken without the approval of the Commission. A Certificate of Appropriateness is still required for this work,; however, the work shall be approved by the Building Inspector or Community Planning and Development Director as designees of the Commission. The types of projects that can be approved by these designees shall be described in a written policy and adopted by the Commission. Unless the Commission or the designee(s) approves a Certificate of Appropriateness, a building permit shall not be issued for any such work.
- C. Appeals. Should the Commission choose to not 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. The Commission's decision to not issue a Certificate of Appropriateness within thirty (30) days of the filing of the application shall be deemed a denial of the request, which may be appealed as provided herein. 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 ordinance. Denial of a Certificate of Appropriateness may be appealed following the procedures described in Section 17.06(A).
- 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 a suitable plaque declaring that such property is a historic structure, site or district.

**27.05 NOMINATIONS FOR DESIGNATION OF LOCAL HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT AND DESIGNATION CRITERIA.**

- A. Nominations for local historic structure, historic site and historic district designations, or requests to rescind a designation, shall be made as follows:
1. Local Historic Structure of Historic Site.
    - a. The owner of a property may nominate that property for designation at any time by submitting a completed nomination form and any appropriate documentation.
    - b. Any member(s) of the Historic Preservation Commission may nominate a property for designation if the member is of the opinion that the property may meet the criteria in Section 27.05(B). A completed nomination form and any appropriate documentation must be submitted.
  2. Local Historic District.
    - a. The nomination process for designation of a local historic district shall be considered by the Commission upon receipt of a written petition signed by the owners of a majority of the parcels within the proposed district. Each parcel included in the proposed district shall be allowed one (1) vote, and all of the owners of the parcel must sign the petition for the parcel to be counted as a vote in favor. Upon receipt of such a petition, the procedures described in Section 27.06 shall apply.
    - b. The Commission may begin the nomination process for designation of a local historic district at any time. However, the public hearing required in Section 27.06 shall not be scheduled until a written petition signed by the owners of a minimum of eighty percent (80%) of the parcels within the proposed district is provided. Upon receipt of such a petition, the procedures described in Section 27.06 shall apply.
- B. For purposes of this ordinance, a local 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 or cultural significance to the City of Platteville such as historic structures, sites, or districts which:
1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or



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2. Are identified with historic personages or with important events in national, state, or local history; or
3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
5. Have yielded, or may be likely to yield, information important to prehistory or history.

### **27.06 PROCEDURES.**

#### **A. Designation of Local Historic Structures and Local Historic Sites.**

1. Upon receipt of a nomination under 27.05(A), the Commission shall, after notice, schedule a public hearing to consider the designation of local historic structures and local historic sites, or to rescind such designation or recommendation. 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 Platteville's assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.
2. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses. 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, after application of the criteria in Section 27.05(B) above, recommend to the Common Council the designation of the property as either a local historic structure, or a local historic site, or recommend to rescind the designation.
3. The Common Council, upon receipt of the recommendation from the Historic Preservation Commission, shall either designate or reject the local historic structure or local historic site, or rescind such a designation. Such action shall not become effective except by the favorable vote of three-fourths (3/4) of the entire membership of the Common Council. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to Platteville's Plan Commission.

B. Designation of Local Historic District.

1. Upon receipt of a petition described in Section 27.05(A), the Commission shall prepare a historic preservation plan for the proposed district. A Local Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City of Platteville, after application of the criteria in Section 27.05 above. Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the proposed district, the specific guidelines for preservation, and a statement of preservation objectives.
2. Review and Adoption Procedure.
  - a. Historic Preservation Commission. The Historic Preservation Commission and the City Plan Commission shall hold a joint public hearing when considering the plan for a Local Historic District. Notice of the time, place and purpose of the public hearing shall be sent by the City Clerk to the owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed Local Historic District or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed Local 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 Historic Preservation Commission and the City Plan Commission shall each vote to recommend, reject or withhold action on the plan.
  - b. The Common Council. The Common Council, upon receipt of the recommendations from the Historic Preservation Commission and the City Plan 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 Local Historic District. Designation of the Local Historic District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.
  - c. If the petition described in Section 27.05(A)(2)(b) is signed by the owners of a minimum of eighty percent (80%) but less than one hundred percent (100%) of the parcels within the proposed district, such district shall not become effective except by the favorable vote of three-fourths (3/4) of the entire membership of the Common Council. If the petition is signed by one hundred percent (100%) of the property owners within the proposed district, such district shall become effective upon a simple majority vote. Nominations for a local historic district begun under Section 27.05(A)(2)(a) become effective upon a simple majority vote.

3. **Amendment.** A property owner or the City may seek an amendment of the designation of a property as a historic site, historic structure or its inclusion in a historic district. Consideration of an amendment shall be commenced by written request filed with the Historic Preservation Commission. The notice and public hearing requirements for the establishment of a historic site, structure or historic district shall be followed with respect to consideration of the amendment. Following the public hearing, the Historic Preservation Commission shall make a recommendation to the Common Council regarding the amendment of the designation. The Common Council will then take final action on the amendment.
4. **Voluntary Restrictive Covenants.** The owner of any historic structure or site may, at any time following such designation of the property, enter into a restrictive covenant on the subject property after negotiation with the Commission. The Commission may assist the owner in preparing such covenant in the interest of preserving the structure or site. The owner shall record such covenant in the office of the Grant County Register of Deeds, and shall notify the City Assessor of such covenant and the conditions thereof.

**27.07 INTERIM CONTROL.** No building permit shall be issued by the Building Inspector for the exterior alteration or construction of, or the 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 Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the City Council unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be for more than ninety (90) days.

**27.08 SEPARABILITY.** If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

**27.09 LOCAL HISTORIC DESIGNATION.** The City designated Platteville's Main Street Commercial Historic District, listed on March 9, 1990, in the National Register of Historic Places, as a local Historic Preservation District. The Historic Preservation Commission has also designated the following individual properties as historic structures:

- 315 W. Main Street – designated as a local historic property on 9/29/2003
- 25 W. Gridley (formerly 150 S. Chestnut) – designated as a local historic property on 10/13/2003
- 480 N. Third Street – designated as a local historic property on 7/19/2004
- 130 N. Hickory Street – designated as a local historic property on 7/19/2004

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180 Bayley Avenue – designated as a local historic property on 1/31/2005

230 Bayley Avenue – designated as a local historic property on 1/31/2005

185 Bayley Avenue – designated as a local historic property on 2/22/2005

280 Division Street – designated as a local historic property on 11/27/2018

Indian Park – 500 block of N Court Street and N Fourth Street – designated as a local historic property on 10/27/2020

**27.50 PENALTIES FOR VIOLATIONS.** Any person or persons violating any provision of this section shall be forfeit fifty dollars (\$50) for each separate violation, in addition to the deemed to be a separate offense. Notice of violations shall be issued by the Building Inspector.

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## CHAPTER 28

### PARKS IMPACT FEE

**28.01 PURPOSE AND INTENT.** The purpose of this ordinance is to promote the public health, safety and general welfare of the community and to facilitate the adequate provision of parks and playgrounds by imposing impact fees upon developers to pay for the capital costs of public facilities that are necessary to accommodate land development.

This chapter is intended to impose impact fees in order to finance public utilities and facilities, the demand for which is generated by new residential development. The City is responsible for and will meet, through the use of general City revenues, all capital improvement needs associated with existing development. Only needs created by new development will be met by impact fees. Impact fees shall be spent on new or enlarged capital facilities improvements required by new developments that pay the fees.

**28.02 AUTHORITY.** Authority for this section is provided by Wisconsin Statutes 66.0617. The provisions of this section shall not be construed to limit the power of the City to adopt any ordinance, other impact fee or other fee pursuant to any other source of local authority or to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in lieu of or in conjunction with this section.

**28.03 APPLICABILITY.** This section shall be uniformly applicable to all new development that occurs within the City of Platteville.

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

- (a) ***Building Permit*** means the permit required for new construction and additions pursuant to City of Platteville Municipal Code. The term “building permit”, as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in the number of dwelling units resulting therefrom.

- (b) **Capital Costs** means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than ten percent (10%) of capital costs may consist of legal, engineering and design costs unless the City demonstrated that its legal, engineering and design costs which relate directly to the public improvement for which the Impact fees were imposed exceed ten percent (10%) of capital costs. "Capital costs" does not include other non-capital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.
- (c) **Capital Improvements** means public facilities that are treated as capitalized expenses according to generally accepted accounting principles and does not include costs associated with the operation, administration, maintenance or replacement of capital improvements, nor does it include administrative facilities.
- (d) **Developer** means a person, party, firm, corporation or other legal entity that constructs or creates a land development.
- (e) **Development** means any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit as described in 4(a).
- (f) **Dwelling Unit** means one or more rooms designed as a residential occupancy area by not more than one family or group for living and sleeping purposes, and the construction of which requires a building permit under 4(a).
- (g) **Impact Fee** means any charge, fee, or assessment levied pursuant to this chapter when any portion of the revenues collected is intended to fund any portion of the capital costs of public facilities or capital improvements identified in this chapter and/or the Public Facilities Needs Assessment.
- (h) **Land Development** means the construction or modification of improvements to real property that creates additional residential dwelling units within the City or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the City, for which a building permit is required under 4(a).
- (i) **Needs Assessment** means the assessment of needs required to identify public facility costs for the purpose of calculating impact fees as defined by Wisconsin Statutes 66.0617.
- (j) **Public Facilities** means parks and playgrounds, as defined in Section 340.01(22), Wisconsin Statutes, "Public facilities" does not include facilities owned by a school district.

- (k) **Service Standard** means a certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure as specified by the City Council.
- (l) **Site** means the land on which development takes place.
- (m) **Subdivision** means a plat, certified survey map, or other method used to divide a parcel of property into two or more separate parcels or lots.
- (n) **City** means the City of Platteville, Wisconsin.
- (o) **Zoning Districts** are those areas designated in the zoning ordinance as being reserved for specific land uses, subject to development and use regulations specified in the ordinance.
- (p) **Zoning Ordinance** means the official adopted zoning map and text regulating all development and land use in the City of Platteville.

**28.05 PUBLIC FACILITIES NEED ASSESSMENT.** The basis for the imposition of impact fees is the *Parks and Playgrounds Needs Assessment* prepared by *Vierbicher Associates* in January of 2007, which is on file in the office of the City Clerk and available for inspection and/or copying in accordance with the State Public Records and Property Law, Subchapter II of Chapter 19, Wisconsin Statutes. The Public Facilities Need Assessment includes:

- (a) An inventory of existing public facilities, including an identification of any existing deficiencies in the quantity or quality of those public facilities for which an Impact Fee is imposed.
- (b) An identification of the new public facilities, or improvements or expansions of existing Public Facilities, that will be required because of land development for which an impact fee is imposed.
- (c) A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities, including an estimate of the effect of recovering these capital costs through impact fees on the availability of affordable housing within the City.

**28.06 FINDING OF REASONABLENESS AND STATUTORY COMPLIANCE.** Impact fees imposed by this Chapter are found by the Common Council of the City to be reasonable and in compliance with Section 66.55, Wisconsin Statutes in that they:

- (a) Bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.



- (b) Do not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the City.
- (c) Are based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.
- (d) Do not prohibit or deter the construction of affordable housing within the City.

**28.07 IMPACT FEE REDUCTION.**

- (a) Impact fees imposed by this Chapter shall be reduced to the extent necessary:
  - (1) To compensate for other capital costs imposed by City with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under Chapter 236, Wisconsin Statutes, or any other items of value.
  - (2) To compensate for monies received from Federal or State government specifically to provide or pay for the public facilities for which the impact fees are imposed.
  - (3) The City Council may, in its discretion, provide for an exemption from, or a reduction in the amount of impact fees imposed on a developer that provides low-cost housing in accordance with guidelines established by the Common Council, except no amount of any impact fee for which an exemption or reduction is provided under this section may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the City.
  - (4) New development in a Tax Incremental Financing District, whether such district is now existing or created in the future, may be exempted from the imposition of Impact Fees for the reason that the City desires to offer developers an incentive to create projects which will improve blighted neighborhoods and/or create opportunities for employment.

**28.08 IMPOSITION OF IMPACT FEES.** Impact fees shall be imposed by the Common Council on any land division, planned development, conditional use permit, site plan review or building permit for new construction on vacant land, the construction of additional buildings on developed land, and the expansion of existing buildings, at the time any approval or permit is granted which is located in an area on which an impact fee has been imposed. Notwithstanding the above, nothing herein required shall provide for the

payment of duplicate impact fees under circumstances where a land development is the subject of more than one (1) approval or permit.

**28.09 USE OF FUNDS.**

- (a) Funds collected from impact fees shall be used solely for the purpose of paying the proportionate costs of providing public facilities that may become necessary due to land development. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities projects prior to the collection of all anticipated impact fees for the projects, to reimburse the City or Utility for advances of other funds or reserves, and such other purposes consistent with Wisconsin Statutes section 66.0617 which are recorded and approved by the City Council.
- (b) The City may issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law in furtherance of the provision of capital improvement projects. Funds pledged toward retirement of bonds, revenue certificates, or other obligations of indebtedness for such projects may include impact fees and other City revenues as may be allowed by the Common Council. Impact fees paid pursuant to this ordinance, however, shall be restricted to use solely and exclusively for financing directly or as a pledge against bonds, revenue certificates, and other obligations of indebtedness for the cost of capital improvements as specified herein.
- (c) These impact fees shall be collected until the capital costs associated with the projects specified in the Parks and Playgrounds Needs Assessment Report, as amended from time to time, have been incurred and satisfied unless such time period exceeds seven (7) years beyond projected satisfaction of indebtedness of the specified projects for which these impact fees are imposed.

**28.10 PAYMENT AND COLLECTION OF FEES.**

- (a) *Payment of fee.* A Developer shall pay an Impact Fee for any new Development (as distinguished from any alteration or addition to existing development) in full, to the City Clerk/Treasurer, where applicable, as follows:
  - (1) With respect to a Land Division, within the time provided in a Subdividers Agreement.
  - (2) With respect to Conditional Use Permits, as provided in the Permit.
  - (3) With respect to Site Plan Review, prior to obtaining a Building Permit.
  - (4) With respect to a Building Permit, prior to issuance of the permit.

- (b) *Separate fund account required.* Revenues collected as impact fees shall be placed by the City of Platteville Treasurer in segregated interest-bearing accounts and shall be accounted for separately from other funds of the City of Platteville. Impact fee revenues and interest earned on impact fee revenues may be expended by the City of Platteville only for the capital costs for which the impact fees were imposed and shall be expended on a first-in first-out basis.
- (c) *Refund.* Any funds not expended or encumbered by the end of the calendar quarter immediately following seven years from the date the impact fee was paid for any facility described in the needs assessment shall be returned to such landowner. The Common Council considers seven years to be a reasonable time period for planning and financing all public facilities identified in the Parks and Playgrounds Need Assessment.

#### **28.11 ADMINISTRATION OF IMPACT FEES.**

- (a) Upon receipt of impact fees, the City Clerk/Treasurer or the Utility Manager, as applicable, shall be responsible for the placement of such funds into separate accounts as hereinafter specified. All such funds shall be deposited in interest-bearing accounts in a bank authorized to receive deposits of City of Utility funds, as applicable. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account.
- (b) The City Clerk/Treasurer or Utility Manager shall maintain and keep accurate financial records for each such account that shall show the source and disbursement of all revenues; that shall account for all monies received; that shall ensure that the disbursement of funds from each account shall be used for projects in the capital improvements program for the particular development sub-area or for City-wide capital improvements, as specified in the program; and that shall provide an annual report for each impact fee account showing the source and amount of all funds collected and the projects that were funded.
- (c) The City shall annually, in conjunction with the annual capital budget and capital improvements plan adoption processes, review the development potential of the City and the capital improvements plan and make such modifications as are deemed necessary as a result of:
  - (1) Development occurring in the prior year.
  - (2) Capital improvements actually constructed.
  - (3) Changing facility needs.
  - (4) Inflation

- (5) Revised cost estimates for capital improvements.
- (6) Changes in the availability of other funding sources applicable to public facility projects.
- (7) Such other factors as may be relevant.

Modifications of the development potential, the capital improvements program, and the impact fees shall be recommended for adoption prior to November 1<sup>st</sup> of each year and shall be effective on January 1<sup>st</sup>.

**28.12 IMPACT FEE SCHEDULE.**

Total Park Capital Costs	\$1,778,000
Percent of Capital Costs Attributable to New Development	19.90%
Park Capital Costs Attributable to New Development	\$353,822
Total Number of Units In 2014	4,984
Number of New Units by 2014	932
<b>Impact Fee Per New Residential Unit</b>	<b>\$380</b>

**28.13 TIME FOR USE OF IMPACT FEES.** Impact Fees imposed and collected by the City under this Chapter shall be used within seven (7) years of the date of collection by the City to pay the capital costs of all public facilities for which they were imposed, or in the alternative, refunded to the current owner of the real property with respect to which the impact fees were imposed. Said seven (7) year period of time is found to be reasonable by the Common Council of the City in view of the appropriate planning and financing periods for the particular types of Public Facilities for which the Impact Fees are imposed.

**28.14 APPEALS.**

- (a) *Notice of appeal.* Any developer upon whom an impact fee has been imposed may contest the amount, collection or use of the impact fee by filing a notice of appeal to the City Council. The notice of appeal shall be filed with the City Clerk within thirty (30) days of the date of the determination appealed from. The notice of appeal shall state in detail the relief sought by the developer and any legal or factual basis for the relief requested; and shall include all supporting documentation upon which the developer relies in making the appeal.
- (b) *Appeal bond.* If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City attorney in an amount equal to the impact fee due, as calculated by the City clerk or the clerk’s designee, and all other requirements have

been satisfied, the plumbing or building permit may be issued or the final plan may be approved. The filing of an appeal shall not stay the collection of the impact fee due unless a bond or other sufficient surety has been filed.

(c) *Review by the Common Council.*

- (1) Within ten business days of the date of filing of the notice of appeal, the City clerk shall forward a copy of the notice of appeal to the appropriate department head. Within 30 business days of receipt, the appropriate department head shall submit a written report and recommendation to the City Manager. The City Manager shall review this report, and any other appropriate information, and make a written recommendation to the Common Council.
- (2) Within 45 days of the date of the City Manager's written recommendation, the Common Council shall adopt a resolution denying, approving, or approving in part the appeal.

**28.15 EFFECT OF IMPACT FEE ON ZONING AND SUBDIVISION REGULATIONS.**

This chapter shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of capital improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

**28.16 IMPACT FEE AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT.**

The impact fees are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits. The impact fees are intended to be consistent with and to further the objectives and policies of the Comprehensive Plan, the capital improvements plan, and other City policies, chapters, and resolutions by which the City seeks to ensure the provision of public facilities in conjunction with the development of land. In no event shall a property owner be obligated to pay for capital improvements in an amount in excess of the amount calculated pursuant to this section; provided however, that a property owner may be required to pay, pursuant to City ordinances, regulations, or policies, other fees or for other capital improvements in addition to the impact fees for capital improvements as specified in this chapter.

**28.17 AMENDMENTS.**

- (a) Before enacting an ordinance that amends Chapter 28, the Common Council shall hold a public hearing on the proposed ordinance or amendment.

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- (b) Pursuant to W.S.A., 660617, notice of the public hearing referred to in the preceding section shall be published as a class 1 notice under W.S.A., ch. 985, and shall specify where a copy of the proposed ordinance or amendment and the public needs assessment may be obtained.
- (c) Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, a needs assessment shall be prepared and made available for public inspection and copying as required by W.S.A., 66.0617.

**28.18 LIBERAL CONSTRUCTION; SEVERABILITY.** The provisions of this section are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience and it shall be liberally construed to effectively carry out its purposes. If any subsection, phrase, sentence, or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent, and such holding shall not affect the validity of the remaining portions thereof.

**28.19 RESERVED.**

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# CHAPTER 31

## LICENSES

**31.01 LICENSES REQUIRED.** No person shall engage in any trade, profession, business or privilege for which a license is required by any provision of this code without first obtaining such license from the City in the manner provided in this chapter, unless otherwise specifically provided.

**31.02 APPLICATION FOR LICENSE.** Unless otherwise provided, application for a license shall be made to the City Clerk upon forms provided by the City and applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license.

**31.03 PAYMENT OF FEE.** The fees required for any license shall be paid at the office of the City Treasurer before the granting of the license. Unless otherwise provided in this chapter, no license fee shall be prorated for a portion of a year and no license fee paid shall be refunded, except that in the case of Class A and Class B fermented malt beverage licenses and intoxicating liquor licenses where the holder of such license surrenders such license during the license period and such license is then granted to another for use upon the same premises during the same license year. Then and in that event the original holder of said license shall be given a refund of the license fee paid and such refund shall be prorated based upon the length of time such license was held during the license year and the person to whom said license is granted for use upon the same premises shall pay a prorated fee based upon the date on which said license is granted.

**31.04 BOND AND INSURANCE.** All required bonds shall be executed by two sureties, or a surety company, and shall be subject to the approval of the City Manager and the Common Council. Where policies of insurance are required, such policies shall be approved as to substance and form by the City Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the Clerk before the license is issued.

**31.05 APPROVAL OR DENIAL OF LICENSES.** (a) Where the approval of any City officer or state officer is required prior to the issuance of any license, such approval must be presented to the Clerk before any license is issued.

(b) No license shall be approved by any City officer or issued by the Clerk if it appears that the conduct of the activity for which a license is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity.



**31.06 LICENSE TERM.** (a) Unless otherwise provided, the term of the license year shall begin July 1 and end on June 30 of the succeeding year.

(b) Where the issuance of licenses for periods of less than one year is permitted, the effective date of such license shall commence with the date of issuance.

**31.07 LICENSE CERTIFICATES.** License certificates shall show the date of issue, the activity licensed and the term of the license, and shall be signed by the Clerk and be impressed with the City seal.

**31.08 EXHIBITION OF LICENSE CERTIFICATE.** Every licensee shall carry his license certificate upon his person at all times when engaged in the activity for which the license is granted, except that where such activity is conducted at a fixed place, in a vehicle or establishment, the license certificate shall be exhibited at all times in some conspicuous place in such place of business. The licensee shall exhibit the license certificate upon demand of any police officer or person representing the issuing authority.

**31.09 TRANSFER OF LICENSE.** Unless otherwise provided, no license shall be transferable without the authorization of the Common Council.

**31.10 RENEWAL OF LICENSE.** License renewals shall be issued in the same manner and be subject to the same conditions as original license.

**31.11 REVOCATION OF LICENSE.** Any license issued by the City may be suspended or revoked by the Common Council for any of the following causes:

1. Fraud, misrepresentation or incorrect statement contained in the application for license, or made in carrying on the licensed activity.
2. Conviction of a crime.
3. Conducting such licensed activity in such manner as to constitute a breach of the peace, or a menace to the health, safety, or welfare of the public, or a disturbance of the peace or comfort of the residents of the City.
4. Expiration or cancellation of any required bond or insurance.
5. Actions unauthorized or beyond the scope of the license granted.
6. Violation of any regulation or provision of this code applicable to the activity for which the license has been granted, or any regulation or law of the state so applicable.

7. Failure to continuously comply with all conditions required as precedent to the approval of the license.

**31.12 HEARING.** Prior to any revocation or suspension under this chapter, the license holder shall be notified by the City Clerk of the Common Council's intent to take such action and shall be informed of the right to a public hearing on such action before the Common Council. If the license holder requests a hearing within five days after such notice is mailed to the last known address of the license holder, the Common Council shall hold a public hearing and afford the license holder opportunity to be heard and present evidence. Other evidence may also be received. Following the hearing the Common Council shall decide by a majority vote what action, if any, to take regarding the license.

**31.13 INSPECTIONS.** The Health Officer and other City officials may enter upon the premises where any licensed activity is being conducted for the purpose of inspection.

**31.14 DIRECT SELLERS.** (1) Registration Required. It shall be unlawful for any direct seller to engage in direct sales within the City of Platteville without being registered for that purpose as provided herein.

(2) Definitions. In this section:

- (a) "Direct Seller" means any individual who, for him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.
- (b) "Permanent Merchant" means a direct seller who, for at least one year prior to the consideration of the application of this section to said merchant, has continuously operated an established place of business in this City or has continuously resided in the City and now does business from his/her residence.
- (c) "Goods" shall include personal property of any kind, and shall include goods provided incidental to services offered or sold.
- (d) "Charitable Organization" shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.
- (e) "Clerk" shall mean the City Clerk.

- (3) Exemptions. The following shall be exempt from all provisions of this section:
- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
  - (b) Any person selling goods at wholesale to dealers in such goods;
  - (c) Any person selling agricultural products which such person has grown;
  - (d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;
  - (e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;
  - (f) Any person who has had, or one who represents a company which has had a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
  - (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
  - (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
  - (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under Section 440.41, Wisconsin Statutes, or which is exempt from that statute's registration requirements, shall be required to register under this section;
  - (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk, proof that such person has leased for at least one year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this City for at least one year prior to the date complaint was made.

CHAPTER 31 Licenses

(4) Registration. (a) Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:

1. Name, permanent address and telephone number, and temporary address, if any;
2. Date of birth, height, weight, color of hair and eyes;
3. Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
4. Temporary address and telephone number from which business will be conducted, if any;
5. Nature of business to be conducted and a brief description of the goods offered, and any services offered;
6. Proposed method of delivery of goods, if applicable;
7. Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
8. Last cities, villages, towns, not to exceed three, where applicant conducted similar business;
9. Place where applicant can be contacted for at least seven days after leaving this city;
10. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the least five years; the nature of the offense and the place of conviction.

(b) Applicants shall present to the Clerk for examination:

1. A driver's license or some other proof of identity may be reasonably required;
2. A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
3. A state Health Officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently

free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

- (c) At the time the registration is returned, a fee as established by the Common Council and amended from time to time via resolution shall be paid to the Clerk to cover the cost of processing said registration.

The applicant shall sign a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in paragraph (5)(b) below.

- (5) Investigation. (a) Upon receipt of each application, the Clerk may refer it immediately to the Police Chief who may make and complete an investigation of the statements made in such registration.

- (b) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of paragraph (4)(b) above.

- (6) Regulation of Direct Sellers. (a) Prohibited Practices. 1. A direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any good offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said

portion shall be expressed as a percentage of the sale price of the goods.

3. No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
  4. No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
  5. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
- (b) Disclosure Requirements.
1. After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.
  2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in Section 423.203(1)(a)(b) and (c), (2) and (3), Wisconsin Statutes.
  3. If the direct seller takes a sales order for the later delivery of goods, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.
- (7) Records. The Police Chief shall report to the Clerk all convictions for violation of this section and the Clerk shall note any such violation on the record of the registrant convicted.
- (8) Revocation of Registration. (a) Registration may be revoked by the Common Council after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this section or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

**31.15 REPEALED (13-23)**

**31.16 JUNK DEALERS.** (a) No person in the City of Platteville shall keep, conduct, or maintain any building or space for the keeping or storing in commercial quantities, or for buying or selling in any quantity old, used, or secondhand materials or any kind which is commonly referred to as junk or salvage material without first having obtained a license pursuant to this chapter. A person engaged in such a business shall be referred to as a junk dealer.

- (b) The application shall be reported to the County Health Officer, Building Inspector and Police Chief, who shall conduct an inspection of the business premises. The County Health Officer and Building Inspector shall report any health problems or hazardous conditions to the junk dealer and City Manager. Any problems noted by the County Health Officer, Building Inspector, or Police Chief shall be corrected before the license is approved or renewed.
- (c) All junk dealers' licenses shall be approved by the Common Council.
- (d) No person whose application has been denied may make further application until a period of six months has elapsed following the denial unless he can show that the reason for such denial no longer exists. No license shall be issued to any person who shall have been convicted within three years of the date of application of a violation of this section, or to any person who has, within two years of the date of application, been convicted of a felony.
- (e) Every junk dealer shall pay an annual license fee established by the Common Council and amended from time to time via resolution. Upon loss or destruction of a license, the City Clerk shall issue a duplicate at no charge.
- (f) No licensee shall remove his place of business from the place specified on the license to another place within the City without first securing permission from the Common Council. Any change in location shall be endorsed upon the license.
- (g) Any premises used for the conduct of a junk dealer's business shall be made visually acceptable insofar as practical by the erection of a solid fence or plantings on all sides of the premises. Such fence or plantings must meet the approval of the Building Inspector. Additionally, no junk dealer shall permit any junk materials to extend over a property line. Containment shall be assured by the erection of a sturdy, solid fence if necessary. No materials may extend or protrude above the fence or plantings.
- (h) Upon written complaint by any City official or resident of the City to the City Clerk that the licensee has violated any of the provisions of this section, the Building Inspector shall conduct an investigation, and if he finds that violations are occurring, he shall inform the licensee in writing of the specific violations then existing. The Building Inspector shall allow the licensee a reasonable time to correct violations.

- (i) In addition to all other remedies at law for violations of this section, the Building Inspector may seek abatement of such violations by court action and may apply to the Common Council for revocation of the license pursuant to this chapter.

### **31.17 REPEALED**

**31.18 TAXI AND/OR TAXI DRIVER LICENSES.** (a) Requirement of License. Except as provided in (b) below, no person shall operate a taxi or any vehicle carrying passengers for hire, including vehicles used in the Platteville Transit System, within the City limits without first obtaining a taxi driver's license. No vehicle shall be operated as a taxi in the City without being licensed as a taxi.

- (b) Exceptions. The provisions of this section shall not apply to vehicles which are owned by licensed funeral directors nor to the drivers of such vehicles, when used by weddings and christening, or as an ambulance, nor shall it apply to bus lines nor to the drivers of busses operating through Platteville and between Platteville and other points, pursuant to authorizations granted by the Public Service Commission, nor shall it apply to buses operated for charter or as school buses.
- (c) Certificate of Insurance. The application for a taxi license shall be accompanied by a certificate of insurance coverage showing that each vehicle to be licensed is covered by liability insurance by an insurance company licensed to do business in Wisconsin, in the amount of \$1,000,000 for the combined single limit for both bodily injury or death and property damage for any one accident due to the negligent operation of such vehicle. Any insurance policy hereunder shall contain a provision that the same shall not be cancelled before expiration of its term except upon 30 days written notice to the City Clerk. Cancellation or termination of such insurance shall automatically terminate all licenses issued hereunder unless another certificate of insurance shall be substituted.
- (d) Vehicle Inspection. The application for a taxi license shall be accompanied by a vehicle inspection report completed and signed by a certified mechanic at the applicant's expense. Said inspection report must certify that the vehicle is safe to drive and meets Wisconsin DOT safety codes and regulations.
- (e) Issuance. Upon receipt of a license application, accompanied by the policy of insurance (if applicable) and payment of the prescribed fee, the City Clerk shall notify the Chief of Police of the application. The Chief of Police shall then make an investigation of the applicant and report on the same in writing to the City Clerk. The City Clerk shall then present the license application to the Common Council. Upon review of the application, after consideration of the adequacy of existing taxi service and the need for any additional service within the City, the Common Council shall grant or deny the license by an affirmative vote of the majority of the members thereof.



- (f) **Provisional License.** The City Clerk may issue a provisional taxi and/or taxi driver license to a qualified applicant under the standards set forth in this Section and following a police record check showing that the applicant is not disqualified from holding a taxi or taxi driver license. Upon filing by the applicant of a receipt showing the payment to the City Treasurer of a provisional license fee as established by the Common Council and amended from time to time via resolution, a provisional taxi and/or taxi driver license shall be issued and shall expire 60 days after its issuance or when a license under this Section is issued to the holder, whichever is sooner. A provisional license may only be issued to a person who has applied for a taxi and/or taxi driver license per this Section.
- (g) **Posted Fares.** Each vehicle licensed as a taxi shall post the applicable fares in a conspicuous place inside the taxi in plain sight of the passengers.

**31.19 TAXI LICENSE FEE AND TERM.** (a) There shall be a license fee established by the Common Council and amended from time to time via resolution for each vehicle used as a taxi and for each driver that operates a taxi vehicle. Said licenses shall expire annually on December 31.

- (b) The license fees provided herein shall be waived for any vehicle(s) and driver(s) of such vehicle(s) operated by a taxi service that is a non-profit organization under IRS Code Section 501(c)(3) or other IRS statutes or regulations. Proof of tax exempt status must be submitted with the license application.

**31.20 BICYCLE LICENSES.** (a) No person shall ride a bicycle upon any street within the City unless such bicycle is registered and tagged, as hereinafter provided.

- (b) Every owner of a bicycle used on the streets within the City shall, within ten days after acquiring the bicycle, file with the Police Department a complete description of such bicycle upon a blank form to be provided for the purpose, which filing of description shall constitute a registration of such bicycle. Such registrations shall be serially numbered and be kept on file by the Police Department as a public record. The fee for such registration shall be established by the Common Council and amended from time to time via resolution. Such a registration shall be non-expiring and shall continue until the Police Department is notified of any changes.

**31.21 BICYCLE TAGS.** (a) Immediately upon the registration of a bicycle at the Police Department the bicycle owner shall affix to such bicycle an identification tag serially numbered to correspond with the registration of such bicycle. Such tag shall thereafter remain affixed to said bicycle and shall not be removed therefrom while the owner is a resident of Platteville. Persons with temporary residence in the City are not exempt. However, current registration from another jurisdiction shall exempt that person from registration with the City of Platteville.

- (b) No person, except such persons as are authorized to do so by this chapter, shall deface, mutilate or remove an identification tag placed upon any bicycle.

**31.22 BICYCLE LICENSE FEES.** Bicycle license fees shall be paid to the Police Department which shall give a receipt therefor to the person paying same and shall pay all such amounts received by him into the City Treasury.

**31.23 PAWNBROKERS AND SECONDHAND ARTICLE AND JEWELRY DEALERS.** Pawnbrokers and Secondhand Article and Jewelry Dealers of the Code of Ordinance is hereby created by the adoption of Section 134.71, Wisconsin Statutes, as amended.

**31.24 CIGARETTE AND TOBACCO PRODUCTS RETAILER LICENSE.** The provisions of Section 134.65, Wisconsin Statutes, are hereby adopted as follows:

- (1) No person shall in any manner, or upon any pretense, or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products to any person not holding a license as herein provided or a permit under ss. 139.30 to 139.41 or 139.79 without first obtaining a license from the clerk of the City.
- (2) Upon filing of a proper written application, a license shall be issued on July 1 of each year or when applied for and continue in force until the following June 30 unless sooner revoked. The fee for the license shall be the maximum fee provided by Chapter 134.65(2)(a) of the Wisconsin Statutes.
- (3) Each such license shall name the licensee and specifically describe the premises where such business is to be conducted. Such licenses shall not be transferable from one person to another nor from one premises to another.
- (4) Every licensed retailer shall keep complete and accurate records of all purchases and receipts of cigarettes and tobacco products. Such records shall be preserved on the licensed premises for 2 years in such a manner as to insure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized state and local law enforcement officials.
- (5) Any person violating this section shall be fined not more than \$100 nor less than \$25 for the first offense and not more than \$200 nor less than \$25 for the 2<sup>nd</sup> or subsequent offense. If upon such 2<sup>nd</sup> or subsequent violation, the person so violating this section was personally guilty of a failure to exercise due care to prevent violation thereof, the person shall be fined not more than \$300 nor less than \$25 or imprisoned not exceeding 60 days or both. Conviction shall immediately terminate the license of the person convicted of being personally guilty of such failure to exercise due care and the person shall not be entitled to another

license hereunder for a period of 5 years thereafter, nor shall the person in that period act as the servant or agent of a person licensed hereunder for the performance of the acts authorized by such license.

**31.25 FIREWORK DEALER'S LICENSE.** (a) Requirement of License. No person shall sell, display or offer for sale, whether as a retail or wholesale dealer, any fireworks of any sort within the City of Platteville, without having first procured a firework dealer's license from the City. Applications for such licenses shall be approved by the City Clerk. As used in this ordinance, "fireworks" shall be defined as set forth in Wisconsin Statutes Section 167.10(1).

(b) Application. Application for a firework dealer's license shall be made upon forms provided by the City Clerk and shall contain the following information:

(1) The full name and address of the person, company, corporation or other organization applying for said license; the length of time of residence at that address; and, if the length of time of residence at that address is less than one year, the previous address.

(2) The address at which such activity is intended to be carried out.

(3) The full name, addresses and dates of birth of all such persons intending to act as sales personnel at such premises.

(c) License Fee and Term. Each application shall be accompanied by a license fee, established by the Common Council and amended from time to time via resolution, which shall be non-refundable. The license term shall be for one year from the date of issuance.

(d) Description of Fireworks Required. Each application shall be accompanied by a list fully describing each type of firework intended to be sold, the ingredients of each type of said firework, and a sworn statement setting out that each piece or type of firework conforms with the requirements of this ordinance and Wisconsin Statutes Section 167.10. No dealer shall sell any piece or type of firework on which such statement has not been filed with the City Clerk.

(e) Certificate of Insurance Required. Each application shall be accompanied by a Certificate of Insurance issued by a company licensed to do business in the State of Wisconsin providing liability coverage for injury to persons, property or loss of life with limits of coverage not less than one million dollars. The City Attorney's office shall approve such certificate as to the amount and execution. All such certificates shall name the City of Platteville as an insured party.

(f) Inspection of Premises. Upon receipt of an application under this section, the City of Platteville Building Inspector and Fire Inspector shall inspect said premises to determine its compliance with the provisions of this section, the building, zoning

and fire codes, and other relevant provisions of the City of Platteville Municipal Code and applicable State Statutes and Regulations. Non-compliance shall be grounds for denial of the application. The following provisions shall apply to places where fireworks are sold, stored or handled:

- (1) Such premises shall be equipped with sufficient fire extinguishers approved by the City of Platteville Fire Department;
  - (2) Smoking shall be prohibited where fireworks are sold, stored or handled;
  - (3) Fireworks may not be stored or sold at any building used for dwelling purposes or in any building situated within two hundred feet of any building used for dwelling purposes, or as a place of public assembly, or within two hundred feet of any re-fueling pump, fuel filling station, or fuel bulk station, or in any building in which fuels or volatile liquids are sold in quantities in excess of one gallon.
- (g) Police Report. Upon receipt of an application under this section, the City of Platteville Police Department shall conduct an investigation of all persons named therein, and make a report to the City Clerk. Evidence of prior conviction for illegal sale of fireworks as to any person named in said application may be grounds for denial of said application.
- (h) Sales by Minors Prohibited. No person under 18 years of age shall be permitted to act as a salesperson at any fireworks sale operation licensed under this section.
- (i) Sales Restricted. No person issued a license under this section may sell fireworks to any person other than as authorized under Wisconsin Statutes Section 167.10(2).
- (j) Revocation of License. The Common Council may, at any time, for good cause shown, revoke, suspend or deny issuance of any license issued under this section. Good cause shall include, without limitation for lack of enumeration herein, the following:
- (1) Any violation of the provisions of this section;
  - (2) Any violation of building, zoning or fire codes applicable to the licensed premises;
  - (3) Any violation of Wisconsin State Law or of the City of Platteville Municipal Code relevant to the operation of such business;
  - (4) Any activity wantonly or negligently disregarding the health or safety of the citizens of the City of Platteville.

- (5) Any conviction of the licensee or any employee of the licensee for the illegal sale of fireworks.
  
- (k) Display of License Required. No person shall operate the business of a fireworks dealer unless the license required to be obtained under this section is openly displayed upon the premises where such activity is permitted, along with a copy of the description and documentation of permitted types of fireworks as required to be filed under sub-section (a) above.
  
- (l) Penalty. Any person who shall violate any provision of this section shall, upon conviction, pay a forfeiture of not less than \$200.00 nor more than \$500.00, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes. Each day during which a violation of this section is permitted to exist shall be deemed to be a separate violation.

**31.50 PENALTY AND ENFORCEMENT.** (a) Forfeiture Penalty. The penalty for violation of any provisions of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.

- (b) Forfeiture Schedule. The penalty for violation of any provision of this chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this code, with a maximum forfeiture of \$500.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 32, ADULT ENTERTAINMENT  
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## CHAPTER 32

### ADULT ENTERTAINMENT

**32.01 GENERALLY.** (1) TITLE. This article shall be known and may be cited as the “Adult Entertainment Ordinance”.

- (2) AUTHORITY. This article is enacted pursuant to the City of Platteville (hereinafter “City”) home rule power, in the interest of the public health, peace, safety, morals and general welfare of the people of the City; and the authority of the City to regulate the sale and consumption of alcoholic beverages under the Twenty-first Amendment to the Constitution of the United States and chapter 125 of the Wisconsin Statutes.
- (3) JURISDICTION. This ordinance shall be effective throughout the City.
- (4) FINDINGS OF FACTS. Based on information and belief, the City of Platteville hereby finds:
- (a) Establishments exist or may exist within the City where books, magazines, motion pictures, video tapes, prints, photographs, periodicals, records, novelties and/or devices which depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold, leased or rented.
- (b) Establishments exist or may exist within the City:
1. Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;
  2. Where dancers, entertainers, performers or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical areas; or
  3. Where lap dancing occurs.
- (c) The activities described in subsections (a) and (b) occur at establishments for the purpose of making a profit, and, as such, are subject to regulation by the City in the interest of the health, safety, morals and general welfare of the people of the City.

- (d) The competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce and total community environment in the City.
- (e) The commercial exploitation of nudity and semi-nudity consists of the use of nude and semi-nude entertainment in connection with or for the promotion of the sale of goods or services, and the receipt of money by the person engaging in or promoting the nude or semi-nude entertainment in exchange for or as consideration for nude or semi-nude performance by such individuals.
- (f) The commercial exploitation of nude and semi-nude acts, exhibitions and nude entertainment frequently occurs at commercial establishments either selling or allowing consumption of alcoholic beverages on the premises.
- (g) There is a direct relationship between the consumption of alcoholic beverages and the nude and semi-nude activities mentioned above and an increase in criminal activities, moral degradation and the disturbances of the peace and the good order of the community. The concurrences of these activities are hazardous to the health and the safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole.
- (h) The combination of the sale and consumption of alcoholic beverages with the performance of nude and semi-nude acts, exhibitions and entertainment is adverse to the public's interest and the quality of life, tone of commerce and total community environment in the City.
- (i) In order to promote and preserve the public peace and good order and to safeguard the health, safety, morals and welfare of the community and the citizens thereof, it is necessary and advisable for the City to prohibit certain forms of nude and semi-nude acts, exhibitions, entertainment and commercial establishments at which alcoholic beverages are, or are available to be, sold or consumed.
- (j) In order to preserve the public peace and good order and to safeguard the health, safety, morals and welfare of the community and citizens thereof, it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, entertainers, performers, patrons, spectators and persons on the premises of the commercial establishment subject hereto.
- (k) There is a direct relationship between the display or depiction of specified anatomical areas in subsection (b) 2 and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community and the concurrences of these activities is hazardous to the



health and safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, tone of commerce and total community environment in the City.

- (l) When the activities described in subsections (a) and (b) are presented in establishments within the City, other activities which are illegal, immoral or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include but are not limited to prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances and violent crimes against persons and property.
- (m) When the activities described in subsections (a) and (b) are present in establishments within the City, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, foster an atmosphere which promotes crime, particularly the kinds detailed in subsection (g) and ultimately lead residents and businesses to move to other locations.
- (n) Physical contact within establishments at which the activities described in subsections (a) and (b) occur between employees exhibiting specified anatomical areas and customers poses a threat to the health of both and may lead to the spread of communicable and social diseases.
- (o) In order to preserve and safeguard the health, safety, morals and general welfare of the people of the City, it is necessary and advisable for the City to regulate the conduct of owners, managers, operators, agents, employees, entertainers, performers and customers at establishments where the activities described in subsections (a) and (b) occur.
- (p) The potential dangers to the health, safety, morals and general welfare of the people of the City from the activities described in subsections (a) and (b) occurring at establishments without first obtaining a license under this article are so great as to require the licensure of such establishments prior to their being permitted to operate.
- (q) "Lap dancing" does not contain any element of communication and is therefore conduct rather than expression.
- (r) "Lap dancing" in establishments poses a threat to the health and safety of the participants and promotes the spread of communicable and social diseases.

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- (s) The Common Council finds that sexually oriented business is frequently used for unlawful and unhealthy sexual activities, including prostitution and sexual liaison of a casual nature.
  - (t) The concern over sexually transmitted diseases is a legitimate health concern of the City which demands reasonable regulations of sexually oriented businesses in order to protect the health and well-being of the citizens.
  - (u) Licensing is a legitimate reasonable means of accountability to ensure that operators of sexually oriented businesses comply with the reasonable regulations within this article and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- (5) **RULES OF CONSTRUCTION.** This article shall be liberally construed to accomplish its purpose of licensing, regulating and dispersing adult entertainment establishments. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the other provisions of same. The sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and not affect the validity of all other provisions, sections or portions thereof of the ordinance which shall remain in full force and effect.
- (6) **PURPOSE.** It is the intent of the Common Council in adopting this article to establish reasonable and uniform regulations that will reduce the adverse secondary effects adult entertainment establishments have upon the residents of the City and protect the health, safety, morals and general welfare of the people of the City.
- (7) **DEFINITIONS.** In this article, unless the context suggests otherwise, the following terms are defined:
- (a) *Adult arcade:* Any place or establishment operated for commercial gain which invites or permits the public to view adult material. For purposes of this article, "Adult arcade" is included within the definition of "adult theater".
  - (b) *Adult bookstore/adult video store:* An establishment which sells or offers adult material for sale or rent for commercial gain; unless the establishment demonstrates either:
    - 1. The adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than

forty (40) percent of the gross income from the sale or rental of goods or services at the establishment; or

2. The individual items of adult material offered for sale or rental comprise less than ten (10) percent of the individual items, as stock-in-trade, publicly displayed in the establishment and which is not accessible to minors at the establishment.

(c) *Adult booth:* A small enclosed or partitioned area inside an adult entertainment establishment which is:

1. Designed or used for the viewing of adult material by one (1) or more persons; and
2. Is accessible to any person, regardless of whether a fee is charged for access.

The term “adult booth” includes but is not limited to a “peep show” booth, or other booth used to view “adult material”. The term “adult booth” does not include a foyer through which any person can enter or exit the establishment, or a restroom.

(d) *Adult dancing establishment:* An establishment where employees display or expose specified anatomical areas to others, regardless of whether the employees actually engage in dancing.

(e) *Adult entertainment establishment:* Any adult arcade, adult theater, adult bookstore/adult video store, adult motel or adult dancing establishment; or any other establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to massage establishments, tanning salons, modeling studios, or lingerie studios.

1. Excluded from this definition are any educational institutions where the exposure of specified anatomical areas is associated with a curriculum or program.
2. An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment.

(f) *Adult material:* Any one (1) or more of the following, regardless of whether it is new or used:

1. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or

devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

2. Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- (g) *Adult motel*: Any hotel, motel, boardinghouse, rooming house or other place of temporary lodging which includes the word “adult” in any name it uses or otherwise advertises the presentation of adult material. The term “adult motel” is included within the definition of “adult theater”.
- (h) *Adult theater*: An establishment operated for commercial gain which consists of an enclosed building or a portion or part thereof or an open-air area used for viewing of adult material. “Adult motels”, “adult arcade”, “adult booth” and “adult motion picture theater” are included within the definition of “adult theater”. An establishment which has “adult booths” is considered to be an “adult theater”.
- (i) *Adult video store*: See “Adult bookstore”.
- (j) *Aids Information Sign*: A sign warning persons entering an adult entertainment establishment of the current danger of contracting AIDS, the nature of the danger, the means of transmission of AIDS and the procedures a reasonable person would follow to avoid contracting AIDS.
- (k) *Alcoholic beverage*: “Alcoholic beverage” shall be defined as set forth in Chapter 125, Wis. Stats.
1. It shall be prima facie evidence that a beverage is an alcoholic beverage if proof exists:
    - a. The beverage in question was or is known as whiskey, moonshine whiskey, shine, rum, gin, tequila, vodka, scotch, scotch whiskey, brandy, beer, malt liquor, or by any other similar name or names; or
    - b. The beverage was contained in a bottle or can labeled as any of the above names, or a name similar thereto, and the bottle or can bears the manufacturer’s insignia, name or trademark.
    - c. The sale of such beverages is subject to the requirements of Chapter 125, Wis. Statutes and/or Chapter 36 of the ordinances of the City of Platteville.

2. Any person who, by experience in the handling of alcoholic beverages, or who by taste, smell/or drinking of such alcoholic beverages has knowledge of the alcoholic nature thereof, may testify as to his opinion about whether such beverage is an alcoholic beverage.
- (l) *Common Council:* The Common Council of the City of Platteville, Grant County, Wisconsin.
  - (m) *Commercial gain:* Operated for pecuniary gain, which, for the purpose of this code, operation for commercial or pecuniary gain shall not depend on actual profit or loss.
  - (n) *Commercial establishment:* Any business, location or place which conducts or allows to be conducted on its premises any activity for commercial gain.
  - (o) *Conviction:* A determination of guilt resulting from plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended.
  - (p) *Department:* The fire department, police department and building inspector(s).
  - (q) *Educational institution:* A premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes and/or courses of study required for accreditation by or membership in the State Department of Education of Wisconsin, the University of Wisconsin, or a member of an association of private colleges of the State of Wisconsin. The term “educational institution” includes a premises or site upon which there is a day care center, nursery school, kindergarten, elementary school, junior high school, senior high school; professional institution or an institution of higher education, including a community college, junior college, or four-year college or university; libraries, art galleries and museums open to the public; or any special institution of learning. However, the term “educational institution” does not include a premises or site upon which there is a vocational institution operated for commercial gain.
  - (r) *Employee:* Any person who works or performs in an adult entertainment establishment, irrespective of whether the person is paid a salary or wage by the owner or manager of the premises.
  - (s) *Establishment:* The site or premises on which the adult entertainment establishment is located, including the interior of the establishment, or portion thereof, upon which certain activities or operations are being conducted for commercial gain.

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- (t) *Inspector:* A respective employee of the City police department; City planning, zoning and building department; or officers of the City fire rescue department, who are authorized pursuant to this code to inspect licensed premises.
- (u) *Licensed premises:* See "Establishment".
- (v) *Licensee:* Any person whose application for an adult entertainment establishment has been granted and who totally or partially owns, operates or controls the establishment.
- (w) *Operator:* Any person who engages or participates in any activity which is necessary to or which facilitates the operation of an adult entertainment establishment, including but not limited to the licensee, manager, owner, doorman, bouncer, bartender, dancer, disc jockey, sales clerk, ticket taker, movies projectionist or supervisor.
- (x) *Ordinance:* The adult entertainment ordinance.
- (y) *Person:* Includes, but is not limited to, an individual(s), firm(s), association(s), joint venture(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(s), corporation(s), and all other or any other similar entity.
- (z) *Principal stockholder:* Any person, as defined in subsection (7)(y) above, who owns or controls, legally or beneficially, ten (10) percent or more of a corporation's capital stock, and includes the officers and directors. If no stockholder of a corporation owns or controls, legally or beneficially, at least ten (10) percent of the capital stock, all stockholders shall be considered principal stockholders. And, if a corporation is registered with the Securities and Exchange Commission, or pursuant to Chapter 180, Wisconsin Statutes and its stock is for sale to the general public, it shall not be considered to have any principal stockholders.
- (aa) *Private performance:* The display or exposure of any specified anatomical area by an employee at an adult entertainment establishment to a person other than another employee while the person is in an area within the establishment not accessible during such display to all other persons in the establishment, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons within the establishment.
- (bb) *Specified anatomical areas:* 1. Less than completely and opaquely covered:
  - a. Human genitals and public regions; or

- b. Cleavage of the human buttocks; or
  - c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola; this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (cc) *Specified sexual activities* means:
1. Human genitals in a state of sexual stimulation, arousal or tumescence; or
  2. Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
  3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
  4. Excretory functions as part of or in connection with any of the activities set forth in subsections 1 through 3.
- (dd) *Lap dance*, also known as a “straddle dance”, “face dance” or “flash dance”, means the use by an employee, whether clothed or partially or totally nude, of any part of his or her body to touch, massage, rub, stroke, caress, or fondle the genital or pubic area of a person while at the establishment, or the touching of the genital or pubic area of any employee by a person while at the establishment. It shall be a “lap dance” regardless of whether the “touch” or “touching” occurs while the employee is displaying or exposing any specified anatomical area. It shall also be a “lap dance” regardless of whether the “touch” or “touching” is direct or through a medium.
- (8) REGULATION OF OBSECEINITY SUBJECT TO STATE LAW. It is not the intent of the council to legislate with respect to matters of obscenity. These matters are regulated by state law.
  - (9) REGULATION OF MASSAGE ESTABLISHMENTS SUBJECT TO STATE LAW. It is not the intent of the council to legislate, limit or conflict with respect to matters of

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massage establishments which are or may be regulated by state law or state regulatory agency.

- (10) **ZONING ADMINISTRATION APPROVAL.** No application for a license as provided in section 32.02 of this ordinance shall be approved until the appropriate provisions of the municipal zoning ordinances have been complied with, the required zoning approval obtained and the respective zoning official officially notifies the Common Council of compliance.
- (11) **APPEALS.** In the event the notice of denial of an application for a license was grounded in whole or in part upon failure to comply with or satisfy all applicable zoning regulations, the aggrieved party shall first file an application with the zoning board of adjustment for a variance within thirty (30) days of the mailing of the notice of denial, receive a public hearing before the zoning Board of Appeals and obtain a final decision therefrom within one hundred twenty (120) days of the date of application denial. If the Board of Appeals grants the variance, the aggrieved party shall notify the Common Council of the variance within thirty (30) days of the grant of the variance.
- (12) **NOTICE.** Except as otherwise provided, any notice required under this ordinance shall be accomplished by sending a written notification by certified mail, return receipt requested, to the mailing address set forth on the application for the license. This mailing address shall be considered the correct mailing address unless the City Clerk has been otherwise notified in writing by certified mail, return receipt requested, by the licensee of the new address. The licensee shall have the burden of proving the occupational licensing department received the new address.
- (13) **IMMUNITY FROM PROSECUTION.** The City or any department shall be immune from prosecution, civil or criminal, while acting within the scope of its authority under this ordinance, and shall have authority to enter any adult entertainment establishment at all reasonable times to inspect the premises and enforce this ordinance.
- (14) **POWERS OF COUNCIL.** The Common Council, through the City Attorney, may bring suit in the circuit court to restrain, enjoin or otherwise prevent the violation of sections 32.03 and 32.04 of this ordinance.

**32.02 LICENSING PROVISIONS.** (1) **ADULT ENTERTAINMENT LICENSE.** (a) No adult entertainment establishment shall be permitted to operate without first having been issued an adult entertainment license by the Common Council pursuant to this ordinance.

(b) Adult entertainment licenses referred to in this ordinance shall be licenses limited to the following classifications:

1. Adult bookstore/adult video store; or



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2. Adult theater (adult arcade, adult booth and adult motel are considered an adult theater); or
  3. Adult dancing establishment.
- (c) An adult entertainment license for a particular adult entertainment establishment shall be limited to one (1) classification of license.
- (d) An adult entertainment establishment may hold more than one (1) classification of adult entertainment license.
- (2) **ADMINISTRATION.** The ultimate responsibility for the administration of this ordinance is vested in the Common Council. Several departments have been delegated responsibility pursuant to the provisions outlined in this Ordinance:
- (a) Upon formal notification by the Common Council that a license shall be issued, granted, denied, renewed, suspended, revoked or canceled, the City Clerk shall then issue the official notice of the grant, denial revocation, renewal, suspension and cancellation of the license for existing or proposed adult entertainment establishments in the City.
  - (b) The Police Department is responsible for verifying information contained on an application for an adult entertainment license and for inspecting any proposed, licensed or nonlicensed establishment in the City in order to ascertain whether it is in compliance with applicable statutes and ordinances and for enforcing applicable statutes and ordinances, including those set forth in sections 32.02, 43.03 and 32.04 of this ordinance.
  - (c) The Police Department is responsible for the periodic inspections of licensed premises and any proposed establishment in order to ascertain whether it complies with or is complying with section 32.03 of this ordinance and all applicable ordinances, statutes, ordinances and regulations in effect in the City.
  - (d) The building inspector of the Community Planning and Development Department is responsible for inspecting any proposed establishment for which a license is being applied for in order to ascertain whether it complies with or is complying with section 32.03 of this ordinance and all applicable building ordinances, statutes, and regulations in effect in the city. The respective building official shall compare and certify that all aspects of the submitted floor plan, site plan and certified survey accurately depict the actual structure and comply with the provisions of this ordinance.
  - (e) The fire department is responsible for the inspection of licensed premises or any proposed establishment to ascertain whether it complies with or is

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complying with section 32.03 of this ordinance and all applicable fire ordinances, statutes, and regulations in effect in the City.

- (f) The zoning division of the Community Planning and Development Department is responsible for ascertaining whether a proposed establishment for which a license is being applied for complies with the applicable portions of section 32.03 of this ordinance, and all applicable zoning regulations and land use laws.
- (3) APPLICATION. (a) *Filing*. Any person desiring to operate an adult entertainment establishment shall file with the City Clerk a sworn license application on a standard application form supplied by the City Clerk.
- (b) *Contents*. The application shall contain the following information and shall be accompanied by the following documents:
1. If the application is:
    - a. An individual, his legal name, any aliases, and date of birth;
    - b. A partnership, the full and complete name of the partnership and the legal names of all partners, dates of birth, and all aliases used by all of the partners, whether the partnership is general or limited, and, if in existence, a copy of the partnership agreement; or
    - c. A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth and all aliases used, the capacity of all officers, directors and principal stockholders, and, if applicable, the name of the registered corporate agent and the address of the registered office for service of process; and
  2. The application shall list the current local and legal domiciliary residential address of the principal stockholders of the corporation; for purposes of this subsection, principal stockholders are persons and not corporate or other legal entities; when the principal stockholder is a corporate or other legal entity, the application must trace back the ownership through any layers of corporate organization to the eventual principal stockholder who is a person; and
  3. If the applicant intends to conduct the establishment under a name other than that of the applicant, the applicant shall state the establishment's fictitious name and all legal names, dates of birth and all aliases used by all interested persons; and

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4. Whether preceding the day of the application, the applicant or any of the other individuals listed pursuant to subparagraph 1. Above, has an arrest or conviction record, or has habitually been a law offender or has been convicted of a felony, unless the person has been duly pardoned; and
5. Whether the applicant or any of the other individuals listed pursuant to subparagraph 1. Above has had a previous license under this ordinance suspended or revoked, as well as the date of the suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose license under this ordinance has previously been suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation; and
6. Whether the applicant or any other individuals listed pursuant to subparagraph 1. Above holds any other licenses under this ordinance and, if so, the names and locations of such other licensed establishments; and
7. The single classification of license for which the applicant is filing; and
8. The location of the proposed establishment, including a legal description of the property site, and a legal street address; and
9. The names of all employees only at time of renewal or initial licensing, dates of birth and aliases used for the proposed establishment, if known, or, if presently unknown a statement to that effect; and
10. The applicant's mailing address; and
11. A floor plan drawn to appropriate scale of the proposed establishment indicating, but not limited to:
  - a. All windows, all doors, all entrances and exits; and
  - b. All fixed structural interior features, including but not limited to doors, walls, stages, partitions, projection booths, admission booths, adult booths, concession booths, stands, counters and similar structures; and
  - c. All proposed improvements or enlargements to be made, which shall be indicated and calculated in terms of percentage of increase in floor size; and

12. The petition number of the adopted zoning resolution approving the use, or the circumstances in support of a claim the use has a valid nonconforming status; and
  13. List the name and phone number of the person for the building division to contact to schedule the inspection; and
  14. List the phone number of the existing or proposed establishment; and
  15. A notarized, signed and sworn statement that the information within the application is truthful, independently verifiable and complete.
- (c) *Copies.* 1. In addition to the requirements of subsection (b) above, the applicant shall supply a minimum of six (6) copies of the application, or more as may be required, to the City Clerk.
2. An application shall not be considered complete until the application satisfies the requirements of subsection (b) and paragraph 1. above.
- (d) *Application fee.* Each application shall be accompanied by a nonrefundable fee in the amount as established from time to time by a resolution of the Common Council to defray the costs of processing and investigating of the application. If the application for a license is approved and a license is granted, half of the application fee shall be applied as a credit towards the annual license fee required for the first year pursuant to section 32.02(7)(e) of this ordinance.
- (4) INVESTIGATION OF APPLICATION. (a) Upon receipt of an application properly filed with the City Clerk and upon payment of the nonrefundable application fee, the City Clerk shall send the attached photocopies of the application to the police department, fire department and the appropriate building and zoning/planning officials. Each department shall promptly conduct an investigation of the applicant, application and the proposed establishment in accordance with its responsibilities outlined in section 32.03, and at the conclusion of the investigation shall date and sign the application.
- (b) A department shall indicate on an application if it finds that the proposed establishment will be in violation of any provision of section 32.03 of this ordinance, or of any building, fire, health or zoning statute, ordinance or regulation. If the application fails to satisfy this ordinance or any other ordinance, the department shall specifically state its reasons on a separate letter attached to the photocopy of the application and offer suggestions for correction.

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- (5) REVIEW. (a) The departments shall conduct and complete an investigation of the application within fifty (50) days from receipt of the application. All communications regarding approval or denial shall be issued by and through the City Clerk. Any statements issued directly or independently by the review departments shall not be deemed to create a reliance or estoppel situation as to the provisions of this ordinance.
- (b) The Common Council shall issue or deny an application for an adult entertainment license within seventy-five (75) days from the date of the receipt of a complete application. The date of the proper filing of the application shall be the date the applicant furnishes the fully completed and sworn application and the required number of copies. The Common Council may in appropriate cases, conditionally approve an application, subject to the applicant taking whatever remedial measures are necessary to comply with this ordinance within a time period specified, and may direct the issuance of the license at such time as the applicant complies with the conditions imposed.
- (c) If the Common Council approves the application and directs the issuance of the license, the City Clerk shall notify the applicant and issue the license to the applicant upon payment of the appropriate annual license fee provided in section 32.02(7)(e), with credit as provided herein.
- (d) The Common Council may deny the application if:
1. The application violates or fails to meet the provisions of this ordinance;
  2. The application contains material false information;
  3. The applicant or any of the other individuals listed pursuant to section 32.02(3) has a license under this ordinance which has been suspended or revoked; or
  4. The granting of the application would violate a statute or ordinance, or an order from a court of law which effectively prohibits the applicant from obtaining an adult entertainment license.
  5. The applicant or any of the other individuals required to be listed, has an arrest or conviction record, or has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned, subject to the provisions of Wisconsin Statutes Sections 111.321, 111.322 and 111.335.
- (6) ESTABLISHMENT EXISTING ON EFFECTIVE DATE. (a) Operators of adult entertainment establishments existing and operating on the effective date of this

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article shall make an application for license hereunder, complete with all required information and the required number of copies, within sixty (60) days of the effective date. After completion of the application, the establishment shall be permitted to operate until November 1, 1990, pending issuance of the license or until the application for license is denied, whichever comes first.

- (b) Notwithstanding subsection (a) above, every adult theater in existence at the effective date of this article shall comply with the structure requirements in section 32.03 prior to May 1, 1991.
  - (c) Notwithstanding subsection (a) above, every adult dancing establishment in existence at the effective date of this article shall comply with the structure requirements in section 32.03 prior to May 1, 1991.
  - (d) Except as stated above, every existing adult entertainment establishment must satisfy all requirements of this ordinance prior to the issuance of the license, particularly the general requirements of section 32.03.
  - (e) If an application for license is denied, the operation of an existing adult entertainment establishment shall cease within ten (10) business days of receipt of notice. Operation without a valid license is subject to the provisions of section 32.04.
  - (f) If an operator of an existing and operating adult entertainment establishment at the effective date of this article fails to receive an adult entertainment license pursuant to this ordinance by November 1, 1990, operation of the establishment shall cease. Operation without a license after November 1, 1990, is subject to the provisions of section 32.04.
  - (g) Every existing adult entertainment establishment shall present proof of its compliance or of its legal nonconforming zoning status to the zoning division prior to issuance of the license.
  - (h) Any conviction for violation of this ordinance, including but not limited to violations which occur between the effective date and when the existing establishments obtain an adult entertainment license, as outlined in subsection (a) of this section, shall be considered and applied to the suspension provisions outlined in section 32.04.
  - (i) Except for the above provisions, all other provisions of this ordinance shall apply to such licensees.
- (7) LICENSE. (a) *Contents.* An adult entertainment license shall state on its face the name of the licensee, the business, local residential and legal domiciliary residential address of the licensee, the name of the establishment, the street address of the

establishment, the classification(s) of the license, the date of application, the application number, the date of license issuance, and the date of license expiration.

- (b) *Term.* All licenses issued under this ordinance shall be annual licenses which shall commence running on November 1, on which date they shall have been paid for and shall expire on October 31 of the following year. If a license is issued after November 1, but by the last day of April, of the following year, the applicant shall pay the prorated license fee. If a license is issued after April 30, but by October 31 of the following year, the applicant shall pay one-half the appropriate license fee.
- (c) *Renewal.* Licenses shall be entitled to renewal annually subject to the provisions of this ordinance. Prior to the October 31 expiration date, the annual license may be renewed by presenting the license for the previous year and by paying the appropriate license fee.
- (d) *Expiration.* A license shall expire for failure to obtain in hand a renewal pursuant to this ordinance by November 1. An expired license may be renewed by:
  - 1. Presentment of an affidavit stating that the establishment has not been operated as an adult entertainment establishment subsequent to expiration;
  - 2. The payment of the appropriate license fee; and
  - 3. Payment of a penalty of ten (10) percent of the appropriate license fee for the month of November and if renewed after November 30, an additional penalty of five (5) percent of the appropriate license fee for the month of December, and each successive month.
- (e) *Annual license fees.* The annual license fees under this ordinance for an adult entertainment establishment shall be in an amount as included in the fee schedule established from time to time by a resolution of the Common Council.
  - 1. The annual license fees collected under this ordinance are declared to be regulatory fees which are collected for the purpose of examination and periodic inspection of adult entertainment establishments pursuant to this ordinance and the administration thereof.
  - 2. The fees shall be based upon the information contained in the license application, subject to verification, by inspection, of the several departments delegated responsibility pursuant to section 32.02(2).

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9. The fee schedule may be revised pursuant to resolution adopted by the Common Council when necessary to ensure the fees cover the costs of administering and enforcing this article.
- (f) *Distribution of fees.*
1. The City Clerk shall be responsible for the collection of the application and annual license fees pursuant to this ordinance.
  2. The distribution of the application fees to the various departments to defray costs of the implementation of this article shall be made pursuant to resolution adopted by the Common Council. The distribution may be revised by resolution when necessary to ensure the distribution of fees covers the costs of the respective departments for the application procedures.
  3. The distribution of the annual license fees shall be made pursuant to resolution adopted by the Common Council. The distribution may be revised by resolution when necessary to ensure the distribution of fees covers the costs of the respective departments for the implementation, enforcement and compliance review of the regulations of this ordinance.
- (8) **TRANSFER OF LICENSE.** (a) A licensee shall not transfer his license to another person, or thereby surrender possession, control and operation of the licensed establishment to such other person.
- (b) A licensee shall not transfer his license to another location.
- (c) Any attempted transfer of a license either directly or indirectly in violation of this section is hereby declared void and the license shall be deemed abandoned and the license shall be forfeited.
- (9) **CHANGED NAME.** No licensee may change the name of an adult entertainment establishment unless and until he satisfies each of the following requirements:
- (a) Gives the City Clerk thirty (30) days' notice in writing of the proposed name change;
  - (b) Pays the City Clerk a change-of-name fee in the amount as established from time to time by a resolution of the Common Council.

**32.03 REGULATORY PROVISIONS. (1) GENERAL REQUIREMENTS.** (a) Each adult entertainment establishment shall, regardless of whether it is licensed, observe the following general requirements:



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1. Conform to all applicable building statutes, ordinances, and regulations, whether federal, state or local; and
  2. Conform to all applicable fire statutes, ordinances, and regulations, whether federal, state or local; and
  3. Conform to all applicable health statutes, ordinances, and regulations, whether federal, state or local; and
  4. Conform to all applicable zoning regulations and land use laws, whether state or local; and
  5. Keep the adult entertainment license posted in a conspicuous place at the establishment at all times, which license shall be available for inspection upon request at all times by the public; and
  6. Opaquely cover each non-opaque area through which a person outside the establishment may otherwise see inside the establishment, except as otherwise provided by law.
- (b) This ordinance, particularly the enforcement provisions, shall not be construed to supersede the other powers and duties of the departments listed in section 32.02(2). The independent powers of the departments, shall not be limited by this ordinance.
- (2) SUPPLEMENTARY REQUIREMENTS. (a) *Adult theater*. In addition to the general requirements for an adult entertainment establishment, an adult theater shall, regardless of whether it is licensed, observe the following special requirements:
1. If the adult theater contains a hall or auditorium area, the area shall comply with each of the following provisions:
    - a. Have individual or separate seats, not couches, benches, beds or the like, to accommodate the maximum number of persons who may occupy the area; and
    - b. Have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and
    - c. Have a sign posted in a conspicuous place at or near each entrance way to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area; and

- d. Post an AIDS information sign on the side of the door which opens and allows patrons to enter the theater.
    - e. Provide and display to the public, at a place near the main entrance of the establishment, information, brochures or pamphlets available from the Grant County Health Department that deal with AIDS or communicable diseases.
  2. If the adult theater contains adult booths, each adult booth shall comply with each of the following provisions:
    - a. Have a sign posted in a conspicuous place at or near the entrance way which states that only one (1) person may occupy the booth; and
    - b. Have a permanently open entrance way for each booth not less than three (3) feet two (2) inches wide and not less than seven (7) feet high, which will never be closed or partially closed by any curtain, door or other partition which would be capable of wholly or partially obscuring any person situated in the booth; no curtains, doors or other partitions shall be affixed, attached or connected to the permanently open entrance way of any booth; and
    - c. Have one (1) individual seat, not a couch, bench or the like; and
    - d. Have a continuous main aisle alongside the booth in order that each person situated in the booth shall be visible from the aisle at all times; and
    - e. Have, except for the open entrance way for each, for each booth walls or partitions of solid construction without any holes or openings in such walls or partitions; and
    - f. Post an AIDS information sign at the open entrance way to the adult booths; and
    - g. Provide and display to the public, at a place near the main entrance of the establishment, information, brochures or pamphlets available from the Grant County Health Department that deal with AIDS or communicable diseases.
  3. If the adult theater is designed to permit outdoor viewing by a person(s) seated in automobiles, it shall have the motion picture

screen so situated and the perimeter of the establishment so fenced or screened, that the adult material to be seen by those persons may not be seen from any public right-of-way or from surrounding properties.

- (b) *Adult dancing establishment.* In addition to the general requirements for an adult entertainment establishment contained in sections 32.03(1) and 32.03(3), an adult dancing establishment shall, regardless of whether it is licensed, observe the following special requirements:
1. In adult entertainment establishments which do not sell, serve or allow the consumption of alcoholic beverages, the exposure by any employee of human genitals, pubic region or cleavage of the human buttocks, or any other specified anatomical area defined in section 32.01(7)(bb) or any simulation thereof to public view shall be restricted to the stage required in (2) below. Non-employees or patrons shall not be permitted closer than four (4) feet to the stage edge when any employees expose those anatomical areas listed in this subsection.
  2. It shall have a stage provided for the display or exposure of human genitals, pubic region or cleavage of the human buttocks or any other specified anatomical area defined in section 32.01(7)(bb) by any employee to a person other than another employee consisting of a permanent platform (or other similar permanent structure) raised a minimum of eighteen (18) inches above the surrounding floor and encompassing an area of at least one hundred (100) square feet; and
  3. Any area in which a private performance occurs shall:
    - a. Have a permanently open entrance way not less than seven (7) feet wide and not less than seven (7) feet high, which entrance way will never be closed or partially closed by any curtain, door or other partition which would be capable of wholly or partially obscuring any person situated in the area; and
    - b. Have a wall-to-wall, floor-to-ceiling partition of solid construction without any holes or openings which partition may be completely or partially transparent and which partition separates the employee from the person viewing the display; and
    - c. Have, except for the entrance way, walls or partitions of solid construction without any holes or openings in such walls or partitions.

- (3) PROHIBITION OF ALCOHOLIC BEVERAGES. (a) No person or employee shall expose to public view his or her human genitals, pubic region, cleavage of the human buttocks, or any simulation thereof in any establishment selling, serving or allowing the consumption of alcoholic beverages.
- (b) No person maintaining, owning or operating an establishment serving alcoholic beverages shall suffer or permit any person or employee to expose to public view his or her human genitals, pubic region, cleavage of the human buttocks, or simulation thereof within the establishment selling, serving or allowing the consumption of alcoholic beverages.
- (c) No person maintaining, owning or operating an establishment serving alcoholic beverages shall suffer or permit the exposure to public view of any human genitals, pubic region, or cleavage of the human buttocks, or the simulation thereof within the establishment selling, serving or allowing the consumption of alcoholic beverages.
- (d) No person shall cause and no person maintaining, owning or operating an establishment serving alcoholic beverages shall suffer or permit the exposition of any graphic representation, including pictures or projection of film which depicts specified anatomical areas, engage in any specified sexual activities or any other sexual act prohibited by law, or any simulation thereof, within any establishment selling, serving or allowing the consumption of alcoholic beverages.

**32.04 ENFORCEMENT.** (1) The Common Council may revoke, suspend, refuse to issue or refuse to renew any license under this ordinance, as provided in this section.

- (a) Revocation or Suspension of License. 1. Any resident of the City of Platteville may file a sworn written complaint with the City Clerk alleging that a person holding a license issued under this ordinance has violated this ordinance or does not possess the qualification required under this ordinance to hold the license. Upon the filing of the complaint, the Common Council shall issue a Summons, signed by the Clerk and directed to any peace officer in the municipality. The Summons shall command the licensee complained of to appear before the Common Council on a day and place named in the Summons, not less than three days and not more than ten days from the date of issuance, and to show cause why his or her license should not be revoked or suspended. The Summons and a copy of the complaint shall be served on the licensee at least three days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Chapter 801 for service of civil actions in Circuit Court.

2. Procedure on Hearing.
  - a. If the licensee does not appear as required by the Summons, the allegations of the Complaint shall be taken as true and if the Common Council finds the allegations sufficient, the license shall be suspended or revoked. The Clerk shall give notice of the suspension or revocation to the person whose license is suspended or revoked.
  - b. 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 an written transcript of the hearing at his or her expense. The hearing shall be heard before the Common Council and if the Complaint is found to be true, the license shall either be suspended for not less than ten days not more than ninety days or revoked.
  - c. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
  - d. If the Common Council finds the Complaint untrue, the proceedings shall be dismissed without costs to the licensee. If the Common Council finds the Complaint to be malicious and without probable cause, the Complainant shall be ordered to pay the costs. The Common Council may require the complainant to provide security for such costs before issuing the Summons as provided above.
3. Judicial Review. The action of the Common Council in granting or failing to grant, suspending or revoking any license or the failure of the Common Council to revoke or suspend any license for good cause, may be reviewed by the Circuit Court in and for Grant County, Wisconsin, upon application by any applicant, licensee or resident of the municipality. The procedure on review shall be the same as in civil actions instituted in the Circuit Court. The person desiring review shall file pleadings, which shall be served on the municipal governing body in the manner provided in Chapter 801 for service in civil actions and a copy of the pleadings shall also be served on any other interested party. The Common Council, applicant, licensee or other interested party shall have twenty days to file an answer to the Complaint. Following the filing of the answer, the matter shall be deemed at issue and hearing may be had within five days, upon due notice served upon the opposing parties. A hearing shall be before the Court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the Court shall be

transmitted to each of the parties and shall be binding unless it is appealed to the Court of Appeals.

- (b) Refusal to Renew Licenses. The Common Council may refuse to renew a license for the causes set forth in sub-paragraph (1)(a). Prior to the time for the renewal of the license, the Common Council shall notify the licensee in writing of the intention not to renew the license and provide the licensee an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub-paragraph (2)(b) and judicial review shall be as provided in sub-paragraph (3).
  - (c) Refusal to Issue Licenses. If the Common Council decides not to issue a new license under this Chapter, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision.
  - (d) Effect of Suspension. If a license is suspended, all operations within the adult entertainment establishment shall cease for the period of the suspension, and the license shall be suspended for the suspension. During the period of suspension, no other person shall be allowed to operate an adult entertainment establishment at that location. No part of the fee paid for any license so suspended may be refunded.
  - (e) Effective Date of Suspension. All periods of suspension shall begin fifteen days, including Saturdays, Sundays and holidays, after the date the City Clerk mails the notice of suspension to the licensee or on the date the licensee surrenders its license to the City Clerk, whichever occurs first.
  - (f) Effect of Revocation. If a license is revoked, the licensee shall not be allowed to obtain another adult entertainment license for a period of two years, and no license shall be issued during that time to any other person for the location and premises upon which the adult entertainment establishment was situated for a period of 30 days.
  - (g) Effective Date of Revocation. The revocation shall begin fifteen days, including Saturdays, Sundays and holidays, after the date the City Clerk mails the notice of revocation to the licensee or the date the licensee surrenders its license to the City Clerk, whichever occurs first.
- (2) The following violations of this ordinance may be enforced by the issuance of a municipal citation meeting the requirements of local ordinance 1.10. The issuance of a citation shall not preclude the City of Platteville or any other authorized person thereof from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

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- (a) Operation of establishment without valid adult entertainment license. It shall be unlawful for any person to operate or participate in the operation of an adult entertainment establishment when the person knows or should know:
1. That the establishment does not have an adult entertainment license for the applicable classification, except as stated in section 32.02(6); or
  2. The application for a license pursuant to section 32.02(6) has been denied or was not issued prior to November 1, 1990; or
  3. That the establishment has a license which is under suspension; or
  4. That the establishment has a license which has been revoked; or,
  5. That the establishment has a license which has expired.
- (b) Violations of Section 32.03. 1. It shall be unlawful for any person to be an operator of an adult entertainment establishment which does not satisfy all of the general requirements of section 32.03 of this ordinance.
2. It shall be unlawful for any person to be an operator of an adult theater which does not satisfy all of the special requirements of section 32.03(2)(a).
  3. It shall be unlawful for any person to be an operator of an adult dancing establishment which does not satisfy all of the special requirements of section 32.03(2)(b).
- (c) Allowing employee to engage in prohibited acts. It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this ordinance, to knowingly or with reason to know, permit, suffer or allow any employee:
1. To engage in a lap dance with a person at the establishment; or
  2. To contract or otherwise agree with a person to engage in a lap dance with a person at the establishment; or
  3. Contract or otherwise agree with a person to engage in any specified sexual activity at the establishment; or
  4. To display or expose any specified anatomical area while simulating any specified sexual activity with any other person at the establishment, including with another employee; or

## CHAPTER 32 Adult Entertainment

5. To allow any person, excluding another employee, to touch any portion of the clothed or unclothed body of the employee below the neck and above the knee, excluding that part of the employee's arm below the wrist, commonly referred to as the hand; or
  6. To engage in a private performance unless such person is in an area which complies with the special requirements of section 32.03(2)(b)3; or
  7. To intentionally touch the clothed or unclothed body of any person at the adult entertainment establishment, excluding another employee, at any point below the neck and above the knee of the person, excluding that part of the person's arm below the wrist, commonly referred to as the hand.
- (d) Advertising prohibited activity. It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this ordinance, to advertise the presentation of any activity prohibited by any applicable state statute or local ordinance.
- (e) Minors prohibited. Except as otherwise provided by law, it shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this ordinance to permit, suffer or allow:
1. Admittance to the establishment of a person under eighteen (18) years of age; or
  2. A person under eighteen (18) years of age to remain at the establishment; or
  3. A person under eighteen (18) years of age to purchase goods or services at the establishment; or
  4. A person to work at the establishment as an employee who is under eighteen (18) years of age.
- (f) Working at establishment which does not have valid adult entertainment license. It shall be unlawful for any person to work in an adult entertainment establishment that he or she knows or should know is not licensed under this ordinance, except under the provisions of section 32.02(6), or which has a license which is under suspension, has been revoked or canceled, or has expired.
- (g) Engaging in prohibited activity. It shall be unlawful for any employee of an adult entertainment establishment, regardless of whether it is licensed under this ordinance:



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1. To engage in a lap dance with a person at the establishment;
  2. To contract or otherwise agree with a person to engage in a lap dance with a person at the establishment; or
  3. To engage in any specified sexual activity at the establishment; or
  4. To display or expose at the establishment less than completely and opaquely covered any specified anatomical area unless such employee is continuously positioned away from any person other than another employee is in an area as described in section 32.03(2); or
  5. To engage in the display or exposure of any specified anatomical area while simulating any specified sexual activity with any other person at the establishment, including with another employee; or
  6. To engage in a private performance unless such employee is in an area which complies with the special requirements set forth in section 32.03(2); or
  7. To intentionally touch the clothed or unclothed body of any person at the adult entertainment establishment, excluding another employee, at any point below the neck and above the knee of the person, excluding that part of the person's arm below the wrist, commonly referred to as the hand; or
  8. To allow any person, excluding another employee, to touch any portion of the clothed or unclothed body of the employee below the neck and above the knee, excluding that part of the employee's arm below the wrist, commonly referred to as the hand.
- (h) Touching of employee by non-employee. It shall be unlawful for any person in an adult entertainment establishment, other than another employee, to intentionally touch the unclothed or clothed body of any employee at any point below the neck and above the knee of the employee, excluding that part of the employee's arm below the wrist, commonly referred to as the hand.
- (i) Exceeding occupancy limit of adult booth. It shall be unlawful for any person(s) to exceed the occupancy restrictions for an adult booth specified in section 32.03(2)(a)(2).
- (j) Use of restrooms or dressing rooms. 1. Notwithstanding any provision indicating to the contrary, it shall not be unlawful for any employee of an

adult entertainment establishment, regardless of whether it is licensed under this ordinance, to expose any specified anatomical area during the employee's bona fide use of a restroom, or during the employee's bona fide use of a dressing room which is accessible only and restricted to employees.

2. The restrictions of section 32.03 and section 32.04, including but not limited to sections 32.04(2)(c)(g) and (h), also apply to all restrooms and dressing rooms.
3. Notwithstanding any provision indicating to the contrary, it shall be not deemed unlawful for any person to expose any specified anatomical area during that person's bona fide use of a restroom.

(k) Hours of operation. 1. Except as provided in 3 below, it shall be unlawful for any operator of an adult entertainment establishment to allow such establishment to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 2:00 a.m. and 9:00 a.m. of any particular day.

2. Except as provided in 4 below, it shall be unlawful for any employee of an adult entertainment establishment to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 2:00 a.m. and 9:00 a.m. of any particular day.

3. Any operator of an adult dancing establishment which is permitted to sell, serve or allow the consumption of alcoholic beverages, may remain open for business, or to permit an employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service during the hours of operation provided in Wisconsin Statutes Section 125.68(4)(c).

4. Any employee of an adult dancing establishment which is permitted to sell, serve, or allow the consumption of alcoholic beverages, may engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service during the hours of operation provided in Wisconsin Statutes Section 125.68(4)(c).

(l) Alteration of license. It shall be unlawful for any person to alter or otherwise change the contents of an adult entertainment license without the written permission of the occupational licensing department.

(m) False statement or false information in applying for license. It shall be unlawful for any person applying for an adult entertainment license to make a false statement which is intended to facilitate the issuance of a license, or

to provide false information which is intended to facilitate the issuance of a license.

- (3) Penalties. (a) In this paragraph, “violation” means a violation of section 32.04(2).
- (b) A person who commits a violation is subject to a forfeiture of:
1. Not more than \$500.00 if the person has not committed a previous violation within twelve months of the violation; or,
  2. Not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within twelve months of the violation.
- (c) A Court shall suspend any license or permit issued under this chapter to a person for:
1. Not more than three days, if the Court finds that the person committed a violation within twelve months after committing one previous violation;
  2. Not less than three days nor more than ten days, if the Court finds that the person committed a violation within twelve months after committing two other violations; or,
  3. Not less than fifteen days nor more than thirty days, if the Court finds that the person committed the violation within twelve months after committing three other violations.
- (d) The Court shall promptly mail notice of a suspension under this paragraph to the City Clerk which issued the license or permit to the person.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 33, RENTAL CODE  
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## CHAPTER 33

### RENTAL CODE

**33.01 INTRODUCTION.** (a) **Purpose of Chapter.** The purpose of this chapter is to protect the health, safety and welfare of the public by establishing minimum standards for residential rental property in the City of Platteville.

- (b) **Building Inspector.** The City Manager shall appoint a Building Inspector who shall have the power and duty to enforce the provisions of this chapter, and for purposes of building inspection, shall have the right at all reasonable times to enter buildings and premises. With the consent of the Common Council, the City Manager may hire additional inspectors and delegate to them the above-mentioned powers and duties, including inspectors hired by contract.
- (c) **Enforcement.** It shall be the duty of the Building Inspector, with the aid of the Police Department, to enforce the provisions of this chapter.
- (d) **Enforcement Policy.** This chapter, adopted under the police powers of the City for the purpose of protecting the public health, safety and welfare, shall be administered reasonably and uniformly, in accordance with the constitutionally guaranteed rights of private property and due process.
- (e) **Performance Code.** This chapter shall be interpreted and administered as a performance code.
- (f) **Conflicts.** Whenever two or more provisions of this chapter conflict, the most restrictive shall apply.
- (g) **Definitions.** Definitions of terms used in this chapter shall be as provided herein, as provided in Chapter 22, and as provided in the Wisconsin Statutes.
  - (1) Words used in the present tense shall include the future.
  - (2) Words used in the singular number shall include the plural number, and the plural, the singular.
  - (3) The word “shall” is mandatory and not discretionary.
  - (4) The word “may” is permissive.
  - (5) The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

- (6) **Habitable Space defined.** Habitable space shall mean areas in a residential rental property used for sleeping, living or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.
- (7) **Dwelling defined.** A building that contains one or more dwelling units or a rooming house, but does not include a motel, hotel, or bed and breakfast establishment.
- (8) **Dwelling Unit defined.** A collection of rooms that are located in a dwelling and that are arranged, designed, or used as living quarters for occupancy by one family as a single housekeeping unit only, and containing complete kitchen and toilet facilities, permanently installed.
- (9) **Rooming House defined.** A dwelling containing two (2) or more sleeping rooms to rent or let, which contains common facilities including, but not limited to, common toilet, kitchen, and dining facilities.
- (10) **Residential Rental Property defined.** For purposes of this ordinance, residential rental property shall include all dwellings, dwelling units, rooming houses and shared public areas of such residential premises which are non owner-occupied, but are used for residential purposes, with the following exceptions:
  - a. Properties that are not owner-occupied, but are only occupied by the property owner's parents, grandparents, children, grandchildren and/or spouse are not subject to the requirements of this ordinance.
  - b. Properties that are owned by the University of Wisconsin - Platteville or the Board of Regents of the State of Wisconsin, and operated by the University of Wisconsin – Platteville as student housing, are not subject to the requirements of this ordinance.
- (h) **Records.** The Building Inspector shall keep a record of all licensed properties and fees collected under this chapter.

**33.02 INSPECTION OF RESIDENTIAL RENTAL PROPERTY.** (a) **Inspection of Residential Rental Properties.** The Building Inspector or his/her deputy shall inspect and determine the condition of residential rental properties in order that he/she may perform the duty of safeguarding the health, safety and welfare of the occupants of such property and of the general public.

- (b) **Notice of Violation.** Whenever the Building Inspector determines that there are reasonable grounds to believe any residential rental dwelling, dwelling unit or rooming house does not meet the minimum standards for residential rental property

established herein, he/she shall give notice of same to the owner or agent. Notice of violations of Section 33.30 shall also be sent to the occupant. Such notice shall:

- a. Be in writing;
  - b. Refer to the applicable code section by number and substance;
  - c. Include a description of the violation and how it may be remedied;
  - d. Allow a reasonable time, as determined by the Building Inspector, to correct any violation(s); and,
  - e. Be served upon the owner or his/her agent and/or the occupant, as the case may require; provided that such notice shall be deemed to be properly served if a copy thereof is served upon any of the above personally or if a copy is sent by first class mail to his/her last known address.
- (c) **Hearing.** Any person affected by the operation of this ordinance, not including citations issued under (e) Penalties, may request and shall be granted a hearing before the Board of Appeals on the matter as provided in Chapter 33.03.
- (d) **Workmanship.** All repairs, maintenance work, alterations or installations shall be completed in a workman-like manner.
- (e) **Penalties.** (1) Any person who violates the provisions of this ordinance shall pay a forfeiture of not less than \$100.00 nor more than \$500.00, together with the costs of prosecution. If any person or licensee continues to lease a dwelling unit without a license or after suspension or revocation of the license, or continues to lease the unit in violation of the ordinance, each day of operation during that period shall be considered a separate violation of this chapter.
- (2) **Unlicensed Rentals.** Any dwelling unit that the Building Inspector determines is being rented or occupied without a valid license shall be subject to double the normal fee when a license is issued. This fee may be in addition to penalties under 33.02(c)(1) above. The failure of the owner of the property to apply for a rental license within thirty (30) days of the unit becoming non-owner occupied shall be a violation of this chapter.
- (3) **Nuisance properties or nuisance tenants** shall be subject to sanctions as provided in Section 33.31 below, in addition to such other penalties for violations as may be imposed by applicable law.
- (f) **Implementation of Rental Inspection.** (1) Residential rental property subject to the licensing requirements of this ordinance may be allowed to be leased or occupied without the issuance of a license if an application is on file or a rental inspection has been scheduled.

- (2) The Building Inspector shall have the power to enforce this chapter, including the authority to attach notices to rental units deemed to be in violation of its terms. Nothing herein shall be deemed to limit the power of the Building Inspector or a police officer when acting under other provisions of the ordinances of the City of Platteville or other applicable statutes, rules or regulations.

**33.03 BOARD OF ZONING APPEALS.** (a) **Board of Zoning Appeals.** The Board of Zoning Appeals, established under Chapter 22 and Chapter 25 of the Code, shall hear appeals in matters relating to this Chapter in accordance with the process and procedures set forth in Chapter 22.

(b) **Board of Zoning Appeals – Powers.** The Board of Zoning Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is any error in any order, requirement, decision or determination made by the Building Inspector.
- (2) To hear and decide special exceptions to the terms of this chapter upon which the Board of Zoning Appeals is required to pass.
- (3) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured and substantial justice done. The Board of Appeals may consider whether it is economically feasible to correct a violation.
- (4) To reverse or affirm wholly or in part or to modify any order, requirement, decision or determination appealed from and to make such order, requirements, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. The concurring vote of 4 members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.
- (5) To call on any other City department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.



- (6) To suspend or revoke a rental license, or impose other conditions upon a rental license, following the procedures of Section 33.31.

**33.04 LICENSING REQUIREMENTS FOR RESIDENTIAL RENTAL PROPERTY.** (a) No residential rental property shall be used for residential purposes unless the property owner holds a valid license issued by the Building Inspector for the specific dwelling or dwelling unit. The owner and/or agent shall apply to the office of the Building Inspector for a license. The application shall contain the name of the owner of the property, address of the property, address of the owner or agent, type of housing and an address where all correspondence to the licensee may be mailed. The application shall also include two phone numbers that can be used to contact the owner or agent regarding issues with the rental property.

- (b) Any owner or agent of residential rental property shall designate an authorized representative as a contact person with the authority to take action with respect to the rental property during such times when said owner or agent is not readily available to make or authorize repairs within a reasonable length of time, and as a contact in case of emergency.
- (c) Unless written notice is otherwise given to the Building Inspector, all mail sent first class to the licensee at the address stated in the application shall be conclusive as to its receipt by the licensee.
- (d) After the inspector has inspected each unit and classified it, as herein provided, he/she shall then issue such license for a period as indicated by the classification of such unit.
- (e) The owner or agent of the dwelling unit shall provide the tenant with a copy of the license at the beginning of the tenancy.
- (f) New construction shall be exempt from the rental inspection and fee requirement for three years after initial occupancy. New units shall be given a Class A license upon issuance of an occupancy permit by the Building Inspector.
- (g) **Classification of Rental Property/Period of License/Fee Schedule.** (1) To determine the licensing period of such license, rental dwelling units shall be classified into three groups as follows:
  - a. Class A. Those dwelling units that have complied with the minimum standards for residential rental property established by this ordinance.
  - b. Class A-1. Those dwelling units which do not meet the minimum standards for residential rental property established by this ordinance, but have only minor infractions that are not practical to correct. Minor infractions are those which are not a serious health and safety threat

to the occupants or to the public and which do not include matters of safe ingress or egress. Examples of infractions that would cause the unit to be classified as an A-1 unit rather than an A unit include having a ceiling height less than 7 feet or having less than 36" aisle space in a kitchen.

- c. Class B. Those dwelling units which do not meet the minimum standards for residential rental property established by this ordinance because they require repairs that cannot be completed at the time of inspection due to the weather or would take an extended period of time to correct. Examples are properties that require painting, repairs to siding, foundation or roofing and other similar maintenance or repair issues.
- d. Units which have conditions that are a serious health or safety threat to the occupants or the public shall not be licensed, rented or occupied.

(2) Licenses shall be issued for the following periods of time:

- a. Class A. Three years;
- b. Class A-1. Three years;
- c. Class B. One year.

When a unit first becomes licensed, the licensing period shall begin at the time of the initial licensing inspection, not at the time the license is actually issued. All licenses as stated above shall expire at the end of such period unless sooner revoked or suspended. Subsequent licensing periods shall begin at the expiration date of the previous license. All classifications shall be reviewed at the beginning of each licensing period by the Building Inspector and may be reclassified in accordance with this chapter. Class B licenses for a dwelling unit shall not be issued for more than one year for the same deficiency.

(3) The inspection and license fee, the payment of which shall be a prerequisite to issuance of each license, shall be in the amount as established from time to time by the Common Council.

- a. Fraternal Type Dwelling Units. For the purpose of assessing the inspection and license fee, fraternal type dwelling units shall be considered the same as rooming houses.
- b. Scheduling of Inspection. Inspections shall be scheduled a minimum of 14 days in advance, or sooner if agreeable to the owner and the

Building Inspector. Except in cases of emergency, appointments will not be rescheduled unless notice of the need to reschedule is given to the Building Inspector 3 days prior to the appointment date. No more than 1 cancellation shall be allowed.

- c. Re-inspection. The fee paid for a renewal license will cover only the initial inspection to determine compliance and the first re-inspection of any repairs. For each re-inspection required after the first re-inspection, an additional fee in the amount as established from time to time by the Common Council will be billed to the property owner.
- d. Failure to Allow Inspection. If a property owner or authorized representative fails to keep a scheduled inspection appointment, an additional fee in the amount as established from time to time by the Common Council will be assessed to the owner.
- e. Payment of Inspection Fee. Payment of the inspection fee shall be made prior to the issuance of the license for the dwelling unit.
- f. Transfer of License. Every person purchasing property previously licensed desiring to obtain a license on a transfer from a previous owner shall make application in writing to the Building Inspector within 7 days of acquisition or shall be subject to the provisions for inspection as provided for herein.
- g. Transfer Fee. A fee in the amount as established from time to time by the Common Council will be charged to transfer a license from one property owner to another.
- h. Late Fee. A fee in the amount as established from time to time by the Common Council may be charged to properties that are subject to the provisions of this ordinance, but have a rental license that has expired. The fee may be assessed for each day from the date the license expires until the date a new license is issued.

**33.05 MINIMUM STANDARDS FOR RESIDENTIAL RENTAL PROPERTY AND RESPONSIBILITIES OF THE OWNER RELATING TO THE MAINTENANCE OF PREMISES.** (a) No person shall let for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the minimum standards for residential rental property set forth herein.

- (b) All leases for dwelling units subject to this ordinance shall include in the lease, or in a document attached to the lease, the following language:

- (1) City Ordinance Chapter 33 regarding rental licensing standards applies to this property.
  - (2) Maximum occupancy limits apply to this unit. Unless this unit is an approved rooming house, this unit may be occupied by no more than four (4) unrelated persons, or less depending on the size and number of bedrooms. Units located in a Limited Occupancy Residential Overlay district may be limited to no more than two (2) unrelated persons as provided in Section 22.0514 of the Municipal Code. For more information, contact the City at 608-348-9741.
- (c) If the City provides the owner with notice of over-occupancy of a unit, the owner shall reduce occupancy of such unit to the legally allowed limit. Failure to correct over-occupancy within ten (10) days after notice is given shall be a violation of this code.

**33.06 GENERAL.** (a) **Scope.** The provisions of this chapter shall govern the minimum standards and the responsibility for maintenance of structures, fixtures, equipment and the exterior property areas of residential rental property.

- (b) **Responsibility.** The owner of the premises shall maintain the structures, fixtures, equipment and the exterior property areas in compliance with these requirements, except as otherwise provided in this code. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control, and meeting the other requirements as specified in Section 33.30.

**33.07 EXTERIOR PROPERTY AREAS.** (a) **Sanitation.** All exterior property areas of the premises shall be maintained by the owner in a clean, safe and sanitary condition.

- (b) **Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
- (1) **Exception:** Approved retention areas and reservoirs.
- (c) **Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All stairways and elevated walkways shall comply with Section 33.08(j).
- (d) **Rodent harborage.** All structures and exterior property areas shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human

health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

- (e) **Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property.
- (f) **Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**33.08 EXTERIOR STRUCTURE.** (a) **General.** The exterior of a structure shall be maintained by the owner in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

- (b) **Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (c) **Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).
- (d) **Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) **Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- (f) **Exterior walls.** All exterior walls shall be free from holes, breaks, loose or rotting materials and maintained weatherproof and the surface properly coated where required to prevent deterioration.

- (g) **Roofs and drainage.** The roof and flashing shall be sound, tight and waterproof. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- (h) **Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (i) **Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (j) **Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
  - (1) Every exterior and interior flight of stairs having more than three risers, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface, including a roof that is used for ingress, egress or emergency egress, which is more than 24 inches above the floor or grade below, shall have guards. Handrails shall not be less than 30 inches nor more than 42 inches high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.
- (k) **Chimneys.** All chimneys and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (l) **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting a 200-pound load applied in any direction, and shall be maintained in good condition.
  - (1) **Size and Configuration.** Handrails shall be symmetrical about the vertical centerline to allow for equal wraparound of the thumb and fingers. Handrails with a round or truncated cross-sectional gripping surface shall have a maximum whole diameter of 2 inches. Handrails with a rectangular cross-sectional gripping surface shall have a maximum perimeter of 6-1/4 inches

with a maximum cross-sectional dimension of 2-7/8 inches. Handrails with other cross-sections shall have a maximum cross-sectional dimension of the gripping surface of 2-7/8 inches with a maximum linear gripping surface measurement of 6-1/4 inches and a minimum linear gripping surface of 4 inches.

- (m) **Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair, and weather tight.
  - (1) **Glazing.** All glazing materials shall be maintained free from cracks and holes.
  - (2) **Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. Props are not acceptable as a means to keep the window open.
  - (3) **Storm Windows.** Single-glazed windows shall be provided with a storm window.
- (n) **Insect screens.** During the period from May 1<sup>st</sup> to October 31<sup>st</sup> every door required for ventilation and openable window shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm) and every swinging storm door shall have a self-closing device in good working condition.
  - (1) **Exception:** Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
- (o) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 33.27.
- (p) **Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**33.09 INTERIOR STRUCTURE.** (a) **General.** The interior of a structure and equipment therein shall be maintained by the owner in good repair, and structurally sound. Every owner of a structure shall maintain, in a clean and sanitary condition, the shared or public areas of the structure.

- (b) **Structural members.** All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.
- (c) **Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or

abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

- (d) **Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair and shall comply with Section 33.08(j).
- (e) **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (f) **Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

**33.10 RUBBISH AND GARBAGE.** (a) **Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure that is shared or accessible to the public, shall be maintained by the owner to be free from any accumulation of rubbish or garbage.

- (b) **Rubbish storage facilities.** The occupant shall be responsible for the proper disposal of garbage and recycling materials from their unit. When not at the curb for collection, garbage containers shall be stored in the side yard, rear yard, or within a structure. Garbage bags shall be stored in a container or within a structure until ready for pickup. A City-approved recycling container shall be used for recycling.

**33.11 EXTERMINATION.** (a) **Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

- (b) **Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- (c) **Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, or a rooming house shall be responsible for extermination in the public or shared areas of the structure and exterior property.
- (d) **Occupant.** If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.



- (1) **Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

**33.12 LIGHT.** (a) **Habitable spaces.** Every habitable space shall be provided with natural light by means of exterior glazed openings in accordance with Section 33.12(b) unless the applicable Wisconsin State building code for the particular classification of the unit allows this requirement to be met with artificial light. If this requirement is met by means of artificial light, the lighting standard shall be as set forth in the applicable building code.

- (b) **Natural Light.** Unless excepted in 33.12(a) every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extended to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

- (1) **Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space. The exterior glazing area shall be based on the total floor area being served.

- (b) **Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of flow area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm).

- (c) **Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

**33.13 VENTILATION.** Every habitable space shall have ventilation capable of meeting the requirements of either Section 33.13(a) or 33.13(b).

- (a) **Natural Ventilation.** Every habitable space shall have at least one window, door or skylight openable to the exterior. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 33.12.

- (1) **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.
- (b) **Mechanical Ventilation.** Balanced mechanical ventilation may be provided in lieu of openable exterior doors, skylights or windows provided the system is capable of providing at least one air change per hour of fresh outside air while the room is occupied. Infiltration may not be considered as make-up air for balancing purposes.
- (c) **Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by this code, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
- (d) **Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit.
  - (1) **Exception:** Where specifically approved in writing by the building inspector.
- (e) **Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

**33.14 ROOM SIZE REQUIREMENTS.** (a) **Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 30 inches (762 mm) between counterfronts and appliances or counterfronts and walls.

- (b) **Minimum ceiling heights.** All habitable rooms, kitchens, hallways, bathrooms and corridors shall have a ceiling height of at least 7 feet. Habitable rooms may have ceiling heights of less than 7 feet provided at least 50% of the room's floor area has a ceiling height of at least 7 feet. Beams and girders or other projections shall not project more than 8 inches below the required ceiling height.
- (c) **Bedroom requirements.** Every bedroom shall comply with the following requirements:

- (1) **Area for sleeping purposes.** Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.
  - (2) **Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces unless originally designed, built, and used as such.
    - a. **Exception:** Efficiency and 1 bedroom units.
  - (3) **Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
  - (4) **Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.
  - (5) **Other requirements.** Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements; the plumbing facilities and water-heating facilities requirements; the heating facilities and electrical receptacle requirements; and the smoke detector and emergency escape requirement.
- (d) **Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit which meets the following requirements:
- (1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
  - (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
  - (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
  - (4) The maximum number of occupants shall be three.

- (e) **Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner including a kitchen sink, cooking appliance and refrigeration facilities. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

**33.15 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS.** (a) **Dwelling units.** Every dwelling shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

- (b) **Rooming houses.** Rooming houses shall provide at least one water closet and lavatory for each 10 persons. At least one bathroom or shower shall be supplied for each 8 persons.

**33.16 TOILET ROOMS.** (a) **Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms.

- (b) **Location.** Toilet rooms and bathrooms serving rooming units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**33.17 MAINTENANCE OF PLUMBING SYSTEMS AND FIXTURES.** (a) **General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition by the owner.

- (b) **Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (c) **Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the building inspector shall require the defects to be corrected to eliminate the hazard.

**33.18 WATER SYSTEM.** (a) **General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water.

- (b) **Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (c) **Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (d) **Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**33.19 SANITARY DRAINAGE SYSTEM.** (a) **General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

- (b) **Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**33.20 STORM DRAINAGE.** (a) **General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

**33.21 HEATING FACILITIES.** (a) **Facilities required.** Heating facilities shall be provided in structures as required by this section.

- (b) **Residential occupancies.** Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 67°F in all habitable rooms, bathrooms and toilet rooms based on an outside design temperature of -15°F.

- (c) **Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

**33.22 MECHANICAL EQUIPMENT.** (a) **Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

- (b) **Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

- (1) **Exception:** Fuel-burning equipment and appliances for cooking which are labeled for unvented operation.

- (c) **Clearances.** All mechanical equipment shall be installed with clearances as required by the manufacturer.

- (d) **Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

- (e) **Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

- (f) **Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

**33.23 ELECTRICAL FACILITIES.** (a) **Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 33.27.

- (b) **Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for electrical facilities. Dwelling units shall be served by a minimum three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.

- (c) **Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets,

improper wiring or installation, deterioration or damage, or for similar reasons, the building inspector shall require the defects to be corrected to eliminate the hazard.

**33.24 ELECTRICAL EQUIPMENT.** (a) **Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

- (b) **Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. All receptacles in bathrooms and all kitchen counter receptacles within 6 feet of a kitchen sink shall have ground fault circuit interrupter protection.
- (c) **Lighting fixtures.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

**33.25 ELEVATORS, ESCALATORS AND DUMBWAITERS.** (a) **General.** Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

- (b) **Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.
  - (1) **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

**33.26 DUCT SYSTEMS.** (a) **General.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

**33.27 FIRE SAFETY REQUIREMENTS.** (a) **General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

- (b) **Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

- (c) **Means of egress.** The following minimum exit requirements are established: Two exit doors are required from the first floor of all living units. Two exits shall be provided from each additional floor that contains a sleeping room. At least one exit shall be a door leading to grade, or a door leading to a stairway or ramp that leads to grade. The second exit may be a door that leads to a balcony that is at least 3 feet x 3 feet and is no more than 15 feet above grade. In lieu of the second exit door, an egress window may be provided in each sleeping room. The egress windows shall have a minimum of 20 inches x 24 inches net clear opening, located no more than 46 inches above the floor, and shall be openable from the inside without the use of tools or the removal of the sash.
- (1) **Means of exiting third floor.** For non-conforming dwelling units that provide habitable living from the third floor, the second exit shall meet one of the following requirements: (1) a door leading to a balcony that is at least 3 feet x 3 feet with a stairway leading to grade, or leading to another balcony that is at least 3 feet x 3 feet and is within 15 feet of grade; or (2) an egress window in each habitable room along with an underlying balcony or rescue platform that is at least 3 feet x 3 feet, accessible to fire rescue equipment, that is installed at the approximate floor level of the window it serves.
- (d) **Security.** Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

**33.28 FIRE-RESISTANCE RATINGS.** (a) **Fire-resistance-rated assemblies.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

- (b) **Opening protectives.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.
- (c) **Hazardous material.** Hazardous material shall not be stored in the dwelling unit or attached garage. Said material shall be stored in accordance with State fire prevention codes. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

**33.29 FIRE PROTECTION SYSTEMS.** (a) **Smoke detectors.** One smoke detector shall be installed on each level, including the basement. If a floor level contains 2 or more



sleeping areas remote from each other, each sleeping area shall be provided with an adjacent smoke detector. Within 6 feet of a doorway shall be considered adjacent.

- (b) The property owner is responsible for ensuring the smoke detectors are installed in the required locations and are hard-wired to the unit's electrical system or are provided with operational batteries at the time the unit is first occupied by the tenant. The landlord is also responsible for replacing defective or non-functioning smoke detectors. The tenant is responsible for maintaining functional batteries in the smoke detectors, replacing dead batteries, and notifying the landlord in writing whenever the smoke detectors are not functioning properly.
- (c) **Carbon Monoxide detectors.** One carbon monoxide detector shall be installed on each habitable level of the dwelling unit, including the basement, if any fuel burning appliance is present in the dwelling unit.

**33.30 RESPONSIBILITY OF OCCUPANT RELATING TO THE MAINTENANCE AND OCCUPANCY OF RENTAL UNITS.** (a) **Controlled Area.** Every occupant of a dwelling unit or rooming unit shall keep in a clean, safe and sanitary condition that part of the dwelling unit, rooming unit or premises thereof which the occupant occupies and controls.

- (1) Every floor and floor covering shall be kept reasonably clean and sanitary.
  - (2) Every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.
  - (3) Every bathroom, shower, bathtub, and plumbing fixture shall be kept reasonably free of mold and mildew.
  - (4) No dwelling or the premises thereof shall be used for the storage or handling of solid waste or the storage or handling of dangerous or hazardous materials.
- (b) **Plumbing Fixtures.** The occupants of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.
  - (c) **Extermination of Pests.** Every occupant of a dwelling unit or rooming unit shall be responsible for the extermination of any insects, rodents or other pests therein or on that part of the dwelling unit, rooming unit or premises thereof which the occupant occupies and controls.
  - (d) **Storage and Disposal of Solid Waste.** Every occupant of a dwelling unit shall dispose of solid waste and any other organic waste in a clean and sanitary manner by placing it in the proper location and using the proper storage containers required by this code.

- (e) **Use and Operation of Supplied Heating Facilities.** Every occupant of a dwelling unit or rooming unit shall be responsible for the exercise or reasonable care, proper use and proper operation of supplied heating facilities. No combustible material shall be stored within three (3) feet of a fuel burning furnace and/or fuel burning water heater.
- (f) **Electrical Wiring.** No temporary wiring shall be used. Approved extension cords may be used but shall not lie beneath floor coverings or extend through doorways, transoms or similar apertures and structural elements or attached thereto. The occupant shall not overload the circuitry of the dwelling unit or rooming unit.
- (g) **Supplied Facilities.** Every occupant of a dwelling unit shall keep all supplied fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.
- (h) **Occupancy Control.** A dwelling unit shall not be occupied by a number of persons greater than allowed by the City Zoning Ordinance and this code. No room shall be used as a habitable space unless it meets the requirements of this code.

**33.31 RENTAL LICENSE SANCTIONS.** (a) **Sanctions.** The City may impose sanctions upon the owner and/or the tenant of a residential rental property which receives three (3) citations or violation notices, or a combination thereof, from the City due to the conditions(s) of the property and/or activities occurring upon the property, including, but not limited to, the following:

- (1) If the City orders snow removal from the public sidewalk or the cutting of weeds or grass and a fee is assessed by the City for the cost of correcting the violation.
- (2) If the property owner and/or tenant is found guilty by a Court for a violation related to refuse and garbage, junk vehicles, furniture not intended for outside use, burning refuse, or illegal burning.
- (3) If the property owner and/or tenant is found guilty by the Court for a violation of exceeding the occupancy limits for the unit.
- (4) If the property owner and/or tenant is found guilty by the Court for a violation related to having a nuisance party on the premises. A nuisance party is defined as a gathering or event involving one or more persons, which results in one or more of the following conditions or events occurring on the property or on neighboring public or private property: public drunkenness; public urination; the unlawful sale, furnishing or consumption of intoxicating beverages; the unlawful deposit of trash or litter; the destruction of public or private property; excessive, unnecessary, or unusually loud noise which

disturbs the comfort, quiet, or repose of the neighborhood, including public disturbances, brawls, disorderly conduct, fights or quarrels; or conduct or condition(s) which injures or endangers the safety, health or welfare of the neighborhood.

**(b) Sanction Types and Procedures.** The following types of sanctions may be imposed upon an owner and/or tenant according to the following procedures:

**(1) Property Management Plan.** A property management plan shall be required when a property, dwelling or dwelling unit, or tenant(s) accumulates multiple code violations.

a. **Notice.** The City shall provide written notice of violation to the owner and/or tenant(s) of the rental property that lists the violations and states that a Property Management Plan must be submitted to City Staff within 30 days after receipt of the notice of violation. The notice of violation shall inform the owner and/or tenant(s) of the rental property that he/she may request an informal meeting to discuss the violations with the City Staff. Owners requesting a meeting may appoint someone to represent them as long as their representative is authorized to act on the owner's behalf, including but not limited to entering into a property management plan.

b. **Plan Contents.** A Property Management Plan is a written document with terms and conditions, as developed between City Staff, the tenants, and the property owner, that describes the manner in which the property owner and tenants will, within his/her legal authority, make a good faith effort to correct and prevent violations. Failure to submit a written Property Management Plan will be a factor in determining whether to suspend or revoke the rental license as provided herein.

**(2) License Suspension.** Proceedings to suspend a rental license shall be commenced by the filing of a petition by the Department of Community Planning & Development with the Board of Appeals. The petition shall allege as grounds for suspension of the rental license, one or more of the following:

a. The property owner has failed to comply with the terms, conditions and/or actions set forth in the Property Management Plan;

b. Forfeitures imposed by a Court for violation(s) of municipal ordinance(s) on, or associated with, the property are not paid within 60 days;

c. **Scheduling of Hearings.** The Board of Appeals shall conduct a hearing on the petition for license suspension at a regular or special Board meeting as soon as practicable.

- d. **Notice.** At least ten (10) working days prior to the hearing, notice of the date, time, and place of the hearing shall be served upon the owner or any designated agent personally or by certified mail, return receipt requested, along with copies of the petition and all documents to be submitted into evidence. Notice sent by regular mail shall also be given to the occupants of the premises, all owners of record of the dwellings within a one hundred foot (100') radius of the rental property, and any person who has requested notification.
- e. **Board Hearing:** In determining whether sufficient grounds exist for the suspension of the license, the Board shall consider:
  - 1. The evidence presented by the City in support of the petition and whether one or more grounds exist for suspension of the license;
  - 2. Any evidence or comment presented by the owner, the owner's agent, and/or legal counsel;
  - 3. Tenant comments;
  - 4. Any public comment;
  - 5. Any corrective action taken by the owner or owner's agent before or after the filing of the petition;
  - 6. The degree of cooperation exhibited by the owner or the owner's agent with respect to resolving the violations set forth in the petition.
- f. **Board Action.** At the conclusion of the hearing, the Board shall make findings of fact and may:
  - 1. Suspend a Rental License for up to six (6) months for the first suspension and twelve (12) months for each subsequent suspension within a five (5) year period beginning on the effective date of the first suspension. The suspension shall begin no sooner than sixty (60) days from the date of the Notice of Decision or at the end of the current lease period, whichever is earlier.
  - 2. Amend the Property Management Plan to impose additional terms and conditions.
  - 3. Decline to impose any additional sanctions against the rental license.

- g. **Notice of Decision.** The Board shall serve, personally or by certified mail, its decision upon the owner or legal agent of the property within thirty (30) days from the date of the hearing along with notification of the right to appeal, as provided in Section 22.14(J).
- h. **Effect of Suspension.** During the period of license suspension, the property shall be secured and no person, firm, or corporation shall rent/lease the premise to another for residential occupancy or any dwelling unit or rooming unit during the time the rental license for such property is suspended.
- i. **Reinstatement of Suspended License.** A suspended license shall be automatically reinstated upon completion of the suspension period unless the license expires during the term of suspension. Application for a renewal of a license that expires during the term of suspension may be made and shall be processed in the same manner as a renewal application.

(3) **License Revocation.**

- a. **Grounds for Revocation.** A rental license may be revoked for any of the following reasons:
  - 1. Previous sanctions imposed have not resulted in eliminating or reducing the code violations occurring on the property.
  - 2. The failure by an owner to comply with any Emergency Order issued in conjunction with the suspension of a rental license or violation notice and corrective order issued in conjunction with the suspension of a license.
- b. **Revocation Procedures.** Proceedings to revoke a rental license shall be commenced by the filing of a petition with the Board of Appeals following the same procedures as set forth in Section 33.31(b)(3).
- c. **Application for New License After Revocation.** For licenses that have been revoked, application for a new license may be made after a minimum of one (1) year from the date the revocation was effective. The application shall be processed in the same manner as an initial license application.

- (4) **Emergency Rental License Suspension:** The Building Inspector may suspend a current Rental License when, in the opinion of the Building Inspector, condition(s) exist upon the property which present an actual and immediate danger to the safety or health of occupants due to structural damage or hazardous or unsanitary conditions. The Building Inspector is

empowered to order and require the occupants to vacate all or part of the structure and premises in accordance with the provisions of Section 23.15 of the City Code. The rental license shall be reinstated when the defects or conditions that resulted in the emergency suspension are corrected.

(c) **Defenses to Sanctions.** A property owner may present one or more of the following defenses to avoid or mitigate the imposition of sanctions:

- a. Reporting the violation to the Building Inspector or Police Department; or
- b. Undertaking and pursuing with due diligence, reasonable measures to prevent a reoccurrence of violations on or associated with the property; or
- c. Executing a Property Management Plan; or
- d. Providing written proof that the tenant was responsible for the violation (terms of lease, etc.); or
- e. Submitting a signed Disclosure & Acknowledgement Form.
- f. Transfer of ownership does not modify or alter any sanction imposed unless the transfer is an arm's length transaction between disinterested parties, as determined by the City Staff.

(d) **Record Keeping, Reporting of Violations, and Initiation of Sanctions:**

- (1) The Department of Planning and Community Development shall be responsible for maintaining an accurate record of violations at a rental property or rental unit.
- (2) The City Staff and the Police Department are responsible for notifying the Department of Planning and Community Development of any violation at a rental property or rental unit.
- (3) The Department of Planning and Community Development shall be responsible for initiating sanctions or other appropriate action.

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CHAPTER 34, WEIGHTS AND MEASURES PROGRAM  
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## CHAPTER 34

### WEIGHTS AND MEASURES PROGRAM

**34.01 APPLICATION OF STATE CODES.** Except as otherwise specifically provided in this section, the statutory provisions provided in this section, the statutory provisions of Chapter 98, Weights and Measures, Wisconsin Statutes and Wisconsin Administrative Code, ATCP 92, Weighing and Measuring Devices, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute or code incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein or Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this section. This section is adopted pursuant to the provisions of Wisconsin Statutes Chapter 98.

**34.02 APPOINTMENT OF INSPECTORS.** In order to assure compliance with this section, the City hereby grants the authority and duties of sealers and inspectors required by this section to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection or such other Testing Entity under contract with the City of Platteville.

**34.03 DEFINITIONS.** (a) Commercial Weighing or Measuring Devices. Devices used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure.

(b) Weights and Measures Program. The program that includes administration and enforcement of this section, Chapter 98, Wisconsin Statutes, and applicable Wisconsin Administrative Code provisions, and any related actions.

(c) Testing Entity. The City of Platteville or any other person, business organization, or any other entity, including the State of Wisconsin, under contract with the City of Platteville, that provides testing and related services for the City of Platteville Weights and Measures Program.

(d) Occasional Sale. An isolated and sporadic sale which takes place where the infrequency, in relation to the other circumstances, supports the inference that the seller is not pursuing a vocation, occupation or business or a partial vocation or occupation or part-time business as a vendor of items subject to weights and measures as covered by this chapter. Such occasional sale shall be for special events or temporary events operating infrequently and not a regular and/or permanent location for conducting transactions requiring the use of weighing and measuring devices. Sales occurring at a farmers' market or sales permitted by



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direct sellers, transient merchants, and solicitors are exempt from the Weights and Measures Program.

**34.04 PARTICIPATION REQUIRED.** (a) Except as provided in paragraph (b) and (c) of this section, each and every person, corporation, limited liability corporation, limited liability partnership, business, group, organization or other entity who holds, owns, possesses, operates and/or maintains weight and measures, weighing or measuring devices and/or systems and accessories related thereto which are used commercially within the City of Platteville in determining the weight, measure, count or cost of commodities or things sold or offered or exposed for sale on the basis of weight, measure or count is deemed to be a participant in the City of Platteville Weights and Measures Program subject to the provisions of this chapter.

(b) Occasional sales are exempt from the provisions of this chapter.

(c) Devices tested under the jurisdiction of another municipality or a non-City of Platteville related testing program by the State of Wisconsin and used temporarily in the City of Platteville for no more than five (5) consecutive days per year are exempt under this section from the provisions of this chapter.

**34.05 ASSESSMENT/COST/FEES.** (a) The City of Platteville Clerk and Treasurer and/or their designee shall annually assess costs and fees to each participant holding, owning, possessing, operating and/or maintaining such devices and utilizing the services provided in this chapter based on the number of weighing and measuring devices held as of the date of the last inspection and testing of such devices. Such assessment shall be determined no later than 120 days from the receipt of any billing received by the City of Platteville from the State of Wisconsin or other testing entity relating to weights and measurement testing and calibration. The total of the costs and fees assessed and collected shall not exceed the actual cost of the Weights and Measures Program bill to the City of Platteville together with a fifteen percent (15%) City administration cost which shall be added thereto. Such total assessment shall then be divided and assessed proportionately against each and every person, corporation, limited liability company, limited liability partnership, business, group, organization or other entity tested which gave rise to the City's expense.

(b) The City of Platteville Clerk and Treasurer and/or their designee shall prepare a statement of assessments and mail to each participant an invoice for the amount of the participant's assessment. Invoices shall be mailed by first class mail no later than 30 days after the assessments have been determined as set forth in paragraph (a) of this section. The charge to each participant shall be based on the total number of devices it holds, owns, possesses, operates or maintains, multiplied by the proportionately distributed individual assessment amount.

## CHAPTER 34 Weights and Measures Program

- (c) Each and every participant who is subject to inspection and testing and/or holds, owns, possesses, operates or maintains devices subject to inspection and testing is subject to this chapter, liable for said assessment and the payment of such assessment, and shall pay to the City of Platteville the fee assessed no later than thirty (30) days from the date the invoice is mailed.
- (d) Schedules, statements, notices and invoices shall be considered mailed to a participant when mailed by first class mail to the location where the device was held, owned, possessed, operated, maintained and/or tested.

**34.06 NON-PAYMENT OF ASSESSMENT.** In the event that the assessed fee is not paid in full by the assessed participant within thirty (30) days of the mailing of the invoice, the City may charge and levy the amount of such unpaid assessment or part thereof or allocate such unpaid assessment(s) against the real estate tax bill under Wisconsin Statutes Section 66.0627 if not paid before the next immediately following first day of October. Any assessment fee or part thereof not paid within thirty (30) days of invoicing, shall accrue interest at the rate of one percent (1%) per month upon the outstanding delinquency until paid in full.

**34.07 CHANGE OF OWNERSHIP.** If the ownership of a commercial business subject to the Weights and Measures Program is transferred, the owner of the business as of July 1 shall be liable and responsible for the payment of the fee assessed under this chapter.

**CITY OF PLATTEVILLE, WISCONSIN  
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## CHAPTER 36

### ALCOHOL BEVERAGES

**36.01 WISCONSIN STATUTES ADOPTED.** The following sections of Wisconsin Statutes are hereby adopted by reference as though fully set forth herein, except for penalties and penalty sections which are not adopted, unless specifically included in the reference below. To ensure uniformity, any future amendments, revisions or modifications of the following sections of the Wisconsin Statutes are also hereby adopted and made a part of this chapter.

- (1) 125.02 Definitions
- (2) 125.04(1), (2), (3)(e) and (f) and (g) and (h) and (i), (5), (6), (8), (10), (11), (12), General Licensing Requirements
- (3) 125.06 License and Permit Exceptions
- (4) 125.07, except (10), Underage and Intoxicated Persons; Presence on Licensed Premises; Possession, including the penalty provisions of 125.07(4)(c)
- (5) Repealed
- (6) 125.09(1), (2), and (3) General Restrictions
- (7) 125.12 Revocations, Suspensions, Refusals to Issue or Renew
- (8) 125.14 Enforcement Provisions
- (9) 125.15 Furnishing Bail
- (10) 125.20 Coin-Operated Machine Distributors; Permit; Restrictions
- (11) 125.25 Class "A" Licenses
- (12) 125.26 Class "B" Licenses
- (13) 125.27 Class "B" Permits
- (14) Wholesalers' Licenses
- (15) 125.32(2), (3), (4), (5), (6), (7), General Restrictions and Requirements
- (16) 125.33 Restrictions on Dealings Between Brewers, Wholesalers and Retailers

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- (17) 125.51 Retail Licenses and Permits
- (18) 125.52 Manufacturers' and Rectifiers' Permits
- (19) 125.68(2), (3), (4), (5), (6), (7), (8), (9), (11) General Restrictions and Requirements
- (20) 125.69 Restrictions on Dealings between Manufacturers, Rectifiers, Wholesalers and Retailers
- (21) 343.30 Suspension and Revocation by the Courts

**36.02 IDENTIFICATION CARDS.** (1) No card other than the identification card authorized under Section 125.085, Wisconsin Statutes, and a license or an identification card issued by the Department of Transportation under Chapter 343, Wisconsin Statutes, that contains a photograph of the holder may be recognized as an official identification card within the City of Platteville.

- (2) No person may make, alter or duplicate an official identification card, provide an official identification card to an underage person or knowingly provide other documentation to an underage person purporting to show that the underage person has attained the legal drinking age.
- (3) No person may possess an official identification card or other documentation used for proof of age with the intent of providing it to an underage person.
- (4) Subdivisions (2) and (3) do not apply to a person who is authorized to make an official identification card under Chapter 343, Wisconsin Statutes.
- (5) No underage person may do any of the following:
  - (a) Intentionally carry an official identification card not legally issued to him or her, an official identification card obtained under false pretenses, or an official identification card which has been altered or duplicated to convey false information.
  - (b) Make, alter or duplicate an official identification card purporting to show that he or she has attained the legal drinking age.
  - (c) Present false information to an issuing officer in applying for an official identification card.
  - (d) Intentionally carry an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

- (6) A law enforcement officer investigating an alleged violation of any of the provisions of this section shall confiscate any identification card or other documentation that constitutes evidence of the violation.

**36.03 EVADING PROVISION OF LAW BY GIVING AWAY INTOXICANTS.** No person may give away intoxicating beverages or use any other means to evade any of the provisions of this chapter.

**36.04 PARTIES TO ORDINANCE VIOLATIONS.** (1) Whoever is concerned in the commission of an ordinance violation is a principal and may be charged with and convicted of the commission of the ordinance violation although not directly committing it even though the person who directly committed it has not been convicted or has been convicted of some other ordinance violation based on the same act.

- (2) A person is concerned in the commission of an ordinance violation if he:
  - (a) Directly commits the ordinance violation; or
  - (b) Intentionally aids and abets the commission of it; or
  - (c) Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other ordinance violation which is committed in the pursuance of the intended ordinance violation and which under the circumstances is a natural and probable consequence of the intended ordinance violation. This paragraph does not apply to a person who voluntarily changes his mind and no longer desires that the ordinance violation be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the ordinance violation so as to allow the others also to withdraw.

**36.05 NUMBER OF LICENSES.** The following limitations shall apply to the number of licenses available in the City of Platteville. The Council is not required to issue available licenses.

- (1) Retail Class "B" Licenses for the sale of fermented malt beverages shall not exceed six (6) in number at any one time. This section shall not in any manner other than as specified above affect the requirements for the granting of Class "B" Retailers' Licenses for fermented malt beverages.
- (2) The number of "Class B" and Reserve "Class B" liquor licenses are set forth by Wis. Stats. Section 125.51(4) and Resolution 12-29 adopted by the Common Council.

**36.06 LICENSE FEES.** The fees for the following licenses in the City of Platteville shall be established by the Common Council and amended from time to time via resolution.

- (1) Class “A” license to sell fermented malt beverages
- (2) Class “B” license to sell fermented malt beverages
- (3) Temporary “Class B” license to sell fermented malt beverages at picnics or similar gathering under s. 125.26(6), Wis. Stats
- (4) Temporary “Class B” license to sell wine at picnics or similar gathering under s. 125.51(10), Wis. Stats
- (5) Retail “Class A” license to sell intoxicating liquors
- (6) “Class B” liquor license, which shall include the authorization to sell, deal, and traffic in intoxicating liquors to be consumed by the glass on the premises so licensed, or off the premises if the licensee seals the container of intoxicating liquor with a tamper evident seal before the intoxicating liquor is removed from the premises. The “Class B” license also authorizes the sale of intoxicating liquor in the original package or container in quantities not exceeding 4 liters at any one time and to be consumed off the premises so licensed, except that wine may be sold in the original package or otherwise in any quantity to be consumed off premise
- (7) Reserve “Class B” liquor license which shall include the authorization to sell, deal, and traffic in intoxicating liquors in the original package or container in quantities not exceeding 4 liters at any one time and to be consumed off the premises so licensed, except that wine may be sold in the original package or otherwise in any quantity to be consumed off premise shall be the minimum fee of \$10,000 in addition to the annual “Class B” liquor license fee as established by Wis. Stats. 125.51(3)(3)2. Bona fide clubs and lodges situated and incorporated in the state for at least six years that apply for reserve “Class B” licenses are exempt from paying the minimum \$10,000 initial issuance fee, as provided in Wis. Stats. Section 125.51(3)(e)(3).
- (8) “Class C” retailer’s license to sell wine by the glass or in an opened original container for consumption on the premises where sold shall be the maximum fee provided by Chapter 125 of the Wisconsin Statutes. Such licenses may only be issued for restaurants if:
  - (a) The sale of alcohol beverages accounts for less than 50% of the gross receipts, and
  - (b) The premises does not have a barroom, and
  - (c) The municipality’s quota of “Class B” licenses is filled.

- (9) Pro Rata Fees: Licenses to sell fermented malt beverages and intoxicating liquors, as described above, shall not be granted for less than one year, except as follows: The fee for a Class “A” beer, “Class A” liquor, “Class B” liquor, Class “B” beer, and “Class C” wine license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued. Reserve “Class B” license fees and operators’ license fees are not subject to the pro rata fees.
- (10) Renewal Application Late Fees. All alcohol beverage renewal applications must be filed on or before May 1 of each year. Renewal applications filed after May 1 shall be accompanied by a late fee as established by the Common Council. Applications filed after May 1 may not allow for sufficient time to be processed by City Staff and acted upon by the Council prior to the expiration of the existing license. Payment of the late fee does not ensure the application will be reviewed in time for renewal prior to the expiration of the existing license.

**36.07 OPERATORS’ LICENSE.** (1) An operator’s license for all premises licensed to traffic in fermented malt beverages and intoxicating liquors, as described above, may be issued by the Council. A written application, including the fee for a one or two year license as established by the Common Council and amended from time to time via resolution shall be filed with the City Clerk stating the name, residence, age and sex of the applicant together with such pertinent information as to fitness as the Clerk shall require. Upon the approval of an application by the Council, the City Clerk shall issue to an applicant a license to expire on June 30 next ensuing or the second-ensuing June 30.

- (2) Training course. No operator’s license may be issued unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education, on-line alcohol seller/server course approved by the Wisconsin Department of Revenue, or unless the applicant fulfills one of the following requirements:
- (a) The person is renewing an operator’s license.
  - (b) Within the past 2 years, the person held a Class “A”, Class “B”, “Class A” or “Class B” license/permit or a manager’s or operators’ license.
  - (c) Within the past two (2) years, the person has completed such a training course.

**36.08 LICENSE INVESTIGATION.** The City Clerk shall notify the Chief of Police, 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 each furnish to the 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. In determining the suitability of an applicant consideration shall be given to the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.

**36.09 RESTRICTIONS.** (1) No license shall be issued to any corporation when more than 50 percent of the stock interest legal or beneficial is held by any person or persons not eligible for a license under this chapter.

(2) In addition to all other grounds for revocation, suspension or non-renewal of an alcohol beverage license set forth in Wis. Stat. Section 125.12 or otherwise permitted by any state or local laws, the City may revoke, suspend or refuse to renew an alcohol beverage license that has been approved but not issued, an issued license that is not used or whose usage has been discontinued, or where the licensee does not own or lease a premises from which business may be conducted, pursuant to procedures in Wis. Stats. §125.12. The City Clerk on behalf of the License Committee shall notify the licensee in writing of the City's intention to revoke, suspend or refuse to renew the license and shall provide the licensee with the opportunity for a hearing. The notice shall state the reasons for the intended action. The License Committee shall be authorized to issue the notice under this subsection. The hearing shall be conducted as provided in Wis. Stats. §125.12(2)(b), and judicial review shall be provided in Wis. Stats. §125.12(2)(b)(3), and the Common Council shall follow the procedure specified under that subdivision in making its determination.

The usage of a license is deemed to have been discontinued when any of the following occurs:

- (a) The alcohol beverage license is surrendered to the City Clerk absent the issuance of a newly-granted license; or
- (b) The establishment is no longer open to the public; or
- (c) The establishment is open to the public only intermittently in an attempt to circumvent the provisions of this subsection; or
- (d) The establishment fails to maintain open and active accounts with its alcohol distributors; or
- (e) The alcohol beverage license holder fails to submit a renewal application to the City Clerk; or

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- (f) The alcohol beverage license holder fails to commence the sale of intoxicating liquor within 120 days of the issuance of any license to sell intoxicating liquor; or
- (g) The alcohol beverage license holder fails to commence the sale of fermented malt beverages within 120 days of the issuance of any license to sell fermented malt beverages; or
- (h) The alcohol beverage license holder fails to remain open for business for a period of at least 120 days during any 180 day period.

The usage of a license is not discontinued if, in the judgment of the Council, the establishment is temporarily closed due to remodeling, reconstruction as a result of a catastrophic loss, any type of license suspension, the establishment and/or the alcohol beverage license holder being a party to an action to foreclose a mortgage, land contract or similar action by a creditor, or other circumstances which indicate the non-usage of the license is temporary; provided, however, that the length of time during which the establishment is closed shall not exceed a period as is reasonably necessary, as determined by the Council.

- (3) Whenever any license shall be revoked, at least one month from the time of such revocation shall elapse before another license shall be issued for the same premises, and 12 months shall elapse before any other license shall be issued to the person whose license was revoked.
- (4) Premises.
  - (a) No initial or renewal license shall be issued if the applicant does not own, lease, or otherwise have the legal right to occupy and possess a premises from which to conduct business for the sale of alcoholic beverages and is therefore unable to particularly describe the premises for which the license is requested.
  - (b) No initial or renewal license shall be issued unless the premises to be licensed conform to the sanitary, safety, and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Board of Health applicable to restaurants as contemplated in Chapter 125, Wisconsin Statutes, and shall also conform to all ordinances and regulations adopted by the City.
  - (c) No initial or renewal license for the sale of intoxicating liquors or fermented malt beverages shall be issued for any premise for which taxes, assessments or other claims of the City of Platteville are delinquent or unpaid.
- (5) Persons. No initial or renewal license shall be issued to any person who is delinquent in payment of taxes, assessments or other claims owed to the City of

Platteville or who is delinquent in the payment of a forfeiture resulting from a violation of any ordinance of the City of Platteville.

**36.10 GRANTING OF LICENSE.** Opportunity shall be given by the Council to any person to be heard for or against the granting of any license. Upon the approval of the application by the Council, the City Clerk shall, upon the filing by the applicant of a receipt showing the payment of the required license fee to the City Treasurer, issue to the applicant, either a one-year license if the receipt is for payment of the one year fee or a two-year license if the receipt show payment of the two-year fee. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance, the fee paid, the name of the licensee and the date of expiration. A one-year license shall remain in force until the first day of July next and a two-year license shall remain in force until the first day of July one year after the next, after the granting thereof, unless sooner revoked in the manner provided by Chapter 125, Wisconsin Statutes. No license shall be transferable either as to licensee or location, except as provided by Chapter 125, Wisconsin Statutes, and except that the Council may authorize a transfer of location if the licensed premises shall become unsuitable for occupancy.

**36.11 REGULATIONS OF LICENSED PREMISES.** All Class "A", Class "B", Retail "Class A", Retail "Class B" and Retail "Class C" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this code applicable thereto.

- (1) Premises which have been granted licenses shall be subject to opening and closing hours as set forth in Chapter 125, Wisconsin Statutes.
- (2) All windows in places operating under licenses shall have clear glass and be without screens or blinds.
- (3) The Council shall be presented with a list of all applicants and may approve the issuance of such license to the applicants on such list without voting on each application separately. If an objection is made to specific application(s), the Council shall consider approval of such application(s) separately. The Council reserves the right to reject any application for any license in its discretion because of the location of the place for which application is made, as well as for causes specified in the Wisconsin Statutes.
- (4) The Council shall have the power to revoke any license granted under the provisions of this chapter for any violation of this chapter or of the law providing for such licenses.
- (5) Entry onto Premises. 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

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state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense.

- (6) No doors shall be locked at any place which is open for business where fermented malt beverages or intoxicating liquor is sold during the hours when sales may be made under the provisions of this chapter.
- (7) Consumption During Closing Hours. No intoxicating beverages shall be consumed on any licensed premises by anyone at any time other than those times when such premises may be open for the sale of intoxicating liquor under this chapter.
- (8) Health Rules. Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. The Board of Health of the city is authorized and empowered to make reasonable and general rules for the sanitation of all places of business possessing licenses under this chapter. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this chapter and infraction thereof may be punished as a violation of this chapter.
- (9) Liquor Taxes. No licensee shall possess or sell or offer for sale any intoxicating liquors or fermented malt beverages upon which the state tax established by Chapter 139 of the Wisconsin Statutes has not been paid.
- (10) Conduct on Premises. 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.

**36.12 CLASS "B"/"CLASS B" SPECIAL EVENTS LICENSE.** The following regulations, in addition to those proved by law, apply to all persons operating under Class "B" and/or "Class B" special events license issued to an approved organization for a limited occasion.

- (1) A Class "B" and/or "Class B" special events license shall be required for all events which are advertised as open to the general public and at which a fermented malt and/or wine cooler beverage is served. A license shall also be required for those events where a fee is charged as admission and fermented malt and/or wine cooler beverages are served.
- (2) Each application shall be presented to the Common Council and shall be acted on separately. The Common Council shall have the right to reject any such application, in its discretion, because of the location of the event and for reasons specified in the Wisconsin Statutes.
- (3) The Common Council shall have the power to revoke any license granted under the provisions of this chapter for any violation of this chapter or of the statutes or ordinances.

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- (4) Any police officer shall have the power, without a warrant, to search any place for which a license shall be issued under the provisions of this chapter.
- (5) The Common Council shall set the hours during which such license is valid. Fermented malt and/or wine cooler beverages shall not be sold or consumed on such licensed premises except during the hours so specified on said license.
- (6) The area that is licensed under this Section must be enclosed by a single fence at least three and one-half feet high. It is the responsibility of the organization holding the license to make certain the fence remains in place during all times when fermented malt and/or wine cooler beverages are being dispensed. All entrances to said area must be supervised by a representative of the organization holding the license or a deputy sheriff at all times when fermented malt and/or wine cooler beverages are being dispensed. Such supervision shall be for the purpose of enforcing all laws and ordinances and for determining the extent of intoxication of persons inside or seeking to enter the licensed area and to ensure that fermented malt and/or wine cooler beverages remain within the licensed area.
- (7) The Common Council may impose additional restrictions, including those restrictions in (6), upon the license if, in its judgment, the nature and location of the event require them. These restrictions may include one or more certified police officers at the event. The cost of such officer(s) shall be borne by the organization seeking the license.

**36.13 PROVISIONAL LICENSES.** (1) The City Clerk may issue provisional operators' licenses to qualified applicants under the standards set forth in Section 36.09 and following a police record check showing that the applicant is not disqualified from holding an operator's license. Upon filing by the applicant of a receipt showing the payment to the City Treasurer of a license fee as established by the Common Council and amended from time to time via resolution, a provisional operator's license shall be issued and shall expire 60 days after its issuance or when a license under Section 36.07 is issued to the holder, whichever is sooner. A provisional license may only be issued to a person who has applied for an operator's license under Section 36.07.

- (2) The City Clerk may issue provisional retail licenses as provided by Section 125.185, Statutes, to qualified applicants under the standards set forth in Section 36.09 and following a police record check showing that the applicant is not disqualified from holding a retail license. Upon filing by the applicant of a receipt showing the payment to the City Treasurer of a license fee as established by the Common Council and amended from time to time via resolution, a provisional retailer's license shall be issued and shall expire 60 days after its issuance or when a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine license under Section 36.01 is issued to the holder, whichever is sooner. A provisional retail license may only be issued to a person who has applied for a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine license and authorizes only the activities allowed under that type of license.

However, a provisional "Class B" liquor license may not be issued in excess of the City's quota. No person may hold more than one provisional retail license for each type of license applied for per year.

**36.14 VIOLATIONS.** A violation of this chapter by an authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder. Whenever the holder of any license or permit under this chapter shall violate any portion of this chapter or any regulations adopted pursuant thereto proceedings for the revocation of the license or permit may be instituted in the manner and under the procedure established by Chapter 125, Wisconsin Statutes, and the provisions therein relating to granting a new license shall likewise be applicable.

**36.15 INTOXICANTS IN PUBLIC PLACES.** (1) No person shall possess any open container containing any intoxicating liquor, wine or fermented malt beverage on any public street or right-of-way, sidewalk, public place or private property held open to the public or inside any vehicle which is parked on a public street, right-of-way or sidewalk, public place or private property held open to the public within the City of Platteville.

(2) No person shall consume any intoxicating liquor, wine or fermented malt beverage on any public street, right-of-way, sidewalk, public place or private property held open to the public or inside any vehicle which is parked on a public street, right-of-way, sidewalk, public place or private property held open to the public within the City of Platteville.

(3) Exceptions.

(a) This section shall not apply to premises licensed for the sale and consumption of alcoholic beverages as sanctioned by the Common Council.

(b) This section shall not apply to premises for which an alcohol consumption permit has been issued. The head of the Recreation Department and/or his/her designee may approve alcohol consumption permits in conjunction with park shelter reservations, but all other alcohol consumption permits must be approved by the License Committee.

(c) This section shall not apply to registered campers in camping sites at any time or to registered campers in shelters, grilling areas, and picnic areas in Mound View Park between the hours of 6:00 a.m. and 10:30 p.m.

**36.16 PRESENCE IN PLACES OF SALE.** (1) Underage persons may enter or remain in a room on a Class "B" licensed premises, separate from any room where alcoholic beverages are sold or served, if no alcoholic beverages are furnished or consumed by any

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person in the room where the underage person is present and the presence of underage persons is authorized under this subsection.

- (2) Any entry way between the premises where alcoholic beverages will be sold or served and the room where the underage persons will be located shall be closed and secured to prevent access from the room where the underage persons are located.
- (3) Any exit sign over a doorway which would no longer serve as a means of egress shall be disabled and covered with an opaque material.
- (4) The licensee shall obtain a written authorization permitting underage persons to be present under this subsection on the date specified in the authorization from the Chief of Police or the Chief's designee. Before issuing such authorization, the Police Department shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises. A request for authorization shall be made by the licensee at least 7 days before such date.

**36.50 PENALTY.** The penalties for violating any of the provisions of this chapter shall be set forth in Section 41.50 of the Municipal Code of the City of Platteville.

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## CHAPTER 38

### TRAFFIC

**38.01 STATE TRAFFIC LAWS ADOPTED.** Except as otherwise specifically provided in this chapter, the provisions of Chapters 340 to 348, inclusive, of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted by reference. To ensure uniformity between City of Platteville ordinances and State of Wisconsin traffic regulations, any future amendments, revisions or modifications of the statutes incorporated herein are hereby made a part of this chapter.

**38.02 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES, PROHIBITED SIGNS, SIGNALS AND MARKERS.** (1) **Duty of the Chief of Police to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this chapter include a statutory traffic regulation adopted by reference in Section 38.01 which requires the erection of traffic control devices for enforcement, the Chief of Police shall direct the Department of Public Works to procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation. Such traffic control devices shall give notice of such traffic regulations to the users of the streets and highways on which such regulations apply. Whenever State Statutes grant discretion to local authorities in erecting or placing a uniform traffic device, they shall be erected in such locations and in such manner as the Chief of Police shall direct.

(2) **Official Traffic Map.** (a) **Official Traffic Map Established.** There is hereby established an Official Traffic Map for the City of Platteville, upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossings and all other restrictions or limitations contained in this chapter. Such maps shall show all amendments and modifications made from time to time by the Common Council, which shall be accomplished by the passage of an ordinance.

(b) **Violations Prohibited.** When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this chapter, a violation of the restrictions, prohibitions or limitations shown on such Official Traffic Map shall be a violation of the provisions of the chapter.

(c) **Map to be Maintained.** A copy of the Official Traffic Map shall be maintained and be available for public inspection in the City Clerk's office and at the Platteville Police Department.

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- (d) Establish Speed Limit signs on North Second, North Fourth, Camp, Sylvania, and Pitt Streets in accordance with Section 38.04 of the City of Platteville Code.
- (3) Prohibited Signs and Markers on Public Rights of Way. No person other than the persons authorized by this Chapter shall place within the limits of any street or highway maintained by the City any sign, signal, marker, mark or monument relating to or regulating parking, traffic or vehicular movement unless permission is first obtained from the Chief of Police or the Director of Public Works. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in subsection (4).
- (4) Removal of Unofficial Signals, Markers, Signs and Traffic Control Devices. The Chief of Police and the Director of Public Works shall have the authority to remove any sign, signal, marker or other device which is placed, maintained or displayed in violation of this chapter or state law.

**38.03 SPEED LIMITS.** The speed limits adopted by reference in Section 38.01 are hereby modified for the following streets as follows:

15 MPH on Perry Drive.

15 MPH on Stonebridge Road.

15 MPH on Main Street between Chestnut Street and Water Street.

25 MPH on Broadway Street to the City Limits.

25 MPH on Eastside Road from Business Highway 151 to Evergreen Road.

40 MPH on Eastside Road from Evergreen Road to the City Limits.

**38.04 SPEED LIMITS NEAR PARKS AND RECREATION AREAS.** The speed limits adopted by reference in Section 38.01 of the City of Platteville Code are hereby modified as follows:

- (1) No person shall drive a vehicle in excess of the following limits when children are going to or from, or are playing in any parks or recreation areas that are adjacent to the following streets:

15 MPH on Camp Street adjacent to Smith Park from Fourth Street to Fifth Avenue in accordance with Wisconsin Statutes 346.57 (4) (i).

15 MPH on North Fourth Street adjacent to Smith Park from Sylvania Street to Camp Street in accordance with Wisconsin Statutes 346.57 (4) (i).

15 MPH on Sylvia Street adjacent to Pool Park from Second Street to Fourth Street in accordance with Wisconsin Statutes 346.57 (4) (i).

15 MPH on North Second Street adjacent to Legion Park from Sylvia Street to Pitt Street in accordance with Wisconsin Statutes 346.57 (4) (i).

15 MPH on Pitt Street adjacent to Legion Park from Water Street to Second Street in accordance with Wisconsin Statutes 346.57 (4) (i).

**38.05 WEIGHT LIMITATIONS AND TRAVEL RESTRICTIONS.** (1) All City streets and alleys are designated Class "A" highways and no person shall drive on any City street or alley any vehicle weighing in excess of the weight limitations set forth in Section 348.15 of the Wisconsin Statutes.

(2) No person shall operate any tractor-trailer combination or any truck with a gross weight over 10,000 pounds on Main Street between Chestnut Street and Water Street except when such vehicle is engaged in pick-ups or deliveries which require the use of Main Street. This section shall not apply to authorized emergency vehicles or to officially sanctioned parades or other events.

**38.06 SCHOOL BUS WARNING LIGHTS.** Pursuant to Section 349.21, Wisconsin Statutes, operators of school buses within the City of Platteville are hereby authorized to use the flashing red warning lights with which school buses are equipped in any part of the City of Platteville, when, in the opinion of the operators, such lights contribute to the health and safety of pupils or other authorized passengers who are being loaded or unloaded from such school bus.

**38.07 STATE STANDARDS FOR MOTOR VEHICLE EQUIPMENT ADOPTED.** (1) Administrative Regulations Adopted. The administrative rules and regulations of the Wisconsin Administrative Code relating to Standards for Motor Vehicle Equipment, exclusive of any provisions relating to penalties, are hereby adopted by reference and made part of this code as if fully set forth herein.

(2) Non-compliance Prohibited. No person shall maintain, operate or allow to be operated on any highway, street or alley within the City a vehicle that is not in conformity with the requirements of subsection (1).

(3) Owners' Liability. Any owner of a vehicle not equipped as required by this section who causes or permits such vehicle to be operated on a street in violation of this section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Section 347.04, Wisconsin Statutes, relating to non-applicability of demerit points, shall apply to owners convicted of violations of this section.

(4) Safety Checks. (a) Operators to submit to Inspection. When directed to do so by any Platteville Police Officer, the operator of any motor vehicle shall stop and

submit to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section, or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any Platteville Police Officer as herein provided.

- (b) Authority of Officer. Any law enforcement officer of the City of Platteville is hereby empowered, whenever he or she shall have reason to believe that any provision of the section is being violated, to order the operator of the vehicle to stop and submit to an inspection of the vehicle.
- (c) Vehicle to be Removed from Highway. Whenever after inspection, a Platteville Police Officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated; except for purposes of removal and repair, until the vehicle has been repaired as directed in writing by such officer. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under Section 110.075(5), Wisconsin Statutes, or in such form as the Common Council shall hereafter direct.

**38.08 NOISE.** No person shall make unnecessary or annoying noise with a motor vehicle by squealing tires, excessive acceleration of engines or by emitting unnecessary or loud muffler noises.

**38.09 TRAFFIC REGULATIONS ON SCHOOL DISTRICT PROPERTY.** The following regulations shall apply to the property of the Platteville School District located within the City: (1) Speed limits. No person shall at any time operate a motor vehicle upon any of the Platteville School District grounds at a speed in excess of 15 mph.

- (2) Unlicensed Operators Prohibited. Except for approved driver's education classes, only persons who hold valid motor vehicle operator's licenses may operate a motor vehicle upon the ground or property of the Platteville School District within the City.
- (3) Traffic Regulations Applicable. All provisions of Chapter 38 of the Ordinances of the City of Platteville shall be applicable on all Platteville School District property located within the City.
- (4) Operating on Paved Portions. No motor vehicle shall be operated off any paved driving or parking area on Platteville School District property in the City without express permission from an appropriate school official.

**38.10 OPERATION OF MOTOR VEHICLES IN PUBLIC PARKING LOTS AND RAMPS.**

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- (1) **Unlicensed Operators Prohibited.** No person who does not hold a valid motor vehicle operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of the general public.
- (2) **Traffic Regulations Applicable.** All provisions of Chapter 38 of the Ordinances of the City of Platteville shall be applicable on any public parking lot or ramp and on any private parking lot or ramp held out for use of the general public.

**38.11 SNOWMOBILES.** No person shall operate a snowmobile upon any street, highway or alley or on private or public property within the City of Platteville without permission of the owner or a person in possession of such property, EXCEPT for that portion of the street, highway, alley or private or public property which is designated as an official snowmobile trail.

Snowmobile trails must be approved by the City of Platteville Common Council and all users of the designated trail must comply with Chapter 350 Wisconsin Statutes.

City owned or leased property upon which snowmobiles may be operated will be so posted. The Platteville Drift Busters Snowmobile Club is charged with the responsibility of providing and erecting signs at the proper places to provide notice to snowmobilers they may operate on the posted property. A map of such properties will be prepared and maintained by the engineering department, copies of which shall be posted in appropriate places about the City and included in the ordinance.

**38.12 VEHICLES ON SIDEWALKS.** No person shall drive any vehicle on a sidewalk except when crossing a sidewalk on a driveway.

**38.13 RESTRICTIONS ON USE OF BICYCLES, SKATEBOARDS, ROLLER SKATES AND IN-LINE SKATES.** (1) No person shall ride upon or use any bicycle, skateboard, roller skate or in-line skate on any sidewalk adjacent to any street that is within an area bordered by Pine Street, Water Street, Furnace Street, or Chestnut Street.

- (2) No person shall ride upon or use any skateboard, roller skate or in-line skate on any street within the City limits of the City of Platteville except while crossing a roadway at a crosswalk.

**38.14 COMPRESSION BRAKES PROHIBITED.** No person shall use motor vehicle brakes within the City limits of the City of Platteville which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. It shall be an affirmative defense to a prosecution under this section that said compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.

**38.15 AUTHORITY TO APPOINT SCHOOL CROSSING GUARDS.** Pursuant to the provisions of Wisconsin Statutes Section 349.215, the Chief of Police shall have the authority to appoint adult school crossing guards for the protection of persons who are crossing a highway in the vicinity of a school. The school crossing guards shall wear insignia or uniforms which designate them as school crossing guards and shall be equipped with signals or signs to direct traffic to stop at school crossings.

**38.16 LOW-SPEED VEHICLES PERMITTED.** (1) DEFINITION. A “Low-speed vehicle” (LSV) means a motor vehicle that conforms to the definition and requirements as adopted in the federal motor vehicle safety standards for “low-speed vehicles” under 49 CFR 571.3(b) and 571.500. “Low-speed vehicle” does not include a golf cart.

(2) REQUIREMENTS. LSVs shall be four-wheeled and have a speed range of at least 20 mph and not more than 25 mph on a level paved surface and have a gross vehicle weight at rest of less than 3,000 pounds. LSVs shall have:

- a. Head lamps.
- b. Front and rear turn signals.
- c. Stop lamps.
- d. Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear (three total).
- e. An exterior mirror mounted on the driver’s side, and either an exterior mirror on the passenger side or an interior rearview mirror.
- f. A parking brake.
- g. A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205).
- h. A vehicle identification number (VIN) that complies with federal law (49 CFR 565).
- i. A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209 and federal motor vehicle safety standard No. 209 for each designated seating position.
- j. Meets the general test conditions under 49 CFR 571.50056.

(3) PERMITTED USERS OF LOW-SPEED VEHICLES. To use a LSV on city streets, the operator must have a valid Wisconsin driver’s license.

(4) OPERATION. Operation of a LSV within the City of Platteville is permitted on roadways and alleys located within the territorial boundaries of the City of

Platteville, regardless of whether the City has jurisdiction over the roadway, subject to the following prohibitions:

- a. Operation of a LSV is prohibited on any roadway with a speed limit greater than 35 mph.
  - b. Operation of a LSV is prohibited on any municipal sidewalk or recreational trail.
  - c. Operation of a LSV is prohibited within any municipal park, golf course, or recreational area except on a roadway or parking area routinely open to motor vehicle traffic.
  - d. Headlamps must be on at all times during operation of a LSV on city streets.
- (5) Operational Requirements of Low-Speed Vehicles. LSVs shall comply with all state and local traffic laws, including but not limited to, Section 38.01 of the Municipal Code of Ordinances, and owners and operators of LSVs shall be subject to citations and forfeitures for any violations.
- (6) Registration. LSVs operated within the City of Platteville shall be registered with the Wisconsin Department of Transportation and shall display that registration in accordance with Chapter 341 of the Wisconsin Statutes.
- (7) Enforcement. Any person who violates any provision of this section shall be subject to a forfeiture as provided in Section 38.50 of the Municipal Code.
- (8) Severability. If any portion of this ordinance or its application to any person or circumstances is held invalid, the validity of this section as a whole, or any other provision herein and its application to other persons or circumstances, shall not be affected.

**38.17 All-Terrain Vehicles and Utility Terrain Vehicles.** (1) ADOPTION OF STATUTORY PROVISIONS. The provisions of section 23.33 of the Wisconsin Statutes, and subsequent amendments thereto, are hereby incorporated herein by reference as part of this Chapter, except for those provisions therein which conflict with this Chapter.

(2) SAVING CLAUSE. This Chapter shall in no way be deemed to supplant or otherwise invalidate any provision of the state statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this Chapter may, in the exercise of his or her discretion, proceed under applicable state statutes.

(3) SEVERABILITY. Should any provision of this Chapter, or its application to any person or circumstance, be held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be affected thereby.

(4) DEFINITIONS. For purposes of this Chapter, the definitions set forth in section 23.33(1) of the Wisconsin Statutes, are hereby adopted and incorporated herein as reference.

(5) DESIGNATED ROUTES. Except as otherwise specifically provided in Section 23.33 of the Wisconsin Statutes, no person shall operate any all-terrain vehicle (“ATV”) or utility terrain vehicle (“UTV”) upon any public right-of-way or on any other public property in the City of Platteville except as hereinafter designated.

A. ATVs and UTVs are not authorized on the following streets:

1. East Mineral Street from Valley Road to Business Highway 151.
2. Business Highway 151 from Valley Road to the east city limits.
3. Second Street from East Pine Street to East Furnace Street.
4. Biarritz Boulevard
5. Commercial Drive
6. Cornerstone Circle
7. DeValera Drive
8. Eastside Road
9. Enterprise Drive
10. Estates Boulevard
11. Evergreen Road
12. Hillcrest Circle
13. Highpoint Circle
14. Insight Drive
15. Keystone Parkway
16. Knollwood Way
17. Ledge Stone Road
18. Malone Drive



- 19. Millennium Drive
- 20. Oakhaven Court
- 21. Philips Road
- 22. Pleasant Valley Road
- 23. Progressive Parkway
- 24. Stone Crest Road
- 25. Ubersox Drive
- 26. Vision Drive

- B. ATVs and UTVs are not allowed to park in or along any roadways, alleyways or public parking lots within the City of Platteville between the hours of 11:00 p.m. and 6:00 a.m.

(6) ROUTE SIGNS. Under the direction of the City, all ATV/UTV routes shall be designated by route signs. The route signs shall be provided by the ATV/UTV Club, or its successor, and shall be installed by the Public Works Department, in accordance with Chapter 23.33(8)(e) of the Wisconsin Administrative Code. The route signs shall be inspected by the City annually and shall be maintained by the ATV/UTV Club, or its successor. The City shall be promptly notified by the ATV/UTV Club of any change in responsibility for maintenance of ATV/UTV route signs.

(7) In addition to the provisions of Wisconsin Statute 23.33, the following restrictions are placed on the use of the City ATV/UTV routes designated by this ordinance:

- A. The operators of ATVs/UTVs on all designated ATV/UTV routes shall observe the posted roadway speed limits.
- B. ATV/UTV operators shall drive in the center of their lane of travel.
- C. All ATV/UTV operators shall ride in single file.
- D. All ATV/UTV headlamps and tail lamps must be turned on at all times and ATV/UTVs must have operational brake lights.
- E. All UTV operators and passengers must wear seat belts at all times.
- F. The City of Platteville routes will be closed from sunset to sunrise.
- G. The City of Platteville routes will be closed from November 15<sup>th</sup> to April 1<sup>st</sup>.

H. The City of Platteville may close ATV/UTV routes at any time through removal of all route signage and by providing notice to the public.

I. ATVs/UTVs are prohibited from operating on any recreation trails in the City.

J. No person may operate an ATV/UTV that is constructed in such a manner that noise emitted from the vehicle exceeds 96 decibels.

K. No open intoxicants are allowed while operating on, or as a passenger in, any ATV/UTV in the City.

L. All Wisconsin Statutes related to the operation of an ATV/UTV while under the influence of alcohol or a restricted controlled substance will be strictly enforced, including Absolute Sobriety by ATV/UTV operators under the age of 21.

M. ATV/UTV operators shall possess a valid operator's license as defined in section 340.01(41g) of the Wisconsin Statutes, as may be amended from time to time.

N. No person may operate an ATV/UTV within the City of Platteville unless the owner or operator of the vehicle has in effect, a liability policy covering the vehicle being operated and such operator has in his or her immediate possession a certificate or proof of insurance covering such vehicle which shall be displayed upon demand from any traffic officer.

O. No ATV/UTV shall be allowed to tow a trailer, wagon or any other wheeled unit in the City.

P. Groups of 8 or more ATV/UTVs traveling together as part of an organized ride must obtain a permit from the Police Department a minimum of ten (10) days in advance.

(8) CLOSURES, SUSPENSION, OR TERMINATION OF ROUTE. The Common Council President shall have the authority to:

- (1) Temporarily close any ATV/UTV route designated herein for a period of sixty (60) days or less due to an emergency, complaint, or other necessary condition as determined by the Common Council.
- (2) Request the Common Council to review any ATV/UTV route designated herein for the purpose of suspending or terminating the route.

(9) ENFORCEMENT AND PENALTIES. Violations of this Chapter shall incur a forfeiture as follows:

A. Violations of section 38.17(1) – As set forth in section 23.33(13) of the Wisconsin Statutes, as may be amended from time to time.

B. Violations of section 38.17(5)B -- \$20.00

C. All other violations of this Chapter – As set forth in section 1.07 of this Code.

**38.18 OPERATORS TO OBEY TRAFFIC CONTROL DEVICES.** Operators of motor vehicles, bicycles or other vehicles covered by Section 38.01 shall obey all traffic signs, signals and markers erected and maintained under this chapter.

**38.50 PENALTIES AND ENFORCEMENT.** (1) Penalties. The penalty for violation of any provision of Chapter 38 shall be a forfeiture as hereinafter provided, together with the costs of prosecution. Any person who shall fail to pay the amount of the forfeiture and the costs of prosecution may be imprisoned in the Grant County Jail until such forfeiture and costs are paid, not exceeding 90 days.

(2) Other Sanctions. Nothing herein shall prohibit the imposition of other sanctions provided by law.

(3) Forfeitures for Uniform Traffic Offenses. Except as provided herein, forfeitures for violations of any traffic regulations set forth in the Wisconsin Statutes and adopted by reference in Section 38.01 shall be levied and imposed in the same amount and in like manner as fines and forfeitures are imposed for violations of the comparable state statutes, including any variations or increases for subsequent offenses; provided, however, that where the Wisconsin Statutes provide a mandatory jail term or mandatory revocation or suspension of an operator's license, the forfeiture shall be the maximum money penalty which the Wisconsin Statutes provides for an identical offense. The penalty for a violation of Wisconsin Statutes Section 346.24(1), failure to yield to pedestrian/uncontrolled intersection, shall be a forfeiture of \$10.00 plus costs.

(4) Other Violations. Any person who shall violate any provision of this code for which a penalty is not established in subsection (1) or (2) shall be subject to a forfeiture of not less than \$30 nor more than \$500.

(5) Enforcement. The provisions of Chapter 38 shall be enforced as follows:

(a) Court Proceedings. Except as otherwise specifically provided by the laws of the State of Wisconsin or the provisions of this code, the traffic regulations in this code shall be enforced in the Circuit Court of Grant County in accordance with the provisions of Sections 66.12, 345.20(2)(a) and Chapter 299, Wisconsin Statutes.

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- (b) Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this code.
- (c) Uniform Municipal Citation. The Common Council shall establish a Uniform Citation for use in enforcing parking violations and other violations in this code not covered by Section 38.50.
- (d) Stipulation of Guilt or No Contest. Stipulation of guilt or no contest may be made by persons charged with violations of Chapter 38 of this code in accordance with Sections 66.12(1)(b), Wisconsin Statutes, whenever the provision of Section 345.27, Wisconsin Statutes, are inapplicable. Stipulations shall be in the form contained on the Uniform Traffic Citation and complaint under Section 345.11, Wisconsin Statutes, and the form contained on the Uniform Municipal Citation as set forth in Section 1.10 of this code. Stipulation may be accepted by the Platteville Police Department.
- (e) Deposits. Any person stipulating guilt or no contest under subsection (e) of this section must make the deposit required under Section 345.26, Wisconsin Statutes, or if the deposit is not established under such statute, shall deposit an amount provided in the schedule established by the Chief of Police and approved by the Common Council.
- (f) Notice of Demerit Points and Receipt. Every officer accepting a forfeiture or money deposit under this chapter shall receipt therefor in triplicate as provided in Section 345.26(3)(b), Wisconsin Statutes. Every officer accepting a stipulation of no contest under the provisions of this chapter shall comply with the provisions of Sections 343.27, 342.28, 343.26(1)(a) and 345.27(2), Wisconsin Statutes, and shall require the violator to sign a statement of notice in substantially the form contained on the Uniform Traffic Citation and Complaint promulgated under Section 345.11, Wisconsin Statutes, or in the case of Uniform Municipal Citations as provided in Section 1.10 of this code.
- (g) Forfeitures in Treasury. All deposits and forfeitures under this chapter shall be delivered to the Clerk of the Courts within 7 days after receipt. Any officer or employee authorized to accept deposits under Section 345.26, Wisconsin Statutes, or under this chapter shall qualify by taking the oath prescribed by Section 19.01, Wisconsin Statutes.
- (h) References to Statutes. Whenever this code incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the current Wisconsin Statutes and as from time to time amended, repealed or modified by the Wisconsin Legislature. General references in this code to Wisconsin Statutes, sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be

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deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authority.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 39, PARKING  
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## CHAPTER 39

### PARKING

**39.01 PARKING IN SIGNED AREA.** (1) When signs authorized by resolution of the Common Council are erected in any block or in any off street parking area giving notice of prohibiting or restricted parking, no person shall park a vehicle in such block or area contrary to the instructions of any such sign.

- (2) Section 346.505, Wisconsin Statutes, is hereby adopted by reference as though fully set forth herein.
- (3) Section 346.53(3), Wisconsin Statutes, is hereby adopted by reference as though fully set forth herein.

**39.02 NIGHT PARKING.** (1) No Parking 3:00 a.m. to 6:00 a.m. – Business District. Unless otherwise posted, between 3:00 a.m. and 6:00 a.m., no person shall park a vehicle or allow a vehicle to remain parked on any City street within the area bounded by the following streets: Water Street on the east, Pine Street on the south, Elm Street on the west and Furnace Street on the north, including on either side of said streets forming the boundaries of said area.

- (2) No Parking 2:00 a.m. to 6:00 a.m. – Other Streets. Unless otherwise posted, between 2:00 a.m. and 6:00 a.m. on and between November 15 and April 1 of each year, no person shall park a vehicle or allow a vehicle to remain parked on any of the following streets:

On Water Street between Highway 151 and north City limits;

On Second Street between Furnace Street and Sylvia Street;

On Main Street between Broadway and the west City limits;

On Sylvia Street between Fourth Street and Second Street;

On Mineral Street between Water Street and the east City limits;

On Fourth Street between Furnace Street and Sylvia Street;

On Broadway between Main Street and the City limits on the northerly end;

On Chestnut Street between Furnace Street and Adams Street;

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On Adams Street between Chestnut Street and Short Street;

On Lancaster Street between Adams Street and north City limits;

On Elm Street between Adams Street and Ridge Avenue;

On Pine Street between Jay Street and Elm Street;

On South Chestnut Street between the southerly City limits and Pine Street;

On Southwest Road between Court Street and South Chestnut Street;

On Court Street between Pine Street and Southwest Road.

- (3) Exceptions. The foregoing regulations notwithstanding, permission may be granted for occasional out-of-town guests at private homes to park their vehicles on such streets by calling the Platteville Police Department and identifying their vehicle, the location where it will be parked and the date when it will be parked. Such permission shall not be granted for more than four consecutive days.
- (4) Alternate Side Parking. In addition to the foregoing regulations and restrictions from 2:00 a.m. to 6:00 a.m. on and between November 15 and April 1 of each year there shall be no parking only on alternate sides of all streets not listed above on which parking on both sides would otherwise be allowed with parking on such streets during such period to be only on the sides which have even numbered house numbers on even days and on the sides which have odd numbered house numbers on the odd days of each month. The foregoing notwithstanding, the following streets shall be exempt from the alternate side parking rules set forth herein: University Plaza, Greenwood Avenue between Longhorn Drive and the West end, and on College Drive from Greenwood Avenue to Sunset Drive, unless a "Snow Emergency for Parking" is declared by the University of Wisconsin, Platteville.
- (5) Cul-de-sac Parking. In addition to the foregoing regulations and restrictions, from 2:00 a.m. to 6:00 a.m. on and between November 15 and April 1 of each year there shall be no parking on any cul-de-sac in the City of Platteville.

**39.03 VEHICLES PARKED ON PRIVATE PROPERTY.** In addition to any and all other penalties provided in this chapter for a violation of Section 346.55(3), Wisconsin Statutes, which is adopted by reference in Section 38.01, whenever such section is violated, the police may have the vehicle which is parked in violation of such section towed away and impounded and the cost of such towing and impounding shall be paid by the owner of the vehicle. Further, such vehicle may be impounded until such towing and impounding costs have been paid. However, no vehicle parked in violation of Section 346.55(3), Wisconsin



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Statutes, may be towed or impounded except upon written complaint of the owner or lessee of the property upon which such vehicle is parked.

**39.04 MAXIMUM PARKING TIME.** In all cases where no other shorter limitation shall apply, the maximum time limit for parking vehicles on any street in the City is 48 hours.

**39.05 DIAGONAL PARKING.** Vehicles shall be parked diagonally to the curb at those places on streets within the City which are designated by lines placed diagonal to the curb by the City through its proper officials or employees, such parking to be at the angle to the curb indicated by said lines. No vehicle exceeding 20 feet in length shall be parked diagonally on any street but shall be parked parallel to the curb and at places other than those designated for diagonal parking.

**39.06 PARKING IN SPACES DESIGNATED.** The Director of Public Works may have markings painted or placed upon the curb and/or upon the street adjacent to each parking space or parking area for the purpose of designating parking space or spaces to be used by the public. It shall be unlawful and a violation of this chapter to park any vehicle across such line.

**39.07 LIMITED TIME PARKING.** Specific time limits for parking on certain streets, street locations and municipal parking lots shall be established by the Common Council and noted on the Official Traffic Map and posted on the street, street location or lot.

**39.08 RESTRICTED PARKING OF TRUCKS ON CITY STREETS.** No person, firm, or corporation shall cause a commercial or freight carrying semi-truck or its tractor or trailer separately or a commercial or freight carrying straight-truck longer than 24 feet to be parked on any street in the City of Platteville from 10:00 p.m. to 6:00 a.m., or more than six hours during any other time.

**39.09 TEMPORARY PARKING RESTRICTIONS.** The Chief of Police is hereby authorized to temporarily restrict or prohibit parking in any of the parking zones where new construction, remodeling, alterations, equipment loading or unloading operations or other work is in progress, making it necessary that access be maintained at such place. Such temporarily restricted parking areas shall be plainly marked as a no parking zone for other vehicles. All applications therefor shall be made to the Chief of Police who is authorized to act upon same.

**39.10 LOADING ZONE.** Loading zones shall be as established from time to time by the Common Council. The Common Council shall take into consideration the degree of

necessity therefor as affected by the proposed use thereof, possible alternative measures such as use of private off-street parking, the extent to which same may be made available for use by more than one person or establishment, and the degree of inconvenience caused the public by same. All such zones shall be plainly marked as such and all persons are hereby prohibited from making improper use thereof.

**39.11 MISCELLANEOUS.** (1) Street Maintenance. Whenever it is necessary to clean or repair a street or any part thereof in the City, the City of Platteville Street Department shall post such streets or parts thereof with signs bearing the words "No Parking". Such signs shall be erected at least 24 hours prior to the time maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

(2) Parking in Driveways. No person shall park or leave standing any motor vehicle in or across any private driveway without permission of the owner or lessee of the property upon which such driveway is located.

(3) Snow Emergency Parking Restrictions. Whenever the City Manager shall, by reason of a heavy snowstorm, blizzard or other natural condition, proclaim a snow emergency; pursuant to Section 66.325, Wisconsin Statutes, or a City of Platteville ordinance, no person shall park, stop, or leave standing any vehicle upon the streets or any portions of the streets during the hours when such snow emergency is in effect.

**39.12 REMOVAL OF ILLEGALLY PARKED VEHICLES.** Any vehicle parked or left standing upon a highway, street, alley or other public grounds in violation of any City ordinance is hereby declared to be a public nuisance and a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of a police officer, Platteville Community Service Officers, and the Director of Public Works or his/her designee(s), to a position where parking, stopping or standing is not prohibited. Any police officer, Platteville Community Service Officers, and the Director of Public Works or his/her designee(s), after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this code, is authorized to remove such vehicle to a position where parking is not prohibited and may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer, or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle at his own facility or at a City provided facility. A storage fee in an amount as set from time to time by a resolution of the Common Council shall be charged if impounded on City property. The City shall pay the towing charge and the owner or operator of the vehicle shall pay the City for the cost of towing and impounding, if impounded on City property, and such fees, charges, and costs shall be added to the amount of the penalty set forth in Section 39.50 of this code, except that during snow emergencies no towing fee shall be charged or assessed against the owner of any vehicle removed under the emergency powers granted by Section 39.11(3) of this code.

If a vehicle has been impounded by the City and is not claimed by the owner within 48 hours, it shall be deemed an abandoned vehicle and the procedures set forth in Section 39.14 shall apply.

**39.13 REGISTRATION RECORD OF VEHICLES AS EVIDENCE.** When any vehicle is found upon a street or highway in violation of any provision of any City ordinance regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation or a comparable authority of any other state, shall be subject to the penalties provided in the chapter.

**39.14 ABANDONED VEHICLES.** (1) Abandonment of Vehicles Prohibited. No person shall leave or park any vehicle within the City for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

- (2) Definition. As used in this section "vehicle" means a motor vehicle, trailer, semi-trailer or mobile home as defined in Section 38.01 of this code, whether or not such vehicle is registered under Chapter 341, Wisconsin Statutes.
- (3) Presumption of Abandonment. Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance, provided that the vehicle shall not be deemed abandoned under this section if left on private property out of public view and with permission of the owner or lessee.
- (4) Exceptions. This section shall not apply to a vehicle in an enclosed building, or a vehicle in an appropriate storage or depository maintained in a lawful place and manner authorized by the City.
- (5) Removal and Impoundment for Sale. Any vehicle found abandoned in violation of this section shall be impounded by the Police Department until lawfully claimed or disposed of as provided by law.
- (6) Minimum Impoundment Period Before Sale. The minimum period of impoundment before a vehicle may be disposed of shall be 30 days.
- (7) Notice to Owner. The officer removing or causing the removal of any vehicle in violation of this section shall immediately notify the Chief of Police of the abandonment and location of the impounded vehicle and shall within 10 days thereafter notify the owner and lienholders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in Section 342.40(3), Wisconsin Statutes, and shall state that the failure of the owners or lienholders to exercise their rights to reclaim the vehicle

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shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

- (8) Sale. Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bids or auction sale as provided in Section 342.40(3), Wisconsin Statutes, or in such other manner as the Common Council shall direct.
- (9) Sale to Bar Claims Against Vehicle. The sale of a motor vehicle under the provisions of this section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.
- (10) Purchaser to Remove Vehicle. The purchaser of any vehicle on sealed bid or auction sale under subsection (7) shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee for each day the vehicle has remained in storage after the second business day subsequent to the sale date. The storage fee shall be in an amount as set from time to time by a resolution of the Common Council. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.
- (11) Notice to Department. Within 5 days after sale or disposition of a vehicle under this section, the Chief of Police shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.
- (12) Request for List. Any listing of vehicles to be sold pursuant to this section shall be made available by the City Clerk to any interested person or organization who makes a request for such list.
- (13) Exemption. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place, not otherwise regulated as a restricted parking, stopping or standing zone, shall, within 12 hours of such occurrence, notify the Police Department of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the City together with a fee to offset the cost of towing and junking charges and shall be exempt from the provision of this ordinance. The fee shall be in an amount as set from time to time by a resolution of the Common Council.

**39.15 PROCESSING OF UNPAID PARKING CITATIONS AND COLLECTION OF UNPAID FORFEITURES AND COSTS.** (1) The City of Platteville hereby elects to participate in the State of Wisconsin Traffic Violation and Registration Program as set forth in State Statutes and Chapter TRANS 128, Wisconsin Administrative Code. The City will abide by all established rules related to this program.

- (2) Designation of Local Authority. The Chief of Police of the City of Platteville is hereby designated the local authority for purposes of administering this program

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and submitting to the Wisconsin Department of Transportation all notices, correspondence, and remittances.

- (3) Procedure not Exclusive. Nothing in this section shall prevent the City of Platteville from enforcing its parking regulations and from collecting forfeitures for the violation of parking regulations in any other manner provided by law and the procedures set forth herein and the City's participation in the Traffic Violation and Registration Program shall not be deemed to be the exclusive method by which the City may enforce its traffic regulations and collect forfeitures for violations of such regulations.

**39.16 PARKING OF JUNKED OR UNLICENSED VEHICLES PROHIBITED.** No person shall park any junked or unlicensed vehicle on any public highway located within the city limits of the City of Platteville. A vehicle shall be considered junked if it is inoperable for a consecutive period of 30 days. A vehicle which is not in compliance with Wisconsin Administrative Rules for Motor Vehicle Equipment (MVD 5) is not in operable condition. A vehicle which is not licensed for the current license year shall be considered unlicensed.

**39.20 PERMIT PARKING REGULATIONS.** The following areas of the City of Platteville are subject to regulations restricting parking as set forth below. In addition to all other restrictions set forth in Chapter 39, the following restrictions on parking motor vehicles apply.

- (1) Permit Parking Only. The following are street locations whereby parking is only permitted with a parking permit issued by the City of Platteville:
  - (a) Staley Avenue, from Richard Street to Harrison Avenue.
  - (b) West side of Straw Avenue from Richard Street to Harrison Avenue.
  - (c) South side of Division Street from S. Chestnut Street to S. Hickory Street.
  - (d) South side of Southwest Road from S. Court Street to Jay Street, except that portion bordering 340 S. Chestnut Street and 625 Southwest Road.
  - (e) S. Chestnut Street from Harrison Avenue to Southwest Road, except that portion bordering 340 S. Chestnut Street.
  - (f) North side of Harrison Avenue from S. Chestnut to east end of street.
  - (g) South side of Harrison Avenue from S. Chestnut to Straw Avenue and again from S. Court Street to east end of street.
  - (h) East side of S. Court Street from south end of street to Mitchell Avenue, except that portion bordering Sherman Park.

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- (i) West side of S. Court Street from Harrison Avenue to Mitchell Avenue.
  - (j) East side of Bradford Street from Irene Street to W. Pine Street.
  - (k) North side of Irene Street from Hickory Street to Bradford Street.
  - (l) Gridley Street from S. Court Street east to Rountree Avenue.
  - (m) Alden Avenue from Rountree east to Campbell Avenue.
  - (n) Bayley Avenue from Alden Avenue north to Mitchell Avenue and south on the east side of the street from Alden Avenue to S. Court Street.
  - (o) Repealed.
  - (p) Repealed.
  - (q) East side of Hickory Street from Division Street south to Gridley Avenue.
  - (r) South side of Irene Street from Jay Street to Hickory Street.
  - (s) West side of S. Chestnut Street from Harrison Avenue to Gridley Avenue.
  - (t) West side of Jay Street from Championship Drive to Southwest Road.
  - (u) Sunset Drive.
- (2) 2 Hour Parking from 6 AM to 6 PM Monday thru Friday or Permit Parking Only
- (a) South side of Southwest Road from Pioneer Road to 450 feet south of Longhorn Drive.
  - (b) North side of Southwest Road from Markee Avenue 1,000 feet west.
  - (c) South side of Gridley Avenue from Hickory Street to Chestnut Street.
  - (d) West side of Hickory Street from Gridley Avenue to Southwest Road.
  - (e) Gridley Avenue from S. Chestnut Street to Straw Avenue.
  - (f) Rountree Avenue from Alden Avenue to Mitchell Avenue.
  - (g) South side of Mitchell Avenue from South Court Street to Rountree Avenue.
  - (h) Gridley Avenue from Rountree Avenue east to end of street.

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- (i) Pioneer Road from Southwest Road to Vinegar Hill Road
- (3) 15 Minute Parking from 6 AM to 6 PM Monday thru Friday or Permit Parking Only
  - (a) South side of Carlisle Street from S. Chestnut Street to S. Court Street.
  - (b) Richard Street from S. Chestnut Street to Straw Avenue.
  - (c) All parking areas bordering 340 S. Chestnut Street.
- (4) Parking by University of Wisconsin – Platteville (UWP) Permit Only. The following are street locations whereby parking is only permitted between the hours of 8 AM to 4 PM and 2 AM to 6 AM, Monday through Friday, by permit issued by the UWP:
  - (a) College Drive from Greenwood Avenue to Sunset Drive
  - (b) University Plaza
  - (c) Greenwood Avenue

The UWP shall produce and sell such permits, shall establish the price for such permits and shall be responsible for enforcement of such restrictions.

**39.21 PARKING PERMITS.** In order to legally park motor vehicles at the locations set forth in Section 39.20 beyond the time period specified in 39.20(2) or (3), a parking permit is required.

- (1) Number of Permits. Annual resident parking permits shall be limited to two permits for each single family, duplex, or triplex residential dwelling unit located on a street that has restricted “permit parking only” designations identified in Section 39.20.

Owner occupied dwelling units may apply for an additional parking permit annually for each licensed driver, up to a total of two additional permits.

Businesses located on commercially zoned property and in an area of restricted parking set forth in Section 39.20 are permitted to receive up to four parking permits to accommodate employees or guests of their business.

- (2) Guest/Visitor Parking. Any resident of a dwelling unit located within a restricted “permit parking only” designated area identified in Section 39.20 shall be permitted to call in the license plate number, color, and vehicle model of any visitor’s vehicle for overnight parking. Guest/Visitor parking shall be restricted to no more than three (3) consecutive nights per vehicle with a total of not more than twelve (12) times per permit year (June 1 to May 31).

## CHAPTER 39 Parking

Property landlords shall be allotted one permit for property maintenance reasons.

- (3) Use of Resident Permit. A resident of a dwelling unit may allow another resident of the same dwelling unit to use the resident parking permit. No person issued a resident parking permit may sell or allow an unauthorized person to use a resident parking permit.
- (4) Validity. Each annual parking permit shall be valid for one year beginning on June 1, and expiring on May 31. Annual parking passes must be numbered sequentially in a tamperproof manner and the Police Department shall maintain a parking permit database that includes name and address of the permit owner.

Daily parking passes will be available in certain situations as set by City policy and shall be valid for one 24 hour period, signified by the date on the parking pass.

**39.50 PENALTIES AND ENFORCEMENT.** (1) Penalties. The penalty for violation of any provision of Chapter 39 shall be a forfeiture as hereinafter provided, together with the costs of prosecution. Any person who shall fail to pay the amount of the forfeiture and the costs of prosecution may be imprisoned in the Grant County Jail until such forfeiture and costs are paid, not exceeding 90 days.

- (2) Other Sanctions. Nothing herein shall prohibit the imposition of other sanctions provided by law.
- (3) Forfeitures for Parking Violations.
  - (a) Forfeiture for Overtime Parking. Forfeitures for violation of the provisions of Section 39.07 shall be:

Upon issuance of a parking citation, \$20.

Upon issuance of the first warning letter, which will be sent no later than 10 days after the parking citation was issued, \$20.

Upon issuance of a second warning letter, which will be sent no sooner than 10 days after the first warning letter is issued, \$30.

Upon notification to the State Department of Transportation of an unpaid parking citation after the first and second notices are sent, but no sooner than 28 days after issuance of the parking citation, \$30 plus the processing fees charged by the State of Wisconsin.

Maximum forfeiture, \$50.



## CHAPTER 39 Parking

- (b) Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses and Other Parking Violations. Forfeitures for violation of the offenses described in Sections 346.51 to 346.55, Wisconsin Statutes, excluding violations of Section 346.53(3), adopted by reference in Section 38.01 and Chapter 39 of the City of Platteville Ordinances shall be:

Upon issuance of a parking citation, \$20.

Upon issuance of the first warning letter, which will be sent no sooner than 10 days after the parking citation was issued, \$20.

Upon issuance of the second warning letter, which will be sent no sooner than 10 days after the first warning letter is issued, \$30.

Upon notification to the Department of Transportation of an unpaid parking citation after the first and second notices are sent, but no sooner than 28 days after the issuance of the parking citation, \$30 plus the processing fees charged by the State of Wisconsin.

Maximum forfeiture, \$200.

- (c) Forfeiture for violations of the provisions of Section 39.01(2) and for "Snow Emergency for Parking" declared under 39.02(1)(d) shall be:

Upon issuance of a parking citation, \$50.

Upon issuance of the first warning letter, which shall be sent no later than 10 days after the parking citation was issued, \$50.

Upon issuance of the second warning letter, which will be sent no sooner than 10 days after the first warning letter is issued, \$75.

Upon notification to the State Department of Transportation of an unpaid parking citation after the first and second notices are sent, but no sooner than 28 days after issuance of the parking citation, \$75 plus the processing fees charged by the State of Wisconsin.

Maximum forfeiture, \$200.

- (d) Forfeiture for violations of the provisions of Section 39.01(3) shall be:

Upon issuance of a parking citation, \$50.

Upon issuance of the first warning letter, which will be sent no later than 10 days after the parking citation was issued, \$50.

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Upon issuance of the second warning letter, which will be sent no sooner than 10 days after the first warning letter is issued, \$75.

Upon notification to the State Department of Transportation of an unpaid parking citation after the first and second notices are sent, but no sooner than 28 days after issuance of the parking citation, \$75 plus the processing fees charged by the State of Wisconsin.

Maximum forfeiture, \$200.

- (e) Forfeiture for violations of the provisions of Section 39.16 shall be:

Offenses Within One Year:		
1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
\$100	\$175	\$300

- (f) Forfeiture for violations of Section 39.20 and 39.21 shall be:

1 <sup>st</sup> Offense	Subsequent Offenses
\$50	\$50 + towing expenses

- (g) Forfeiture for selling or permitting the unauthorized use of a resident parking permit shall be \$150 and the confiscation of the parking permit by the City.

- (4) Enforcement. The provisions of Chapter 39 shall be enforced as follows:

- (a) Court Proceedings. Except as otherwise specifically provided by the laws of the State of Wisconsin or the provisions of this code, the traffic regulations in this code shall be enforced in the Circuit Court of Grant County in accordance with the provisions of Sections 66.0113, 345.20(2)(a) and Chapter 799, Wisconsin Statutes.
- (b) Parking Citations. Citations for parking violations shall be in such form as the Common Council shall direct and shall be used for enforcement of non-moving traffic regulations. Such citation shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with the provisions of Section 39.50 of this code. Parking citations may be issued by Platteville Police Officers, Platteville Community Service Officers, and the Director of Public Works or his/her designee(s). However, the parking citation shall not be used as a complaint in any court action. In the event of non-payment of a parking citation, the Platteville Police Department shall make a reasonable attempt to notify the owner of the vehicle that there exists an outstanding parking citation. In the event of non-payment of the penalty indicated, the provisions of Section 39.15(1) shall be followed.

## CHAPTER 39 Parking

- (c) Uniform Municipal Citation. The Common Council shall establish a Uniform Municipal Citation for use in enforcing parking violations and other violations in this code.
- (d) References to Statutes. Whenever this code incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1977 and as from time to time amended, repealed or modified by the Wisconsin Legislature. General reference in this code to Wisconsin Statutes, sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authority.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 41  
OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS  
DISORDERLY CONDUCT  
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## CHAPTER 41

### OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS DISORDERLY CONDUCT

#### 41.01 OFFENSES ENDANGERING PUBLIC SAFETY. (1) Discharge and Use of Dangerous Weapon.

- (a) Discharge. No person shall discharge or cause the discharge of any missile from any firearm, air rifle, "BB" gun, spring gun, slingshot, other dangerous apparatus, device, or weapon within the City of Platteville, except in compliance with the provisions of this section. This subsection does not apply and may not be enforced if the person's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stat. Section 939.45.
  - (b) Use. No person shall have in his or her possession within the City of Platteville, except in such person's home or place of business or as authorized by this section, any loaded air rifle, "BB" gun, activated spring gun, loaded slingshot, or any other loaded dangerous apparatus, device or weapon. This subsection shall not be construed to allow the regulation of firearms by the City under circumstances where municipal authority is limited by Wisconsin Statutes Section 66.0409, or to prohibit the carrying of a concealed weapon authorized under Wis. Stat. Section 175.60.
  - (c) Confiscation of Weapons. Any loaded air rifle, "BB" gun, activated spring gun, loaded slingshot, or any other loaded dangerous apparatus, device, or weapon found in the possession of a person in the City of Platteville in violation of the provisions of this section, or any firearm, air rifle, "BB" gun, spring gun, slingshot, or other dangerous apparatus, device or weapon discharged within the City of Platteville in violation of the provisions of this section may be seized by a Police Officer and held, subject to an order for disposition by the court. The court may direct a sale at the highest available price or may order the Police Department to hold the weapon for a period not to exceed 6 months. This subsection shall not be construed to allow the regulation of firearms by the City under circumstances where municipal authority is limited by Wisconsin Statutes Section 66.0409, or the seizure of a concealed weapon authorized under Wis. Stat. Section 175.60.
- (2) Throwing or Shooting of Arrows, Stones or Other Missiles. No person shall throw or shoot any object, arrow, stone, snowball, incendiary or explosive device or any other missile or projectile of a similar nature by hand or by any other means at any person or at or into any building or motor vehicle in the City of Platteville. No

## Chapter 41 Offenses Against Public Peace, Safety and Morals; Disorderly Conduct

person shall manufacture, fabricate, carry, possess, sell, give or use any type of incendiary or explosive device or other device of similar nature within the city.

- (3) Sale and Discharge of Fireworks Restricted. (a) State Law Adopted. Section 167.10, Wisconsin Statutes, regulating the sale and use of fireworks, exclusive of any penalty imposed therein, is hereby adopted by reference and made a part of this code as though fully set forth herein except as changed or varied by paragraph (b).
- (b) Fireworks Permits. Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open areas by public authorities, fair associations, amusement parks, park boards, civic organizations and other local groups when a permit for such use has been granted by the Common Council. All applications shall be referred to the Fire Chief and Police Chief for investigation and report to the Common Council. No permit shall be granted unless the Common Council determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of lives and property, and that the display will be handled by a competent licensed operator and conducted in a safe and suitable place. An indemnity bond guaranteeing compensation for any damage covered by negligence of the licensee may also be required by the Common Council.
- (4) Firearms and Dangerous Weapons in Public Buildings. (a) Pursuant to Wis. Stats. Section 943.13(1m)(c)4., no person shall enter or remain in any part of a building owned, occupied or controlled by the City of Platteville if the City of Platteville has notified the person not to enter or remain in the building while carrying a firearm or a specific type of firearm. No person shall enter or remain in any part of a building owned, occupied or controlled by the City of Platteville while carrying any other dangerous weapon.
- (b) The City Manager shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the City of Platteville providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.
- (c) Nothing in this subsection shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building. Notwithstanding Wis. Stats. Section 939.22(22), for purposes of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden.

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- (d) Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. Section 941.23 or 941.235.
- (5) Misuse of 911 Emergency Services Number. (a) No person shall dial the telephone number "911" to report a situation or circumstance which is not, in fact an emergency situation or circumstance.
  - (b) No person shall intentionally dial the telephone number "911" to report an emergency, knowing that the fact situation when he or she reports does not exist.

**41.02 OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER. (1)**  
Disorderly Conduct Prohibited. No person shall within the city:

- (a) In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.
  - (b) Intentionally cause, provoke, or engage in any fight, brawl, riot, or noisy altercation other than bona fide athletic contests;
  - (c) Use any weapon in such a manner as to frighten any person or otherwise disturb the peace and good order of the city. Unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, no person may be in violation of, or be charged with a violation of this Section relating to disorderly conduct or other inappropriate behavior for loading, carrying, or going armed with a firearm that is a handgun as defined in Wis. Stat. Section 175.60(1)(bm), without regard to whether the firearm is loaded or is concealed or openly carried.
  - (d) Congregate with others on a public street, sidewalk, or other public place in such a manner as to interfere with or annoy others.
- (2) Loud and Unnecessary Noise Prohibited. No person shall make or cause to be made any loud sounds or noises which tend to annoy or disturb another in any public or private place.
  - (3) Obstructing Firemen and Policemen and Obedience to Officers. No person shall loiter, obstruct or otherwise interfere with members of the Platteville Fire or Police Department who are engaged in fighting a fire or traveling to or from a fire or while they are performing any other official duty or function.

## CHAPTER 41 Offenses Against Public Peace, Safety and Morals; Disorderly Conduct

### (4) Public Intoxication Prohibited.

- (a) **Statement of Purpose.** In compliance with Wisconsin Statutes, Chapter 51, and as allowed under 62.11(5), this ordinance is intended to provide for the safety, welfare and health of the public. Public intoxication makes a person vulnerable to injury, robbery, assault, and a number of other issues. This ordinance is intended to address the behavior of the individual, rather than his or her blood alcohol content level, thus encouraging responsible behavior while consuming alcohol, providing benefit to both the individual and the public.
- (b) **Definitions:**
- (1) **INCAPACITATED PERSON.** A person that, as the result of the use of alcohol, drugs, or another controlled substance, is unconscious or whose judgment is so impaired that he or she is incapable of making rational decisions, as evidenced objectively by indicators including, but not limited to, extreme physical debilitation, incoherence or physical harm or threats of harm to himself or herself or to any other person or to property.
  - (2) **INTOXICATED PERSON.** A person whose mental or physical functioning is substantially impaired as a result of the use of alcohol, drugs or another controlled substance.
  - (3) **PUBLIC NUISANCE.** Conduct by an individual that is a disturbance of the peace, including, but not limited to, endangering himself or herself or other persons or property, acting in an unruly or combative manner, creating loud noises to the disturbance of other persons, refusing to follow the instructions of a police officer, refusing to follow the instructions to leave a place of business by the owner, employee or other person in charge thereof, or otherwise disturbing the peace in any public place.
  - (4) **PUBLIC PLACE.** A place to which the public has access, and includes, but is not limited to, places owned or controlled by the city, county or state, any public street, highway, sidewalk, parking lot, alley, parks, schools, places of worship and places of business. Places of business include premises open to the public where alcohol is consumed, including a licensed alcohol establishment.
- (c) **Intoxication in Public Places Prohibited.** No person in a public place shall conduct him or herself in such a manner as to become an intoxicated or incapacitated person and to create a public nuisance.



**41.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY. (1) Curfew.**

(a) No person under the age of 17 years shall be away from his or her home between the hours of 10:00 p.m. and 5:00 a.m., Sunday through Thursday during the school year, vacation periods excepted, and between the hours of midnight and 5:00 a.m. on all other days unaccompanied by a parent or without equivalent adult supervision, subject to certain enumerated defenses. A parent or guardian commits an offense by knowingly permitting, or through insufficient control, allowing the minor to violate this curfew. Owners, operators, or employees of public establishments also violate the curfew by knowingly allowing a minor to remain on the premises, unless the minor has refused to leave and the owner or operator has so notified the police. This ordinance is not violated if the minor is:

1. Accompanied by the minor's parent or guardian or any other person 18 years or older authorized by a parent to be a caretaker for the minor;
2. On an errand at the direction of the minor's parent, guardian, or caretakers, without any detour or stop;
3. In a vehicle involved in interstate travel;
4. Engaged in certain employment activity, or going to or from employment, without any detour or stop;
5. Involved in an emergency;
6. On the sidewalk that abuts the minor's or the next-door neighbor's residence, if the neighbor has not complained to the police;
7. In attendance at an official school, religious, or other recreational activity sponsored by the City of Platteville, a civic organization, or another similar entity that takes responsibility for the minor, or going to or from, without any detour or stop, such an activity sponsored by adults; or
8. Exercising First Amendment rights, including free exercise of religion, freedom of speech, and the right of assembly.

If, after questioning an apparent offender to determine his or her age and reason for being in a public place, a police officer responsibly believes that an offense has occurred under the curfew law and that no defense exists, the minor will be detained by the police as provided in subsection (b).

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- (b) Detaining Juvenile. Every member of the police force, while on duty, may detain any such juvenile willfully violating the provision of paragraph (a) until the juvenile can be released as provided in Wisconsin Statute 938.20.
- (2) Urinating/Defecating in Public Prohibited. It shall be unlawful for any person to urinate or defecate on private property in view of, or where they could be viewed by, the public, or on any sidewalk, street, alley, parking lot, playground, cemetery or other public area, except in a sanitary facility designated for that purpose

**41.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY.** (1) Trespass. No person shall commit any trespass upon the property of another or injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to another without the other's consent.

- (2) Littering. No person shall place or deposit any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other public lands or upon any private property not owned by him or upon the surface of any body of water within the City of Platteville.
- (3) Use of Public Parks. (a) Sleeping, camping or lodging in parks overnight is prohibited except by permit.
  - (b) All parks and parkways shall be closed each day between the hours of 10:30 p.m. and 5:00 a.m. and persons may not remain or loiter therein during said hours except by permit, license or in conjunction with an approved Recreation Department activity.
  - (c) All permits for camping or specific park uses shall be issued by a duly authorized employee of the City of Platteville and shall be subject to such rules and regulations as the Park Board or Common Council shall enact.
  - (d) No person shall operate any motor vehicle or motorized conveyance in any park or parkway except on roads or roadways provided for such purposes.
  - (e) No glass beverage containers are allowed in any park.

**41.05 WISCONSIN STATUTES ADOPTED.** The following sections of Wisconsin Statutes are hereby adopted by reference as though fully set forth herein, except that any penalties and penalty sections are not adopted. To ensure uniformity between City of Platteville ordinances and State of Wisconsin Statutes, any future amendments, revisions or modifications of the statutes incorporated herein are hereby made a part of this chapter.

- (1) through (11) revoked
- (12) Section 118.15 Compulsory School Attendance

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- (13) Section 175.60(2g) (b) or (c) Possession and Display of Concealed Carry License
- (14) Section 175.60(11) (b) 1. Failure to Notify Department of Address Change
- (15) 343.30(6a) Suspension and Revocation by The Courts
- (16) 940.19(1) Battery
- (17) 941.01 Negligent Operation of a Vehicle
- (18) 941.03 Highway Obstruction
- (19) 941.10 Negligent Handling of Burning Material
- (20) 941.12 Interfering with Fire Fighting
- (21) 941.13 False Alarms
- (22) 941.20(1) & (3) Reckless Use of Weapons
- (23) 941.23 Carrying Concealed Weapon
- (24) 941.24 Possession of Switchblade Knife
- (25) 941.35 Emergency Telephone Calls
- (26) 943.01 Criminal Damage to Property
- (27) 943.11 Entry to Locked Vehicles
- (28) 943.13 Criminal Trespass to Land
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- (30) 943.20(1), (2), and (4) Theft to Property
- (31) 943.21 Fraud on Hotel or Restaurant Keeper
- (32) 943.22 Use of Cheating Tokens
- (33) 943.24 Issue of Worthless Check
- (34) 943.41 Financial Transaction Card Crimes
- (35) 943.45 Obtaining Telecommunications Service by Fraud
- (36) 943.50 Retail Theft
- (37) 943.61 Theft of Library Materials
- (38) 944.20 Lewd and Lascivious Behavior
- (39) 944.21 Lewd, Obscene or Indecent Matter, Pictures and Performances
- (40) 944.23 Making Lewd, Obscene or Indecent Drawings
- (41) 946.40 Refusing to Aid Officer
- (42) 946.41 Resisting or Obstructing Officer
- (43) 946.42 Escape

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- (44) 946.70 Personating Peace Officers
- (45) 947.012 Unlawful Use of Telephone
- (46) 947.0125 Unlawful Use of Computerized Communication Systems
- (47) 947.013 Harassment
- (48) 947.015 Bomb Scares
- (49) 947.02 Vagrancy
- (50) 947.04 Drinking in Common Carrier
- (51) 947.06 Unlawful Assemblies and Their Suppression
- (52) 951.02 Mistreating Animals
- (53) 254.92 Purchase or Possession of Tobacco Products Prohibited
- (54) 968.075(5) Contact Prohibition
- (55) 101.123 Smoking Prohibited

**41.06 PARTIES TO ORDINANCE VIOLATIONS.** (1) Whoever is concerned in the commission of an ordinance violation is a principal and may be charged with and convicted of the Commission of the ordinance violation although not directly committing it even though the person who directly committed it has not been convicted or has been convicted of some other ordinance violation based on the same act.

- (2) A person is concerned in the commission of an ordinance violation if he:
  - (a) Directly commits the ordinance violation; or
  - (b) Intentionally aids and abets the commission of it; or
  - (c) Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other ordinance violation which is committed in the pursuance of the intended ordinance violation and which under the circumstances is a natural and probable consequence of the intended ordinance violation. This paragraph does not apply to a person who voluntarily changes his mind and no longer desires that the ordinance violation be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the ordinance violation so as to allow the others also to withdraw.
- (3) This section only applies to ordinance violations described in Chapter 41 of this code.

## CHAPTER 41 Offenses Against Public Peace, Safety and Morals; Disorderly Conduct

**41.07 PARADES.** (1) Definitions. A parade as used herein is an assembly or procession of vehicles, person on the streets, ways or other public grounds of the City of Platteville for the purpose of assembling or proceeding thereon in such manner as to conduct a show, pageant or other display or to otherwise attract undue or unusual public attention.

(2) Permit Required. No person shall participate in or conduct any parade as herein defined unless and until a permit therefor shall have been issued by the Common Council.

(a) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(3) Application. A person seeking issuance of a parade permit shall file a written application with the City Clerk.

(a) Filing Date. A written application for a parade permit shall be filed with the City Clerk not less than 30 days prior to the date on which it is proposed to conduct the parade.

(b) Contents. The application for the parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct the parade.
2. If a parade is proposed to be conducted for, on behalf of, or by any organization, the name, address, and telephone number of the headquarters of the organization and of the authorized agent of such organization.
3. The address and telephone number of the person who will be the parade chairman and of all persons who will be in charge of and responsible for its conduct.
4. The date on which the parade is to be conducted.
5. The starting point, the route to be traveled, and the termination point.
6. The approximate number of persons, animals and vehicles which will be in the parade; the type of animals and a description of vehicles, signs, banners, and flags.
7. The hours when the parade will start and terminate.

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8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
  9. The location by streets of any assembly area for the parade.
  10. The time at which units of the parade will begin to assemble at any such assembly area or areas.
  11. The interval of space to be maintained between units of the parade.
  12. If the parade is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the City Clerk a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
  13. Any additional information which the Common Council shall find is reasonably necessary for it to make determination regarding issuance of the permit.
- (c) Fee. There shall be paid, at the time of filing the application for a parade permit, a fee as established by the Common Council and amended from time to time via resolution. The Common Council shall have the authority to waive the fee upon request of this person applying for the permit.
- (4) Standards for Issuance. The Common Council shall direct the City Clerk to issue a parade permit if:
- (a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
  - (b) The conduct of the parade will not require the diversion of so great a number of police officers of the city that other police functions are substantially interfered with;
  - (c) The concentrations of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly area;
  - (d) The conduct of such parade will not interfere with the movement of fire fighting or rescue equipment enroute to a fire or disaster;
  - (e) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create disturbances;

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- (f) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without reasonable delay;
  - (g) The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held purely for private profit;
  - (h) No other parade permit has been issued for conducting any other parade at the same time within the city.
  - (i) The applicant has, or will have in effect at the time of the parade, sufficient public liability insurance to indemnify all persons likely to be damaged by such parade.
- (5) Notice of Rejection. The Common Council shall act upon the application for a parade permit within 30 days after the filing thereof. If the Common Council denies the application, it shall direct the City Clerk to mail to the applicant within 3 days after the date upon which the application was denied a notice stating the reasons for denial of the permit.
- (6) Alternative Permit. The Common Council in denying an application for a parade permit, may authorize the conduct of the parade on a date or at a time, or over a route, different from that named by the applicant and may place other restrictions on the conduct of the parade. An applicant desiring to accept an alternate permit shall within 2 days after notice of the action of the Common Council, file a written notice of acceptance with the City Clerk. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this section.
- (7) Notice to City and Other Officials. Immediately upon the issuance of a parade permit, the City Clerk shall send a copy thereof to the following:
- (a) The Police Chief
  - (b) The Fire Chief
  - (c) The Building Inspector
  - (d) The City Manager
  - (e) The Director of Public Works
- (8) Contents of the Permit. Each parade permit shall state the following information:
- (a) Starting time;
  - (b) Minimum speed;
  - (c) Maximum speed;
  - (d) Maximum interval of space to be maintained between units of the parade;
  - (e) The portions of the streets to be traversed that may be occupied by the parade;
  - (f) The maximum length of the parade in blocks and fractions thereof;

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- (g) The route of the parade;
  - (h) Terminating time;
  - (i) The date of the parade;
  - (j) Such other information as the Common Council shall find necessary to the enforcement of this section.
- (9) Duties of Permittee. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances of the City of Platteville.
- (10) Public Conduct During Parade. (a) Interference. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in the parade, nor shall any other organization or group of persons not listed in the application for a parade permit participate in the parade.
- (b) Driving Through Parades. No driver of any vehicle shall drive between vehicles or persons comprising a parade when such vehicles or persons are in motion and are specifically designated as a parade unless directed by a police officer. However, the parade shall permit passage of authorized emergency vehicles.
- (11) Revocation of Permit. The Common Council shall have the authority to revoke any parade permit issued pursuant to this section at any time prior to commencement of the parade.

**41.08 INTOXICANTS IN PUBLIC PLACES.** (1) No person shall possess any open container containing any intoxicating liquor, wine or fermented malt beverage on any public street or right-of-way, sidewalk, public place or private property held open to the public or inside any vehicle which is parked on a public street, right-of-way or sidewalk, public place or private property held open to the public within the City of Platteville.

- (2) No person shall consume any intoxicating liquor, wine or fermented malt beverage on any public street, right-of-way, sidewalk, public place or private property held open to the public or inside any vehicle which is parked on a public street, right-of-way, sidewalk, public place or private property held open to the public within the City of Platteville.
- (3) Exceptions.
- (a) This section shall not apply to premises licensed for the sale and consumption of alcoholic beverages as sanctioned by the Common Council.
  - (b) This section shall not apply to premises for which an alcohol consumption permit has been issued. The head of the Recreation Department and/or



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his/her designee may approve alcohol consumption permits in conjunction with park shelter reservations, but all other alcohol consumption permits must be approved by the License Committee.

- (c) This section shall not apply to registered campers in camping sites at any time or to registered campers in shelters, grilling areas, and picnic areas in Mound View Park between the hours of 6:00 a.m. and 10:30 p.m.

**41.09 PRINTED MATERIALS ON PUBLIC PROPERTY.** No person shall post, affix or otherwise display any advertising, notices or printed material on any public property, or any pole or fixture within the right-of-way of any street, alley or highway without the permission of the owner of said pole or fixture, except that this section shall in no way abridge, impair or interfere with the constitutional right of freedom of speech, freedom of assemblage, freedom of petition or any other rights or freedoms granted by the United States Constitution or the Wisconsin Constitution.

**41.10 FAIR AND OPEN HOUSING.** Whereas, the Common Council of the City of Platteville recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein. Therefore, be it ordained that:

- (1) The Common Council of the City of Platteville hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.
- (2) The officials and employees of the City of Platteville shall assist in the orderly prevention and removal of all discrimination in housing within the City by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.
- (3) The Municipal Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the City to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

**41.11 RETURN AND POSSESSION OF LIBRARY MATERIAL.** (1) Definitions

- (a) "Library" shall mean the City of Platteville Public Library.
- (b) "Library Material" includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data

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processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, or loaned to or otherwise in the custody of the library.

- (c) "Due Date" shall mean the date upon which library materials issued to a person is required to be returned to the library.
- (2) **Possession of Library Material Beyond Due Date.** No person shall knowingly possess any library material issued to such person by the Library after the due date.
- (3) **Unauthorized Distribution of Library Material.** No person shall knowingly transfer possession of library materials issued to such person to any third party. Incidental transfers between family members or persons residing in the same household shall not constitute a violation of this subsection.
- (4) **Failure to Return Library Material by Due Date.** No person shall knowingly fail to return to the library any library material issued to such person by the due date.
- (5) **Proof that a person failed within 5 days after receiving notice of the overdue library material to return same to the library, shall be prima facie evidence that the person knowingly failed to return such material by the due date and knowingly possessed same beyond the due date.**

**41.12 ALARM REGULATIONS.** This section of the municipal code has been created to establish fees, assess charges, regulate responsibilities and define prohibitive acts relating to alarm systems.

### (A) Definitions.

1. **ALARM SYSTEMS:** An alarm system is an electronic or electromechanical system designed to provide a signal upon detection of smoke, fire, unlawful intrusion, medical or other unusual condition; or to be activated by a person to report a crime, medical problem or other unusual circumstance, unless the device installed is required by code for the detection of smoke or fire and the detection device is defined as a local alarm.
2. **DIALER:** A dialer is a device connected to a telephone line which provides for the transmission of preprogrammed signals of alarm to another location by calling a telephone number.
3. **DIRECT ALARM:** A direct alarm provides a signal to the police communications center.

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4. FALSE ALARM SIGNAL: A false alarm signal is a signal brought to the attention of the police department which results in a response by any emergency service where there is no direct or indirect evidence of a crime being committed, or attempted, or fire, smoke or medical need.
5. LOCAL ALARM: A local alarm provides a signal on the premises in which the alarm is installed.
6. PERSON: A person is any individual, partnership, corporation or other entity.
7. REMOTE ALARM: A remote alarm provides a signal to a location other than the direct alarm location.
8. SUBSCRIBER: A subscriber is any person who purchases, leases, contracts for, or otherwise obtains an alarm system for or as part of a premises under such person's control.
9. EMERGENCY SERVICE RESPONSE: A response of police, fire or ambulance equipment or personnel to the location of a direct or remote alarm system.

### (B) Prohibited Acts.

1. No person shall install, cause to be installed, or have on such person's premises an operable direct or remote alarm system signal which terminates directly or indirectly at the police department, without written notification given in advance to Platteville Police Department. Notification is not required to install a local alarm system which terminates on such premises. This section becomes effective one hundred twenty (120) days after the effective date of this ordinance.
  - (a) Notification: Required information to the police department shall include the following:
    - (1) Location of the alarmed premises;
    - (2) Specific areas on premises from which a signal may originate;
    - (3) Names, addresses and phone numbers of at least (3) three persons responsible for the premises who may be contacted in case of emergency or non-emergency purposes, in order of importance.

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- (4) The name, address and phone number of the person or persons responsible for fees and charges;
    - (5) Name and address of person providing the alarm equipment and installation thereof.
    - (6) It is the subscriber's duty to update the above information with the City as needed.
  2. No person shall install or have on such person's premises an alarm system which has an automatic dialing device programmed to call a police department or fire department or ambulance department phone number, unless a phone line has been designated for the sole purpose of monitoring alarm systems at a receiver located at the police department.
  3. No person shall install or have on such person's premises an alarm system which has been installed after the effective date of this ordinance which has an audible signal unless the system includes a timing device to stop the audible signal within fifteen (15) minutes.
  4. No person shall deliberately cause a remote or direct false alarm signal to be initiated without first receiving permission from the police department communications center to conduct a test.
  5. No person, within the corporate limits of this City, shall refuse admittance to any member of the police, fire or ambulance into any place which they may lawfully enter for the purposes of determining the cause of the alarm or ascertaining whether a nuisance or false alarm originated from such location.
- (C) Duties of the Chief of Police.
1. The chief of police shall maintain a file on all subscribers with the information provided through the notification procedure.
  2. The chief of police shall cause written notice to be sent to the alarm subscriber for each false alarm signal resulting in an emergency service response.
  3. The chief of police shall cause requests for technical assistance or advice relating to the monitoring system to be referred to the owner of the monitoring system.
  4. Nothing in this chapter shall be interpreted as requiring any specific response on the part of any department delivering emergency response services.

(D) False Alarm Charges.

1. Any false alarm from a business, building or residential remote or direct alarm system, in excess of two (2) in a twelve (12) month period shall be subject to a forfeiture of not less than \$25.00 nor more than \$200.00. Upon a failure or refusal to pay the forfeiture within 30 days of notification of such charges, the City may issue a citation to the subscriber, as provided in Chapter 1.10 of these ordinances.

(a) This section applies to direct and remote alarm systems:

- (1) There shall be no service charges for emergency service response to the first two (2) false alarm responses in any twelve month period of time.
- (2) There shall be no service charge when there has been no emergency service response to the alarm.
- (3) There shall be a service charge of \$25.00 for an emergency service response to the third, \$50.00 for an emergency service response to the fourth, \$100.00 for an emergency service response to the fifth and each subsequent false alarm providing that the false alarm responses have accumulated within the most recent twelve month period of time.
- (4) The emergency service charge may be waived by the chief of the responding department in the case of the development of alarm conditions not reasonable attributed to the subscriber or the subscriber's equipment, such as power interruptions. The City will not intervene in the case of disputes arising between the subscriber and any other person regarding the delivery of service, the quality of the alarm system equipment, or the maintenance thereof.
- (5) False alarm signals received during the first (2) two weeks after the notification has been given to the police communications center of a new installation will not be counted for the purpose of emergency service charge(s). Nothing herein authorizes any person to deliberately cause an alarm signal to be initiated without advance permission from the police communications system.
- (6) There shall be an annual service charge of fifty dollars (\$50.00) for monitoring of direct alarm systems originating outside of each respective emergency service district,

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depending on the expected response. This fee will be collected at the time the subscriber agreement is entered into and paid over to the police department prior to monitoring any direct system.

- (7) There shall be no service charge for monitoring or emergency service response to any alarm system owned, operated or under direct or indirect control of the City of Platteville.
- (8) Nothing in this chapter shall be interpreted as requiring or assuring any specific response by police, fire or ambulance.

**41.13 AGGRESSIVE PANHANDLING PROHIBITED.** 1. General Statement of Purpose. The purpose of this section is to regulate certain acts done with the act of panhandling, rather than the status of the person. This section is not intended to prohibit communicative activity protected by the constitutions of the United States of America or the State of Wisconsin.

Nothing in this section shall abrogate, or abridge provisions of City code, Chapter 31, "Licenses", or the laws of the State and Federal government, or those laws regulating non-profit, religious, educational, civic or benevolent organizations.

- 2. Definitions. For the purpose of this section, certain terms shall have the meanings ascribed to them in this paragraph, unless the context clearly indicates that a different meaning is intended:
  - (a) "Disorderly conduct" means conduct as defined in Chapter 41.02(1) of the ordinances of the City of Platteville.
  - (b) "Aggressively beg" means to beg with the intent to intimidate another person into giving money or goods.
  - (c) "Beg" means to ask for money or goods as a charity or gift, whether by words, bodily gesture, signs, or other means.
  - (d) "Donation" means any item of value, monetary or otherwise.
  - (e) "Exempt organizations" mean any non-profit, religious, civic or benevolent organization described in Section 501(c) of the Internal Revenue Code of the United States.
  - (f) "Intimidate" means to engage intentionally in conduct which would make a reasonable person fearful or feel compelled.

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- (g) "Obstruct pedestrian or vehicular traffic" means when a person without legal privilege, intentionally, knowingly or recklessly walks, stands, sits, lies or places an object in such a manner as to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket, or to legally protest, and acts authorized by a license or permit issued by the Common Council shall not constitute an obstruction of pedestrian or vehicular traffic.
  - (h) "Panhandling" is the solicitation of any item of value, monetary or otherwise, made by a person, other than an exempt organization, acting on his or her own behalf, requesting an immediate donation of money or exchange of any services; or any person, acting on his or her own behalf, attempting to sell an item for an amount far exceeding its value, or an item which is already offered free-of-charge to the general public, under circumstances where a reasonable person would understand that the purchase is in substance a donation.
  - (i) "Public place" includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public.
3. Panhandling on Private Property. No person may panhandle on private property, unless the panhandler has permission from the owner, occupant or person in charge of the private property.
4. Manner of Panhandling. Any person in a public place who panhandles in any of the following ways or manner is guilty of a violation:
- (a) By using profane or abusive language, either during the solicitation or following a refusal;
  - (b) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat;
  - (c) By disorderly conduct or aggressively begging;
  - (d) By obstructing pedestrian or vehicular traffic;
  - (e) By intimidating any person.
5. False or Misleading Solicitation. Any person who knowingly makes any false or misleading representation in the course of soliciting a donation is guilty of a violation. False or misleading representations include, but are not limited to, the following:

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- (a) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet the need and does not disclose that fact;
  - (b) Stating that the donation is needed to meet a need which does not exist;
  - (c) Stating that the solicitor is from out of town and stranded, when this is not true;
  - (d) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
  - (e) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;
  - (f) Uses any makeup or device to simulate any deformity;
  - (g) Stating that the solicitor is homeless, when he or she is not;
  - (h) To offer to sell newspapers, magazines, periodicals, or pamphlets for a price, which are offered free-of-charge to the general public;
  - (i) Soliciting a donation stating that the funds are needed for a specific purpose and then spending the funds received for a different purpose.
6. Penalty and Enforcement. The penalty for a violation of any provision of this section shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment. The penalty for violation of any provision of this section shall be as set forth in the forfeiture schedule adopted by Section 1.10 of this code, with a maximum forfeiture of \$500.00.

### **41.14 CLEAN INDOOR AIR.** (repealed by 10-11)

**41.15 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS.** (1) The provisions of Wisconsin Statutes Section 134.66, except subparagraph 5, are hereby adopted and by this reference are incorporated herein as if set out in full.

**41.16 TRUANCY, HABITUAL TRUANCY AND DROP-OUTS.** (1) DEFINITIONS. As used in this section, the following definitions shall apply:



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- (a) "Truant" means a pupil who is absent from school without an acceptable excuse under ss.118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.
- (b) "Habitual Truant" means a pupil who is absent from school without an acceptable excuse under ss.118.16(4) and ss.118.15 for part or all of five or more days on which school is held during a school semester.
- (c) "Drop-Out" has the meaning given in ss.118.153(a)(b).

### (2) TRUANCY PROHIBITED.

- (a) No person within the City limits of the City of Platteville who is under 18 years of age may be truant from school.
- (b) The following dispositions shall be available to the Court upon a finding of a violation of sub-section (a):
  - 1. An order for the person to attend school.
  - 2. A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within twelve months of a previous violation, subject to S.93837 and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (c) A person who is under 17 years of age on the date of disposition is subject to s.938.342.

### (3) HABITUAL TRUANCY PROHIBITED.

- (a) No person within the City limits of the City of Platteville who is under 18 years of age may be habitually truant from school.
- (b) The following dispositions shall be available to the Court upon a finding of a violation of sub-section (a):
  - 1. Suspension of the person's operating privilege for not less than thirty days nor more than one year. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

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2. An order for the person to participate in counseling or a supervised work program or other community service work as described in s.938.34(5g). The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person or both.
  3. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
  4. An order for the person to attend an educational program as described in s.938.34(7d).
  5. An order for the Department of Work Force Development to revoke, under s.103.72, a permit under s.103.70 authorizing the employment of the person.
  6. An order for the person to be placed in a teen Court program as described in s.938.342(lg)(f).
  7. An order for the person to attend school.
  8. A forfeiture of not more than \$500.00 plus costs, subject to s.938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
  9. Any other reasonable conditions consistent with this sub-section, including a curfew, restrictions as to going to or remaining on specific premises and restrictions on associating with other children or adults.
  10. An order placing the person under formal or informal supervision, as described in s.938.34(2), for up to one year.
  11. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or attend school with the person, or both.
- (c) A person who is under 17 years of age on the date of disposition is subject to s.938.342.
- (4) DROP-OUTS PROHIBITED.
- (a) No person within the City limits of the City of Platteville under 18 years of age may drop out of school.

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- (b) The following dispositions shall be available to the Court upon a finding of a violation of sub-section (a):
  - 1. Except as provided in sub-section 2 below, the Court may suspend the operating privilege of a person who is at least 16 years of age but less than 18 years of age until the person reaches the age of 18. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.
  - 2. The Court may enter an order making any of the dispositions specified under s.938.342(lg) if the Court finds that suspension of the person's operating privilege, as defined in s.340.01(40) until the person reaches the age of 18 would cause undue hardship to the person or the person's family.
- (c) A person who is under 17 years of age on the date of disposition is subject to S.938.342.

### **41.17 DAMAGE OR REMOVAL OF TRAFFIC SIGNS.** (1) Injury, damage or removal of signs prohibited.

- (a) No person may injure, deface or remove any sign, guide board, mile post, signal or marker located within the city limits, whether erected by the State or by the City, for the warning, instruction or information of the public. The following warning shall be affixed to the front of each such sign, guide board, mile post, signal or marker: "WARNING: \$25.00 - \$100.00 FINE OR IMPRISONMENT FOR REMOVING OR TAMPERING WITH THIS SIGN".
  - (b) No person may possess any sign, guide board, mile post, signal or marker of the type erected by the State or by the City for the warning, instruction or information of the public, unless the person can demonstrate that he or she obtained it in a legal manner. Possession of such a sign, guide board, mile post, signal or marker creates a rebuttable presumption of illegal possession. In this sub-section, "possession" means the presence of such a sign, guide board, mile post, signal or marker on premises owned or controlled by the person, including but not limited to a rented apartment, rented room or dormitory room. Persons who voluntarily notify a law enforcement agency of the presence on their premises of such a sign, guide board, mile post, signal or marker shall be exempt from prosecution under this sub-section.
- (2) Penalty. Any person who violates this section shall forfeit \$25.00 for the first violation and \$100.00 for a subsequent violation, together with the costs of

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prosecution. The Court may, in addition, order any such person either to restore or replace any such damaged sign, mile post, signal or marker, or to pay the cost thereof.

- (3) Reward. On conviction of any person of a violation of this section, the person or persons who informed against and aided in the prosecution of such offense to conviction shall be paid by the Court one-half of the amount of the forfeiture paid to the Court.

**41.18 POSSESSION OF 25 GRAMS OR LESS OF MARIJUANA OR OTHER SPECIFIED CONTROLLED SUBSTANCES; POSSESSION, MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.** (1) Possession of 25 grams or less of marijuana prohibited. No person shall possess 25 grams or less of marijuana, as defined in Wisconsin Statutes Section 961.04(14), subject to the exceptions in Wisconsin Statutes Section 961.41(3g) (intro); except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in this State shall not be prosecuted under this paragraph.

- (2) Possession of other specified controlled substances prohibited. No person shall possess a controlled substance specified in Wisconsin Statutes Section 961.14(4) (tb) to (ty); except that any person who is charged with possession of a controlled substance specified in Section 961.14(4) (tb) to (ty) following a conviction for possession of a controlled substance in this State shall not be prosecuted under this paragraph.
- (3) Possession, manufacture or delivery of drug paraphernalia prohibited. No person may possess drug paraphernalia in violation of Wisconsin Statutes Section 961.573(1) or (2), manufacture or deliver drug paraphernalia in violation of Wisconsin Statutes Section 961.574(1) or (2) or deliver drug paraphernalia to a minor in violation of Wisconsin Statutes 961.575(1) or (2).

**41.50 PENALTY AND ENFORCEMENT.** (1) Forfeiture Penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.

- (2) Forfeiture Schedule. The penalty for violation of any provision of this chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this code, with a maximum forfeiture of \$500.00.
- (3) Suspension of License. See Section 1.10 for these ordinances.

**CITY OF PLATTEVILLE, WISCONSIN  
 CHAPTER 42, PLATTEVILLE MUNICIPAL AIRPORT OVERLAY  
 ZONING AND HEIGHT LIMITATIONS ORDINANCE  
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## CHAPTER 42

### PLATTEVILLE MUNICIPAL AIRPORT OVERLAY ZONING and HEIGHT LIMITATIONS ORDINANCE

**42.01 PURPOSE, AUTHORIZATION AND JURISDICTION.** (a) **Purpose.** The purpose of this article is to regulate the use of property, and to regulate and restrict the height of structures and objects of natural growth in the vicinity of the Platteville Municipal Airport; in order to promote the public health, safety, convenience and general welfare; to increase safety in the use of the airport; and to protect persons and property within the airport affected area. The associated map will outline the area within which basic overlay zoning districts will be applied as a means of maintaining the best interests of the operation of the Platteville Municipal Airport, as well as encouraging the development of compatible lands uses on private property within the area.

(b) **Authorization.** This article, designed to protect the approaches, airspace, and physical areas of the Platteville Municipal Airport, and to ensure the compatibility of surrounding land uses and development to the greatest extent possible, is adopted pursuant to Sections 62.23 and 114.136, Wisconsin Statutes.

(c) **Jurisdiction.** The jurisdiction of this article shall extend over all lands and waters within three statute miles of the boundaries of the Platteville Municipal Airport.

**42.02 DEFINITIONS.** For the purposes of this article, certain words and terms are defined as follows. Words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular number; the word "shall" is mandatory and not permissive. Any words not herein defined shall be construed as defined in the state and city codes. All distances, unless otherwise specified, shall be measured horizontally.

(a) **Airport.** The Platteville Municipal Airport, owned by and located in the City of Platteville, Grant County, Wisconsin.

(b) **Airport Hazard.** Any structure; object, whether man-made or natural; or use of land which obstructs the airspace required by FAA for the safe flight of aircraft in landing or taking off at the Airport; or is otherwise hazardous to such landing and taking off; or to persons using such lands or structures.

(c) **Airport Zoning Map.** The Platteville Municipal Airport Overlay Zoning and Height Limitation Map dated April 12, 2016, which is attached hereto and adopted as part of this article.

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- (d) **Alteration.** Any construction which would result in a change in height or lateral dimensions of an existing structure or object.
- (e) **Commission.** The City of Platteville Airport Commission.
- (f) **Community Center.** A facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.
- (g) **Construction.** The erection or alteration of any structure or object, either of a permanent or temporary character.
- (h) **Department.** The City of Platteville Zoning Department, or its agent.
- (i) **Detention Pond.** A pond or pool used for the temporary storage of water runoff and which provides for the controlled release of such waters.
- (j) **Development.** Any man-made change to improved or unimproved real estate, including but not limited to: construction of, or additions or substantial improvements to, buildings, other structures, or accessory uses; the placement of mobile homes; mining, dredging, filling, grading, paving, excavating or drilling operations; or depositing of materials.
- (k) **Elevation.** The overall elevation above mean sea level of the top of a structure, including any appurtenance installed thereon, or the top of any object of natural growth.
- (l) **Emergency equipment.** Emergency equipment is defined as ambulances, crash rescue and fire-fighting apparatus and such other equipment as the Airport Commission may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.
- (m) **FAA.** Federal Aviation Administration.
- (n) **Growth.** Any object of natural growth, including trees, shrubs, or foliage, except farm crops which are cut at least once a year.
- (o) **Height.** The distance measured from the surface of the ground to the highest point of any structure or growth.
- (p) **Hunting Preserve.** Also termed a Game Preserve. Properties used for the raising, residence, and hunting of wildlife animals within a confined area for commercial or fraternal hunting clubs.
- (q) **Manager.** The manager of the Airport.

- (r) **Multi-Family Residential Development.** A building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other in individual dwelling units.
- (s) **Non-Conforming Use.** Any structure, tree, or land use which does not conform with a regulation prescribed in this article or an amendment thereto, as of the effective date of such regulation.
- (t) **Pedestrian.** Any person afoot.
- (u) **Person.** Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any spouse, partner, trustee, receiver, assignee, or other similar representative thereof.
- (v) **Pre-existing Permitted Use.** Any use of the land lawfully in existence at the time this article or an amendment thereto becomes effective. Non-conforming structures, if destroyed, shall conform to this article if reconstructed.
- (w) **Place of Public Assembly.** All buildings or parts of buildings, where people gather for theater, recreation, entertainment, worship or educational purposes, as a principle use.
- (x) **Retention Pond.** A pond designed to hold a specific amount of water indefinitely. Usually the pond is designed to have drainage leading to another location when the water level gets above the pond capacity, but still maintains a certain capacity.
- (y) **Runway.** That portion of the airport having surfaces specially developed and maintained for the landing and takeoff of aircraft.
- (z) **Service, maintenance and construction equipment.** Equipment normally operated by the City of Platteville and/or the Federal Aviation Agency on landing areas, runways, taxiways, and peripheral roads for the servicing, maintenance and construction of airport facilities and services. This definition shall include equipment owned and operated by a contract performing work on the airport under a contractual agreement with the City of Platteville or the Airport Commission.
- (aa) **Spectator Athletic Fields.** An indoor or outdoor recreational facility with permanent seating for individuals or stadium style lighting.
- (bb) **Structure.** Any object or construction installed by a person, the use of which requires a permanent location on the ground, or attached to something having a permanent location on the ground.



- (cc) **Tree.** Any object of natural growth, except for farm crops which are cut at least once a year, and except shrubs, bushes, or plants which do not grow to a height of more than five feet above the ground.
- (dd) **Underlying Zoning Ordinance.** The base, or existing zoning ordinance in effect in an area subject to this article.
- (ee) **Variance.** A departure from the terms of this article as applied to a specific building, structure or parcel of land, granted by the Board of Appeals upon the applicant proving unnecessary hardship, which permits the construction, alteration, remodeling or use of land that deviates from the requirements of this article.
- (ff) **Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting, unless specifically included, vehicles used exclusively upon stationary rails or tracks or any vehicle propelled by the use of electricity obtained from overhead trolley structures.
- (gg) **Wildlife Sanctuary.** Also termed Wildlife Refuge, refers to the use of public or private property for the permanent or temporary residence or rehabilitation of wildlife animals or birds. Properties typically include the use of high fencing or netting to prevent wildlife from leaving the property. The raising and keeping of farm animals, veterinary clinics, or dog kennels, are not considered wildlife sanctuaries.
- (hh) **Zoning Administrator.** The Zoning Administrator (or other authorized agent) for the City of Platteville.
- (ii) **Zoning Board of Appeals.** The City of Platteville Zoning Board of Appeals.

**42.03 GENERAL PROVISIONS.** (a) **Use Restrictions.** Except as otherwise provided in this article, no land, building, or structure shall hereafter be used or occupied; and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all the regulations herein. Notwithstanding any other provision of this article, the following standards shall be in full force and effect:

- (1) **Glare.** No glare-producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using the Airport. (Zones 1, 2, 3, and 4)

Intent - An example of a development that has the potential to cause hazardous glare is a multi-story office complex encased in reflective (mirrored) glass. An example of a development that would not likely have the same potential is the addition of a sunroom on the side of a house.

- (2) **Lighting.** There shall be no display of signs which produce a flashing or blinking effect, nor any lighting, including lasers, which projects upward in a manner that would interfere with aircraft, or a pilot's ability to identify Airport lights. (Zones 1, 2, 3, and 4)

Intent - An example of lighting which would be of concern are lighting patterns that could simulate runway edge lighting, end or taxiway lighting, guidance lights; or upward shining search lights used for commercial advertising.

- (3) **Electrical Interference.** No structures or uses on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between the aircraft and a ground station. (All Zones)

- (4) **Visibility.** No structure or use shall impair the visibility in the vicinity of the Airport, or otherwise endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Airport, including the emission or discharge of smoke which would interfere with the health and safety of pilots and the public in the use of the Airport, or which would otherwise be detrimental or injurious to the health, safety, and general welfare of the public in the use of the Airport. (Zones 1, 2, 3, and 4)

Intent - An example of a development that would likely not have the potential to cause visibility conflicts is the smoke produced by a wood furnace for a single-family residence. An example of development that has the potential to cause visibility conflicts is an industrial complex with cooling towers, evaporation ponds, and smoke stacks.

- (5) **Operation of Vehicles.** No privately owned vehicle shall enter, be driven upon or operated upon any airport runway, taxiway, or ramp or tie-down area or any area posted by signs prohibiting the entrance thereon.
- a. The provisions of this section shall not apply to emergency equipment and/or service, maintenance and construction equipment when engaged in performing official duties.
  - b. Aircraft owners will be excluded from the provisions of this section relating to tie-down area, when necessary, to reach their own aircraft but in doing so they shall not pass over any runway, taxiway or ramp and shall proceed through said tie-down area at a speed not to exceed 10 miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft.
  - c. No vehicle driven upon any road within the perimeter of the runway, or upon other airport areas in excess of the speed limit posted at the entrance of said airport or within the boundaries thereof if more than one speed limit shall be applicable, nor shall the driver of any vehicle fail to adhere to any sign posted

to regulate vehicular traffic on or about the Platteville Municipal Airport for the public safety.

- (6) **Pedestrian Traffic on Airport.** No pedestrian shall be allowed beyond the administration area or to the apron or aircraft tie-down area unless for the purpose of embarking in or disembarking from an aircraft, or unless authorized by the airport manager. Pedestrian traffic is prohibited on the runway and outlying area of the airport except for those employees of the City, county, state, federal governments, or contractors engaged in airport construction or maintenance work.
- (7) **Enforcement.** It shall be the duty of the Airport Manager and the Police Department of the City of Platteville to enforce the provisions of this chapter.
- (b) **Hazard Marking and Lighting.** Any permit or variance granted under this article, may, if such action is deemed advisable by the Department to effectuate the purpose of this article and if such is reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the Airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.
- (c) **Airport Zones.** All Airport Zones established by this article are shown on a map entitled Platteville Municipal Airport Overlay Zoning and Height Limitation Map dated April 12, 2016, on file with the city, and adopted as part of this article.
- (d) **Height Zones.** All Height Zones previously established by the Platteville Municipal Airport Height Limitation Zoning Ordinance, and shown on a map dated October 26, 2004, are now included in this article and shown on the Airport Zoning Map, dated April 12, 2016.
- (e) **Height Limitations.** Except as otherwise provided in this article, no structure, tree or growth shall be erected, altered, allowed to grow, or be maintained within any of the zones established by this article to an elevation in excess of the applicable elevation limitations as shown on the Airport Zoning Map. The permitted elevation shall not exceed the elevation limitation numbers shown within the various zones encompassed by this article. Any structure constructed, altered or located in violation of this article shall be removed at the owner's expense. The Commission shall have the right to trim, prune, or remove, at the Commission's expense, any tree allowed to grow to a height in excess of the height limitation set forth herein.
- Exceptions. The restrictions contained in this article shall not apply to legal fences or to farm crops that are cut at least once each year.
- (f) **District Boundaries.** District boundary lines are centerlines of highways, roads or pavements; section, division of section, tract, or lot lines, or extensions of such lines, as applicable; or as otherwise indicated

(1) When a district line divides a lot/parcel of record, existing prior to the effective date of this ordinance, in such a manner that a use is not permitted in the most restrictive district of such lot, but is permitted on that portion of such lot in the lesser restrictive district, then a permitted use may be developed only on that portion of the lot/parcel where it is permitted, provided:

- a. The use is permitted by the underlying zoning ordinance;
- b. The use complies with all applicable setback requirements;
- c. A site plan, drawn to scale showing the location of the use and the district line on that lot/parcel, is submitted to the Department and is reviewed and approved pursuant to the procedure contained herein;
- d. The permitted use, if developed, in no way creates or increases any hazard within the airspace required for takeoff, landing, or flight of aircraft.

(2) Zone 1 shall be the most restrictive, and Zone 5 shall be the least restrictive.

(g) **Notice/Fair Disclosure Statement.** No land shall be sold within Zones 1, 2, 3, 4, and 5 without the seller notifying any potential purchaser of said real estate of the proximity of the airport and that the land may be subject to noise, dust, lights, and the arrival and departure of aircraft, which may cause damage to dwellings or other structures, or may adversely impact the health of animals. The notification shall include a disclosure that the property may be subjected to those land use regulations adopted by this article.

**42.04 AIRPORT ZONES AND DISTRICT REGULATIONS.** In order to carry out the provisions of this article, there are hereby created and established five (5) zones as shown on the Airport Zoning Map, consisting of one sheet, and attached to and made a part of this article. For the purpose of this article, the lands and waters within three statute miles from the boundaries of Airport are divided into five (5) districts defined as follows:

(a) **Zone 1 – Airport District.** The Airport District is defined as all those lands owned by the Airport and intended to be used for airport purposes. The District is created to encompass areas that, due to the operation of aircraft, could be exposed to excessive noise, are within the aircraft approach and departure areas, or are in areas which are exposed to a greater risk of aircraft crashes (crash hazard area). The District is established to protect the approaches to the airport from incompatible land uses, and to preserve the airport's ability to serve its present and future air transportation needs. Any expansion, alteration, or enlargement of any building, structure, or property within this zone must be approved by the Department. The boundaries of Zone 1 – Airport District are shown on the Airport Zoning Map.

(1) **Permitted Uses and Structures.** Only uses and structures that are directly related to and necessary for the function and operation of the Airport.

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- a. Air terminals
  - b. Aircraft hangars
  - c. Runways, taxiways, aprons, and related lighting and air support apparatus
  - d. Airport administration and maintenance buildings and facilities
  - e. Airport security, rescue, and firefighting buildings and facilities
  - f. Aircraft repair and maintenance buildings and facilities
  - g. Fuel storage facilities and pumps
  - h. Commercial uses directly related to Airport operations
  - i. Public gatherings in conjunction with an Airport related activity sponsored or approved by the Airport
  - j. Air cargo facilities
  - k. Intermodal facilities
  - l. Other related airport uses and structures
  - m. Municipal emergency responses facilities
  - n. Agricultural uses provided they do not inadvertently result in a concentration of birds or other wildlife, which poses a threat to aviation operations
- (2) Prohibited Uses. Any construction, expansion, alteration or enlargement to any building or structure within this district is prohibited except for those uses and buildings necessary for the function, enhancement, or operation of the Airport. Wildlife sanctuaries, hunting preserves, or game preserves (including aviaries).
- (3) Dimensional Requirements. The size, height, location, and placement of structures or objects shall comply with the Platteville Municipal Airport Layout Plan.
- (b) **Zone 2 – High Impact Runway Approach and Departure District.** The purpose of this District is to establish land use requirements in areas that are typically over flown by aircraft during initial take-off and final landing maneuvers, and hence could be subjected to excessive noise and greater risk of aircraft crashes. The boundaries of the Zone 2 are shown on the Airport Zoning Map.
- (1) Permitted Uses. Those uses permitted by the underlying zoning ordinance except for those uses specifically prohibited, or listed as a conditional use, by this article.
- (2) Prohibited Uses.
- a. Multi-family residential developments
  - b. Retirement, assisted living, and nursing homes
  - c. Licensed group day care facilities
  - d. Hospitals, except for clinics or medical offices provided the use does not include overnight sleeping quarters for patients
  - e. Churches, schools, libraries, museums, and community centers
  - f. Theaters, amphitheatres, and amusement parks
  - g. Sports stadiums and spectator athletic fields

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- h. Campgrounds
- i. Commercial or fraternal outdoor shooting ranges
- j. Wildlife sanctuaries, hunting preserves, or game preserves (including aviaries)
- k. Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds or rodents.

### (3) Conditional Uses.

- a. The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial, provided mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- b. Mineral extraction operations provided the owner/operator of the mineral extraction operation sign an operational agreement with the Commission, agreeing to provide written notice to the Airport Manager one week prior to the start of any blasting activities, as resulting dust and debris may pose a threat to aviation operators. Any site reclamation that includes the creation of water bodies shall provide mitigation measures to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- c. Enclosed trash transfer stations provided the facility meets the FAA's definition of a fully enclosed trash transfer station (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- d. Commercial or public composting operations that accept only yard waste (e.g. leaves, lawn clippings, or branches), provided the compost never includes food or other municipal solid waste.
- e. Golf Courses and driving ranges, except those designed with lighting for night time play, provided mitigations measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).

(4) Construction Requirements. All newly constructed enclosed residential, office, sales, and work areas that will be subject to a minimum of four (4) hours of continuous human occupancy per day, shall utilize construction techniques that provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures. Installation of air conditioning shall meet the 10-decibel requirement of the article.

(5) Dimensional Requirements:

- a. Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
  - b. Setbacks. The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code.
  - c. Lot Area. The minimum lot area provisions of the underlying zoning ordinance shall apply to all areas within Zone 2.
- (c) **Zone 3 – Moderate Impact Runway Approach and Departure District.** The purpose of this District is to establish land use requirements in areas that may be over flown by aircraft entering, operating within, and departing from a typical airport flight pattern, and hence could be subject to occasional excessive noise and risk of aircraft crashes. The boundaries of the Zone 3 are shown on the Airport Zoning Map.
- (1) Permitted Uses. Those uses permitted by the underlying zoning ordinance except for those uses specifically prohibited, or listed as a conditional use, by this article.
- (2) Prohibited Uses.
- a. Retirement, assisted living, and nursing homes
  - b. Licensed group day care facilities
  - c. Hospitals, except for clinics or medical offices provided the use does not include overnight sleeping quarters for patients
  - d. Churches, schools, libraries, museums, and community centers
  - e. Theaters, amphitheatres, and amusement parks
  - f. Sports stadiums and spectator athletic fields
  - g. Campgrounds
  - h. Commercial or fraternal outdoor shooting ranges
  - i. Wildlife sanctuaries, hunting preserves, or game preserves (including aviaries)
  - j. Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds or rodents.
- (3) Conditional Uses.
- a. The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial, provided mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
  - b. Mineral extraction operations provided the owner/operator of the mineral extraction operation sign an operational agreement with the Commission, agreeing to provide written notice to the Airport Manager one week prior to the start of any blasting activities, as resulting dust and debris may pose a

threat to aviation operators. Any site reclamation that includes the creation of water bodies shall provide mitigation measures to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).

- c. Enclosed trash transfer stations provided the facility meets the FAA's definition of a fully enclosed trash transfer station (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- d. Commercial or public composting operations that accept only yard waste (e.g. leaves, lawn clippings, or branches), provided the compost never includes food or other municipal solid waste.
- e. Golf Courses and driving ranges, except those designed with lighting for night time play, provided mitigations measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).

(4) Construction Requirements. All newly constructed enclosed residential, office, sales, and work areas that will be subject to a minimum of four (4) hours of continuous human occupancy per day, shall utilize construction techniques that provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures. Installation of air conditioning shall meet the 10-decibel requirement of the article.

(5) Dimensional Requirements.

- a. Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
- b. Setbacks. The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code.
- c. Lot Area. The minimum lot area provisions of the underlying zoning ordinance shall apply to all areas within Zone 3.

(d) **Zone 4 – Noise Control/Overflight District.** The purpose of this District is to establish land use requirements in areas that are typically within the flight pattern of aircraft approaching and departing the Airport's runways, and hence could be subject to occasional excessive noise and risk of aircraft crashes. The boundaries of the Zone 4 are shown on the Airport Zoning Map and include property approximately within one mile of the ultimate runway (per the approved Airport Layout Plan), not already within Zone 1, 2, or 3 of this article.

(1) Permitted Uses. Those uses permitted by the underlying zoning ordinance except for those uses specifically prohibited, or listed as a conditional use, by this article:

(2) Prohibited Uses.



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- a. Commercial or fraternal outdoor shooting ranges.
- b. Any other construction or land use that would encourage the concentration of bird (avian) populations except that customary and reasonable agricultural practices that inadvertently result in a concentration of birds are not prohibited.
- c. Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds or rodents.

### (3) Conditional Uses.

- a. The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial, provided mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- b. Mineral extraction operations provided the owner/operator of the mineral extraction operation sign an operational agreement with the Commission, agreeing to provide written notice to the Airport Manager one week prior to the start of any blasting activities, as resulting dust and debris may pose a threat to aviation operators. Any site reclamation that includes the creation of water bodies shall provide mitigation measures to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- c. Enclosed trash transfer stations provided the facility meets the FAA's definition of a fully enclosed trash transfer station (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- d. Commercial or public composting operations that accept only yard waste (e.g. leaves, lawn clippings, or branches), provided the compost never includes food or other municipal solid waste.
- e. Golf Courses and driving ranges, except those designed with lighting for night time play, provided mitigations measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).

(4) Construction Requirements. All newly constructed enclosed residential, office, sales, and work areas that will be subject to a minimum of four (4) hours of continuous human occupancy per day, shall utilize construction techniques that provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures. Installation of air conditioning shall meet the 10-decibel requirement of the article.

### (5) Dimensional Requirements.

- a. Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
  - b. Setbacks. The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code.
  - c. Lot Area. The minimum lot area provisions of the underlying zoning ordinance shall apply to all areas within Zone 4.
- (e) **Zone 5 – Height Limitation District.** The purpose of this District is to protect the approaches to the airport from the construction or erection of structures that would constitute a hazard to air navigation, and from incompatible land uses. The boundaries of the Zone 5 include all parcels falling within three (3) statute miles, as shown on the Airport Zoning Map.
- (1) Permitted Uses. Those uses permitted by the underlying zoning ordinance except for those uses specifically prohibited by this article.
  - (2) Prohibited Uses. Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds or rodents.
  - (3) Conditional Uses. The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial, provided mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
  - (4) Dimensional Requirements.
    - a. Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map. The restrictions shall not apply to structures that are less than forty five (45) feet above ground level. Construction plans for structures greater than forty five (45) feet above ground level shall be submitted to the City for review and permitting.
    - b. Setbacks. The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code.
    - c. Lot Area. The minimum lot area provisions of the underlying zoning ordinance shall apply to all areas within Zone 5.

**42.05 NON-CONFORMING USE.** (a) **Non-Retroactive.** Nothing contained herein shall require any change in the construction or alteration of any structure, if the construction or alteration of such was begun prior to the effective date of this article, and if such is diligently prosecuted.

- (b) **Reconstruction.** When a nonconforming use, building, structure or tree is destroyed by fire, explosion, act of God, or the public enemy, it may be restored to its original condition so long as it complies with the underlying zoning ordinance requirements and the height limitations imposed by this article as verified by a signed statement from the Zoning Administrator prior to any such rebuilding, reconstructing or rehabilitation.
- (c) **Alteration.** Any principal non-conforming uses, as described in this article, may be expanded, altered, or otherwise enlarged as long as all of the following requirements are met:
  - (1) The expansion, alteration, or enlargement meets the requirements of height limitation zoning, and a statement showing such compliance is signed by the City prior to the expansion, alteration, or enlargement.
  - (2) The expansion, alteration, or enlargement in no way increases or creates any hazard within the airspace required for the flight of aircraft in landing or taking off, or creates or increases any potential hazard to any persons on the ground.
- (d) **Removal.** Nothing in this article shall interfere with or prevent the removal of non-conforming uses by purchase or the use of eminent domain in the manner provided by Wisconsin Statutes.

**42.06 ADMINISTRATION.** (a) **Administrative responsibility.** Regardless of the governmental jurisdiction in which this article is in effect, administration of the article shall be the responsibility of the City of Platteville, unless otherwise specified.

- (b) **Conflicting regulations.** The provisions of this article shall prevail over the zoning districts and regulations of Grant County, Lafayette County, the Towns of Platteville, Smelser, Belmont, and Elk Grove. However, the provisions of this article shall be considered minimum requirements. Where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same site, whether the conflict is with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulations or ordinances shall govern and prevail. Regulations contained herein pertaining to Zone 1 shall supersede and control over any local regulation to the contrary.
- (c) **Appropriate Use.** Whenever a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such a case, the Department, on its own initiative or upon the request of a specific property owner, may conduct a study to determine if the use is appropriate, and which, if any, performance standards are appropriate to govern said use.

- (d) **Violations.** The Department shall have the right to remove, at the owner's expense, any use or structure which was developed, constructed, or placed after the adoption of this article and found to be in violation of this article.

**42.07 PERMITS.** Applications for permits and variances shall be made to the Zoning Administrator (or other authorized agent) upon a form furnished by the City.

- (a) **Future Uses.** No structure shall hereafter be constructed, erected or installed in any zone created by this article until the owner or his or her agent shall have applied, in writing, for a permit therefore and obtained such permit from the Department, except structures less than 35 feet in height above the ground and within ½ mile of the airport boundary and structures less than 50 feet in height above the ground within the area beginning ½ mile from the airport boundary and extending to three miles from the airport boundary, provided that the development activity is not a prohibited use:
  - (1) Application for such permit shall indicate the use for which the permit is desired and shall describe and locate the use with sufficient particularity to permit the Department to determine whether such use would conform to the regulations herein prescribed.
  - (2) Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment.
- (b) **Non-conforming Uses.** Before any nonconforming structure may be replaced, altered or rebuilt, a permit shall be applied for and secured in the manner prescribed by Subsection 42.08 authorizing such change, replacement or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this article or than it was when the application for a permit was made.
- (c) **Conditional Uses.** Conditional uses shall be reviewed by the Airport Commission, and Plan Commission, pursuant to Chapter 22, Platteville Zoning Code.
- (d) **Expiration.** Any permit issued under this article shall expire within six (6) months unless substantial work has commenced, or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the applicant shall reapply for a permit before commencing work on the structure.
- (e) **Fees.** Fees for the administration of this article and zoning permits shall be established by the City. It is intended that the fees should cover the reasonable costs of administering this ordinance.

**42.08 REVIEW PROCESS.** (a) **Optional pre-application meeting.** The property owner (or owner's agent) of a proposed development within the jurisdiction of this ordinance is encouraged to submit preliminary information regarding the proposed project to the City's Zoning Administrator (or other authorized agent) prior to submitting a formal application.

(b) **Application submittal.** A complete application shall be submitted to the City's Zoning Administrator (or other authorized agent). The application shall indicate the use of which the permit is desired, and shall describe and locate the use with sufficient detail to permit the Zoning Administrator (or other authorized agent) to determine whether such use would conform to the applicable provisions of this ordinance.

(c) **Staff review.** Upon receipt by the Zoning Administrator (or other authorized agent), a copy of the application shall be transmitted to the Chairperson of the Airport Commission, Plan Commission, and the Airport Manager for comment. The Zoning Administrator (or other authorized agent) may submit copies of the application to other departments or government agencies, as deemed necessary, to provide adequate review of the application. Applications shall be granted or denied within 30 days of the date of filing of the applications, unless Federal Aviation Administration (FAA) approval is requested by the applicant or the Airport Commission, in which case the Zoning Administrator's (or other authorized agent) action may await determination by the FAA.

(d) **Approval.** Prior to making a final decision, the Zoning Administrator (or other authorized agent) may hold a meeting with the applicant to discuss and attempt to resolve any issues that become evident during the review of the application. Upon completion of the review of the application, the Zoning Administrator (or other authorized agent) shall make a determination and notify the applicant of one of the following final actions:

(1) Approved application.

(2) Approved application, with modifications that the Zoning Administrator (or other authorized agent) deems necessary to meet any criteria for approval. An approval with modifications or conditions shall be agreed upon by the property owner, unless the applicant appeals the final action.

(3) Denied application. Such denial must include specific reasons for denial.

(e) **Issuance of a building permit.** If the Zoning Administrator (or other authorized agent) approves the proposed development, the municipality within which the development is located may issue a building permit. If the proposed development is not approved, no building permit shall be issued.

(f) **Appeals.** Applications for action by the Board of Appeals shall be forthwith transmitted by the Zoning Administrator (or other authorized agent) to the Board for hearing and decision.

**42.09 APPEALS AND VARIANCES.** (a) **Aggrieved Person.** Any person aggrieved or affected by a decision or action of the Department made in the administration of this article, may appeal such decision or action to the Board of Zoning Appeals provided:

(1) Such appeals are filed with the Department within thirty (30) calendar days following the administrative decision. Applications for action by the Board of Appeals shall be forthwith transmitted by the Department to the Board for hearing and decision.

(2) The appeal specifies the exact location of the parcel of land affected by the decision and the reason(s) for the appeal.

(b) **Variances.** Upon appeal in special cases, the Board of Zoning Appeals may, after investigation and public hearing, grant such variance from the terms of this article as will not be contrary to the public interest; where owing to special conditions, a literal enforcement of this article would result in unnecessary hardship; and such relief will do substantial justice and be in accord with the spirit of this article: and does not, or will not, create a hazard to the safe, normal operation of aircraft.

**42.10 PENALTY AND ENFORCEMENT.** (a) **Forfeiture Penalty.** The penalty for violation of any provisions of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.

(b) **Forfeiture Schedule.** The penalty for violation of any provision of this chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this code.

**42.11 SEVERABILITY.** If any of the provisions of this article, or the application thereof to any persons or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provisions or application, and to this end the provisions of this article are declared to be severable.

**42.12 EFFECT.** This article shall take effect and be in force upon passage by the City Council and publication.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 43, ANNEXED TERRITORIES  
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## CHAPTER 43

### ANNEXED TERRITORIES

**43.01 TERRITORY ANNEXED.** The following territory owned by the City of Platteville and contiguous thereto, presently located in the Town of Platteville, Grant County, Wisconsin is hereby annexed to the City of Platteville.

The North One Half of the Southwest Quarter and the South One Half of the Northwest Quarter, all in Section Sixteen, Township Three North, Range One West of the 4<sup>th</sup> P.M. in Grant County, Wisconsin.

Also a tract situated in the Southeast Quarter of the Northeast Quarter of Section Seventeen, Township Three North, Range One West of the 4<sup>th</sup> P.M. in Grant County, Wisconsin described as Commencing at a point situated on the East section line of said Section Seventeen 266 feet North of the Southeast corner of the Northeast Quarter of said Section Seventeen, thence West 75 feet; thence North 235 feet, thence East 75 feet to said Section line, thence South along said Section line 235 feet to the point of beginning.

**43.02 TERRITORY ANNEXED.** The following territory owned by the City of Platteville and contiguous thereto, presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Beginning at a point of the north and south one-fourth sec. Line, which is 30 feet north of the S.W., corner of the N. W. one-quarter sec. 16 T.3 N.R. 1W of the 4<sup>th</sup> P.M.

Thence N. 45 degrees W. 19.88 feet, thence north 126.94 feet , thence N. 45 degrees W. 163.80 feet, thence north 193.0 feet, thence N. 45 degrees E. 96.0 feet, thence east 62.0 feet to the ¼ sec line, thence south along the ¼ sec. Line 46.7 feet, thence west 75.0 feet, thence south 236.0 feet, thence east 75.0 feet to the ¼ sec. Line, thence south 236.0 feet to the point of beginning.

**43.03 TERRITORY ANNEXED.** The following territory, presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Beginning at the intersection of North Water Street and North Side Drive on State Highway 80, in Section 11, T3N, R1W, Grant County, Wis., thence North along State Highway 80, 1220 feet, thence South 390 feet, thence West 224 feet to point of beginning, consisting of 11 acres more or less.

**43.04 TERRITORY ANNEXED.** The following territory, presently located in the town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Commencing at the West  $\frac{1}{4}$  Corner of Sec. 11, T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence East 41.58 ft. to the easterly right-of-way line of STH 80; thence N. 00 degrees 13' E. 1180.73 ft. along said easterly right-of-way line to the point of beginning; thence N. 00 degrees 13' E. 652.10 ft. along the easterly right-of-way of STH 80; thence East 469.10 ft.; thence S. 00 degrees 29' W. 652.11 ft.; thence West 466.06 ft to the point of beginning, containing 7.00 acres, more or less.

**43.05 TERRITORY ANNEXED.** The following territory, presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 22 and the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 22, T3N, R1W, Grant County, Wisconsin described as follows: Commencing at the W  $\frac{1}{4}$  corner of said Section 22; thence N 89 degrees 44' 30" E. 1336.35 feet; thence N 00 degrees 35' 16" W, 1312.88 feet to the SW corner of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 22 and the point of beginning; thence N 00 degrees 35' 16" W along the west line of the east  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of said Section 22, 1194.22 feet; thence N 68 degrees 57' 05" E, 132.18 feet thence N 68 degrees 56' 05" E, 200.00 feet; thence N 72 degrees 17' 05" E, 0.69 feet to the north line of said Section 22; thence continuing along said north line N 89 degrees 46' 35" E, 994.49 feet to the westerly Right-of-Way of State Trunk Highway 80 and a point on a curve; thence southeasterly on said westerly Right-of-Way line on a curve to the left with a radius of 1328.3 feet and whose chord bears S 42 degrees 09' 58" E, 331.50 feet; thence along said westerly Right-of-Way N 40 degrees 39' 57" E, 5.00 feet; thence along said Right-of-Way S 49 degrees 20' 30" E, 942.53 feet; thence S 74 degrees 31' 05" W, 1069.46 feet; thence S 00 degrees to 15' 55" E, 171.25 feet to the south line of the north  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of said Section 22; thence S 89 degrees 45' 32" W along said South line 1203.75 feet to the SW corner of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 22 and the point of beginning. Said parcel contains 50.15 acres.

**43.06 TERRITORY ANNEXED.** The following territory, presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

The Northwest Quarter (NW  $\frac{1}{4}$ ) of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Section 13, Township 3 North, Range 1 West of the Fourth Principal Meridian; the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) of Section 14, Township 3 North, Range 1 West of the Fourth Principal Meridian, and a part of the Northwest Quarter (NW  $\frac{1}{4}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) of Section 14, Township 3 North, Range 1 West of the Fourth Principal Meridian, bounded and described as follows, to-wit:

Commencing at the Northwest Corner of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 14; thence South 89 degrees – 52 minutes – 56 seconds East on the North line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 14, a distance of 660.00 feet to the point of beginning of the

hereinafter described tract of land; thence South 89 degrees – 52 minutes – 56 seconds East on the North line of the Southeast Quarter (SE ¼) of said Section 14, a distance of 1994.69 feet to the Northwest Corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 13; thence South 89 degrees – 52 minutes – 56 seconds East on the North line of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 13, a distance of 1327.35 feet to the Northeast Corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 13; thence South 00 degrees – 06 minutes – 52 seconds East on the East line of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 13, a distance of 1337.02 feet to the Southeast Corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 13; thence North 89 degrees – 17 minutes – 42 seconds West on the South line of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 13, a distance of 1330.44 feet to the Southwest Corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 13; thence South 89 degrees – 56 minutes – 32 seconds West on the South line of the North Half (N ½) of the Southeast Quarter (SE ¼) of said Section 14, a distance of 1992.87 feet; thence North 00 degrees – 17 minutes – 24 seconds East, a distance of 231.27 feet; thence North 88 degrees – 52 minutes – 02 seconds West, a distance of 662.93 feet to the West line of the Southeast Quarter (SE ¼) of said Section 14; thence North 00 degrees – 00 minutes – 27 seconds East on the West line of the Southeast Quarter (SE ¼) of said Section 14, a distance of 227.16 feet; thence South 89 degrees – 52 minutes – 58 seconds East, a distance of 662.11 feet; thence North 00 degrees – 08 minutes – 00 seconds West, a distance of 859.32 feet to the point of beginning of the above described tract of land, containing 104.19 acres more or less, and A part of the N.W. 1/4 of the S.E. 1/4 of Section 14, T3N, R1W, Grant Co., Wis. Described as follows: Beginning at a point 660.0 feet East of the center of said Section 14, T3N, R1W, thence South 0 degrees 08' East 310.5 feet, thence West 344.5 feet, thence North 0 degrees 34' West 310.05 feet, thence East 345.7 feet to the point of beginning, and containing an area of 2.45 acres more or less.

**43.07 TERRITORY ANNEXED.** The following territory, presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Commencing at the North ¼ corner of Section 16, T3N, R1W of the 4<sup>th</sup> P.M. in Grant County, Wisconsin; thence S. 0 degrees 45' E, 705.76 feet; thence S. 0 degrees 40' 57" E, 129.73 feet to the point of beginning; thence S. 0 degrees 40' 57" E, 1157.47 feet; thence N. 89 degrees 18' 26" W, 2683.34 feet; thence N. 0 degrees 04' 14" E, 1053.00 feet; thence S. 89 degrees 48' 02" E, 195.84 feet; thence N. 0 degrees 04' 41" E, 353.39 feet; thence N. 78 degrees 25' 04" E, 248.52 feet; thence N. 10 degrees 27' 05" W, 22 feet; thence N. 79 degrees 50' 34" E, 664.69 feet; thence S. 0 degrees 20' 15" W, 298.37 feet; thence S. 89 degrees 39' 45" E, 245.85 feet; thence N. 0 degrees 20' 15" E, 343.89 feet; thence N. 79 degrees 50' 34" E, 511.00 feet; thence N. 86 degrees 27' 29" E, 127.67 feet; thence S. 1 degrees 28' 40" E, 104.96 feet; thence N. 88 degrees 32' 16" E, 84.82 feet; thence N. 1 degree 28' 40" W, 81.46 feet; thence S. 53 degrees 09' 00" E, 554.96 feet; thence S. 2 degrees 05' 00" W, 142.59 feet; thence S. 12 degrees 32' 40" E, 119.57 feet; thence N. 89 degrees 20' 20" E, 151.21 feet to the point of beginning.

And also the following lands:

Commencing at the North corner of Section 16, T3N, R1W of the 4<sup>th</sup> Principal Meridian in Grant County, Wisconsin; thence S. 0 degrees 45' E, 705.76 feet to the southerly right of way line of West Main Street being County Trunk "B", and the point of beginning; thence S. 0 degrees 40' 57" E, 129.73 feet; thence S. 89 degrees 20' 20" W, 151.21 feet; thence N. 12 degrees 32' 40" W, 119.57 feet; thence N. 2 degrees 05' E, 142.59 feet to said southerly right of way line; thence S. 53 degrees 09' E, 213.00 feet along said right of way line to the point of beginning.

**43.08 TERRITORY ANNEXED.** The following territory, presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Commencing at the SW corner of the NW  $\frac{1}{4}$  of Section 10, T3N, R1W, 4<sup>th</sup> P.M., Grant County, Wisconsin; thence north 5.23 feet; thence East 1954.54 feet to the point of beginning; thence North 1198.64 feet; thence East 699.80 feet; thence S. 00 degrees 44' E. 1196.87 feet; thence S. 89 degrees 51' W. 715.11 feet to the point of beginning, containing 19.39 acres, more or less.

**43.09 TERRITORY ANNEXED.** The following territory, presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville: See Exhibit A on file in office of the City Clerk.

**43.10 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Begin at the Quarter Section corner between Sections 9 and 16 in T3N, R1W, of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence South 1 chain and 58 links; thence West 3 chains and 17 links; thence North 1 chain and 58 links; thence East 3 chains and 17 links to the beginning.

Said territory shall become part of the Second Ward of the City of Platteville.

**43.11 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the NE  $\frac{1}{4}$  of Section 21, T3N, R1W, Grant County, Wisconsin, described as follows:

Beginning at the North  $\frac{1}{4}$  corner of said Section; thence S 0 degrees, 20' 53" W, 2666.82' along the westerly line of said NE  $\frac{1}{4}$  to the SW'ly corner thereof; thence S 88 degrees, 46' 54" E, 1306.04' along the southerly line of said NE  $\frac{1}{4}$ ; thence N 0 degrees 13' 09" E, 33';

thence S 88 degrees 55' 08" E, 749.06'; thence N 0 degrees 15' 35" E, 294'; thence S 88 degrees 40' 25" E, 603.73' to the easterly line of said NE ¼; thence N 0 degrees 13' 09" E, 66' along said easterly line; thence N 88 degrees 40' 25" W, 513.68'; thence N 0 degrees 15' 35" E, 200' thence S 88 degrees 40' 25" E, 513.54' to said easterly line; thence N 0 degrees 13' 09" E, 850.13' along said easterly line; thence N 82 degrees, 33' 35" W, 273.78'; thence N 0 degrees 40' 33" W, 344.48'; thence S 86 degrees 53' 32" E, 277.74' to said easterly line; thence N 0 degrees 13' 09" E, 849.54' along said easterly line to the NE corner of said Section; thence N 88 degrees 34' 44" W, 2653.22' along the northerly line of said NE ¼ to the point of beginning, containing 152.59 acres, more or less.

Said territory shall become a part of the 4<sup>th</sup> Ward of the City of Platteville.

**43.12 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville.

A parcel of land located in the SW ¼ of the NW ¼, Section 10, T3N, R1W, Town of Platteville, Grant County, Wisconsin, described as follows:

Commencing at the West ¼ corner of said Section, said point being marked by a found stone; thence N 89 degrees 50' 16" E, 232.75' to the point of beginning; thence continuing N 89 degrees 50' 16" E, 796.55'; thence North 60.00'; thence S 89 degrees 50' 16" W, 795.90'; thence S 0 degrees 37' 37" W, 60.00' to the point of beginning. Contains 1.10 acres, more or less.

Said territory shall become a part of the 2<sup>nd</sup> Ward of the City of Platteville.

**43.13 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Commencing at the N.W. corner of Section 11, T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence East 50.00 ft. to the East line of S.T.H. No. 80; thence S. 00 degrees 13' W. 551.78 ft. to the point of beginning; thence N. 75 degrees 17' 00" E. 38.25 ft.; thence N. 87 degrees 17' 20" E. 18.00 ft.; thence S. 83 degrees 40' 20" E. 17.03 ft.; thence S. 77 degrees 24' 00" E. 34.00 ft.; thence S. 73 degrees 28' 40" E. 27.00 ft.; thence N. 89 degrees 58' 30" E. 27.00 ft.; thence S. 00 degrees 13' 00" W. 270.69 ft.; thence West 158.00 ft.; thence N. 00 degrees 13' 00" E. 277.10 ft. to the point of beginning, containing 1,015 acres, more or less, said described tract being located in the N. W. one-fourth of the N.W. one-fourth of Sec. 11, T3N, R1W of the 4<sup>th</sup> P.M.

**43.14 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Commencing at the N.W. Corner of Sec. 11, T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence East 50.00 ft. to the East line of S.T.H. No. 80, thence S. 00 degrees 13' W. 369.39 ft.; thence East 238.47 ft. to the point of beginning; thence East 234.63 ft.; thence South 459.49 ft.; thence West 316.84 ft.; thence N. 00 degrees 13' E. 270.69 ft.; thence East 80.47 ft.; thence N. 00 degrees 13' E. 188.80 ft. to the point of beginning, containing 2.985 acres, more or less, said described tract being a part of the N.W. ¼ of Sec. 11, T3W, R1W of the 4<sup>th</sup> P.M.

**43.15 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville.

Commencing at the NW corner of Sec. 11, T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence East 50.00 ft. to the East line of S.T.H. No. 80; thence S. 00 degrees 13' W. 369.39 ft. to the point of beginning; thence South 00 degrees 13' W 182.39 ft.; thence N. 75 degrees 17' 00" E. 38.25 ft.; thence N. 87 degrees 17' 20" East 18 ft.; thence S. 83 degrees 40' 20" E. 17.03 ft.; thence S. 77 degrees 24' 00" E. 34.00 ft.; thence S. 73 degrees 28' 40" E. 27.00 ft.; thence N. 89 degrees 58' 30" E. 27.00 ft.; thence East 80.47 ft.; thence N. 00 degrees 13' E. 188.80 ft.; thence West 238.47 ft. to point of beginning; containing 1.00 acre more or less, said described tract being a part of the NW ¼ of the NW ¼ of Section 11, T3N, R1W of the 4<sup>th</sup> P.M.

**43.16 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Commence 1.58 Chains South of the quarter section corner between Sections Nine (9) and Sixteen (16), Town Three (3) North, Range One (1) West, in Grant County, Wisconsin, thence South 1.58 chains; thence West 3.17 chains; thence North 1.58 chains; thence East 3.17 chains to the place of beginning, containing ½ acre, situated and lying in the Town of Platteville, Grant County, Wisconsin.

Said territory shall become a part of the sixth Ward of the City of Platteville.

Such territory shall be zoned R-1 Residential until the zoning ordinance of the City of Platteville is amended as prescribed in Section 62.23(7), Wisconsin Statutes.

**43.17 TERRITORY ANNEXED.** The following described property is hereby annexed to the City of Platteville from the Township of Platteville:

A parcel of land located in the Northeast Quarter (N.E. ¼) of the Northwest Quarter (N.W. ¼) of Section Sixteen (16), Township Three (3) North, Range One (1) West of the 4<sup>th</sup> P.M., Grant County, Wisconsin, described as follows: Commencing 3 chains and 16 links South of the Northeast corner of N.W. ¼ of said Section 16; thence South 6 chains and 91 links, thence North 53 ¼ degrees West 8 chains and 49 links; thence North 5 chains and 20 links;

thence East 3 chains and 15 links, thence South 3 chains and 16 links; thence East 3 chains and 17 links to the place of beginning, containing 3 and ½ acres of land, more or less; EXCEPTING therefrom the following described tract, to-wit: Commencing at a point which is 357.12 feet West of the ¼ Section Corner between Sections Nine (9) and Sixteen (16), T3N, R1W, in Grant Co., Wis.; thence South 387.20 feet to the middle of the Platteville and Potosi Highway; thence north 53 ¼ degrees West along the middle of said highway 74.4 feet; thence North 343.20 feet; thence East 60 feet to the place beginning, containing ½ acre of land, more or less.

AND the adjacent public right of way of Western Avenue.

This property shall be temporarily zoned R-1 Residential until amended by the City Council.

**43.19 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville.

Commencing at the Southeast Corner of Sec. 15, T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence W. 1519 ft. along the South line of Sec. 15 to the point of beginning; thence S. 110 ft.; thence W. 209 ft.; thence S. 0 24' E. 413.1 ft.; thence N. 61 32' W. 284.3 ft.; thence N. 65 08' W. 171.5 ft.; thence N. 40 45' E. 33.5 ft.; thence N. 54 41' W. 245.3 ft.; thence N. 44 15' W. 54 ft.; thence W. 41 ft.; thence N. 44 ¼ W. 152.50 ft.; thence E. along the South line of Sec. 15 to the point of beginning.

Said territory shall become a part of the Twelfth Ward of the City of Platteville.

Such territory shall be zoned C1 Conservancy District until the zoning ordinance of the City of Platteville is amended as prescribed in Section 62.23(7), Wisconsin Statutes.

**43.20 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Sec. 10 – T3N – R1W Com SW Cor SE ¼ NW ¼; N89D 51M E443 07' to POB; N248.88'; E175'; S248.42'; S89D51M W175' to POB.

Said territory shall become a part of the Third Ward of the City of Platteville.

Such territory shall be zoned R-1 Residential until the zoning ordinance of the City of Platteville is amended as prescribed in Section 62.23(7), Wisconsin Statutes.

**43.21 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the south ½ of the northeast ¼ of Section 14, T3N, R1W, Platteville Township, Grant County, Wisconsin, more fully described as follows:

Commencing at the center of said Section 14, thence S 89 42' 21" E 848.52' along the south line of the northeast ¼ of said Section 14, thence N 0 28' 33" E 26.74' to the point of beginning, thence N 0 28' 33" E 226.40', thence S 89 19' 06" E 493.21', thence N 2 05' 12" E 129.09', thence N 82 07' 54" E 694.74', thence S 0 28' 33" W 177.00', thence N 89 31' 27" W 66.00', thence S 0 28' 33" W 257.00' to the north right-of-way of USH "151", thence N 89 31' 27" W 458.38' along said right-of-way, thence S 0 28' 33" W 10.00' along said right-of-way, thence N 89 31' 27" W 300.00' along said right-of-way, thence S 88 48' 28" W 360.00' on a chord of a curve of said right-of-way, said curve containing a central angle of 3 34' 11" and radius of 5779.08' to the point of beginning.

The above described parcel contains 8.187 acres and is subject to any and all easements of record and/or usage; and

The adjacent portion of U.S. Highway 151 which is outside the current corporate boundary.

Said territory shall become a part of the Thirteenth Ward of the City of Platteville.

Such territory shall be zoned B-3.

**43.22 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 13, Town 3 North, Range 1 West, Township of Platteville, Grant County, Wisconsin, more fully described as follows:

Commencing at the Northwest corner of the Southwest Quarter (SW ¼) of said Section 13, thence South 89 05' 45" East 1324.82 feet, thence South 0 08' 52" East 30.89 feet to the South right-of-way of U.S. Highway "151" and the point of beginning, thence South 89 54' 11" East 300.00 feet, thence South 0 08' 52" East 248.44 feet, thence North 89 54' 11" West 300.00 feet, thence North 0 08' 52" West 248.44 feet to the point of beginning.

The above described parcel contains 1.71 acres and is subject to any and all easements of record and/or usage.

Said territory shall become a part of the Thirteenth Ward of the City of Platteville.

Such territory shall be zoned B-3.

**43.23 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:



A part of the Northwest Quarter of Southeast Quarter (NW ¼ of SE ¼) of Section 14, Town 3 North, Range 1 West, described as follows:

Commencing at Northwest corner of said Northwest Quarter of Southeast Quarter of Section 14, thence South on a line between Southeast Quarter and Southwest Quarter (SE ¼ and SW ¼) of said Section 14, 13 chains and 2 links, thence East 10 Chains, thence North 13 Chains and 2 links to ¼ Section line, thence West on said line to the place of beginning, containing 13.02 acres of land, intending hereby to describe the same lands conveyed by Michael Stephens by deed dated December 2, 1876 to Fanny S. Bonson.

Excepting therefrom that certain tract conveyed by Emma M. Kabele to Albert T. Boldt and wife by deed dated February 25, 1954, described as follows:

Beginning at a point 660.0 feet East of the center of said Section 14, T3N, R1W, thence South 0 deg. 08 min. East 310.5 feet, thence West 344.5 feet, thence North 0 degrees 34 minutes West 310.05 feet, thence East 345.7 feet to the point of beginning and containing an area of 2.45 acres more or less.

Said territory shall become a part of the Thirteenth Ward of the City of Platteville.

Such territory shall be zoned M-3.

**43.24 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Commencing at the Northwest corner of Section Eleven (11), Township Three (3) North, Range One (1) West of the 4<sup>th</sup> P.M., Grant County; Wisconsin; thence East 50.00 feet to the East line of State Trunk Highway No. 80; thence East 471.70 feet; thence South 369.39 feet; thence West 473.10 feet to the East line of State Trunk Highway No. 80; thence North 00 13' East 369.39 feet along the East line to the point of beginning.

EXCEPTING therefrom one acre described as follows:

Commencing at the Northwest corner of said Section 11, T3N, R1W, Grant Co., WI; thence East 50.00 feet to the point of beginning; thence South 00 13' West 182.51 feet; thence East 239.02 feet; thence North 182.51 feet; thence West 238.33 feet to the point of beginning, containing 1.00 acre, more or less.

Said territory shall become a part of the Second Ward of the City of Platteville.

Such territory shall be zoned R-3.

**43.25 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Commencing at the northwest corner of the southwest  $\frac{1}{4}$  of said Section 13, thence S 89 Degrees 05 minutes 45 seconds E 1324.82 feet, thence S 0 degrees 08 minutes 52 seconds E 30.89 feet to the south right-of-way of U.S. Highway "151", thence continuing S 0 degrees 08 minutes 52 seconds E 248.44 feet to the point of beginning, thence S 89 degrees 54 minutes 11 seconds E 300.00 feet, thence S 0 degrees 08 minutes 52 seconds E 165.63 feet, thence N 89 degrees 54 minutes 11 seconds W 300.00 feet, thence N 0 degrees 08 minutes 52 seconds W 165.63 feet to the point of beginning. This parcel contains 1.141 acres more or less.

Said territory shall become a part of the Fourth Ward of the City of Platteville.

Such territory shall be zoned B-3.

**43.26 TERRITORY ANNEXED.** The following territory as described in Exhibit A, less the West 33 feet of said property, presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

The Southeast Quarter (S.E.  $\frac{1}{4}$ ) of Section Fourteen (14), Township Three (3) North, Range One (1) West of the 4<sup>th</sup> P.M., Grant County, Wisconsin.

EXCEPTING therefrom the West 10 chains of the North 13.02 chains of the S.E.  $\frac{1}{4}$  of said Section 14.

ALSO EXCEPTING a parcel of land located in the N.W.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of said Section 14, described as follows, to-wit: Beginning at a point which is North 89° 51' 56" West 1994.69 feet from the Northeast corner of said S.E.  $\frac{1}{4}$ ; thence South 00° 08' 00" East 792.15 feet; thence South 89° 53' 00" East 572.00 feet; thence North 00° 08' 00" West 792.08 feet; thence North 89° 52' 56" West 572.00 feet to the point of beginning.

ALSO EXCEPTING that parcel conveyed to Patrick W. Cullen and Geneva M. Cullen to the City of Platteville by Warranty Deed dated June 14, 1985, and recorded in Volume 611 of Records, page 735, on June 17, 1985.

ALSO EXCEPTING a parcel of land located in the W  $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$  of said Section 14, more fully described as follows: Commencing at the South Quarter corner of said Section 14; thence North 00° 21' 00" East 1135.73 feet along the center Section line to the point of beginning; thence continuing North 00° 21' 00" East 440.47 feet; thence South 88° 31' 28" East 663.21 feet; thence South 00° 47' 27" West 231.18 feet; thence South 03° 20' 10" East 202.04 feet; thence North 89° 11' 45" West 674.38 feet to the point of beginning.

Said territory shall become a part of the Fourth District (13<sup>th</sup> Ward) of the City of Platteville. Such territory shall be temporarily zoned M-4 Applied Technology District.

**43.27 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Commencing at the corner of Sections Fifteen (15), Sixteen (16), Twenty-one (21) and Twenty-two (22) in Township Three (3) North, Range One (1) West of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence South 462 feet; thence East 1145 feet to the Southeast corner of the tract and the point of beginning; thence West 200 feet; thence due North to the North line of Section Twenty-two (22); thence Easterly along said Section line to a point which is situated due North of the place of beginning; thence South to the point of beginning.

The above parcel of land corresponding in general location to a part of Block Twenty-one (21) of Straw's Addition to the City of Platteville, Grant County, Wisconsin.

Such property is located at 275 West Highway 151.

Said territory shall become a part of the Twelfth Ward of the City of Platteville.

Such territory shall be zoned B-3.

**43.28 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

The East 264.00 feet of the following described land, to-wit: Part of the S.E.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$  of Section 21, T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin, described as follows, to-wit: Commencing at a point on the West right-of-way line of U.S. Highway #151, which is 33 feet North and 53.96 feet West of the East Quarter corner of said Section 21; thence North 01 04" West 360.00 feet along said right-of-way line; thence West 60.00 feet to the West line of the frontage road and the point of beginning; thence North 01 04' West 200.00 feet along said West line; thence West 400.00 feet; thence South 01 04' East 200.00 feet; thence East 400.00 feet to the point of beginning. (Parcel No. 50-610-000)

Such property is commonly known as 5963 Highway 151 South.

**and**

The West 136.00 feet of the following described land, to-wit: Part of the S.E.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$  of Section 21, T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin, described as follows, to-wit: Commencing at a point on the West right-of-way line of U.S. Highway #151, which is 33 feet North and 53.96 feet West of the East Quarter corner of said Section 21; thence North 01 04' West 360.00 feet along said right-of-way line; thence West 60.00 feet to the West line of the frontage road and the point of beginning; thence North 01 04' West 200.00 feet along said West line; thence West 400.00 feet; thence South 01 04' East 200.00 feet; thence East 400.00 feet to the point of beginning. (Parcel No. 50-610-010)

Such property is commonly known as 1200 Pioneer Road.

Said territory shall become a part of the Eleventh Ward of the City of Platteville.

Such territory shall be zoned B-3.

**43.29 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 10, Town 3 North, Range 1 West of the 4<sup>th</sup> P.M., Grant County, Wisconsin, said parcel being described as follows: Commencing at the East  $\frac{1}{4}$  corner of said Section 10; thence North 89 degrees 37' 38" West 2670.82' to a 2" iron pipe marking the center of said Section and the Point of Beginning; thence North 00 degrees 09' 17" West 71.69' along the west line of the Northeast  $\frac{1}{4}$  of said Section 10; thence South 89 degrees 37' 38" East 25.00' to a No. 6 rebar; thence South 00 degrees 09' 17" East 71.69' to the south line of the Northeast  $\frac{1}{4}$  of said Section 10; thence North 89 degrees 37' 38" West 25.00' along said south line to the Point of Beginning, containing 0.041 acres, more or less, and being subject to any and all easements of record and/or usage.

Such property is commonly known as the north end of North Fourth Street, opposite 1400 N. Fourth Street.

Said territory shall become a part of the Fourth Ward of the City of Platteville.

Such territory shall be zoned R-1.

**43.30 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the SE  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 14, Township 3 North, Range 1 West, Grant County, Wisconsin, more fully described as follows: Commencing at the southeast corner of the NE  $\frac{1}{4}$  of said Section 14; thence North 0 degrees 11' 04" West 49.50' along the east line of the NE  $\frac{1}{4}$  of said Section 14 to the north right of way of U.S. Highway "151" and the point of beginning, thence N 89 degrees 55' 30" W 689.50' along the north right of way of said U.S. Highway "151", thence N 0 degrees 00' 22" E 257.00', thence S 89 degrees 59' 38" E 66.00', thence N 0 degrees 00' 22" E 177.00', thence S 89 degrees 55' 30" E 84.05' thence N 69 degrees 26' 34" E 314.79', thence S 89 degrees 55' 30" E 242.91' to the east line of the NE  $\frac{1}{4}$  of said Section 14, thence S 0 degrees 11' 04" E 545.01' to the point of beginning.

The above described parcel contains 7.59 acres and is subject to any and all easements of record and or usage.

Such property will also be described as 1560 East Highway 151.

Said territory shall become a part of the Thirteenth Ward of the City of Platteville.

Such territory shall be zoned B-3.

**43.31 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Lot #1

A parcel of land located in the SE ¼ of the NE ¼ of Section 9, Township 3 North, Range 1 West, of the 4<sup>th</sup> P.M., Grant County, Wisconsin, more fully described as follows: Commencing at the SE corner of the NE ¼ of said Section 9; thence N 00 degrees 05' 54" W 26.80' along the east line of the NE ¼ of said Section 9, thence N 89 degrees 22' 50" W 20.00' to the point of beginning, thence N 89 degrees 22' 50" W 332.05', thence S 00 degrees 48' 28" W 26.98', thence N 89 degrees 23' 48" W 212.00', thence N 00 degrees 47' 17" E 102.69', thence S 89 degrees 24' 30" E 212.00', thence N 00 degrees 47' 17" E 4.25', thence S 89 degrees 22' 50" E 330.83', thence S 00 degrees 05' 54" E 80.01' to the point of beginning.

The above described parcel contains 1.109 acres, more or less, and is subject to any and all easements of record and/or usage.

Said parcel is located on the northeast corner of Lancaster Road and Ridge Avenue and is to be combined with 1365 Lancaster Street.

Said territory shall become a part of the Fifth Ward of the City of Platteville.

Such territory shall be zoned B-1.

**43.32 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) and the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Twenty-three (23), Town Three (3) North, Range One (1) West of the 4<sup>th</sup> P.M., Platteville Township, Grant County, Wisconsin, containing 55.68 Acres, more or less, and being described as follows:

Commencing at the North Quarter (N ¼) corner of said Section, said corner being the point of beginning; Thence South 00 39' 38" East 2654.53' along the East line of the Northwest Quarter (NW ¼) of said Section; Thence South 89 37' 28" West 1306.81'; Thence North 00 39' 28" West 982.14'; Thence North 89 13' 48" East 623.80'; Thence North 00 39' 28" West 1663.35' more or less to the North line of said Section Twenty-three (23); Thence East 683' along the North line of said Section to the point of beginning.

Subject to any and all easements of record and/or usage.

Said parcel is located on East Side Road.

Said territory shall become a part of the Thirteenth Ward of the City of Platteville.

Such territory shall be zoned B-3 Highway Business District.

**43.33 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-two (22), Township Three (3) North, Range One (1) West, Platteville Township, Grant County, Wisconsin, more fully described as follows:

Commencing at the northwest corner of Lot 1, Block X in Straw Addition to the City of Platteville, thence South 21° 00' 00" West 354.35', more or less, along the east right-of-way of South Chestnut Street to the north line of the Northwest Quarter (NW ¼) of said Section 22 and the point of beginning, thence continuing South 21° 00' 00" West 213.65, more or less, along the east right-of-way of said South Chestnut Street to the north bank of Rountree Branch, thence South 81° 13' 00" East 357.10' along said north bank to the northerly right-of-way of U.S. Highway 151, thence northeasterly along said right-of-way on an arc of a 3° 23' curve, concave southerly for a distance of 325.83', thence North 0° 00' 00" East 60.50', more or less, to the north line of the northwest ¼ of said Section 22, thence North 89° 50' West 538.75' along the north line of the northwest ¼ of said Section 22 to the point of beginning.

The above described parcel contains 2.57 acres, more or less.

Said parcel is located at 300 West Highway 151.

Said territory shall become a part of the Twelfth Ward of the City of Platteville.

Such territory shall be zoned b-3 Highway Business District.

**43.34 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

All that part of the following described parcels lying South of the North line of Section 22, Township 3 North, Range 1 West, Town of Platteville, Grant County, Wisconsin:

Part of Block Twenty-one (XXI) of Straw's Addition to the City of Platteville, Grant County, Wisconsin, and part of the Northwest Quarter (N.W. ¼) of the Northwest Quarter (N. W. ¼) of Section Twenty-two (22), Township Three (3) North, Range One (1) West of the 4<sup>th</sup> P.M., Grant County, Wisconsin, described as follows: Commence at a point which is situated South 7 chains and East 20 chains from the Section corner of Sections 15, 16, 21, and 22

in T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence West 175 feet; thence North to a point on the South boundary line of U.S. Highway #151; thence Northeasterly along the Southern boundary of said highway to a point thereon due North of the point of beginning; thence South to the place of beginning.

AND

Commencing at the Southeast corner of the Southwest Quarter (S.W.  $\frac{1}{4}$ ) of the Southwest Quarter (S.W.  $\frac{1}{4}$ ) of Section Fifteen (15), Township Three (3) North, Range One (1) West of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence North 214.50 feet; thence East 150.00 feet; thence South 240.00 feet to the creek; thence South 70 01' West along creek 150.00 feet; thence North 65.00 feet to the place of beginning, subject to highway easement over the North portion hereof; part of said parcel being the West 150.00 feet of Lot Three (3) in Block Thirty-Three (33) of the Assessment Plat of the City of Platteville, Grant County, Wisconsin, according to the recorded map or plat thereof.

The above described parcels contain 0.45 and 2.1 acres, more or less, respectively.

Said parcels are located at 175 and 155 West Highway 151.

Said territory shall become a part of the Twelfth Ward of the City of Platteville.

Such territory shall be zoned B-3 Highway Business District.

**43.35 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the West Half (W  $\frac{1}{2}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) of Section Fourteen (14), Township Three (3) North, Range One (1) West, of the 4<sup>th</sup> P.M., Township of Platteville, Grant County, Wisconsin, more fully described as follows:

Commencing at the South Quarter corner of said Section 14; thence North 00<sup>0</sup> 21' 00" East 1135.73 feet along the center Section line to the point of beginning; thence continuing North 00<sup>0</sup> 21' 00" East 440.47 feet; thence South 88<sup>0</sup> 31' 28" East 663.21 feet; thence South 00<sup>0</sup> 47' 27" West 231.18 feet; thence South 03<sup>0</sup> 20' 10" East 202.04 feet; thence North 89<sup>0</sup> 11' 45" West 674.38 feet to the point of beginning.

Also a portion of the right-of-way of Eastside Road described as follows:

Commencing at the South Quarter corner of said Section 14; thence North 00<sup>0</sup> 21' 00" East 1135.73 feet; thence East 33 feet more or less to the East R.O.W. of Eastside Road; thence South 00<sup>0</sup> 21' 00" West 1135.73 feet along the East R.O.W. line of Eastside Road; thence West 33 feet more or less to the South Quarter corner of Section 14 and the point of beginning, containing 0.86 acres all being the East R.O.W. of Eastside Road.

Said parcel is located at 6210 Eastside Road.

**43.36 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Northwest One-Quarter of Section 13, Town 3 North, Range 1 West of the Fourth Principal Meridian, Town of Platteville, Grant County, Wisconsin, more fully described as follows:

Commencing at the northwest corner of said Section 13, said point being in the centerline of Mitchell Hollow Road, and said point being the point of beginning, thence South  $00^{\circ} 30' 12''$  E 2,599.87' along the west line of the Northwest One-Quarter of said Section 13 to the north right-of-way of Business "151", thence N  $89^{\circ} 44' 03''$  E 1,430.98' along the north right-of-way of said Business "151", thence N  $84^{\circ} 39' 11''$  E 401.58' along the north right-of-way of said Business "151", thence N  $89^{\circ} 52' 08''$  E 338.04' along the north right-of-way of said Business "151", thence N  $00^{\circ} 14' 59''$  W 25.03' along the north right-of-way of said Business "151", thence N  $89^{\circ} 52' 03''$  E 479.00' along the north right-of-way of said Business "151" to the east line of the Northwest One-Quarter of said Section 13, thence North  $00^{\circ} 33' 40''$  W 2,511.48' along the east line of the Northwest One-Quarter of said Section 13 to the northeast corner of the Northwest One-Quarter of said Section 13 and the centerline of said Mitchell Hollow Road, thence N  $89^{\circ} 37' 20''$  W 75.01' along the centerline of said Mitchell Hollow Road and the north line of the Northwest One-Quarter of said Section 13, thence S  $00^{\circ} 33' 40''$  E 569.07' to the south right-of-way of the Chicago, Milwaukee, and St. Paul Railway, thence N  $88^{\circ} 20' 34''$  W 1,421.12' along the south right-of-way of said Chicago, Milwaukee, and St. Paul Railway, thence 634.10' along the arc of a curve to the left containing a radius of 3,769.83', a central angle of  $09^{\circ} 38' 15''$  and a chord bearing and distance of S  $86^{\circ} 50' 19''$  W 633.35' along the south right-of-way of said Chicago, Milwaukee, and St. Paul Railway, thence S  $82^{\circ} 01' 11''$  W 447.31' along the south right-of-way of said Chicago, Milwaukee, and St. Paul Railway, thence N  $00^{\circ} 30' 12''$  W 641.45' to the centerline of said Mitchell Hollow Road and the north line of the Northwest One-Quarter of said Section 13, thence N  $89^{\circ} 37' 30''$  W 75.01' along the centerline of said Mitchell Hollow Road and the north line of the Northwest One-Quarter of said Section 13 to the northwest corner of said Section 13 and the point of beginning.

The above described parcel contains 123.805 acres, more or less.

Said territory shall become a part of the Thirteenth Ward of the City of Platteville.

Such territory shall be zoned B-3 Highway Business District and R-3 Multi-family Residential District.

**43.37 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:



All that part of the following described parcel lying South of the North line of Section 22, Township 3 North, Range 1 West, Town of Platteville, Grant County, Wisconsin:

Commencing at a point on the South right-of-way line of U.S.H. #151 which is 158.87 feet North and 1188.35 feet West of the South Quarter corner of Section Fifteen (15), Township Three (3) North, Range One (1) West of the 4<sup>th</sup> P.M., Grant County, Wisconsin, thence South 200 feet; thence North 70<sup>0</sup> 01' East 200 feet; thence North 200 feet to the South right-of-way line of U.S.H. #151; thence South 70<sup>0</sup> 01' West 200 feet along said right-of-way to the point of beginning.

The above parcel of land is also described as a part of the Northeast Quarter (N.E. ¼) of the Northwest Quarter (N.W. ¼) of Section Twenty-two (22), Township Three (3) North, Range One (1) West of the 4<sup>th</sup> P.M., Grant County, Wisconsin and is also a part of Lot Three (3) of Block Thirty-three (33) of the Assessment Plat of the City of Platteville, Grant County, Wisconsin, according to the recorded map or plat thereof.

Said parcel is located at 105 W. Highway 151.

Said territory shall become a part of the Twelfth Ward of the City of Platteville.

Such territory shall be zoned B-3 Highway Business District.

**43.38 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Lot 2 of Certified Survey Map No. 993, which is a replat of CSM No. 971 being located in the SW ¼ of the NE ¼ of Section 10, T3N, R1W, Platteville Township, Grant County, Wisconsin.

The above described parcel contains 0.32 acres and is located at 6716 N. Second Street.

Said territory shall become a part of the Third Ward of the City of Platteville.

Such territory shall be temporarily zoned R-1 One Family Residential.

**43.39 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Property being located in the SE ¼ of the NW ¼ of Section 10, T3N, R1W, Platteville Township, Grant County, Wisconsin, further described as commencing at the west quarter (W1/4) corner of said Section 10; thence north 00°36'07" west 311.56' along the west line of said Section; thence north 89°57'21" east 1608.25' to the point of beginning; thence north 00°12'01" east 686.13'; thence north 89°57'21" east 350.49'; thence south 00°06'58" west

686.13'; thence south 89°57'21" west 351.49' to the point of beginning; except the northern 200' of said described property.

The above described parcel contains approximately 3.92 acres and is located at 6722 and 6756 N. Elm Street.

Said territory shall become a part of the Fourth Ward of the City of Platteville.

Such territory shall be zoned R-1 One Family Residential.

**43.40 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Property described in Volume 751, page 844, recorded as Document No. 577538, Grant County Registry. Part of the NW ¼ of the NW ¼ of Section 22, T3N, R1W of the 4<sup>th</sup> P.M., Platteville Township, Grant County, Wisconsin, further described as follows:

Commencing at the intersection of South Chestnut Street of the City of Platteville being the former U.S. Highway 151 and the stream crossing same known as Rountree Branch; thence Southwesterly along the East side of said Highway to a point thereon approximately 7 chains South of the South boundary line of Section 15 of the hereinafter designated Township, which point is also on the South boundary line of grantor's property; thence due East to the Northern boundary of the present U.S. Highway 151; thence Northeasterly along the Northern boundary of said Highway to the point thereon at which it is crossed by the said Rountree Branch stream; thence along said stream to the place of beginning. Being the same description as first used in a deed from Elvira L. Gray to George R. Carthew, dated July 20, 1954 and recorded in Volume 320 of Deeds Page 564 on July 22, 1954.

Also annexed is a portion of the current Business Highway 151, as described below:

A parcel of land located in the NW ¼ of the NW ¼ of Section 22, T3N, R1W, Platteville Township, Grant County, Wisconsin, more fully described as follows:

Commencing at the Northwest quarter (W ¼) corner of said Section 22; thence South 462.00' along the West line of said section; thence East to the Northwesterly right of way of Business Highway 151 and the point of beginning; thence East to the Southeasterly right of way of Business Highway 151; thence Northeasterly along said right of way to the West line of that property as described in Volume 757, Page 316, Grant County Registry; thence North along said West line to the North line of Section 22; thence West along the North line of said Section to the Northwesterly right of way of Business Highway 151; thence Southwesterly along said right of way to the Easterly right of way of Staley Avenue; thence Northwesterly along the Easterly right of way of Staley Avenue to the North line of said Section 22; thence Easterly along the North line of said Section to the Northeast corner of that property as described in Volume 603, Page 360, Grant County Registry; thence South along the East

line of said property to the Northwesterly right of way of Business Highway 151; thence Southwesterly along said right of way to the point of beginning.

Said territory shall become a part of the Twelfth Ward of the City of Platteville.

Such territory shall be zoned R-3 Multi-Family Residential.

**43.41 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Property described in Certified Survey Map No. 1147, recorded as Document No. 673780, Grant County Registry, which is located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 13, T3N, R1W of the 4<sup>th</sup> P.M., Platteville Township, Grant County, Wisconsin, containing 49.21 acres, more or less, and being described as follows:

Commencing at the N  $\frac{1}{4}$  corner of said Section; Thence South 00° 33' 42" East 570.75' along the West line of the NE  $\frac{1}{4}$  of said Section to the Southerly right-of-way of the abandoned Chicago, Milwaukee and St. Paul Railway, and the point of beginning; Thence South 00° 33' 42" East 1965.77' along the West line of said NE  $\frac{1}{4}$  to the Northerly right-of-way of Highway #151; Thence North 89° 52' 08" East 156.32' along said right-of-way; Thence North 29° 29' 00" East 560.89' along said right-of-way; Thence North 54° 38' 19" East 292.52' along said right-of-way; Thence North 51° 36' 45" East 479.13' along said right-of-way; Thence North 78° 50' 30" East 279.68' along said right-of-way; Thence North 66° 03' 45" East 441.39' along said right-of-way; Thence North 00° 26' 10" West 741.59' along the East line of the West 25 acres of the East half (E  $\frac{1}{2}$ ) of said NE  $\frac{1}{4}$  to the Southerly right-of-way of the abandoned Chicago, Milwaukee and St. Paul Railway; Thence 303.64' on the arc of a curve to the right having a radius of 3115.71' and a long chord bearing South 88° 51' 54" West 303.52' along said abandoned right-of way; Thence North 88° 10' 36" West 1435.06' along said abandoned right-of-way to the point of beginning.

Also annexed is a portion of the current Business Highway 151, as described below:

That portion of the right-of-way of Business Highway 151 that is currently not within the boundaries of the City of Platteville located within the NE  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  of Section 14, and the NW  $\frac{1}{4}$  and SW  $\frac{1}{4}$  of Section 13, all within T3N, R1W, Platteville Township, Grant County, Wisconsin.

Said territory shall become a part of the Thirteenth Ward of the City of Platteville.

Such territory shall be zoned B-3 Highway Business and R-3 Multi-Family Residential.

**43.42 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Property being located in the NE ¼ of the SW ¼ of Section 16, T3N, R1W, Platteville Township, Grant County, Wisconsin, further described as commencing at the Quarter corner between Sections 9 and 16, Township 3 North, Range 1 West of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence South 706 feet to a point on the South line of the “Platteville-Potosi Road”; thence North 52<sup>o</sup> West along the South line of said road 625.5 feet; thence West 114.25 feet to the point of beginning; thence West 85 feet; thence North 139.5 feet; thence South 74<sup>o</sup> 30’ East 88 feet along the centerline of said road; thence South 116 feet, more or less, to the point of beginning, excluding the right-of-way for County Highway “B”.

The above-described parcel contains approximately 0.25 acres and is located at 1555 County Highway B. Said territory shall become a part of the Eighth Ward of the City of Platteville. Such territory shall be zoned R-1 One Family Residential.

**43.43 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

All that property that is located in Section 13 that is in the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼), and the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼), and the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼), and the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) and that is north and west of the northwest right-of-way of U.S. Highway 151, in said Section 13, Township 3 North, Range 1 West of the 4<sup>th</sup> P.M., Grant County, Wisconsin, excluding parcel 271-3100-0000; and

All that property that is located in the north half (N ½) of Section 23 and that is north and west of the northwest right-of-way of U.S. Highway 151, all in Township 3 North, Range 1 West of the 4<sup>th</sup> P.M., Grant County, Wisconsin, excluding parcels 271-3101-0000 and 271-3102-0000; and

All that property that is located in Section 23 that is in the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼), and the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼), and the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼), and that is north and west of the northwest right-of-way of U.S. Highway 151, in said Section 23, Township 3 North, Range 1 West of the 4<sup>th</sup> P.M., Grant County, Wisconsin, excluding parcel 50-701-0000; and

All that property that is located in Section 23 that is in the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼), and that is north and west of the northwest right-of-way of U.S. Highway 151, and that is north and east of the northeast right-of-way of Highway 80/81, in said Section 23, Township 3 North, Range 1 West of the 4<sup>th</sup> P.M., Grant County, Wisconsin, excluding parcels 50-699-0000 and 50-698-0010; and

All that property that is located in Section 24 that is in the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼), and that is north and west of the northwest right-of-way of U.S.

Highway 151, in said Section 24, Township 3 North, Range 1 West of the 4<sup>th</sup> P.M., Grant County Wisconsin; and

Including the following portions of road/highway right-of-way that are currently not in the City: the remaining portion of Evergreen Road located north and west of the northwest right-of-way of U.S. Highway 151; the remaining portion of Eastside Road; the remaining portion of Enterprise Drive; the portion of Pleasant Valley Road that is located in Section 23 and north of the U.S. Highway 151 right-of-way (approximately the east half); and the portion of Highway 80/81 that is located in the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) and the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section 23.

The above described territory contains approximately 371 acres. Said territory shall become a part of the Thirteenth Ward of the City of Platteville. Such territory shall be zoned B-3 Highway Business.

**43.44 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Northwest one-quarter of the Northwest one-quarter and the Northeast one-quarter of the Northwest one-quarter of Section 21, Town 3 North, Range 1 West, Town of Platteville, Grant County, Wisconsin, more fully described as follows:

Commencing at the North quarter corner of said Section 21, thence S 00°13'02" W 436.94' along the East line of the Northwest ¼ of said Section 21 to the point of beginning, thence continuing S 00°13'02" W 892.84' to the Southeast corner of the Northeast ¼ of the Northwest ¼ of said Section 21, thence N 88°24'42" W 1935.89' along the South line of the North ½ of the Northwest ¼ of said Section 21 to the East right-of-way of Southwest Road, thence 88.54' along said East right-of-way on an arc of a curve to the right containing a radius of 967.00', an interior angle of 5°14'47", and a chord bearing and distance of N 11°01'29" E 88.51', thence N 13°38'53" E 59.18' along said East right-of-way, thence 123.05' along said East right-of-way on an arc of a curve to the right containing a radius of 1467.00', an interior angle of 4°48'22", and a chord bearing and distance of N 16°03'04" E 123.02', thence N 18°27'14" E 36.74' along said East right-of-way, thence 253.46' along said East right-of-way on an arc of a curve to the right containing a radius of 492.00', an interior angle of 29°31'02", and a chord bearing and distance of N 33°12'45" E 250.67', thence N 47°58'16" E 189.95' along said East right-of-way, thence 396.25' along said East right-of-way on an arc of a curve to the right containing a radius of 1876.86', an interior angle of 12°05'47", and a chord bearing and distance of N 54°01'10" E 395.51', thence N 60°04'03" E 169.65' along said East right-of-way, thence S 78°01'08" E 130.83', thence S 75°10'08" E 195.33', thence N 83°35'08" E 123.35', thence N 71°05'52" E 107.19', thence N 53°44'52" E 97.33', thence N 38°08'52" E 38.79', thence N 90°00'00" E 57.53', thence S 00°13'02" W 130.00', thence S 88°14'52" E 416.00' to the point of beginning.

The above described territory contains 35.97 acres, more or less. Said territory shall become a part of the Eleventh Ward of the City of Platteville. Such territory shall be temporarily zoned R-1 One Family Residential.

**43.45 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Fourteen (14), Town Three North (T3N), Range One West (R1W) of the Fourth Principal Meridian, Town of Platteville, Grant County, Wisconsin, containing 2.77 acres, more or less, and being described as follows:

Commencing at the East Quarter (E ¼) corner of said Section Fourteen (14); Thence N 00°30'06" W 542.36' along the East line of the Northeast Quarter (NE ¼) of said Section Fourteen (14); Thence continuing N 00°30'06" W 52.14' along the East line of the Northeast Quarter (NE ¼) of said Section Fourteen (14) to the Northerly line of Lot One (1) of Certified Survey Map No. 607 (Document 616634) and the point of beginning; Thence S 89°45'28" W 242.91' along the Northerly line of said Lot One (1); Thence S 69°07'32" W 147.98' along the Northerly line of said Lot One (1); Thence S 89°45'28" W 90.37'; Thence N 00°30'06" W 290.11'; Thence N 89°45'28" E 472.01' to the East line of the Northeast Quarter (NE ¼) of said Section Fourteen (14); Thence S 00°30'06" E 237.97' along the East line of the Northeast Quarter (NE ¼) of said Section Fourteen (14) to the point of beginning.

Said territory shall become a part of the Thirteenth Ward of the City of Platteville. Such territory shall be zoned B-3 Highway Business.

**43.46 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

Located in the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) and the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Eleven (11), Town Three (3) North, Range One (1) West of the 4<sup>th</sup> P.M., Platteville Township, Grant County, Wisconsin, containing 45.42 acres, more or less, and being described as follows:

Commencing at the West Quarter (W ¼) corner of said Section; thence North 89° 54' 48" East 656.46' along the North right-of-way of North Side Drive to the Northeast corner thereof; thence North 00° 08' 07" West 10.00' to the point of beginning; thence North 89° 54' 48" East 441.77'; thence North 00° 27' 51" West 594.37'; thence North 89° 32' 09" East 224.43' to a point on the East line of the West Half (W ½) of said Northwest Quarter (NW ¼); thence North 00° 27' 51" West 2058.12' along said East line to the Northeast corner thereof; thence South 89° 42' 20" West 803.22' along said North line to the Northeast corner of Camelot Court Condominium, Amendment No. 1; thence South 00° 04' 59" East 366.23' along the East line of said Camelot Court Condominium, Amendment No. 1 to the Southeast corner thereof; thence South 00° 08' 38" East 459.46' along the East line of Malone Subdivision to

the Southeast corner thereof; thence South 00° 03' 50" East 651.59' along the East line of Shamrock Valley Addition to the Southeast corner thereof; thence South 00° 00' 53" East 802.06' along the East line of Country Club Court Subdivision to the Southeast corner thereof; thence South 00° 08' 07" East 100.66' to the Northwest corner of that property as described in Volume 919, Page 300, Grant County Registry; thence North 89° 54' 48" East 155.00' to the Northeast corner of said property; thence South 00° 08' 07" East 271.00' along the East line of said property to the point of beginning.

Said territory shall become a part of the Second Ward of the City of Platteville. Such territory shall be zoned R-3 Multi-Family Residential. The population of the territory is zero.

**43.47 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Fourteen (14), Town Three North (T3N), Range One West (R1W) of the Fourth Principal Meridian, Town of Platteville, Grant County, Wisconsin, containing 1.28 acres, more or less, and being described as follows:

Commencing at the East Quarter (E ¼) corner of said Section Fourteen (14); Thence N 00°30'06" W 542.36' along the East line of the Northeast Quarter (NE ¼) of said Section Fourteen (14) to the Southerly line of Certified Survey Map No. 1239 (Document no. 688417); Thence S 89°45'28" W 381.63' along the Southerly line of said Certified Survey Map No. 1239 to the point of beginning; Thence S 69°07'32" W 166.81' along the Southerly line of said Certified Survey Map No. 1239; Thence S 89°45'28" W 5.78' along the Southerly line of said Certified Survey Map No. 1239 and its extension thereof; Thence N 26°48'52" W 366.99'; Thence 22.36' along the arc of a curve to the right having a radius of 150.00' and a chord bearing N 22°32'38" W 22.34'; Thence N 89°45'28" E 242.84' to the West line of said Certified Survey Map No. 1239; Thence S 00°30'06" E 290.11' along the West line of said Certified Survey Map No. 1239; Thence N 89°45'28" E 90.38' to the point of beginning.

Said territory shall become a part of the Thirteenth Ward of the City of Platteville. Such territory shall be zoned B-3 Highway Business.

**43.48 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section 11, Township 3 North, Range 1 West of the 4<sup>th</sup> P.M., Grant County, Wisconsin, being described as follows:

Commencing at the West ¼ corner of Section 11, T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin; Thence N 89° 11' E 42.05'; Thence E. 230.45' to the point of beginning; thence

N 378.12'; thence E. 230.45'; thence S 378.12'; thence 230.45' to the point of beginning, containing 2 acres more or less.

The parcel described above is located at 872 Northside Drive.

Said territory shall become a part of the Second Ward of the City of Platteville. Such territory shall be zoned R-2 One & Two Family Residential.

**43.49 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section 21, Township 3 North, Range 1 West of the 4<sup>th</sup> P.M., Platteville Township, Grant County, Wisconsin, being described as follows:

Commencing at the North ¼ corner of said Section; thence South along the East line of the Northwest Quarter (NW ¼) of said Section to the Northeast corner of that tract of land described in Volume 262, Page 99; thence West 358 feet more or less to the Northerly boundary line of the town road of the Town of Platteville, Grant County, Wisconsin, which certain town road is more particularly identified as having formerly been a part of Federal Highway #118 and which town road is further identified as also having been part of State Highway #23 prior to the time when it became part of said Federal Highway #118; thence Southwesterly along said Northerly boundary line of said town road to the West boundary line of said tract of land conveyed in and by said Warranty Deed; thence run South along the East line of Platted Fox Ridge Road to the Northwest corner of Lot 12 of Fox Ridge Estates, recorded in Plat Cabinet "B", Page 78A as Document No. 692841, Grant County Registry; thence run East along the North line of said Lot 12 and its extension thereof, 416 feet, more or less to the East line of said Northwest Quarter (NW ¼); thence North along the East line of said Northwest Quarter (NW ¼) to the point of beginning.

The parcel described above is located at 6082 Southwest Lane.

Said territory shall become a part of the Eleventh Ward of the City of Platteville. Such territory shall be zoned R-2 One & Two Family Residential. The population of the territory is zero.

**43.50 TERRITORY ANNEXED.** The following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section 16, Township 3 North, Range 1 West of the 4<sup>th</sup> P.M., Grant County, Wisconsin, being described as follows:

Commencing 357.12' west of the NE ¼ corner of the NW ¼ of Section 16, T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin, thence South 387.20' to the center of Highway B,



thence N. 53°15' W 97.80' along the center of the Highway; thence N. 3°15' E 329.70' to the north line of said Section, thence E 60' to the point of beginning. Also including that portion of the County Highway B right-of-way lying south and east of the west property line of the parcel described above and within said Section 16.

The parcel described above is located at 1536 County Highway B.

Said territory shall become a part of the Fifth Ward of the City of Platteville. The population of the said territory is zero.

**43.51 TERRITORY ANNEXED.** In accordance with Sec. 66.0223 of the Wisconsin Statutes, the following municipally-owned territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Southeast Quarter (SE ¼) of Section Twenty-Six (26), the Northeast Quarter (NE ¼) and the Southeast Quarter (SE ¼) of Section Thirty-Five (35), and the Northwest Quarter (NW ¼) and the Southwest Quarter (SW ¼) of Section Thirty-Six (36), Town Three North (T3N), Range One West (R1W) of the Fourth Principal Meridian, Town of Platteville, Grant County, Wisconsin, and being more fully described as follows:

Commencing at the Northwest corner of said Section Thirty-Six (36), said point begin the point of beginning; Thence S00°03'53"E 96.31 feet, more or less, along the West line of the Northwest Quarter (NW ¼) of said Section Thirty-Six (36); Thence S34°51'24"E 1,159.83 feet, more or less; Thence continuing S34°51'24"E 754.30 feet, more or less; Thence N00°35'19"W 248.83 feet, more or less; Thence S89°16'42"E 1,506.64 feet, more or less, to the West right-of-way of S.T.H. 80-81; Thence S00°11'00"E 2,224.48 feet, more or less, along the West right-of-way of said S.T.H. 80-81; Thence S00°01'52"W 373.89 feet, more or less, along the West right-of-way of said S.T.H. 80-81; Thence S69°08'20"W 1,371.46 feet, more or less; Thence N44°46'58"W 317.41 feet, more or less; Thence N34°51'24"W 645.28 feet, more or less; Thence S85°50'29"W 1,333.02 feet, more or less; Thence S68°16'28"W 1,849.41 feet, more or less; Thence N21°43'32"W 601.46 feet, more or less; Thence N 68°16'28"E 1,355.45 feet, more or less, to the West line of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of said Section Thirty-Five (35); Thence N00°10'03"W 865.75 feet, more or less, along the West line of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of said Section Thirty-Five (35) to the Northwest corner thereof; Thence West 1,291.97 feet, more or less, along the South line of the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-Five (35) to the Southwest corner thereof; Thence North 5,254.46 feet, more or less, along the West line of the Northeast Quarter (NE ¼) of said Section Thirty-Five (35) and the West line of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26) to the Northwest corner of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26); Thence East along the North line of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26) to the Northeast corner thereof; Thence South along the East line of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26) to the Northerly line of the parcel described in Volume 1143 and Page 079; Thence West 33 feet, more or less; Thence South 382.4 feet, more or less; Thence N87°34'W 561.9 feet, more or less; Thence South 637.4 feet, more or less;

Thence S79°06'E 117 feet, more or less; Thence S66°53'E 86.3 feet, more or less; Thence N87°35'E 367.5 feet, more or less, to the East line of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26); Thence S00°40'17"E 843.10 feet, more or less, along the East line of the Southeast Quarter (SE ¼) of said Section Twenty-Six (26) to the Southeast corner thereof and the point of beginning.

The parcel described above is the Platteville Municipal Airport, which is located at 5157 South Highway 80. The population of the territory is zero.

Said territory shall become the Ninth Ward of City of Platteville. Said territory is hereby zoned I-1 Institutional.

**43.52 TERRITORY ANNEXED.** In accordance with Sec. 66.0217(2) of the Wisconsin Statutes, the following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section Fourteen (14), Town Three North (T3N), Range One West (R1W) of the Fourth Principal Meridian, Town of Platteville, Grant County, Wisconsin, containing 1.90 acres, more or less, and being described as follows:

Commencing at the Southwest corner of the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of said Section Fourteen (14) said point being the point of beginning; thence North 00°47'28" West 243.25 feet along the West line of the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of said Section Fourteen (14); thence South 88°54'39" East 335.88 feet to the West line of Lot #2 of Certified Survey Map No. 1113; thence South 02°46'03" West 98.23 feet along the West line of said Certified Survey Map; thence South 41°03'28" East 46.36 feet along the West line of said Certified Survey Map; thence South 01°29'39" West 102.18 feet along the West line of said Certified Survey Map to the South line of the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of said Section Fourteen (14); thence South 89°44'19" West 355.51 feet along the South line of the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of said Section Fourteen (14) to the Southwest corner thereof and the point of beginning. The above described parcel is subject to any and all easements of record and/or usage.

The parcel described above is located at 680 E. Business Highway 151. The population of the territory is zero.

Said territory shall become the Eighth Ward of City of Platteville. Said territory is hereby zoned B-3 Highway Business.

**43.53 TERRITORY ANNEXED.** In accordance with Sec. 66.0217 of the Wisconsin Statutes, the following territory presently locate in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Eleven (11), Town Three North (T3N), Range One West (R1W) of the Fourth Principal Meridian, Town of Platteville, Grant County, Wisconsin, and being more fully described as follows:

Commencing at the Southeast corner of Country Club Subdivision, according to the recorded map or plat thereof;

Thence S00°08'07" E 100.66 feet along the East line of that property described in Volume 670, Page 704, Grant County Registry, to the point of beginning;

Thence S00°08'07" E 281.00 feet along the East line of said Volume 670, Page 704, to the North right-of-way line of North Side Drive;

Thence N89°54'48" E 155.00 feet along said North right-of-way;

Thence N00°08'07" W 281.00 feet;

Thence N89°54'48" W 155.00 feet to the point of beginning.

The parcel described above is located at 860 Northside Drive. The population of the territory is four.

**43.54 TERRITORY ANNEXED.** In accordance with Sec. 66.0217 of the Wisconsin Statutes, the following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-Two (22), and in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Twenty-One (21), Town Three North (T3N), Range One West (R1W) of the Fourth Principal Meridian, Town of Platteville, Grant County, Wisconsin, containing 2.96 acres, more or less, and being more fully described as follows:

Commencing at the Northwest corner of said Section 22, said point being the Point of Beginning;

Thence South 89°55'40" East 261.43 feet along the North line of said Section 22 to the West right-of-way of County Highway D;

Thence South 20°43'27" West 335.13 feet along the East right-of-way of said County Highway D; Thence 433.44 feet along the arc of a curve concave Easterly containing a radius of 1,160.07 feet, an interior angle of 21°24'27", and a chord bearing South 09°59'54" West 430.92 feet along the East right-of-way of said County Highway D;

Thence South 02°23'24" East 158.51 feet along the East right-of-way of said County Highway D to the Westerly right-of-way of Business Highway 151;

Thence South 69°02'24" West 103.64 feet to the West right-of-way of said county Highway D;

Thence North 01°38'34" West 193.81 feet along the West right-of-way of said County Highway D;

Thence 224.21 feet along the arc of a curve concave Easterly containing a radius of 1,204.55 feet, an interior angle of 10°40'06", and a chord bearing North 03°41'22" East 223.89 feet along the West right-of-way of said County Highway D to the South right-of-way of Reddy Drive;

Thence North 10°33'08" East 70.18 feet to the North right-of-way of said Reddy Drive;  
Thence North 78°58'55" West 1.73 feet along the North right-of-way of said Reddy Drive;  
Thence 93.95 feet along the arc of a curve concave Easterly containing a radius of 2,031.70 feet, an interior angle of 02°38'58", and a chord bearing North 05°23'01" East 93.94 feet along the West right-of-way of said County Highway D to the West line of said Section Twenty-Two (22);  
Thence North 01°04'46" West 353.66 feet along the West line of said Section Twenty-Two (22) to the Northwest corner of said Section Twenty-Two (22) and the Point of Beginning.

The population of the territory is zero.

**43.55 TERRITORY ANNEXED.** In accordance with Sec. 66.0217 of the Wisconsin Statutes, the following territory presently located in the Town of Platteville, Grant County, Wisconsin, is hereby annexed to the City of Platteville:

A parcel of land located in the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-Two (22), Town Three North (T3N), Range One West (R1W) of the Fourth Principal Meridian, Town of Platteville, Grant County, Wisconsin, containing 2.16 acres, more or less, and being more fully described as follows:

Commencing at the Northwest corner of said Section 22;  
Thence S01°04'45" E 465.21 feet along the West line of the Northwest Quarter (NW ¼) of said Section 22;  
Thence S89°56'14" E 478.81 feet to the Point of Beginning, said point being on the Southerly right-of-way of Business Highway 151;  
Thence 585.98 feet along a curve concave Southeasterly, said curve having a radius of 1,579.68 feet and a chord bearing of N51°42'25" E 582.63 feet along the Southerly right-of-way of said Business Highway 151;  
Thence S00°46'13" E 361.58 feet;  
Thence N89°56'14" W 426.14 feet to the Southerly right-of-way of said Business Highway 151 and the point of beginning and being subject to any and all easements of record and/or usage.

The parcel described above is located at 275 W. Business Highway 151. The population of the territory is zero.

Said territory shall become the Eighth Ward of City of Platteville. Said territory was zoned R-2 under Chapter 25 of the Extraterritorial Zoning District prior to annexation, is hereby rezoned B-3 Highway Business under Chapter 22 of the Municipal Code.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 45, CITY CEMETERIES  
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## CHAPTER 45

### CITY CEMETERIES

**45.01 Policy.** The Greenwood Cemetery and Hillside Cemetery are owned and maintained by the City of Platteville for the benefit of all citizens. Any additional cemetery lands that may be acquired by the City of Platteville shall be subject to this Chapter. The responsibility for the day to day operation and maintenance of City Cemeteries, the enforcement of this ordinance and any rules and regulations adopted by the Common Council is hereby delegated to the Street Superintendent under the supervision of the Director of Public Works.

**45.02 Authority to Issue Rules and Regulations.** The Street Superintendent under the supervision of the Director of Public Works shall have the authority to issue additional rules and regulations governing the cemetery land and its use and maintenance. Such rules and regulations shall be in writing and shall be presented to the Common Council for approval.

#### **45.03 Designation of City Cemeteries.**

- (a) Greenwood Cemetery. The Greenwood Cemetery is located on Greenwood Avenue and is more properly described as:

A part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 16, Township 3 North, Range 1 West, 4<sup>th</sup> P.M., City of Platteville, Grant County, Wisconsin, described as follows:

Commencing at the Northeast corner of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 16, thence South 00 degrees 11' East 16.50 feet; thence West 920.10 feet; thence South 371.01 feet; thence North 89 degrees 57' West, 133.09 feet; thence North 00 degrees 03' East, 135.00 feet; thence North 29 degrees 25' East, 270.80 feet to the point of beginning. All being part of Lot 2, Block 67, of the Assessment Plat of the City of Platteville, Grant County, Wisconsin, (comprising 0.75 acres);

All of Lot No. Four (4) of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 16, Township 3 North, Range 1 West, 4<sup>th</sup> P.M., City of Platteville, EXCEPTING THEREFROM a strip of land along the entire North side thereof one hundred five and five tenths (105.5) feet in width and also EXCEPTING from the tract remaining after the above exception a piece of land in the North East corner of said remaining tract belonging to Hannah H. Meyers and being 40 feet wide East and West and 224 and  $\frac{5}{10}$  feet in length North and South;

AND ALSO EXCEPTING THEREFROM property commencing at the NE corner of the NW ¼ of the SE ¼ of Section 16, T3N, R1W, 4<sup>th</sup> P.M. City of Platteville, Grant County, Wisconsin; thence S 00 degrees 11' E, 676.41 feet to the point of beginning; thence S 44 degrees 49' W, 403.08 feet; thence S 89 degrees 39' W, 536.75 feet; thence N 81 degrees 52' W; 137.06 feet; thence northwesterly along an arc of a 115.00 foot radius curve, concave easterly, whose long chord is N 40 degrees 54' 30" W, 150.77 feet; thence S 00 degrees 03' W, 157.68 feet; thence East, 1056.40 feet; thence N 00 degrees 11' W, 313.59 feet to the point of beginning. All being a part of Lot 4, Block 67 of the Assessment Plat of the City of Platteville, Grant County, Wisconsin.

This cemetery comprises 20.95 acres, more or less.

- (b) Hillside Cemetery. The Hillside Cemetery is located on State Highway 80/81 and is more properly described as:

A part of the SW ¼ of the SE ¼ of Section 15 and a part of the NW ¼ of the NE ¼ of Section 22, Township 3 North, Range 1 West, 4<sup>th</sup> P.M., City of Platteville, Grant County, Wisconsin, described as follows:

Commencing at a point 1,519 feet West of the SE Corner of Section 15, T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence S 110 feet; thence W 209 feet; thence S 00 degrees 24' E, 413.1 feet; thence N61 degrees 32' W, 284.3 feet; thence N65 degrees 08' W, 171.5 feet; thence N 40 degrees 45' E, 33.5 feet; thence N 54 degrees 41' W, 245.3 feet; thence N 44 degrees 15' W, 54 feet; thence W 41 feet; thence N44 degrees 15' W, 152.5 feet; thence E 32 feet; thence N 40 degrees W 135.96 feet; thence N 11 degrees 30' W, 125.4 feet; thence N 76 degrees E, 287.1 feet; thence N 72 degrees E, 257.4 feet; thence N 66 degrees 15' E 454.08 feet; thence S 68 degrees 30' E, 138.6 feet; thence S to the Point of Beginning.

This cemetery comprises 15 acres, more or less.

**45.04 Platting of New Cemetery Lots.** No cemetery lots may be sold and conveyed until the requirements of Wisconsin Statutes Section 157.07 have been satisfied.

**45.05 Purchase of Lots.**

- (a) A Cemetery Lot shall be defined as set forth in Wisconsin Statutes Section 157.061 (2m).
- (b) Price of Lots. The Common Council shall, from time to time, fix a price on all lots to be sold or transferred in City cemeteries.

## CHAPTER 45 City Cemeteries

- (c) Sale of Lots. The City shall have available suitable plats showing the size and price of lots, and other such information as may be required, and will assist those desiring to make lot purchases. Upon receipt of full payment (no partial payments allowed), the City Clerk shall issue a deed to the lot in the form prescribed by the City Attorney. The deed shall be signed by the City Clerk and sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the Grant County Register of Deeds.

### **45.06 Ownership Rights of Interment.**

- (a) The lot owner or his/her authorized agent shall have the right to use a lot for burial purposes only in accordance with the terms of the cemetery rules, regulations and applicable State Statutes.
- (b) Upon payment of the purchase price, the City Clerk will issue a cemetery deed, under seal, and the deed will be recorded in the records of the City as evidence of ownership of the Lot.
- (c) No corpse shall be interred in a lot except the corpse of the owner, or said heirs and assigns, except by the consent of all persons having an interest in the lot.
- (d) Absent such written consent as provided in (c), the cemetery will permit the interment of members of his/her family at the request of any interested person as follows:
  - 1. The surviving spouse of the lot owner shall have right of first interment or to direct the right of interment.
  - 2. When there is no surviving spouse, the heirs of the owners, may, by agreement in writing, determine who among them shall have the right of interment or direction for interment, which agreement shall be filed with the City Clerk.
  - 3. In the event the owner or his/her heirs have not arranged for future interments, then the heirs of the owner shall have the right to interment in order of need.
- (e) Only such persons whose names appear on the cemetery records of the City will be recognized as owners or part owners of lots. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will must be delivered to the City Clerk before the City will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. Lot owners are encouraged to include a provision in their wills devising unused cemetery lot(s) to one (1) person.



## CHAPTER 45 City Cemeteries

- (f) Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
1. The City Clerk shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots.
  2. Reconveyance of lots or parts of lots may be made on a notarized quitclaim deed. Such quitclaim deed shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The quitclaim deed shall state the legal description of the space(s).
  3. No owner of a cemetery lot shall sell, transfer or assign the same or the unused portion thereof to any other person except as provided herein. All other transfers, except transfers under probate laws, shall be null and void.

### **45.07 Care of Lots.**

- (a) In order to assure for the permanent care of City Cemeteries, a perpetual care fund shall be maintained. Income from this fund shall be used for the maintenance costs of the cemetery. All lots sold in City cemeteries shall be provided with perpetual care services, the expense to be included in the price of the lot.
- (b) Such perpetual care shall be limited to the maintenance of the lawn, leaf disposal, filling sunken graves, caring for streets, alleys, fences and the grounds in general. It is understood that such expenditures shall be made at the discretion of the City.
- (c) The perpetual care fund shall be administered in accordance with Wisconsin Statutes Section 157.11.

### **45.08 General Rules and Regulations.**

- (a) No mound shall be raised upon any grave above the existing grade.
- (b) No hedges, fences or enclosures of any kind will be permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans or other such objects may not be placed on lots, and if so placed, will be removed by the City without notice.
- (c) All landscaping, care of lots and other work in the cemetery will be done by the City.
- (d) The City reserves the right for its workmen and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemetery in the performance of such duties.

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- (e) The City is not responsible for damages or injuries to persons or property occurring as a result of vandalism, acts of God or nature, or from the performance by the City of its normal operations of the cemetery. Nothing herein shall preclude claims from being asserted based upon the negligent acts or omissions of the City or its officers, agents or employees.
- (f) The City reserves the right to alter, change or close streets, alleys, utilities and other physical properties of the cemetery.

### **45.09 Rules for Visitors.**

- (a) All City cemeteries will be open for visitors at all times between the hours of sunrise to sunset. Permission to enter the cemetery at any other time must be obtained from the City.
- (b) Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.
- (c) Alcoholic beverages are not permitted within any City cemetery.
- (d) Domestic animals are not permitted within any City cemetery, except when confined to a vehicle. This does not apply to Service Animals.
- (e) Weapons are not allowed in any City cemetery except in conjunction with military funerals.
- (f) Visitors are required to use the streets, alleys and walks whenever possible and shall not pick flowers (wild or cultivated); injure any shrub, tree or plant; or mar or deface any monument, stone or structure in the cemetery.
- (g) No vehicle shall be driven in any City cemetery except on roads designated for that purpose, nor shall any vehicle be driven in a reckless manner.

### **45.10 Interments.**

- (a) Interments will be made only during daylight hours unless with prior approval of the City.
- (b) All interments shall be made by placing the coffin in a permanent outer container, made from metal or concrete.
- (c) All graves dug by City personnel shall be at rates established by the Common Council. Any graves dug by personnel other than City personnel shall be done according to standards established by the City and under its direction. A reduced

## CHAPTER 45 City Cemeteries

fee, as established by the Common Council, shall apply to recover costs involved in the supervision of graves dug by personnel other than City personnel.

- (d) No burial shall be permitted until a Report for Final Disposition of a Human Corpse or equivalent has been presented to the City.
- (e) The City assumes no responsibility for the protection and maintenance of flowers, wreaths, emblems, etc., used in conjunction with funerals.
- (f) There will be no more than one (1) body in one grave except in the following instances:
  - 1. Parent and infant.
  - 2. Two (2) children buried at the same time.
  - 3. Up to four (4) cremains.
  - 4. One body and up to two (2) cremains.
  - 5. Special circumstances with the approval of the City.
- (g) Regardless of the number of interments per grave, only two (2) markers will be allowed on a lot.
- (h) No non-human remains shall be interred in City Cemeteries.

### **45.11 Monuments and Markers.**

- (a) Monuments and markers shall be in accordance with the rules and regulations issued by the City for each individual City cemetery.
- (b) The initial grave markers and foundations will be set only by a monument company according to regulations specified by the City. The City reserves the right to require the construction of a foundation of such size, material and design as will provide amply insurance against settlement or injury to the stone work.
- (c) The setting of monuments, stones and markers shall be subject to the supervision and control of the City. Unless special arrangements are made with the City, such work shall be conducted between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, except on designated City holidays.
- (d) The City reserves the right to refuse permission to erect any monument work not in keeping with the good appearance of the grounds. The size of the monument and/or stone work will be in accordance with the rules of the cemetery as issued by the City and approved before said work is permitted on a lot.
- (e) Stone work or monument work, once placed on its foundation, shall not be removed, except with permission of the City.

## CHAPTER 45 City Cemeteries

- (f) The City reserves the right to adjust markers or monuments that have shifted due to weather, frost or other action.
- (g) Temporary markers must be removed or replaced with a permanent marker within one (1) year, unless a specific exemption in writing is approved by the City.

**45.12 Vaults and Mausoleums.** Construction of vaults and mausoleums is permitted only in those areas certain to contain bedrock and subject to the rules of the cemetery as issued by the City.

### **45.13 Trees, Shrubs and Flowers.**

- (a) The planting of trees and shrubs in the cemetery is prohibited. Flowers may be planted in accordance with the rules of the cemetery as established by the City.
- (b) No person may plant, in the cemetery, trees or shrubs nor erect or maintain fences or structures or monuments or maintain same in violation of this ordinance or the rules and regulations adopted by the Common Council.
- (c) The City may, in its sole discretion, remove any trees, shrubs and/or stumps.
- (d) Fresh cut, potted and artificial flowers are permitted on the lot, subject to the rules of the cemetery as issued by the City. If these flowers are not maintained and become unsightly or undesirable, they will be removed by the City without notice.

### **45.14 Miscellaneous.**

- (a) All fees and charges as outlined in the current schedule of fees and charges are payable at the office of the City Treasurer in advance of a burial where receipts will be issued for the amounts paid.
- (b) A schedule of fees and charges, as approved by the Common Council, shall be on file in the offices of the City Clerk. Such schedule may be amended from time to time as determined by the Common Council.
- (c) The City shall take reasonable precautions to protect all private property, lots and/or grave owner's property in the cemetery from loss or damage, but it expressly disclaims all responsibility for loss or damage from causes beyond its control and especially from the acts of thieves, vandals and rioters and from all acts of Providence, including but not limited to wind, tornado, hail, snow, frost and rain, whether the damage be indirect or proximate.

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- (d) The City cemetery trust fund shall be managed in accordance with Chapter 881 of the Wisconsin Statutes.

### **45.15 Enforcement.**

- (a) Persons owning cemetery lots shall comply with this ordinance and the rules and regulations adopted by the Common Council.
- (b) Enforcement of this ordinance and the rules and regulations adopted for the cemeteries shall be through the procedure set forth in Wisconsin Statutes Section 157.11(2).

**CITY OF PLATTEVILLE, WISCONSIN**  
**CHAPTER 46, CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL**

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## CHAPTER 46

### CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

#### 46.01 AUTHORITY

- (1) This chapter is adopted under the authority granted by Section 62.234, Wis. Stats. This chapter supersedes all provisions of a chapter previously enacted under Section 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in Section 62.234, Wis. Stats., Section 62.23, Wis. Stats., applies to this chapter and to any amendments to this ordinance.
- (2) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The City of Platteville hereby designates the Building Inspector to administer and enforce the provisions of this ordinance.
- (4) The requirements of this chapter do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
  - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under Sections 281.16 and 283.33, Wis. Stats.
  - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Section NR 151.004, Wis. Adm. Code.

#### 46.02 FINDINGS OF FACT

The City of Platteville acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the City of Platteville.

#### 46.03 PURPOSE

It is the purpose of this chapter to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or

discharged from land disturbing construction activity to waters of the state in the City of Platteville.

Also the purpose of this chapter is to reduce the risk of landslides and the creation of unstable construction sites or areas subject to erosion and to encourage recycling of fill materials and control the placement of fill materials through the use of reasonable regulation.

#### **46.04 APPLICABILITY AND JURISDICTION**

##### **(1) APPLICABILITY.**

- (a) Except as provided under par. (b), this chapter applies to any construction site as defined under 46.05 (6).
- (b) This chapter does not apply to the following:
  - 1. Transportation facilities (WisDOT only), except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
  - 2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
  - 3. Nonpoint discharges from agricultural facilities and practices.
  - 4. Nonpoint discharges from silviculture activities.
  - 5. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility. Except the project must still follow the requirements of 46.07.
- (c) Notwithstanding the applicability requirements in par. (a), this chapter applies to construction sites of any size that, as determined by the Building Inspector, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.

##### **(2) JURISDICTION.**



## CHAPTER 46 Construction Site Erosion and Sediment Control

This chapter applies to land disturbing construction activity on lands within the boundaries and jurisdiction of the City of Platteville;

### (3) EXCLUSIONS.

- (a) This chapter is not applicable to activities exempted by Wis. State Statutes.

### **46.05 DEFINITIONS**

“Administering authority” means a governmental employee, or a regional planning commission empowered under Section 62.234, Wis. Stats., that is designated by the City of Platteville to administer this ordinance.

“Agricultural facilities and practices” has the meaning in Section 281.16 (1), Wis. Stats.

“Best management practice” or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

“Business day” means a day the office of the Building Inspector is routinely and customarily open for business.

“Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Building Inspector.

“Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

“Design Storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

“Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

“Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

## CHAPTER 46 Construction Site Erosion and Sediment Control

“Final stabilization” means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

“Governing body” means town board of supervisors, county board of supervisors, city council, village board of trustees or village council.

“Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

“Landowner” means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

“Maximum extent practicable” means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this chapter as determined in accordance with 46.055 of this ordinance.

“Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

“Permit” means a written authorization made by the Building Inspector to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

“Pollutant” has the meaning given in Section 283.01 (13), Wis. Stats.

“Pollution” has the meaning given in Section 281.01 (10), Wis. Stats.

“Responsible party” means the landowner or any other entity performing services to meet the requirements of this chapter through a contract or other agreement.

“Routine Maintenance” means preventive maintenance that is an essential part of the on-going care and upkeep of any building, parking lot, etc. Specific examples include: sidewalk repairs, minor parking lot repair, sealcoating of parking lots, and utility repairs.

“Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

“Sediment” means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

"Silviculture activity" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

"Site" means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

"Stop work order" means an order issued by the Building Inspector which requires that all construction activity on the site be stopped.

"Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

"Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under Section 85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to Section 281.33, Wis. Stats.

"Waters of the state" includes all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

#### **46.055 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE**

Maximum extent practicable applies when a person who is subject to a performance standard of this chapter demonstrates to the Building Inspector's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

#### **46.06 TECHNICAL STANDARDS**

All BMPs required for compliance with this chapter shall meet design criteria, standards and specifications based on any of the following:

- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under WDNR Construction Site Erosion and Sediment Control Technical Standards and the Post Construction Storm Water

Management Technical Standards developed under Subchapter V of Wis. Adm. Code Ch. NR 151, available on their website at <http://dnr.wi.gov/runoff/stormwater/techstds.htm>

- (2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
- (3) Technical standards and methods approved by the Building Inspector.

#### **46.065 FILLING AND EXCAVATING REQUIREMENTS**

The following additional requirements apply to all land disturbing construction activities that include excavating and filling:

- (1) Cut slopes shall be no steeper than is safe for the intended use. Cut slopes greater than five feet in height shall be no steeper than three horizontal to one vertical, except where approved retaining walls are installed and where trenches are refilled with material from the excavation.
- (2) The ground surface shall be prepared to receive fill by removing vegetation, non-approved fill, topsoil and other unsuitable materials as determined by the City Building Inspector or City Engineer and specified in the Erosion and Sediment Control Plan in accordance with 46.10.
- (3) Fill slopes shall not be constructed on natural slopes that are steeper than one to one.
- (4) The slopes of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes exceeding five feet in depth shall be no steeper than three horizontal to one vertical, except where approved retaining walls are installed.
- (5) When the owner of any site shall raise, lower or alter the level or existing grade of the construction site by fill or excavation, the owner shall at his or her own expense protect all adjoining property from encroachment by such fill or from danger of collapse due to such excavation either by the erection of a retaining wall or by sloping the sides of such fill or excavation entirely within the confines of the site in a manner approved by the Building Inspector or City Engineer.
- (6) Cut and fill slopes shall be provided with subsurface and surface drainage as necessary to retain slope stability.
- (7) The faces of slopes shall be prepared and maintained to control erosion. Check dams, riprap, plantings, terraces, diversion ditches, sedimentation ponds, straw bales or other devices or methods shall be employed where necessary to control

erosion and provide safety. Devices or procedures for erosion protection shall be initiated or installed as soon as possible during grading operations and shall be maintained in operable condition by the owner.

- (8) The damming, filling, relocation or interference with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with approval of the City Engineer.

#### **46.07 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES UNDER 4,000 SQUARE FEET**

- (1) **RESPONSIBLE PARTY.** The responsible party shall comply with this section.
- (2) **EROSION AND SEDIMENT CONTROL PRACTICES.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
  - (a) The deposition of soil from being tracked onto streets by vehicles.
  - (b) The discharge of sediment from disturbed areas into on-site storm water inlets.
  - (c) The discharge of sediment from disturbed areas into adjacent waters of the state.
  - (d) The discharge of sediment from drainage ways that flow off the site.
  - (e) The discharge of sediment by dewatering activities.
  - (f) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
  - (g) The transport by runoff into City of Platteville storm sewers or waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
- (3) **LOCATION.** The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters the City of Platteville storm sewers or waters of the state.
- (4) **IMPLEMENTATION.** The BMPs used to comply with this section shall be implemented as follows:

- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
- (b) Erosion and sediment control practices shall be maintained until final stabilization.
- (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

**46.08 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF 4,000 SQUARE FEET OR MORE**

- (1) RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the erosion and sediment control plan in accordance with 46.10.
- (2) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific erosion and sediment control plan shall be developed in accordance with 46.10 of this chapter and implemented for each construction site.
- (3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The erosion and sediment control plan required under sub. (2) shall include the following:
  - (a) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
    1. The deposition of soil from being tracked onto streets by vehicles.
    2. The discharge of sediment from disturbed areas into on-site storm water inlets.
    3. The discharge of sediment from disturbed areas into adjacent waters of the state.
    4. The discharge of sediment from drainage ways that flow off the site.
    5. The discharge of sediment by dewatering activities.

6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
  7. The discharge of sediment from erosive flows at outlets and in downstream channels.
  8. The transport by runoff into City of Platteville storm sewers or waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
  9. The transport by runoff into City of Platteville storm sewers or waters of the state of untreated wash water from vehicle and wheel washing.
- (b) **SEDIMENT PERFORMANCE STANDARDS.** In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:
1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
  2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
  3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.
- (c) **PREVENTIVE MEASURES.** The erosion and sediment control plan shall incorporate all of the following:
1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.

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2. Minimization of soil compaction and preservation of topsoil.
  3. Minimization of land disturbing construction activity on slopes of 20 percent or more.
  4. Development of spill prevention and response procedures.
- (d) LOCATION. The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters the City of Platteville storm sewers or waters of the state.
- (4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:
- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in 46.08 (2).
  - (b) Erosion and sediment control practices shall be maintained until final stabilization.
  - (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
  - (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
  - (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

### **46.09 PERMITTING REQUIREMENTS, PROCEDURES AND FEES**

- (1) PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity subject to this chapter without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Building Inspector.
- (2) PERMIT APPLICATION AND FEES. The responsible party that will undertake a land disturbing construction activity subject to this chapter shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of 46.10, and shall pay an application fee to the Building Inspector in the amount specified in 46.11. By submitting an application, the applicant is authorizing the Building Inspector to enter the site to obtain information required for the review of the erosion and sediment control plan.



- (3) PERMIT APPLICATION REVIEW AND APPROVAL. The Building Inspector shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
- (a) Within 15 business days of the receipt of a complete permit application, as required by sub. (2), the Building Inspector shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.
  - (b) If the permit application and erosion and sediment control plan are approved, the Building Inspector shall issue the permit.
  - (c) If the permit application or erosion and sediment control plan is disapproved, the Building Inspector shall state in writing the reasons for disapproval.
  - (d) The Building Inspector may request additional information from the applicant. If additional information is submitted, the Building Inspector shall have 10 business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.
  - (e) Failure by the Building Inspector to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) SURETY BOND. As a condition of approval and issuance of the permit, the Building Inspector may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.
- (5) PERMIT REQUIREMENTS. All permits shall require the responsible party to:
- (a) Notify the Building Inspector within 2 business day of commencing any land disturbing construction activity.
  - (b) Notify the Building Inspector of completion of any BMPs within 5 business days after their installation.
  - (c) Obtain permission in writing from the Building Inspector prior to any modification pursuant to 46.10 (3) of the erosion and sediment control plan.
  - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
  - (e) Maintain all road drainage systems, storm water drainage systems, BMPs

and other facilities identified in the erosion and sediment control plan.

- (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
  - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
  - (h) Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Building Inspector in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in 46.07 or 46.08.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 calendar days, or as per an executed developer's agreement, the length of the building permit, or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may grant one or more extensions not to exceed 180 calendar days cumulatively. The Building Inspector may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.
- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this chapter until the site has undergone final stabilization.

#### **46.10 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS**

- (1) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under 46.04, an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Building Inspector. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the

requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.

(2) EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.

- (a) An erosion and sediment control plan shall be prepared and submitted to the Building Inspector.
- (b) The erosion and sediment control plan shall be designed to meet the performance standards in 46.07, 46.08 and other requirements of this ordinance.
- (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include the following items as required by the Building Inspector:
  1. Name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
  2. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a GIS Map or comparable map.
  3. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
  4. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
  5. Calculations to show the compliance with the performance standard in 46.08 (3)(b)1.
  6. Existing data describing the surface soil as well as subsoils.

7. Name of the immediate named receiving water from the United States Geological Service 7.5-minute series topographic maps or Wisconsin Department of Natural Resource Surface Water Viewer.
- (d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed one foot.
1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
  2. Boundaries of the construction site.
  3. Drainage patterns and approximate slopes anticipated after major grading activities.
  4. Areas of soil disturbance.
  5. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
  6. Location of areas where stabilization BMPs will be employed.
  7. Areas which will be vegetated following land disturbing construction activities.
  8. Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
  9. An alphanumeric or equivalent grid overlying the entire construction site map.
- (e) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following items as required by the Building Inspector:

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1. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
  2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Building Inspector, structural measures shall be installed on upland soils.
  3. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
  4. Trapping of sediment in channelized flow.
  5. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
  6. Protection of downslope drainage inlets where they occur.
  7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
  8. Clean up of off-site sediment deposits.
  9. Proper disposal of building and waste material.
  10. Stabilization of drainage ways.
  11. Installation of permanent stabilization practices as soon as possible after final grading.
  12. Minimization of dust to the maximum extent practicable.
- (f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
- (3) **EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS.** The applicant shall amend the erosion and sediment control plan if any of the following occur:
- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to

waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.

- (b) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
- (c) The Building Inspector notifies the applicant of changes needed in the erosion and sediment control plan.

#### **46.11 FEE SCHEDULE**

The fees referred to in other sections of this chapter shall be established by the Common Council and may from time to time be modified by resolution. A schedule of the fees established by the Common Council shall be available for review online or at City Clerks' Office.

#### **46.12 INSPECTION**

If land disturbing construction activities are occurring without a permit required by this ordinance, the Building Inspector may enter the land pursuant to the provisions of Sections 66.0119 (1), (2), and (3), Wis. Stats.

#### **46.13 ENFORCEMENT**

- (1) The Building Inspector may post a stop work order if any of the following occurs:
  - (a) Land disturbing construction activity regulated under this chapter is occurring without a permit.
  - (b) The erosion and sediment control plan is not being implemented in good faith.
  - (c) The conditions of the permit are not being met.
- (2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Building Inspector may revoke the permit.
- (3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Building Inspector, or if a responsible party violates a stop work order posted under sub. (1), the Building Inspector may request the city attorney to obtain a cease and desist order in any court with jurisdiction.

- (4) The Building Inspector may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2).
- (5) After posting a stop work order under sub. (1), the Building Inspector may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Building Inspector may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Building Inspector, plus interest at the rate authorized from time to time by the Common Council shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the charges shall become a special charge against the property, and shall constitute a lien on the property, per Section 66.0628, Wis. Stats.
- (6) (a) Forfeiture Penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.  
  
(b) Forfeiture Schedule. Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$500 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

#### **46.14 APPEALS**

- (1) BOARD OF APPEALS. The Board of Appeals created pursuant to Chapter 22.14 of the of the City of Platteville Municipal code.
  - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector in administering this chapter except for cease and desist orders obtained under 46.13 (3).
  - (b) May authorize, upon appeal, variances from the provisions of this chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
  - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

## CHAPTER 46 Construction Site Erosion and Sediment Control

- (2) WHO MAY APPEAL. Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Platteville affected by any decision of the Building Inspector.

### **46.15 SEVERABILITY**

If a court of competent jurisdiction judges any section, clause, provision or portion of this chapter unconstitutional or invalid, the remainder of the chapter shall remain in force and not be affected by such judgment.



**CITY OF PLATTEVILLE, WISCONSIN**  
**CHAPTER 47, POST-CONSTRUCTION STORM WATER MANAGEMENT**

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## CHAPTER 47

### POST-CONSTRUCTION STORM WATER MANAGEMENT

#### 47.01 AUTHORITY

- (1) This chapter is adopted by the City of Platteville under the authority granted by Section 62.234, Wis. Stats.
- (2) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The City of Platteville hereby designates the Director of Public Works to administer and enforce the provisions of this ordinance.
- (4) The requirements of this chapter do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:
  - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
  - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

#### 47.02 FINDINGS OF FACT

- (1) The City of Platteville acknowledges 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 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, drainage ways, and other minor drainage facilities.
- (f) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

### **47.03 PURPOSE AND INTENT**

- (1) **PURPOSE.** The general purpose of this chapter is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
  - (a) Further the maintenance of safe and healthful conditions.
  - (b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
  - (c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter.
  - (d) Minimize the amount of pollutants discharged from the separate storm sewer system to protect the waters of the state.
- (2) **INTENT.** It is the intent of the City of Platteville that this chapter regulates post-construction storm water discharges to waters of the state. This chapter may be applied on a site-by-site basis. The City of Platteville recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this chapter is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the City of Platteville, it is the intent of this chapter that the approved storm water management plan be used to identify post-construction management measures acceptable for the community.

#### 47.04 APPLICABILITY AND JURISDICTION

(1) APPLICABILITY.

- (a) Except as provided under par. (b) and (c), this chapter applies to a post-construction site located in all zoning districts except B-2, Central Business District, and CBT, Central Business Transition District, whereupon ten thousand square feet (0.25 acres) or more of land disturbing construction activity or results in a net increase of five thousand square feet or more of impervious surface, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
- (b) For post-construction sites located in zoning districts B-2, Central Business District, and CBT, Central Business Transition District, the following applies:
  - 1. If greater than or equal to 1 acre of land disturbing activity occurs, all rules in this chapter shall apply including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
  - 2. If less than 1 acre of land disturbing activity occurs, including the addition of impervious surface, and the redirection of existing storm water runoff then the following shall apply:
    - a. All new and/or redirected storm water runoff shall be directed toward an existing street by means of overland flow or a conduit such as a storm sewer.
    - b. New storm water runoff or redirected storm water runoff cannot cross onto a neighboring property unless there is a written and recorded easement allowing such to occur.
    - c. Owner, to the maximum extent practicable, shall make every effort possible to direct existing storm water runoff toward an existing street by means of overland flow or a conduit such as a storm sewer.
  - 3. A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance:
    - a. A post-construction site with less than ten percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is

less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.

- b. Agricultural facilities and practices.
  - c. Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility;
  - d. Underground utility construction, but not including the construction of any above ground structures associated with utility construction.
4. Notwithstanding the applicability requirements in par. (a), this chapter applies to post-construction sites of any size that, as determined by the Director of Public Works, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, causes undue channel erosion, or increases water pollution by scouring or the transportation of particulate matter.

(2) JURISDICTION. This chapter applies to land disturbing construction activity on lands within the boundaries and jurisdiction of the City of Platteville;

(3) EXCLUSIONS. This chapter is not applicable to activities exempted by Wis. State Statutes.

#### 47.05 DEFINITIONS

“Adequate sod, or self-sustaining vegetative cover” means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

“Administering authority” means a governmental employee empowered under s. 62.234, Wis. Stats., that is designated by the City of Platteville to administer this ordinance.

“Agricultural facilities and practices” has the meaning given in s. 281.16 (1), Wis. Stats.

“Atlas 14” means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

“Average annual rainfall” means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as

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WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

“Best management practice” or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

“Business day” means a day the office of the Director of Public Works is routinely and customarily open for business.

“Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Director of Public Works.

“Combined sewer system” means a system for conveying both sanitary sewage and storm water runoff.

“Connected imperviousness” means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

“Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

“Development” means residential, commercial, industrial or institutional land uses and associated roads.

“Direct conduits to groundwater” means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depression groundwater recharge areas over shallow fractured bedrock.

“Division of land” means either a major subdivision or minor subdivision, as defined by Section 21.

“Effective infiltration area” means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

“Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

“Exceptional resource waters” means waters listed in s. NR 102.11, Wis. Adm. Code.

“Filtering layer” means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

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"Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

"Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Director of Public Works by the responsible party to assure that requirements of the chapter are carried out in compliance with the storm water management plan.

"Governing body" means town board of supervisors, county board of supervisors, city council, village board of trustees or village council.

"Impervious surface" means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.

"In-fill" means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

"Infiltration" means the entry of precipitation or runoff into or through the soil.

"Infiltration system" means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

"Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

"Landowner" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

"Maintenance agreement" means a legal document that provides for long-term maintenance of storm water management practices.

"Maximum extent practicable" means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this chapter as determined in accordance with S. 055 of this ordinance.

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“New development” means development resulting from the conversion of previously undeveloped land or agricultural land uses.

“NRCS MSE3 or MSE4 distribution” means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

“Off-site” means located outside the property boundary described in the permit application.

“On-site” means located within the property boundary described in the permit application.

“Ordinary high-water mark” has the meaning given in s. NR 115.03 (6), Wis. Adm. Code.

“Outstanding resource waters” means waters listed in s. NR 102.10, Wis. Adm. Code.

“Percent fines” means the percentage of a given sample of soil, which passes through a # 200 sieve.

“Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

“Permit” means a written authorization made by the Director of Public Works to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

“Permit administration fee” means a sum of money paid to the Director of Public Works by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

“Pervious surface” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

“Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.

“Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.

“Post-construction site” means a construction site following the completion of land disturbing construction activity and final site stabilization.

“Pre-development condition” means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

“Preventive action limit” has the meaning given in s. NR 140.05 (17), Wis. Adm. Code.



“Protective area” means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

"Redevelopment" means areas where development is replacing older development.

“Responsible party” means the landowner or any other entity performing services to meet the requirements of this chapter through a contract or other agreement.

“Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

“Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

1. is designed or used for collecting water or conveying runoff;
2. is not part of a combined sewer system;
3. is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment; and
4. discharges directly or indirectly to waters of the state.

"Silviculture activity" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

“Site” means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

“Stop work order” means an order issued by the Director of Public Works which requires that all construction activity on the site be stopped.

“Storm water management plan” means a comprehensive plan designed to reduce the discharge of pollutants from storm water, after the site has under gone final stabilization, following completion of the construction activity.

“Storm water 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.

"Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

“Top of the channel” means an edge, or point on the landscape landward from the ordinary high- water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

"Total maximum daily load" or "TMDL" means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

“TP-40“ means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

"TR-55" means the United States department of agriculture, natural resources conservation service (previously soil conservation service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.

“Transportation facility” means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.

“TSS” means total suspended solids.

“Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published in 1973”.

“Waters of the state” includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

#### **47.055 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE**

Maximum extent practicable applies when a person who is subject to a performance standard of this chapter demonstrates to the Director of Public Works’ satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available

technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

#### **47.06 TECHNICAL STANDARDS**

- (1) The following methods shall be used in designing the water quality, peak discharge, and infiltration components of storm water practices needed to meet the water quality standards of this ordinance:
  - (a) Consistent with the technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of 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 methods have been approved by the Director of Public Works.

#### **47.07 PERFORMANCE STANDARDS**

- (1) **RESPONSIBLE PARTY.** The entity holding fee title to the property shall be responsible for either developing and implementing a storm water management plan or causing such plan to be developed and implemented through contract or other agreement. This plan shall be developed in accordance with Section 47.08, which incorporates the requirements of this section.
- (2) **STORM WATER MANAGEMENT PLAN.** A written storm water management plan in accordance with Section 47.09 shall be developed and implemented for each post-construction site.
- (3) **MAINTENANCE OF EFFORT.** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.
- (4) **REQUIREMENTS.** The storm water management plan required under sub. (2) shall include the following:
  - (a) **TOTAL SUSPENDED SOLIDS.** BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

1. BMPs shall be designed in accordance with Table 1. or to the maximum extent practicable as provided in subd. 2. The design shall be based on an average annual rainfall, as compared to no runoff management controls.

<b>Table 1. TSS Reduction Standards</b>	
<b>Development Type</b>	<b>TSS Reduction</b>
New Development	80 percent
In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and

2. **Maximum Extent Practicable.** If the design cannot meet a total suspended solids reduction performance standard of Table 1., the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.
3. **Off-Site Drainage.** When designing BMPs, runoff draining to the BMP from off- site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(b) **PEAK DISCHARGE.**

1. By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour; the 2-year, 24-hour; the 5-year, 24-hour; the 10-year, 24-hour; and the 25-year, 24-hour post-construction peak runoff discharge rates to the 1- year, 24-hour; the 2-year, 24-hour; the 5-year, 24-hour; the 10-year, 24-hour; and the 25-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The 100-year, 24-hour post-construction peak runoff discharge shall be checked to ensure no flooding of structures. The runoff curve numbers in Table 2. shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 or MSE4 precipitation distribution. On a case-by-case basis, the Director of Public Works may allow the use of TP-40 precipitation depths and the Type II distribution.

Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

Where the pre-development condition is a combination of woodland, grassland, or cropland, the runoff curve number should be pro-rated by area.

2. This subsection of the chapter does not apply to any of the following:
  - a. Except as provided under Section 47.07 (3), a redevelopment post-construction site.
  - b. An in-fill development area less than 5 acres.

(c) INFILTRATION.

1. Best Management Practices. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:
  - a. *Low imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post- development infiltration volume shall be at least 90 percent of the pre- development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
  - b. *Moderate imperviousness.* For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post- construction site is required as an effective infiltration area.

- c. *High imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
2. Pre-development. The pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.
  3. Source Areas.
    - a. *Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in S. 07 (4)(c)6:
      - i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21 (2)(a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
      - ii. Storage and loading areas of a tier 2 industrial facility identified in s.NR 216.21 (2)(b).
      - iii. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
    - b. *Exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:
      - i. Parking areas and access roads less than 5,000 square feet for commercial development.
      - ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a.

- iii. Except as provided under S. 07 (3), redevelopment post-construction sites.
  - iv. In-fill development areas less than 5 acres.
  - v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.
4. Location of Practices.
- a. *Prohibitions.* Infiltration practices may not be located in the following areas:
    - i. Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
    - ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16 (4) or within the separation distances listed in s. NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.
    - iii. Areas where contaminants of concern, as defined in s. NR 720.03 (2), are present in the soil through which infiltration will occur.
  - b. *Separation distances.*
    - i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 3:

<b>Table 3. Separation Distances and Soil Characteristics</b>		
<b>Source Area</b>	<b>Separation Distance</b>	<b>Soil Characteristics</b>
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand

Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

- ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815 shall be followed.
- c. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:
  - i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
  - ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
- 5. **Alternate Use.** Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.
- 6. **Groundwater Standards.**
  - a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
  - b. Notwithstanding par. a., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.



7. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subd. 6. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
8. Maximum Extent Practicable. Where the conditions of subd. 3. and 4. limit or restrict the use of infiltration practices, the performance standard of Section 47.07 (4)(c) shall be met to the maximum extent practicable.

(d) PROTECTIVE AREAS.

1. Definition. In this section, “protective area” means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, “protective area” does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.
  - a. For outstanding resource waters and exceptional resource waters, 75 feet.
  - b. For perennial identified on a U.S. Geological Survey 7.5-minute series topographic map, Wisconsin Department of Natural Resources Surface Water Viewer, or a county soil survey map, whichever is more current, 50 feet.
  - c. For lakes, 50 feet.
  - d. For wetlands not subject to par. e. or f., 50 feet.
  - e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
  - f. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland

- dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
- g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03.
  - h. Wetland boundary delineation shall be made in accordance with s. NR 103.08 (1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
  - i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
  - j. Notwithstanding pars. a. to i., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.
2. Applicability. This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to subd. 4. Requirements. The following requirements shall be met:
- a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.
  - b. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as

necessary to prevent erosion such as on steep slopes or where high velocity flows occur.

- c. BMPs such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources, may be located in the protective area.
3. Exemptions. This section does not apply to any of the following:
  - a. Except as provided under Section 47.07 (3), redevelopment post-construction sites.
  - b. In-fill development areas less than 5 acres.
  - c. Structures that cross or access surface water such as boat landings, bridges, and culverts.
  - d. Structures constructed in accordance with s. 59.692 (1v), Stats.
  - e. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local chapter requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.
- (e) FUELING AND MAINTENANCE AREAS. Fueling and vehicle maintenance areas shall have BMPs designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.
- (f) SWALE TREATMENT FOR TRANSPORTATION FACILITIES.
  1. Requirement. Except as provided in subd. 2., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local chapter requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following or to the maximum extent practicable:
    - a. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.



## CHAPTER 47 Post-Construction Storm Water Management

- (a) To comply with the performance standards required under Section 47.07 of this ordinance, BMPs may be located on-site or off-site as part of a regional storm water device, practice or system, but shall be installed in accordance with s. NR 151.003, Wis. Adm. Code.
  - (b) The Director of Public Works may approve off-site management measures provided that all of the following conditions are met:
    - 1. The Director of Public Works determines that the post-construction runoff is covered by a storm water management system plan that is approved by the City of Platteville and that contains management requirements consistent with the purpose and intent of this ordinance.
    - 2. The off-site facility meets all of the following conditions:
      - a. The facility is in place.
      - b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
      - c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
  - (c) Where a regional treatment option exists such that the Director of Public Works exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Director of Public Works. In determining the fee for post-construction runoff, the Director of Public Works shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (7) **ADDITIONAL REQUIREMENTS.** The Director of Public Works may establish storm water management requirements more stringent than those set forth in this chapter if the Director of Public Works determines that the requirements are needed to control storm water quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

### **47.08 PERMITTING REQUIREMENTS, PROCEDURES AND FEES**

## CHAPTER 47 Post-Construction Storm Water Management

- (1) PERMIT REQUIRED. No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Director of Public Works prior to commencing the proposed activity.
- (2) PERMIT APPLICATION AND FEES. Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Director of Public Works a permit application on a form provided by the Director of Public Works for that purpose.
  - (a) Unless otherwise excluded by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.
  - (b) The storm water management plan shall be prepared to meet the requirements of Section 47.07 and Section 47.09, the maintenance agreement shall be prepared to meet the requirements of Section 47.10, the financial guarantee shall meet the requirements of Section 47.11, and fees shall be those established by the City of Platteville as set forth in Section 47.12.
- (3) PERMIT APPLICATION REVIEW AND APPROVAL. The Director of Public Works shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
  - (a) Within 15 business days of the receipt of a complete permit application, including all items as required by sub. (2), the Director of Public Works shall inform the applicant whether the application, storm water management plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
  - (b) If the storm water permit application, storm water management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Director of Public Works shall issue the permit.
  - (c) If the storm water permit application, storm water management plan or maintenance agreement is disapproved, the Director of Public Works shall detail in writing the reasons for disapproval.
  - (d) The Director of Public Works may request additional information from the applicant. If additional information is submitted, the Director of Public Works shall have 10 business days from the date the additional information is received to inform the applicant that the storm water management plan and maintenance agreement are either approved or disapproved.

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- (e) Failure by the Director of Public Works to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
  - (f) Prior to commencing the land development activity, the project may be subject to additional approvals under Chapter 21, Chapter 22 or both, of the City's municipal code.
- (4) PERMIT REQUIREMENTS. All permits issued under this chapter shall be subject to the following conditions, and holders of permits issued under this chapter shall be deemed to have accepted these conditions. The Director of Public Works may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Director of Public Works to suspend or revoke this permit may be appealed in accordance with Section 47.14.
- (a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
  - (b) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.
  - (c) The responsible party shall notify the Director of Public Works at least 2 business days before commencing any work in conjunction with the storm water management plan, and within 5 business days upon completion of the storm water management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the Director of Public Works so that practice installations can be inspected during construction.
  - (d) Practice installations required as part of this chapter shall be certified "as built" or "record" drawings by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Director of Public Works or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Director of Public Works 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.
  - (e) The responsible party shall notify the Director of Public Works of any significant modifications it intends to make to an approved storm water management plan. The Director of Public Works may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.

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- (f) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the City of Platteville, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
  - (g) The responsible party authorizes the Director of Public Works to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water 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 Section 47.11.
  - (h) If so directed by the Director of Public Works, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
  - (i) The responsible party shall permit property access to the Director of Public Works or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
  - (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Director of Public Works may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
  - (k) The responsible party is subject to the enforcement actions and penalties detailed in Section 47.13, if the responsible party fails to comply with the terms of this permit.
- (5) PERMIT CONDITIONS. Permits issued under this subsection may include conditions established by Director of Public Works in addition to the requirements needed to meet the performance standards in Section 47.07 or a financial guarantee as provided for in Section 47.11.
- (6) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the Director of Public Works notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (4)(d).



**47.09 STORM WATER MANAGEMENT PLAN**

- (1) **STORM WATER MANAGEMENT PLAN REQUIREMENTS.** The storm water management plan required under Section 47.07 (2) shall contain the following items as required by the Director of Public Works:
- (a) 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 storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
  - (b) 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.
  - (c) Pre-development site conditions, including:
    - 1. One or more site maps at a scale of not less than 1 inch equals 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 1 foot; 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 storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. 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).
  - (d) Post-development site conditions, including:
    - 1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

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2. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.
  3. One or more site maps at a scale of not less than 1 inch equals 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 1 foot; 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 storm water conveyance sections; location and type of all storm water 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 drainage way; 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 storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.
- (e) A description and installation schedule for the storm water management practices needed to meet the performance standards in Section 47.07.
  - (f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
  - (g) Cost estimates for the construction, operation, and maintenance of each storm water management practice.

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- (h) Other information requested in writing by the Director of Public Works to determine compliance of the proposed storm water management measures with the provisions of this ordinance.
  - (i) 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.
- (2) ALTERNATE REQUIREMENTS. The Director of Public Works may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Section 47.07 (5).

### 47.10 MAINTENANCE AGREEMENT

- (1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required under Section 47.08 (2) for storm water management practices shall be an agreement between the Director of Public Works and the responsible party to provide for maintenance of storm water 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 storm water management practices.
- (2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 47.09 (1)(f):
- (a) Identification of the storm water facilities and designation of the drainage area served by the facilities.
  - (b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under Section 47.08 (2).
  - (c) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under Section 47.08 (2).
  - (d) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water management practices in accordance with the schedule included in par. (b).
  - (e) Authorization for the Director of Public Works to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

- (f) A requirement on the Director of Public Works to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.
- (g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the Director of Public Works of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Director of Public Works.
- (h) Authorization of the Director of Public Works to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The Director of Public Works 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.

#### **47.11 FINANCIAL GUARANTEE**

- (1) **ESTABLISHMENT OF THE GUARANTEE.** The Director of Public Works may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Director of Public Works. The financial guarantee shall be in an amount determined by the Director of Public Works to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Director of Public Works the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the Director of Public Works that the requirements of this chapter have not been met.
- (2) **CONDITIONS FOR RELEASE.** Conditions for the release of the financial guarantee are as follows:
  - (a) The Director of Public Works shall release the portion of the financial guarantee established under this section, less any costs incurred by the Director of Public Works to complete installation of practices, upon submission of "as built plans" or "record" drawings by a licensed professional engineer. The Director of Public Works may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

- (b) The Director of Public Works shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the Director of Public Works, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

#### **47.12 FEE SCHEDULE**

The fees referred to in other sections of this chapter shall be established by the Common Council and may from time to time be modified by resolution. A schedule of the fees established by the Common Council shall be available for review online or at City Clerks' Office.

#### **47.13 ENFORCEMENT**

- (1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this chapter by any person, firm, association, or corporation subject to the chapter provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- (2) The Director of Public Works shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (3) Upon receipt of written notification from the Director of Public Works under sub. (2), the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works in the notice.
- (4) If the violations to a permit issued pursuant to this chapter are likely to result in damage to properties, public facilities, or waters of the state, the Director of Public Works may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Director of Public Works plus interest and legal costs shall be billed to the responsible party.
- (5) The Director of Public Works is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the city attorney, to obtain a cease and desist order in any court with jurisdiction.
- (6) The Director of Public Works may revoke a permit issued under this chapter for non-compliance with chapter provisions.

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- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Director of Public Works or by a court with jurisdiction.
- (8) The Director of Public Works is authorized to refer any violation of this ordinance, or a stop work order or cease and desist order issued pursuant to this ordinance, to the city attorney, for the commencement of further legal proceedings in any court with jurisdiction.
- (9) (a) Forfeiture Penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.  
  
(b) Forfeiture Schedule. Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$500 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (10) Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (11) When the Director of Public Works determines that the holder of a permit issued pursuant to this chapter has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Director of Public Works or a party designated by the Director of Public Works may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved storm water management plan. The Director of Public Works shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 47.11 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the charge shall become a special charge against the property, and shall constitute a lien on the property, per Section 66.0628, Wis. Stats.

### **47.14 APPEALS**

- (1) BOARD OF APPEALS. The Board of Appeals created pursuant to Chapter 22.14 of the City of Platteville Municipal Code.
  - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works in administering this chapter except for cease and desist orders obtained under 46.13 (3).

## CHAPTER 47 Post-Construction Storm Water Management

- (b) May authorize, upon appeal, variances from the provisions of this chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
  - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) **WHO MAY APPEAL.** Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Platteville affected by any decision of the Director of Public Works.

### **47.15 SEVERABILITY**

If any section, clause, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall remain in force and not be affected by such judgment.

**CITY OF PLATTEVILLE, WISCONSIN  
CHAPTER 48, STORM SEWER ILLICIT DISCHARGE AND CONNECTION**

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## CHAPTER 48

### STORM SEWER ILLICIT DISCHARGE AND CONNECTION

#### 48.01 PURPOSE

(1) AUTHORITY

(a) The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the City of Platteville through the regulation of non-storm water discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The objectives of this chapter are:

1. To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
2. To prohibit illicit connections and discharges to the MS4.
3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.

(b) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the City.

(c) In instances where the provisions of this ordinance conflict with provisions of other City ordinances, zoning regulation, or the provisions of state agencies, including, but not limited to, the WPDES Storm Water Discharge Permits issued by the WDNR under Wis. Stats. Section 281.31, the more stringent provision shall apply.

(d) The City designates the Director of Public Works as the person responsible to administer and enforce the provisions of this chapter.

(2) Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(3) Findings of Fact. The City is growing at a rapid rate. The Rountree Branch River and its tributaries are valuable trout waters of regional significance, representing

a major natural amenity of the community. Illicit discharges have the potential to severely impact the fish and wildlife habitat of the river.

## **48.02 APPLICABILITY**

This chapter shall apply to all water and discharges entering the MS4 or waters of the state generated on any lands unless explicitly exempted by the Director of Public Works.

## **48.03 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply:

"Best management practices" or "BMPs" means practices, techniques or measures that are effective in reducing flooding, removing pollutants, providing thermal mitigation, enhancing infiltration and/or providing other benefits related to storm water management set forth in the WDNR Construction Site Erosion and Sediment Control Technical Standards and the Post Construction Storm Water Management Technical Standards developed under Subchapter V of Wis. Adm. Code Ch. NR 151, available on their website at <http://dnr.wi.gov/runoff/stormwater/techstds.htm>.

"City" means the City of Platteville.

"Director of Public Works" means the governmental employee designated by the council to administer this chapter and includes any other governmental employees designated by the Director of Public Works or the City Council in the absence of the Director of Public Works.

"Dechlorinated swimming pool discharge" means pool water that has been allowed to sit for one week or more with no treatment or pool water that can otherwise be tested to show that residual chlorine or bromine levels are nondetectable.

"Discharge" means as defined in Ch. 283, Wis. Stats., and any amendments thereto, when used without the qualification includes a discharge of any pollutant to the waters of this state from any point source.

"Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

"Illicit connections" are defined as either of the following:

## CHAPTER 48 Storm Sewer Illicit Discharge and Connection

1. Any drain or conveyance, whether on the surface or subsurface that allows an illicit discharge to enter the MS4 including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or
2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

"Illicit discharge" means any discharge to a municipal separate storm sewer system that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit limited to landscape irrigation, individual residential car washing draining onto a grassed area, firefighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

"Industrial activity" means any activities subject to WPDES industrial permits pursuant to Wis. Adm. Code Ch. NR 216, and Ch. 283, Wis. Stats., and any amendments thereto.

"Municipal separate storm sewer system" or "MS4" as defined in the Wis. Adm. Code Ch. NR 216, and any amendments thereto, means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basin, curbs, gutters, ditches, constructed channels or storm drains, which meets all the following criteria:

1. owned or operated by a municipality;
2. designed or used for collecting or conveying storm water;
3. that which is not a combined sewer conveying both sanitary and storm water; and
4. that which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

"Non-storm water discharge" means any discharge to the MS4 that is not composed entirely of storm water.

"Outfall" means the point at which storm water is discharged to waters of the state or leaves one MS4 and enters another.

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"Owner" means any person holding fee title, an easement, or other interest in property.

"Person" means an individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency.

"Pollutant" as defined in Ch. 283, Wis. Stats., and any amendments thereto, means any man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

"Pollution prevention" means taking measures to eliminate or reduce pollution.

"Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

"Storm sewer" means a closed conduit for conducting collected storm water.

"Storm water" means runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

"Storm water management plan/storm water pollution prevention plan" means a document that describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable. Identifies what actions will be taken to reduce storm water quantity, volume, pollutant loads, thermal increases to the receiving stream and/or erosion resulting from land development activity to levels meeting the purpose and intent of this chapter and the water management plan.

"Structure" means anything that is constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

"Wastewater" means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

"Watercourse" means a natural or artificial channel through which water flows. These channels include: all blue and dashed blue lines on the USGS quadrangle maps, all channels shown on the soils maps in the NRCS soils book for Grant and Lafayette County, all channels identified on the site, and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defined.

"Waters of the state" means lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or its jurisdiction, except those waters which are entirely confined and retained completely upon the premises of a person.

"WDNR" means the Wisconsin Department of Natural Resources

"WPDES Storm water Discharge Permit" means a permit issued by the WDNR under Section 283.31 Wis. Stats. which authorizes the discharge of storm water from construction sites, industrial facilities, and selected municipalities to waters of the state.

#### **48.04 DISCHARGE PROHIBITIONS**

- (1) Prohibition of Illicit Discharges. No person shall throw, dump, drain, spill or otherwise discharge, or cause, or allow any other person to throw, dump, drain, spill or otherwise discharge into waters of the state or the storm sewer of the MS4 any pollutants or water containing any pollutants, other than storm water.
- (2) Allowed Discharges.
  - (a) Water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
  - (b) Discharges or flow from firefighting, and other discharges specified in writing by the Director of Public Works as being necessary to protect public health and safety.
  - (c) Discharges associated with dye testing; however this activity requires a verbal notification to the Director of Public Works and the WDNR a minimum of one business day prior to the time of the test.
  - (d) Any non-storm water discharge permitted under a Construction Activities Permit, Industrial Activity Permit, or WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the WDNR. Any person subject to such a WPDES storm water discharge permit shall comply with all provisions of such a permit.
- (3) Prohibition of Illicit Connections.
  - (a) The construction, use, maintenance, or continued existence of illicit connections to the MS4 is prohibited.
  - (b) 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.

- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- (d) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system of the sanitary sewer system upon approval of the Director of Public Works.
- (e) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that premises upon receipt of written notice of violation from the City requiring that such location be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Director of Public Works.

#### **48.05 WATERCOURSE PROTECTION**

Every person who owns, leases, otherwise controls or occupies premises through which a watercourse passes shall keep and maintain that portion of the watercourse in question free of trash, debris, excessive vegetation and other obstruction which has the tendency to pollute, contaminate or significantly retard or block the flow of water through the watercourse. This duty shall include the responsibility of maintaining structures within or adjacent to the watercourse in such location and in such a manner of repair so as not to constitute an impediment to the use, function or physical integrity of the watercourse.

#### **48.06 COMPLIANCE MONITORING**

- (1) Right of Entry: Inspecting and Sampling. The City reserves the right to enter and inspect all premises in the City which contain watercourses, points of discharge, connections with storm sewers and outfalls for the purpose of ascertaining compliance with this chapter.
  - (a) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Director of Public Works.

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- (b) Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records.
  - (c) The Director of Public Works shall have the right to set up on any premises such devices as are necessary in the opinion of the Director of Public Works to conduct monitoring and/or sampling of the facility's storm water discharge.
  - (c) The Director of Public Works has the right to require the discharger to install monitoring equipment as necessary. The premises' sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
  - (d) Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the operator.
  - (f) Unreasonable delays in allowing the Director of Public Works access to a premises is a violation. A person who is the operator of a facility commits an offense if the person denies the Director of Public Works reasonable access to the premises for the purpose of conducting any activity authorized or required by this chapter.
- (2) Special Inspection Warrant. If the Director of Public Works has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause under Section 66.0119, Wis. Stats to believe that there may be a violation of this chapter, 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 chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director of Public Works may seek issuance of a special inspection warrant per Section 66.0119, Wis. Stats.

### **48.07 PREVENT, CONTROL AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BMPS**

- (1) The owner or operator of any activity, operation, or facility and the owner, lessee or occupant of any premises which causes or contributes to pollution or contaminates storm water, the MS4 or watercourses, at his or her sole expense, shall provide reasonable protection against the accidental discharge of prohibited or nonpermitted materials or other waste into the MS4 or other watercourses and

may be required to implement additional structural or nonstructural BMPs to prevent further or continuing discharge of pollutants to the MS4 and watercourses. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a storm water management plan (SWMP)/storm water pollution prevention plan (SWPPP) as necessary for compliance.

#### **48.08 NOTIFICATION OF SPILLS**

- (1) Notwithstanding other requirements of law, as soon as any person who owns or occupies any premises subject to this chapter or who operates a facility or operation has any information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the MS4, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
- (2) 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 Director of Public Works in person or by telephone or electronic means no later than the next business day. Notification in person or by telephone shall be confirmed by written notice addressed and mailed to the Director of Public Works within three 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 seven years. Failure to provide notification of a release as provided above is a violation of this chapter.

#### **48.09 COMPLIANCE ENFORCEMENT**

- (1) Violations. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) In the event the violation constitutes an immediate danger to public health or public safety, the Director of Public Works is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures



necessary to abate the violation. The Director of Public Works is authorized to seek costs of the abatement as outlined in subsection E below.

- (3) Warning Notice. When the Director of Public Works finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, the Director of Public Works may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the Director of Public Works to take action, including emergency action or any other enforcement action without first issuing a warning notice.
- (4) Notice of Violation. Whenever the Director of Public Works finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the Director of Public Works may order compliance by written notice of violation to the responsible person. The notice of violation shall contain:
  - (a) The name and address of the alleged violator;
  - (b) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
  - (c) A statement specifying the nature of the violation;
  - (d) A description of the remedial measures necessary to restore compliance with this chapter and a time schedule for the completion of such remedial action;
  - (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
  - (f) A statement that the determination of violation may be appealed to the City Board of Appeals per Chapter 22 of the municipal code by filing a written notice of appeal within ten (10) business days of service of notice of violation; and
  - (g) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or contractor and the expense thereof shall be charged to the violator.

Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;

2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected premises;
5. Payment of a fine to cover administrative and remediation costs; and
6. Preparing plans for and implementing BMPs.

(5) Suspension of MS4 Access.

(a) Emergency Cease and Desist Orders. When the Director of Public Works finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to reoccur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the State which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Director of Public Works may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to: reoccur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Director of Public Works may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

1. Immediately comply with all ordinance requirements; and
2. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Director of Public Works may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of state, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Director of Public Works may allow the person to recommence its discharge when it has

demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this chapter. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Director of Public Works within five business days of receipt of the emergency order as a prerequisite for taking any other action against the violator.

- (b) **Suspension Due to Illicit Discharges in Emergency Situations.** The Director of Public Works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the Director of Public Works may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.
- (c) **Suspension Due to the Detection of Illicit Discharge.** Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Director of Public Works will notify a violator of the proposed termination of its MS4 access. The violator may petition the Director of Public Works for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the Director of Public Works.

- (d) **Prosecution and Penalties.** Any person that has violated or continues to violate this chapter shall be liable to prosecution to the fullest extent of the law. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within the set time period specified by the Director of Public Works, after he/she has taken one or more of the actions described above, such person shall be subject to a forfeiture of not less than \$100 nor more than \$1,000 in addition to the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes. Each day a violation exists shall constitute a separate offense. The Director of Public Works may also impose upon a violator alternative compensatory actions, such as storm drain stenciling/marketing, attendance at compliance workshops, pond or drainage way cleanup, etc.

- (6) Cost of Abatement of the Violation. Within thirty (30) days after abatement of the violation, the owner of the premises will be notified of the cost of abatement, including administrative costs. If the amount due is not paid by the date determined by the City, the charges shall become a special charge against the property, and shall constitute a lien on the property, per Section 66.0628, Wis. Stats. The City may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

#### **48.10 APPEAL OF NOTICE OF VIOLATION**

- (1) Appeals. Any person receiving a notice of violation may appeal the determination of the Director of Public Works. The notice of appeal must be received by the City within ten (10) business days from the date of the notice of violation. Hearing on the appeal before the Board of Appeals shall take place within sixty (60) calendar days from the date of receipt of the notice of appeal.
- (2) Enforcement Measures After an Appeal. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event the appeal to the Board of Appeals upheld the decision of the Director of Public Works, then representatives of the Director of Public Works are authorized to enter upon the subject private property and authorized to take any and all measures necessary to abate the violation. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

#### **48.11 VIOLATIONS DEEMED A PUBLIC NUISANCE**

Any condition in violation of any of the provisions of this chapter and declared and deemed a nuisance, may be summarily abated or restored at the violator's expense.

#### **48.12 SEVERABILITY**

The provisions of this chapter are declared to be severable. If a court of competent jurisdiction judges any section, clause, provision or portion of this chapter unconstitutional or invalid, the remainder of this chapter shall remain in force and not be affected by such judgment.

## **CLERK'S CERTIFICATE**

The foregoing code of general ordinances, constituting the Platteville Municipal Code, having been on file in the office of the City Clerk for public inspection for more than two weeks as required by law prior to adoption became effective on June 19, 1964, the day following publication of the ordinance adopting the Municipal Code.

Dean G. Williams

City Clerk

Platteville, Wisconsin

## APPENDIX

### CHARTER ORDINANCE

**AN ORDINANCE ALTERING THE MANNER OF SELECTION OF THE CITY ASSESSOR.** The Common Council of the City of Platteville do hereby ordain as follows:

1. Pursuant to the provisions of Section 62.09(3)(b) of the Wisconsin Statutes, and as therein authorized, the method of selection of the City Assessor for the City of Platteville is hereby changed from that of election by the voters to that of appointment by the Council.

2. That the regularly elected Assessor at the date of the enactment hereof or his duly constituted successor in office holding such office until May 1, 1959, the date the term of such successor in office would end, shall be succeeded by the first appointee under the provisions of this Charter Ordinance, which appointment shall be made in such time that said appointee may qualify for said office hereunder as of May 1, 1959, and shall hold same under said initial appointment until September 1, 1960; that a further appointment for a one-year term shall be made in such time that said appointee may qualify for said office as of September 1, 1960, and similar appointments shall thereafter be made for a period of one year each, also taking effect as of said date of September 1 in each year.

3. That this ordinance is hereby designated as a Charter Ordinance of said City of Platteville and passed under authority of the provisions of Section 66.01 of the Wisconsin Statutes; and pursuant thereto, such ordinance shall not take effect until 60 days after its passage and publication; furthermore the enactment hereof is subject to the provisions of Section 66.01(5) of said Wisconsin Statutes relating to a referendum by the voters of said City of Platteville thereon upon compliance with the conditions as set forth in said section.

Passed and adopted at a regular meeting of the Common Council of the City of Platteville held at the Municipal Building in said City of Platteville on the 12<sup>th</sup> day of August, 1958, by the unanimous vote of all members present at said meeting, same being a number in excess of 2/3 of the members elect of said Common Council.

L. C. Kindschi,  
Clerk

Approved:

R.E. Balliette  
Mayor

## APPENDIX

### CHARTER ORDINANCE

**AN ORDINANCE ALTERING THE MANNER OF SELECTION OF THE CITY ASSESSOR.** The Common Council of the City of Platteville do hereby ordain as follows:

1. The term of the City Assessor is hereby adjusted so that it shall commence on January 1 of each year.

2. This ordinance is hereby designated as an amendment to a Charter Ordinance of the City of Platteville and passed under authority of the provisions of Chapter 66, Wisconsin Statutes. Pursuant thereto, this ordinance shall not take effect until 60 days after its passage and publication. Furthermore, the enactment of this ordinance is subject to the provisions of Chapter 66, Wisconsin Statutes, relating to a referendum by the voters of the City of Platteville thereon upon compliance with the conditions set forth in said Chapter.

Passed and adopted at a regular meeting of the Common Council of the City of Platteville held at the Municipal Building in said City of Platteville on the 22<sup>nd</sup> day of July, 1986, by the unanimous vote of all members present at said meeting, same being a number in excess of 2/3 of the members elect of said Common Council.

Frank J. Lofy, Council President

ATTEST:

Annette Dutcher, City Clerk

Published August 5, 1986

## CHARTER ORDINANCE

**CHARTER ORDINANCE RELATING TO THE SELECTION AND TENURE OF THE CITY ATTORNEY.** The Common Council of the City of Platteville, Grant County, Wisconsin, do ordain as follows:

1. The City of Platteville hereby elects not to be governed by those portions of Section 62.09(3) and (5)(b) of the Wisconsin Statutes relating to the method of selection and tenure of the City Attorney which are in conflict with this ordinance.

2. Hereafter instead of being elected, the City Attorney of the City of Platteville shall be appointed by the Mayor, subject to confirmation by a majority vote of the members elect of the Common Council.

3. The term of the City Attorney shall be for two years and until his successor is selected and qualifies. Such term shall begin on May 1<sup>st</sup> succeeding his appointment and confirmation.

4. This office shall not in any way affect the right of any person whose term of office has begun but has not yet expired on the effective date of this ordinance to complete his term of office.

5. This is a charter ordinance and shall take effect 60 days after its passage and publication unless within such 60 days a referendum petition shall be filed as provided by Section 66.01 of the Wisconsin Statutes in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of electors voting thereon.

Passed and adopted at a regular meeting of the Common Council of the City of Platteville held at the municipal building in said City of Platteville on the 12<sup>th</sup> day of December, 1967, by unanimous vote of all members present at said meeting, the same being a number in excess of two-thirds of the members elect of said Common Council.

Dean G. Williams  
City Clerk

Approved:

Irvin G. Gibson,  
Mayor

Published December 21, 1967



**CHARTER ORDINANCE OF THE CITY OF PLATTEVILLE  
AMENDING THE POWERS TO AUTHORIZE THE  
COUNCIL PRESIDENT TO MAKE ALL APPOINTMENTS  
TO ALL BOARDS AND COMMISSIONS, SUBJECT TO COMMON  
COUNCIL APPROVAL; AND AMENDING THE POWERS OF  
THE CITY MANAGER TO MAKE APPOINTMENTS, SUBJECT  
TO COMMON COUNCIL APPROVAL**

WHEREAS, the City of Platteville desires the President of the Council to have the power of appointing all members of all administrative and advisory boards and commissions; and

WHEREAS, the City of Platteville desires the Common Council to have the power to approve appointments and removals of all persons to all Boards and Commissions and all City Employees:

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF PLATTEVILLE, BY CHARTER ORDINANCE, DO ORDAIN AS FOLLOWS:

Section 1. The Council President of the City of Platteville shall make, subject to confirmation by the Common Council, appointments of all members of boards and commissions.

Section 2. The City Manager shall have the power to nominate all City employees, with the exception of Department Heads for which he shall submit sufficient numbers to be reviewed by both the Common Council and City Manager, and to recommend removal of such appointees at any time their services or the conduct of their offices becomes unsatisfactory and the Council shall have the power to approve the appointments or removals. This subsection shall not be construed as depriving the Board of Fire and Police Commissioners or the chiefs of fire or police departments of all the powers conferred by s.62.13.

Section 3. All ordinances or parts of ordinances not consistent with this ordinance are hereby amended so as to be consistent with this ordinance and if they cannot be so amended, then they are hereby repealed.

Section 4. This Charter Ordinance shall take effect after its passage and publication as required by law.

Frank J. Lofy

ATTEST:

Annette M. Dutcher

**APPENDIX**

**CHARTER ORDINANCE**

**AN ORDINANCE REGARDING PRIMARY ELECTIONS.** The Common Council of the City of Platteville do ordain as follows:

1. The following charter ordinance is hereby enacted:

Whenever three or more candidates file nomination papers for the office of alderman and whenever five or more candidates file nomination papers for the office of alderman-at-large when two such positions are up for election a primary election to nominate candidates for the office shall be held. The two candidates receiving the highest number of votes for the position of alderman and the four candidates receiving the highest number of votes for the two available positions of alderman-at-large shall be nominated for such office.

2. This charter ordinance shall be in full force and effect as provided by Chapter 66.01, Wisconsin Statutes.

(Signature)  
Frank J. Lofy, Council President

ATTEST:

Annette M. Dutcher, City Clerk

## CHARTER ORDINANCE PROVIDING FOR THE TERMS AND TENURE OF THE ALDERMEN OF THE CITY OF PLATTEVILLE

The Common Council of the City of Platteville do ordain as follows:

Section 1. Pursuant to Section 66.01(4), Wisconsin Statutes, the City of Platteville elects not to be governed by that portion of Section 62.09(5)(b), Wisconsin Statutes, which provides that the regular term of elective offices shall be two years, as it relates to the terms and tenure of aldermen of the City of Platteville.

Section 2. Pursuant to Sections 66.01(5) and 62.09(5)(b), Wisconsin Statutes, the regular terms and tenure of aldermen of the City of Platteville shall be three years. To ensure continuity and to provide for an orderly transition, the following aldermanic positions shall have the following regular terms and tenure:

Third Aldermanic District, Fourth Aldermanic District and At-Large Aldermanic position – three years, commencing on the 3<sup>rd</sup> Tuesday of April, 1988.

First Aldermanic District and the person receiving the highest number of votes for the position of At-Large Alderman – three years commencing on the 3<sup>rd</sup> Tuesday of April, 1989.

Second Aldermanic District and the person receiving the second highest number of votes for the position of At-Large Alderman – one year commencing on the 3<sup>rd</sup> Tuesday in April, 1989.

Second Aldermanic District and one At-Large Aldermanic position – three years commencing on the 3<sup>rd</sup> Tuesday of April, 1990.

Section 3. This ordinance is hereby designated as a Charter Ordinance of the City of Platteville and is enacted under the authority of and pursuant to the provisions of Section 66.01, Wisconsin Statutes. Pursuant thereto, this ordinance shall not take effect until 60 days after its passage and publication. Furthermore, the enactment of this ordinance is subject to the provisions of Section 66.01, Wisconsin Statutes, relating to a referendum by the voters of the City of Platteville thereon.

PASSED AND ADOPTED at a regular meeting of the Common Council of the City of Platteville held at the Municipal Building in said City of Platteville on the 12<sup>th</sup> day of January, 1988, by a vote of 6-1, the same being at least 2/3 of the members elect of the Common Council of the City of Platteville.

(Signature)  
Merlin Mellor, Council President

Attest:  
Annette M. Dutcher, City Clerk

**CHARTER ORDINANCE PROVIDING FOR THE COMPOSITION OF AND  
DATE OF BEGINNING OF TERMS OF MEMBERS OF THE BOARD OF  
TRUSTEES OF THE PLATTEVILLE MUSEUM AND PROVIDING FOR THE  
ELECTION OF OFFICERS THEREOF**

The Common Council of the City of Platteville do ordain as follows:

Section 1. Pursuant to Section 66.01(4), Wisconsin Statutes, the City of Platteville elects not to be governed by those provisions of Sections 229.12 and 229.13, Wisconsin Statutes, which require that the Board of Trustees consist of ten members and which require three members of the Board of Trustees of the Platteville Museum to be aldermen and which require one member of the Board of Trustees of the Platteville Museum to be a county board member and which require one member of the Board of Trustees of the Platteville Museum to be the president of the board of school directors and requiring the annual meeting of the Board of Trustees and the election of a president to be held on the 3<sup>rd</sup> Tuesday of May in each year.

Section 2. Pursuant to Section 66.01(5), Wisconsin Statutes, Section 3.22(b) of the Municipal Code of the City of Platteville shall contain and be governed by the following provisions:

1. The Board of Trustees of the Platteville Museum shall consist of 7 regular members and 1 ex-officio and non-voting member. The ex-officio and non-voting member shall not be counted for purposes of determining whether a quorum is present.
  - (a) One of the 7 regular members shall be the superintendent of schools of the Platteville School District or a person designated and appointed by the superintendent of schools. The term of this member shall be indefinite, but only as long as the person serves as superintendent of schools or until another person is appointed or designated by the superintendent of schools.
  - (b) One of the regular members shall be the president of the Jamison Museum Association Board of Directors or a member of such board designated by the president of such Board of Directors. The term of such member shall be indefinite, but only so long as the person holds the position of president of the Jamison Museum Association Board of Directors or until another Board member is appointed by said president.
  - (c) One member shall be an alderperson of the City of Platteville. Such member shall serve for a term of three years or as long as such person is an alderperson of the City of Platteville, whichever is shorter.

- (d) Three members shall be selected from among the residents of the City of Platteville and one member shall be selected from the residents of the Platteville School District. The terms of such members shall be for 4 years each or until any such member ceases to be a resident of the City of Platteville and/or the Platteville School District, whichever is shorter.
  - (e) The ex-officio and non-voting member shall be a trustee of the Rollo Jamison Trust other than the City superintendent of schools. The terms of such member shall be indefinite, but shall end when that person ceases to be a trustee of the Rollo Jamison Trust.
2. The terms of office for all members of the Board of Trustees except the city superintendent of schools, the president of the Jamison Museum Association Board of Directors and the ex-officio member shall commence on July 1 next after their appointment. The appointment of such members after this ordinance becomes effective shall be for a term which will end on June 30, rather than on May 1, as under the previously effective provisions of Section 3.22 of the Municipal Code of the City of Platteville.
  3. Four members shall be required for a quorum and action may be taken by a majority of those members present.
  4. The annual meeting of the Board of Trustees shall be held on the 3<sup>rd</sup> Wednesday in July of each year, at which meeting a president and a secretary shall be chosen annually from their number.

Section 3. This ordinance is hereby designated as a Charter Ordinance of the City of Platteville and is enacted under the authority of and pursuant to the provisions of Section 66.01, Wisconsin Statutes. Pursuant thereto, this ordinance shall not take effect until the date hereinafter stated and until 60 days after its passage and publication. Furthermore, the enactment of this ordinance is subject to the provisions of Section 66.10, Wisconsin Statutes, relating to a referendum by the voters of the City of Platteville.

Passed and adopted at a regular meeting of the Common Council of the City of Platteville held at the Municipal Building in said City of Platteville on the 12<sup>th</sup> day of April, 1988, by a vote of 7-0, the same being at least two-thirds of the members elect of the Common Council of the City of Platteville.

(Signature)  
Merlin J. Mellor, Council President

ATTEST:

Annette M. Dutcher, City Clerk

## CHARTER ORDINANCE OF THE CITY OF PLATTEVILLE

### **AN ORDINANCE REPEALING THE POWER OF THE COMMON COUNCIL TO APPROVE THE APPOINTMENT OR REMOVAL OF DEPARTMENT HEADS AND RESTORING THE AUTHORITY OF THE CITY MANAGER TO APPOINT ALL HEADS OF DEPARTMENTS AND TO REMOVE SUCH APPOINTEES.**

WHEREAS, the City of Platteville previously approved a Charter Ordinance No. 86-3, dated May 8, 1986; and,

WHEREAS, in said charter ordinance, the Common Council of the City of Platteville limited the authority of the City Manager to appoint or remove heads of departments, subjecting the City Manager's authority to Common Council approval; and,

WHEREAS, the City of Platteville desires to repeal the above stated charter ordinance and enact a new charter ordinance specifying the responsibilities of the City Manager and Council of the City of Platteville with respect to the appointment and removal of heads of departments, subordinate City officials and City employees, and members of boards and commissions;

NOW, THEREFORE, the Common Council of the City of Platteville, by charter ordinance, do ordain as follows:

Section 1. Charter Ordinance No. 86-3, dated May 8, 1986 is hereby repealed in its entirety.

Section 2. The City Manager shall have the power to create minor administrative offices and positions and to discontinue such offices and positions according to the City Manager's judgment of the needs of the City of Platteville.

The City Manager shall have the power to appoint and dismiss all heads of departments; appointment of all subordinate City officials and all City employees and removal of such appointees at any time their service or their conduct of their offices becomes unsatisfactory will be done with the City Manager's approval.

This subsection shall not be construed as depriving the Board of Fire and Police Commissioners or the chiefs of fire or police departments of the City of all the powers conferred by Section 62.13.

Section 3. The Council President of the City of Platteville shall make, subject to confirmation by the Common Council, appointments of all members of boards and commissions. Such appointees may be removed by a majority vote of the Common Council at any time their service or conduct becomes unsatisfactory.

Section 4. All ordinance or parts of ordinances not consistent with this ordinance are hereby amended so as to be consistent with this ordinance and if they cannot be so amended, then they are hereby repealed.

Section 5. This charter ordinance shall not take effect until 60 days after its passage and publication as required by law.

Introduced: January 9, 1996

Passed and Adopted: January 23, 1996

BY THE ORDER OF THE COMMON COUNCIL

\_\_\_\_\_  
Patricia Plourde, Council President

Attest:

\_\_\_\_\_  
Annette M. Dutcher, City Clerk

## CHARTER ORDINANCE OF THE CITY OF PLATTEVILLE

### **AN ORDINANCE REPEALING THE POWER OF THE COMMON COUNCIL TO APPROVE THE APPOINTMENT OR REMOVAL OF DEPARTMENT HEADS AND RESTORING THE AUTHORITY OF THE CITY MANAGER TO APPOINT ALL HEADS OF DEPARTMENTS AND TO REMOVE SUCH APPOINTEES.**

WHEREAS, the City of Platteville previously approved a Charter Ordinance No. 86-3, dated May 8, 1986; and,

WHEREAS, in said charter ordinance, the Common Council of the City of Platteville limited the authority of the City Manager to appoint or remove heads of departments, subjecting the City Manager's authority to Common Council approval; and,

WHEREAS, the City of Platteville desires to repeal the above stated charter ordinance and enact a new charter ordinance specifying the responsibilities of the City Manager and Council of the City of Platteville with respect to the appointment and removal of heads of departments, subordinate City officials and City employees, and members of boards and commissions;

NOW, THEREFORE, the Common Council of the City of Platteville, by charter ordinance, do ordain as follows:

Section 1. Charter Ordinance No. 86-3, dated May 8, 1986 is hereby repealed in its entirety.

Section 2. The City Manager shall have the power to create minor administrative offices and positions and to discontinue such offices and positions according to the City Manager's judgment of the needs of the City of Platteville.

The City Manager shall have the power to appoint all heads of departments, all subordinate City officials and all City employees and to remove such appointees at any time their service or their conduct of their offices becomes unsatisfactory to the City Manager. This subsection shall not be construed as depriving the board of fire and police commissioners or the chiefs of fire or police departments of the City of all powers conferred by Section 62.13. In addition this subsection shall not be construed as depriving the library board of the City of all the powers and duties conferred by Section 43.58.

Section 3. The Council President of the City of Platteville shall make, subject to confirmation by the Common Council, appointments of all members of boards and commissions. Such appointees may be removed by a majority vote of the Common Council at any time their service or conduct becomes unsatisfactory.



Section 4. All ordinance or parts of ordinances not consistent with this ordinance are hereby amended so as to be consistent with this ordinance and if they cannot be so amended, then they are hereby repealed.

Section 5. This charter ordinance shall take effect upon its passage and publication as required by law.

Introduced: February 13, 1996.

Passed and Adopted: February 27, 1996.

BY THE ORDER OF THE COMMON COUNCIL

\_\_\_\_\_  
Patricia Plourde, Council President

Attested:

\_\_\_\_\_  
Annette M. Dutcher, City Clerk

## APPENDIX B

### GRIEVANCE PROCEDURE

#### No. 84-24 ORDINANCE CREATING A FEDERAL REVENUE SHARING SECTION 504 GRIEVANCE PROCEDURE FOR THE CITY OF PLATTEVILLE

The Common Council of the City of Platteville do ordain as follows:

Section 1. An ordinance creating a Federal Revenue Sharing Section 504 Grievance Procedure is hereby created as follows:

#### SECTION 504 GRIEVANCE PROCEDURE

Required under revenue sharing regulations (31 C.F.R. 51.55(d)(2)).

The City of Platteville has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing's (ORS) regulations (31 C.F.R. 51.55(d)(2)) implementing Section 504 of the Rehabilitation Act of 1973, as amended (27 U.S.C. 794). Section 504 states, in part, that "no otherwise qualified handicapped individual. . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or actively receiving federal financial assistance. . ."

Complaints should be addressed to: Merle Strouse, City Manager, City Hall, 75 North Bonson Street, P.O. Box 252, Platteville, WI 53818, (608) 348-9741, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

2. A complaint should be filed within 10 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis).

3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Merle Strouse. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 31 C.F.R. 51.55(d)(2), the City of Platteville need not process complaints from applicants for employment or from applicants for admission to post-secondary educational institutions.

4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Merle Strouse and a copy forwarded to the complainant no later than 20 days after its filing.

5. The Section 504 coordinator shall maintain the files and records of the City of Platteville relating to the complaints filed.

6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 30 days to Platteville Common Council.

7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City of Platteville complies with Section 504 and the ORS regulations.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as required by law.