



City of West Allis

Meeting Agenda

Common Council

Mayor Dan Devine, Chair

Aldersperson Thomas G. Lajsic, Council President

Alderspersons: Suzzette Grisham, Kevin Haass, Danna Kuehn, Thomas G. Lajsic, Rosalie L. Reinke, Daniel J. Roadt, Tracy Stefanski, Angelito Tenorio, Vincent Vitale, and Martin J. Weigel

Thursday, April 7, 2022

7:00 PM

City Hall, Common Council Chambers
7525 W. Greenfield Avenue

REGULAR MEETING

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

Led by Ald. Haass

D. PUBLIC HEARINGS

1. R-2022-0174 Resolution to confirm and adopt the report of the City Engineer containing the schedule of proposed assessments for improvement of North/South Alley between S. 113th St. - S. Wollmer Rd.; W. Ohio St. to W. Wildwood Ln. and North/South and East/West Alley between S. 74th St. - S. 75th St.; W. Lapham St. to W. National Ave. by removal and reconstruction of the concrete alley pavement.

Sponsors: Public Works Committee

2. R-2022-0274 Resolution adopting the vacation and discontinuance of a portion of public right of way north of W. National Avenue and southwest of S. Waukesha Road.

Recommendation: Plan Commission recommended approval on January 26, 2022

Sponsors: Public Works Committee

E. CITIZEN PARTICIPATION

The Common Council may receive information from members of the public during this 30-minute period. Each speaker must announce to the council his or her name and address, sign in at the podium, and limit comments to one statement of no more than 5 minutes. The council cannot take action on topics raised by speakers and will not discuss topics with speakers.

F. ANNOUNCEMENT OF RECESS MEETINGS OF STANDING COMMITTEES

New and Previous Matters referred to Committees may be considered and acted upon by Committees during the Common Council recess. Unless otherwise announced during the meeting, the standing Committees of the Common Council will meet during recess in the following rooms and in the following order:

Art Gallery - Administration & Finance and Safety & Development

Room 128 - License & Health, Public Works & Advisory

The general public may contact the Committee Chair relative to an agenda item of interest that could be discussed or acted on during the recess meetings simultaneously occurring in different conference rooms. Additionally, if a member has interest in multiple agenda items which are scheduled for discussion or action during the recess meetings simultaneously occurring, they should contact the chair of the committee to inform of such interest.

G. MAYOR'S REPORT

This item is a report from the Mayor to the public regarding recent events attended, awards and commendations, and upcoming events. No discussion or action shall take place by members of the Council unless otherwise listed below.

H. ALDERPERSON'S REPORT

This item is a report from individual Alderpersons to the public regarding recent events attended, awards and commendations, and upcoming events. No discussion or action shall take place by members of the Council unless otherwise listed below.

I. APPROVAL OF MINUTES

3. 2022-0477 March 15, 2022 Draft Common Council Minutes.

Recommendation: Approve

J. STANDING COMMITTEE REPORTS

LICENSE & HEALTH COMMITTEE

4. 2022-0132 New Class B Tavern License and Public Entertainment Premise Permit for 6139 Beloit Tavern, LLC, d/b/a Shotskis, 6139 W. Beloit Road, West Allis, WI 53219; Agent: Jay Stamates. Public Entertainment Premise Permit to include juke box, DJ, bands, karaoke, patrons dancing, instrumental music, pool table and amusement machines. (ALC 22 2)

Recommendation: Approve if all inspections are completed and occupancy issued.

5. 2022-0352 New Class A Beer License for Vadeshvar Inc, d/b/a West Allis Food & Spirits, 9127 W. Lincoln Avenue. Agent: Yes Pravin Patel. (ALC 22 4)

Recommendation: Approve if all inspections are completed and occupancy issued.

K. ITEMS NOT REFERRED TO COMMITTEE (CONSENT AGENDA)

6. O-2022-0024 Ordinance to repeal and recreate the City Zoning Code as amended by the Safety & Development Committee on March 29, 2022.
Recommendation: Refer to Plan Commission
Sponsors: Safety and Development Committee
7. R-2022-0234 Resolution accepting work of Stark Pavement Corporation for street construction and authorizing and directing settlement of said contract in accordance with contract terms of 2020 Project No. 7 for final payment in the amount of \$2,000.
Recommendation: Adopt
Sponsors: Public Works Committee
8. R-2022-0235 Resolution accepting work of Payne & Dolan, Inc. for street construction and authorizing and directing settlement of said contract in accordance with contract terms of 2018 Project No. 8 for final payment in the amount of \$2,000.
Recommendation: Adopt
Sponsors: Public Works Committee
9. R-2022-0243 Resolution Granting a Privilege for Encroachment (Major) to New Owner S TIC 2101, LLC / H TIC 2101, LLC for property located at 7519-33 W. Becher St. (Tax Key No. 476-0442-000).
Recommendation: Adopt
Sponsors: Public Works Committee
10. R-2022-0247 Resolution to accept the proposal of Compass Minerals for furnishing and delivering 600 tons of deicing road salt for a total sum of \$45,312.
Recommendation: Adopt
Sponsors: Public Works Committee
11. R-2022-0248 Resolution accepting work of State Contractors, Inc. for sidewalk repair in the general area bounded by S. 84th St and I-894; North City Limits and Union Pacific Railroad and authorizing and directing settlement of said contract in accordance with contract terms of 2019 Project No. 6 for final payment in the amount of \$1,000.
Recommendation: Adopt
Sponsors: Public Works Committee

12. R-2022-0249 Resolution accepting work of State Contractors, Inc. for alley reconstruction, sanitary sewer relay, storm sewer relay, storm underdrain, building service, and utility adjustments in various locations and authorizing and directing settlement of said contract in accordance with contract terms of 2019 Project No. 9 for final payment in the amount of \$1,000.
- Recommendation:** Adopt
- Sponsors:** Public Works Committee
13. 2022-0423 Claim by Jeffrey Cottrell regarding property damage at 1037-39 S. 74th Street.
- Recommendation:** Refer to City Attorney
14. 2022-0430 Claim by Kathy Bott regarding property damage at 1343 S. 113th Street in January 2022.
- Recommendation:** Refer to City Attorney
15. 2022-0452 Claim by Joan McCants, Estate of Jermaine Claybrooks, biological minor children J.J.C., by and through Kayenne Allen, as parent and guardian, and J.D.C. by and through Markia S. Love, as parent and guardian regarding personal injuries resulting in death on March, 15, 2017.
- Recommendation:** Refer to City Attorney
16. 2022-0461 Claim by Angelica Torres Juarez regarding personal injury at 5919 W. Burnham Street on September 4, 2020.
- Recommendation:** Refer to City Attorney
17. 2022-0494 Claim by Cynthia Nix regarding garbage collection at 718 S. 123rd Street on Friday, March 4, 2022.
- Recommendation:** Refer to City Attorney
18. 2022-0505 Claim by Marvin Ealy, Jr, regarding personal and property injury at 110th Street and W. National Avenue.
- Recommendation:** Refer to City Attorney

L. COMMON COUNCIL RECESS

M. NEW AND PREVIOUS MATTERS

ADMINISTRATION & FINANCE COMMITTEE

19. O-2022-0047 Salary Ordinance for Code Enforcement Department and Department Head Recruitment.
- Recommendation:** Pass
- Sponsors:** Alderperson Lajsic and Alderperson Haass

20. R-2022-0250 Resolution to amend the City's fee schedule by adding recycling cart pricing and waiver fee for curbside/alley edge garbage and recycling collection to the Public Works fee section.

Recommendation: Adopt

Sponsors: Administration and Finance Committee

21. R-2022-0273 Resolution approving a two-year extension and amendment to the Intergovernmental Emergency Medical Services Agreement for Emergency Medical Services (EMS) between Milwaukee County and the City of West Allis for 2021-2025.

Recommendation: Adopt

Sponsors: Alderperson Haass

22. 2022-0455 Communication from the City Administrator submitting the 2023 Budget and Capital Planning Calendar.

Recommendation: Place on File

23. 2022-0466 Communication from the City Engineer requesting reclassification of a position from Administrative Support Assistant to Civil Engineer in the Engineering Department.

Recommendation: Approve

PUBLIC WORKS COMMITTEE

Public Hearing Items (Public Works Committee)

24. R-2022-0174 Resolution to confirm and adopt the report of the City Engineer containing the schedule of proposed assessments for improvement of North/South Alley between S. 113th St. - S. Wollmer Rd.; W. Ohio St. to W. Wildwood Ln. and North/South and East/West Alley between S. 74th St. - S. 75th St.; W. Lapham St. to W. National Ave. by removal and reconstruction of the concrete alley pavement.

Sponsors: Public Works Committee

25. R-2022-0274 Resolution adopting the vacation and discontinuance of a portion of public right of way north of W. National Avenue and southwest of S. Waukesha Road.

Recommendation: Plan Commission recommended approval on January 26, 2022

Sponsors: Public Works Committee

New & Previous Matters

26. R-2022-0175 Final Resolution authorizing public improvement by removal and reconstruction of the concrete alley pavement in North/South Alley between S. 113th St. - S. Wollmer Rd.; W. Ohio St. to W. Wildwood Ln. and North/South and East/West Alley between S. 74th St. - S. 75th St.; W. Lapham St. to W. National Ave. and levying special assessments against benefited properties.
- Recommendation:** Adopt
- Sponsors:** Public Works Committee
27. R-2022-0251 Resolution to approve bid of LaLonde Contractors, Inc. for street construction in W. Washington St. from S 84th St. to S. 86th St and S. 77th St. from W. Hicks St. to W. Becher St. in the City of West Allis in the amount of \$1,328,296.50.
- Recommendation:** Adopt
- Sponsors:** Public Works Committee
28. R-2022-0252 Resolution to approve bid of Macemon & Sons, Inc. for the residential property demolition at 1475 South 94th Street in the City of West Allis in the amount of \$16,325.
- Recommendation:** Adopt
- Sponsors:** Public Works Committee
29. 2022-0451 Communication from City Engineer regarding the WisDOT bid opening for the installation of new traffic signals at three intersections: 76th & Becher, 92nd & Lincoln, and 60th & Greenfield.
- Recommendation:** Place on File
- Sponsors:** Public Works Committee
30. 2022-0484 Discussion on possible vacation of alley north of Greenfield Avenue between 74th and 75th Street and redivision of land to establish new alley.
- Recommendation:** For Discussion Purposes

SAFETY & DEVELOPMENT COMMITTEE

31. 2022-0453 Communication from the City Administrator regarding Code Enforcement Department and Department Head Recruitment.
- Recommendation:** Place on File
- Sponsors:** Alderperson Lajsic, Alderperson Haass and Safety and Development Committee
32. O-2022-0056 Ordinance to rename Building Inspections and Neighborhood Services to Code Enforcement Department and update various outdated department names.
- Recommendation:** Pass
- Sponsors:** Alderperson Lajsic and Alderperson Haass

LICENSE & HEALTH COMMITTEE

33. O-2022-0064 Ordinance to Repeal and Recreate the Business Licensing Laws.
Recommendation: Pass
Sponsors: Alderperson Vitale
34. R-2022-0232 Resolution amending fee schedule - retail food establishment fees - April 2022.
Recommendation: Adopt
Sponsors: Alderperson Reinke and Tenorio
35. 2022-0372 2021-2023 New Operator's License (Bartender/Class D Operator) application for Maxwell Anderson. (BART 47)
36. 2022-0383 2021-2023 New Operator's License (Bartender/Class D Operator) application for Alissa Karlik. (BART 50)
37. 2022-0435 2021-2023 New Operator's License (Bartender/Class D Operator) application for Christina Deal. (BART 52)
38. 2022-0488 2021-2023 New Operator's License (Bartender/Class D Operator) application for Jamie Ast. (BART 68)
39. 2022-0440 New application for secondhand article dealer for Michael Soiney d/b/a Mass Musik, 10220 W. Greenfield Avenue. (PNSH 22 2)
40. 2022-0462 Class B Tavern Seasonal Temporary Premise Extension and Temporary Public Entertainment Premises Permit requests for Riviera of Wisconsin, d/b/a Riviera Lanes, 8600 W. Greenfield Avenue, from May 1, 2022 to November 1, 2022. (TEMP 22 4)
41. 2022-0487 Class B Tavern Seasonal Temporary Premise Extension request for Joe Lynch, d/b/a Lynch's, 2300 S. 108th Street, from May 1, 2022 to September 30, 2022. (TEMP 22 5)
42. 2022-0492 Discussion related to citizen complaints predating the April 7, 2022, License and Health Committee meeting against EKC Investments, LLC d/b/a Kane's Bar & Grill, by registered agent Ed Jones.

ADVISORY COMMITTEE

43. O-2022-0048 Division ordinance to readjust ward boundaries due to the State redistricting of congressional districts.

Recommendation: Pass

Sponsors: Alderperson Lajsic

44. O-2022-0072 Division ordinance to readjust ward boundaries due to the State redistricting legislative districts under article IV, section 3, of the state constitution.

Recommendation: Pass

Sponsors: Alderperson Lajsic

45. 2022-0504 Appointment by Mayor Devine of David Kaye and Ed Lisinski to the Historical Commission, each with a 5-year term to expire April 7, 2027.

Recommendation: Approve

N. ADJOURNMENT



All meetings of the Common Council are public meetings. In order for the general public to make comments at the committee meetings, the individual(s) must be scheduled (as an appearance) with the chair of the committee or the appropriate staff contact; otherwise, the meeting of the committee is a working session for the committee itself, and discussion by those in attendance is limited to committee members, the mayor, other alderpersons, staff and others that may be a party to the matter being discussed.

NOTICE OF POSSIBLE QUORUM

It is possible that members of, and possibly a quorum of, members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

NON-DISCRIMINATION STATEMENT

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

AMERICANS WITH DISABILITIES ACT NOTICE

Upon reasonable notice the City will furnish appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

LIMITED ENGLISH PROFICIENCY STATEMENT

It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

**CITY OF WEST ALLIS
RESOLUTION R-2022-0057**

**RESOLUTION RELATIVE TO THE NOTICE OF HEARING FOR THE VACATION
AND DISCONTINUANCE OF A PORTION OF PUBLIC RIGHT OF WAY NORTH OF
W. NATIONAL AVE. AND SOUTHWEST OF S. WAUKESHA RD. REQUESTED BY
DAVID SCHNECK AND JOAN STERNWEIS**

WHEREAS, David Schneck and Joan Sternweis request that a portion of unimproved City right-of-way shown and described on Exhibit A map (Y-1200) of the City of West Engineering Department dated January 11, 2022, which is attached for reference, be considered for vacation and discontinuance; and,

WHEREAS, the reason to vacate is to assemble lands for private ownership. This is a very small portion of an right of way, 60-ft x 115-ft, where the beginning and the end are just over 100-ft of each other.

WHEREAS, State Statutes requires publishing a class 3 notice and personal service on abutting landowners at least 30 days before a public hearing or, if they can't be personally served, the notice needs to be mailed to them at least 30 days ahead of time. Any abutting owner can object to discontinuance by filing a written objection; it would then take a 2/3 vote by the council to override that objection.

NOW THEREFORE, BE IT RESOLVED, that the notice of hearing, for the Vacation and Discontinuance of a portion of unimproved City alley right-of-way north of W. National Ave. and southwest of S. Waukesha Rd. requested by David Schneck and Joan Sternweis, being presented to the City Plan Commission on January 26, 2022 and introduced to the Common Council on February 1, 2022. Class 3 notice being published in the official City newspaper on February 18, 25 and March 4, 2022, and that the Hearing be scheduled before the Common Council on March 15, 2022 at 7:00 p.m. or as soon thereafter as the matter may be heard; that a copy of the aforesaid Notice be served or mailed more than thirty (30) days prior to the Hearing in the manner prescribed by the law on the owners of all of the frontage of the lots and lands abutting upon the said portion of a street proposed to be discontinued.

SECTION 1: **ADOPTION** "R-2022-0057" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0057(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

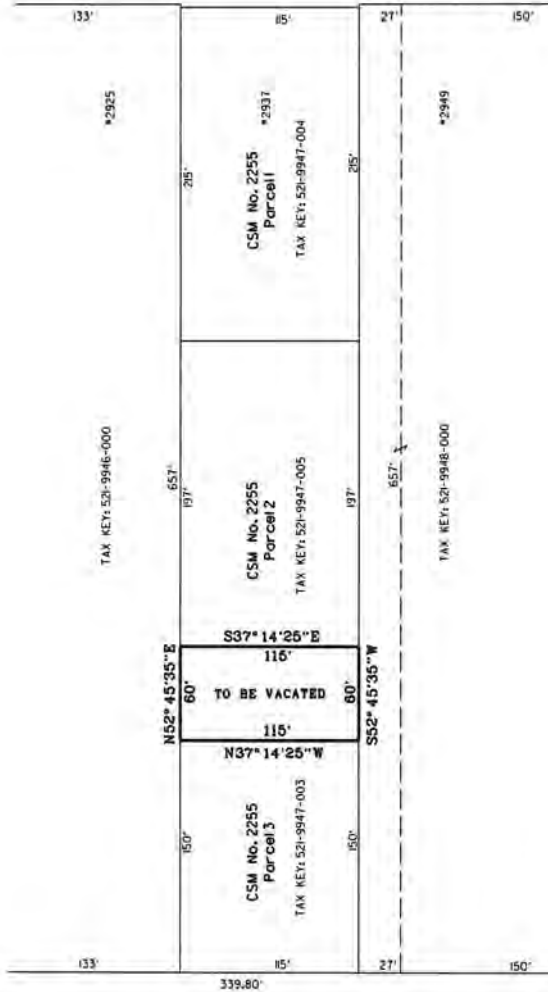
DESCRIPTION & LOCATION

Parcel of land adjacent to Parcel 2 and Parcel 3 of the Certified Survey Map No. 2255 being a duly recorded subdivision of a portion of the Southwest 1/4 of the Section 7, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Beginning at the Northwest corner of said Parcel 3; thence North 52° 45' 35" East, 60.00 feet to the Southwest corner of said Parcel 2; thence South 37° 14' 25" East, 115.00 feet; thence South 52° 45' 35" West, 60.00 feet; thence North 37° 14' 25" West, 115.00 feet to the Point of Beginning.

Said land contains 0.1584 Acres, more or less.

SOUTH WAUKESHA ROAD (VAR. ROW)



DOCUMENT NO.	REEL	IMAGE	ACQUIRED
SCALE: 1"=20' CTR. SEC. NO. 521			City of West Allis
DRAWN BY: J. K. CHECKED BY: J. K.			Engineering Department
DESCRIPTION BY: J. K.			STREET RESERVATION VACATION
SURVEY			North of W. National Avenue
			Southwest of S. Waukesha Rd.
			APPROVED: <i>[Signature]</i> CITY ENGINEER
			REVISIONS
			DATE 01-11-22 FILE NO. Y-1200

**CITY OF WEST ALLIS
RESOLUTION R-2022-0057**

**RESOLUTION RELATIVE TO THE NOTICE OF HEARING FOR THE VACATION
AND DISCONTINUANCE OF A PORTION OF PUBLIC RIGHT OF WAY NORTH OF
W. NATIONAL AVE. AND SOUTHWEST OF S. WAUKESHA RD. REQUESTED BY
DAVID SCHNECK AND JOAN STERNWEIS**

WHEREAS, David Schneck and Joan Sternweis request that a portion of unimproved City right-of-way shown and described on Exhibit A map (Y-1200) of the City of West Engineering Department dated January 11, 2022, which is attached for reference, be considered for vacation and discontinuance; and,

WHEREAS, the reason to vacate is to assemble lands for private ownership. This is a very small portion of an right of way, 60-ft x 115-ft, where the beginning and the end are just over 100-ft of each other.

WHEREAS, State Statutes requires publishing a class 3 notice and personal service on abutting landowners at least 30 days before a public hearing or, if they can't be personally served, the notice needs to be mailed to them at least 30 days ahead of time. Any abutting owner can object to discontinuance by filing a written objection; it would then take a 2/3 vote by the council to override that objection.

NOW THEREFORE, BE IT RESOLVED, that the notice of hearing, for the Vacation and Discontinuance of a portion of unimproved City alley right-of-way north of W. National Ave. and southwest of S. Waukesha Rd. requested by David Schneck and Joan Sternweis, being presented to the City Plan Commission on January 26, 2022 and introduced to the Common Council on February 1, 2022. Class 3 notice being published in the official City newspaper on February 18, 25 and March 4, 2022, and that the Hearing be scheduled before the Common Council on March 15, 2022 at 7:00 p.m. or as soon thereafter as the matter may be heard; that a copy of the aforesaid Notice be served or mailed more than thirty (30) days prior to the Hearing in the manner prescribed by the law on the owners of all of the frontage of the lots and lands abutting upon the said portion of a street proposed to be discontinued.

SECTION 1: **ADOPTION** “R-2022-0057” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION


R-2022-0057(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL FEBRUARY 01, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Vince Vitale	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Tracy Stefanski	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Suzzette Grisham	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Thomas Lajsic	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Rosalie Reinke	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of West Allis



Dan Devine, Mayor City Of West Allis



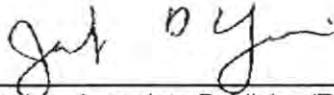
R-2022-0057

PROOF OF PUBLICATION

STATE OF WISCONSIN }
MILWAUKEE COUNTY } s.s.

Joe Yovino, being the first duly sworn on oath, says that he or she is the Associate Publisher/Editor of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Feb. 18, 2022 Feb. 25, 2022 Mar. 4, 2022



Joe Yovino, Associate Publisher/Editor

Sworn to me this 4th day of March 2022



Russell A. Klingaman
Notary Public, Milwaukee County, Wisconsin
My Commission Is Permanent



PROOF OF PUBLICATION

RECEIVED

MAR 9 2022

CITY OF WEST ALLIS
CITY CLERK

AFFIDAVIT OF PUBLICATION

NOTICE OF HEARING

The Common Council of the City of West Allis will hold a public hearing on March 15, 2022, at 7p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers of the City Hall, 7525 W. Greenfield Ave., West Allis, WI, upon a Resolution herein described and will act upon said resolution as said time and place.

The City is considering to vacate and discontinue a portion public right of way north of W. National Ave. and southwest of S. Waukesha Rd., shown and legally described and identified as a map exhibit of the City of West Allis Engineering Department file no. Y-1200, which is attached hereto and incorporated within this notice.

A resolution (R-2022-0057) introducing said request was presented to the Common Council of the City of West Allis on February 1, 2022.

Prior to the public hearing on March 15, 2022, State Statutes requires publishing a class 3 notice and personal service on abutting landowners at least 30 days before a public hearing or, if they can't be personally served, the notice needs to be mailed to them at least 30 days ahead of time.

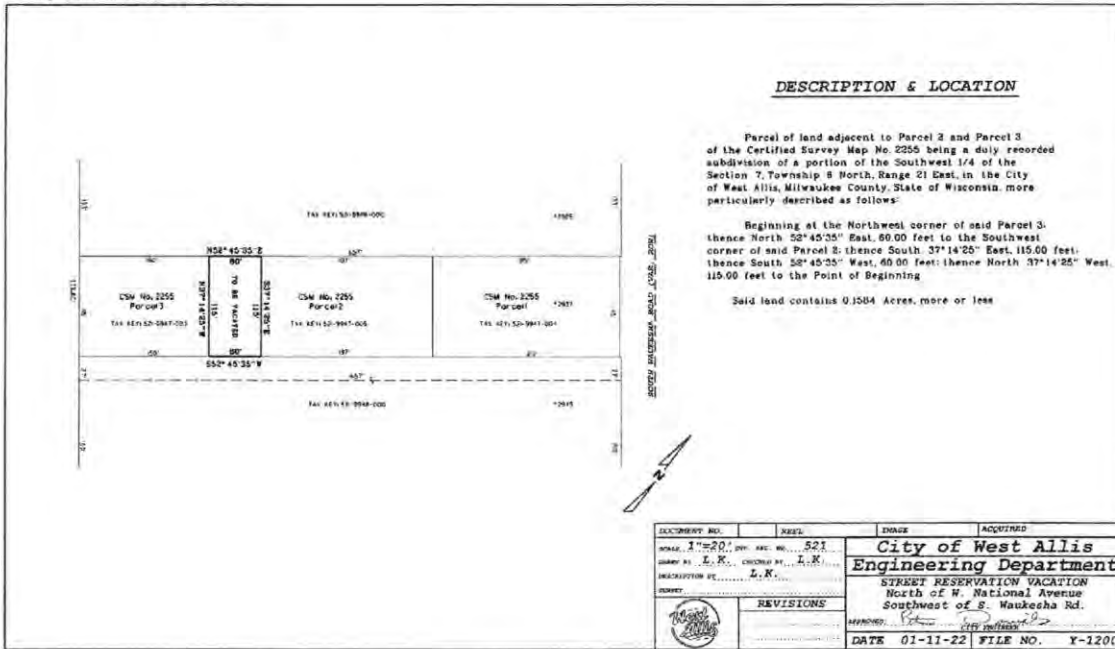
Any abutting owner can object to discontinuance by filing a written objection; it would then take a 2/3 vote by the council to override that objection. Should the Council decide to vacate this portion of unimproved public right-of-way, the abutting property owners would receive an abutting portion of land.

If you have any questions or concerns regarding this notice, you may attend the public hearing.

You may also contact Steven Schaer, AICP, Manager of Planning and Zoning at (414) 302-8466, or email, planning@westalliswi.gov for more information.

To express your opinion in writing to the City Clerk, email, clerk@westalliswi.gov, prior to the meeting, or orally at such public hearing.

Dated at West Allis, Wisconsin, on February 11, 2022.
Rebecca Grill, CPM, CMC, MBA
City Administrator/Clerk



12086671/2-18-25/3-4

RECEIVED
 MAR 9 2022
 CITY OF WEST ALLIS
 CITY CLERK

**CITY OF WEST ALLIS
RESOLUTION R-2022-0274**

**RESOLUTION RELATIVE TO THE NOTICE OF HEARING FOR THE VACATION
AND DISCONTINUANCE OF A PORTION OF PUBLIC RIGHT OF WAY NORTH OF
W. NATIONAL AVENUE AND SOUTHWEST OF S. WAUKESHA ROAD**

WHEREAS, David Schneck and Joan Sternweis have requested that a portion of unimproved City right-of-way shown and described on Exhibit A map (Y-1200) of the City of West Engineering Department dated January 11, 2022, which is attached for reference, be considered for vacation and discontinuance; and,

WHEREAS, the reason to vacate is to assemble lands for private ownership. This is a very small portion of an right of way, 60-ft x 115-ft, where the beginning and the end are just over 100-ft of each other.

WHEREAS, a resolution introducing said request was presented to the Common Council of the City of West Allis on February 1, 2022. Notice of the resolution to vacate the aforesaid portion of right-of-way was filed with the Register of Deeds of Milwaukee County on February 11, 2022; and,

WHEREAS, State Statutes requires publishing a class notice and personal service on abutting landowners at least 30 days before a public hearing or, if they can be personally served, the notice needs to be mailed to them at least 30 days ahead of time. Any abutting owner can object to discontinuance by filing a written objection; it would then take a 2/3 vote by the council to override that objection. Should the Council decide to vacate this portion of unimproved public right-of-way, the abutting property owners would receive an abutting portion of land.

NOW THEREFORE, VE NT BESP F8 ED, that the notice of hearing, for the 8 acation and Discontinuance of a portion of unimproved City alley right-of-way north of W. ' ational Ave. and southwest of S. Waukesha Bd. requested by David Schneck and Joan Sternweis, was presented to the City / lan Commission on January 26, 2022 and introduced to the Common Council on 3 ebruary 1, 2022. Class R notice has been published in the official City newspaper on 3 ebruary 1 M 25 and I arch 4, 2022, and that the Hearing being conducted on April 7, 2022 at 7:00 p.m. before the Common Council.

A copy of the aforesaid ' otice was served or mailed more than thirty (R0) days prior to the Hearing in the manner prescribed by the law on the owners of all of the frontage of the lots and lands abutting upon the said portion of a street proposed to be discontinued.

' P W, THEBE3P BE, VE NT BESP F8 ED, by the Common Council of the City of West Allis, that the ' otice of Hearing, for the 8 acation and Discontinuance of a portion of unimproved City right-of-way shown and described on Exhibit A map (Y-1200) of the City of West Engineering Department dated January 11, 2022, which is attached for reference, be vacated and discontinued.

SECTION 1: **ADOPTION** "B-2022-0274" of the City P f West Allis
Municipal Besolutions is hereby *added* as follows:

ADP / TNP '

B-2022-0274(*Added*)

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. 8 ince 8 itale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. I arty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Fajsic	_____	_____	_____	_____
Ald. Dan Boadt	_____	_____	_____	_____
Ald. Bosalie Beinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

/ residing P fficer

 Bebecca Grill, City Clerk, City P f
 West Allis

 Dan Devine, I ayor City P f West
 Allis

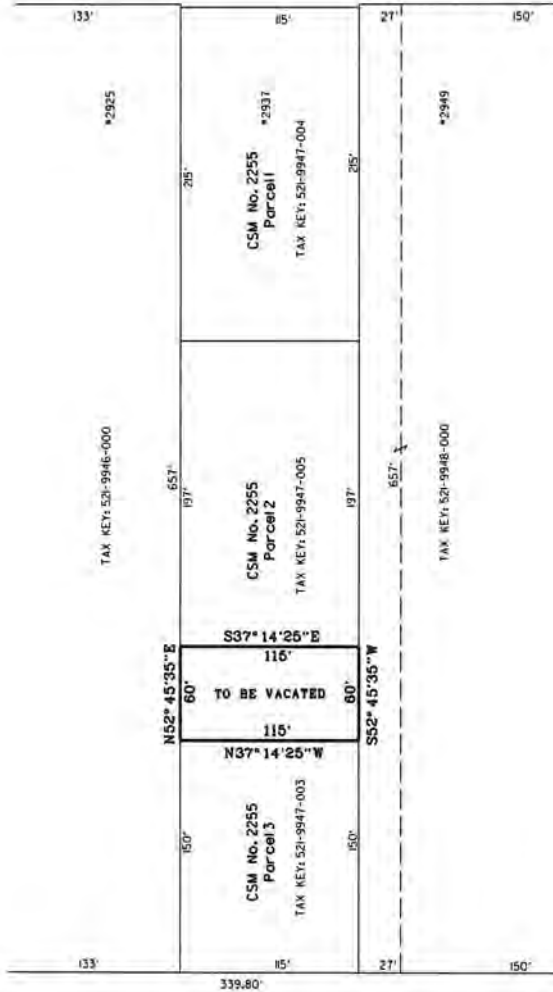
DESCRIPTION & LOCATION

Parcel of land adjacent to Parcel 2 and Parcel 3 of the Certified Survey Map No. 2255 being a duly recorded subdivision of a portion of the Southwest 1/4 of the Section 7, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Beginning at the Northwest corner of said Parcel 3; thence North 52° 45' 35" East, 60.00 feet to the Southwest corner of said Parcel 2; thence South 37° 14' 25" East, 115.00 feet; thence South 52° 45' 35" West, 60.00 feet; thence North 37° 14' 25" West, 115.00 feet to the Point of Beginning.

Said land contains 0.1584 Acres, more or less.

SOUTH WAUKESHA ROAD (VAR. ROW)



DOCUMENT NO.	REEL	IMAGE	ACQUIRED
SCALE: 1"=20' CTR. SEC. NO. 521			
DRAWN BY: J. K.	CHECKED BY: J. K.	City of West Allis	
DESCRIPTION BY: J. K.		Engineering Department	
SURVEY		STREET RESERVATION VACATION	
		North of W. National Avenue	
		Southwest of S. Waukesha Rd.	
		APPROVED: <i>[Signature]</i>	CITY ENGINEER
		DATE: 01-11-22	FILE NO. Y-1200





City of West Allis Meeting Minutes Common Council

Mayor Dan Devine, Chair

Alderman Thomas G. Lajsic, Council President

*Aldermen: Suzzette Grisham, Kevin Haass, Danna Kuehn, Thomas G. Lajsic, Rosalie L. Reinke,
Daniel J. Roadt, Tracy Stefanski, Angelito Tenorio, Vincent Vitale, and Martin J. Weigel*

Tuesday, March 15, 2022

7:00 PM

City Hall, Common Council Chambers
7525 W. Greenfield Avenue

REGULAR MEETING

A. CALL TO ORDER

Council President Lajsic presiding as Mayor, called the meeting to order at 7:00 p.m

B. ROLL CALL

Present 9 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, and Weigel

Excused 2 - Mayor Devine, and Vitale

C. PLEDGE OF ALLEGIANCE

Ald. Weigel led the Pledge of Allegiance.

D. PUBLIC HEARINGS

1. O-2022-0024 Ordinance to repeal and recreate the City Zoning Code.

Sponsors: Safety and Development Committee

City Planner Zach Roder presented information on updated Zoning Code and Map.

2. O-2022-0040 Ordinance to repeal and recreate the City Zoning Map.

Sponsors: Safety and Development Committee

3. R-2022-0132 Resolution relative to the determination of an Application for a Special Use Permit to establish a school within a portion of the existing building located at 2500 S. 68th Street.

Planning and Zoning Manager Steve Schaer presented information on both of the Special Use Permit applications.

4. R-2022-0135 Resolution relative to the determination of an Application for a Special Use permit to establish a mixed use (commercial and residential), an existing residential duplex property, located at 1416-18 S. 81st Street.

- 5. R-2022-0122 Resolution to adopt the schedule of proposed assessments for improvement of S. 91st St. from W. Arthur Pl. to W. Harrison Ave., W. Vigo Terr. from S. 99th St. to east of S. 99th St., W. Hayes Ave. from W. Greenlinks Dr. to East End and W. Orchard St. from S. 93rd St. to S. 95th St. by minor asphalt resurfacing.

Sponsors: Public Works Committee

City Engineer Peter Daniels presented information regarding the proposed assessments for improvements.

PUBLIC COMMENTS:

Gregory Schmidt, 12100 W. Hayes Avenue asked questions about the project's costs going over budget, what kind of materials will be used and what the schedule looks like.

Michael Robinson, 12005 W. Hayes Avenue, has several concerns regarding this project mainly about the costs in an area where many residents are on fixed incomes.

- 6. 2022-0394 Report of CDBG COVID 1, 2, and 3 Funds.

Economic Development Executive Director Patrick Schloss presented information about the CDBG COVID Funds.

E. CITIZEN PARTICIPATION

Noah Leigh, 3620 S. Loretta Lane, New Berlin, WAWM School District Board President, spoke about the April 5, 2022 school district referendum and tried to clear up some misconceptions about it.

Yes Patel, 1357 E. Hickory Creek Court, Oak Creek, stated he applied for a liquor license and received a notice to appear at the meeting.

F. ANNOUNCEMENT OF RECESS MEETINGS OF STANDING COMMITTEES

Ald. Lajsic announced that the following Standing Committees would meet during recess: Administration & Finance, Public Works, Safety & Development, License & Health, and Advisory.

G. MAYOR'S REPORT

None.

H. ALDERPERSON'S REPORT

None.

I. APPROVAL OF MINUTES

- 7. 2022-0374 March 1, 2022 Draft Common Council Minutes.

Ald. Haass moved to approve this matter, Ald. Stefanski seconded, motion carried.

J. STANDING COMMITTEE REPORTS

LICENSE & HEALTH COMMITTEE

8. [2022-0132](#) New Class B Tavern License and Public Entertainment Premise Permit for 6139 Beloit Tavern, LLC, d/b/a Shotskis, 6139 W. Beloit Road, West Allis, WI 53219; Agent: Jay Stamates. Public Entertainment Premise Permit to include juke box, DJ, bands, karaoke, patrons dancing, instrumental music, pool table and amusement machines. (ALC 22 2)

Held.

9. [2022-0299](#) New Class A Beer & Liquor License for Mei Hua Market, LLC, d/b/a Mei Hua Market, 11066 W. National Avenue, West Allis, WI 53227; Agent: Qing Jie Mo. (ALC 22 3)

Ald. Grisham moved to hold item #8 and grant item #9, motion carried.

K. ITEMS NOT REFERRED TO COMMITTEE (CONSENT AGENDA)

Passed The Consent Vote

Ald. Haass moved to approve all the actions on items #10 - #16 on a consent vote, Ald. Reinke seconded, motion carried by roll call vote:

Aye: 8 - Grisham, Haass, Kuehn, Reinke, Roadt, Stefanski, Tenorio, and Weigel

No: 0

10. [R-2022-0186](#) Resolution accepting work of Green Bay Pipe & TV, LLC for the closed circuit TV inspection of sanitary and storm sewers at various locations and authorizing and directing settlement of said contract in accordance with contract terms of 2021 Project No. 11 for final payment in the amount of \$2,147.50.

Sponsors: Public Works Committee

Adopted

11. [R-2022-0190](#) Resolution accepting work of Benson & Houle, LLC for the park construction at Burnham Pointe Park located at 60th & Burnham and authorizing and directing settlement of said contract in accordance with contract terms of 2021 Project No. 4 for final payment in the amount of \$500.

Sponsors: Public Works Committee

Adopted

12. [R-2022-0191](#) Resolution to accept the proposal of Complete Landscape Supply providing 4% Emamectin Benzoate, an Emerald Ash insecticide treatment, for a total net sum of \$28,520.10.

Sponsors: Public Works Committee

Adopted

- 13. R-2022-0192 Resolution to facilitate the purchase of 500 96-gallon and 90 64-gallon garbage carts in the amount of \$33,275.80 to support the 2022 Quality of Life Focus Initiative for the standardization of garbage carts for one, two, three family residential dwelling units.

Sponsors: Public Works Committee

Adopted

- 14. 2022-0386 Appointment of new agent, Sra Guriqbal, for National Petro of West Allis, Inc, d/b/a BP Sunrise, 9530 W. National Avenue. (COA 8)

Approved

- 15. 2022-0367 Finance Director/Comptroller submitting report for February 2022 indicating City of West Allis checks issued in the amount of \$2,698,506.13.

Placed on File

- 16. 2022-0366 February 2022 Municipal Judge Report, consisting of all fines, costs and fees collected by the City of West Allis in the sum of \$103,628.14.

Placed on File

L. COMMON COUNCIL RECESS

Ald. Haass moved that the Council recess until completion of the Standing Committee meetings, Ald. Stefanski seconded, motion carried.

The Council recessed at 8:15 p.m. and returned at 9:24 p.m.

Roll Call was taken and the following were present:

Present - Grisham, Haass, Kuehn, Reinke, Roadt, Stefanski and Tenorio

M. NEW AND PREVIOUS MATTERS

ADMINISTRATION & FINANCE COMMITTEE

Passed The Block Vote

Ald. Haass moved to approve all the actions on items #17 - #23 on a block vote, motion carried by roll call vote:

Aye: 9 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, and Weigel

No: 0

- 17. 2022-0394 Report of CDBG COVID 1, 2, and 3 Funds.

Placed on File

18. [O-2022-0045](#) Ordinance to amend the City of West Allis salary schedule relating to hourly pay rates for the position of Temporary Seasonal Laborer.
- Sponsors:** Alderperson Haass
- Committee Action:**
Ald. Weigel moved to pass, Ald. Lajsic seconded, motion carried.
- Council Action: Passed**
19. [R-2022-0189](#) Resolution to authorize the purchase of Scale Computing Hyperconverged Solution and 3 years of Support from CDW-G for \$54,216.96 from account 261-8501-517.70-08 to upgrade the Police Department's primary Server Computing Infrastructure.
- Sponsors:** Alderperson Haass
- Committee Action:**
Ald. Kuehn moved to adopt, Ald. Lajsic seconded, motion carried.
- Council Action: Adopted**
20. [R-2022-0198](#) Resolution to approve the 2021 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program.
- Sponsors:** Administration and Finance Committee
- Committee Action:**
Ald. Weigel moved to adopt, Ald. Lajsic seconded, motion carried.
- Council Action: Adopted**
21. [R-2022-0204](#) Resolution to approve a Commercial Facade Improvement Project Contract by and between the City of West Allis and Walter Holtz., property owner for the property located at 7140 W. Greenfield Ave., in the amount up to \$65,000.
- Committee Action:**
Ald. Weigel moved to adopt, Ald. Lajsic seconded, motion carried.
- Council Action: Adopted**
22. [R-2022-0212](#) Resolution to amend Policy #1424 relating to premium pay for Voting Equipment Technicians.
- Committee Action:**
Ald. Lajsic moved to adopt, Ald. Tenorio seconded, motion carried.
- Council Action: Adopted**

23. [2022-0396](#) Communication from the City Engineer requesting reclassification of a position from Engineering Technician - IT Systems to Civil Engineer in the Engineering Department.

Committee Action:

Ald. Lajsic moved to place on file, Ald. Tenorio seconded, motion carried.

Recess Meeting adjourned at 8:27 p.m.

Council Action: Placed on File

PUBLIC WORKS COMMITTEE

Passed The Block Vote

Ald. Roadt moved to approve all the actions on items #24 - #29 on a block vote, motion carried by roll call vote:

Aye: 9 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, and Weigel

No: 0

24. [R-2022-0122](#) Resolution to adopt the schedule of proposed assessments for improvement of S. 91st St. from W. Arthur Pl. to W. Harrison Ave., W. Vigo Terr. from S. 99th St. to east of S. 99th St., W. Hayes Ave. from W. Greenlinks Dr. to East End and W. Orchard St. from S. 93rd St. to S. 95th St. by minor asphalt resurfacing.

Sponsors: Public Works Committee

Committee Action:

Ald. Grisham moved to adopt, Ald. Reinke seconded, motion carried.

Council Action: Adopted

25. [R-2022-0123](#) Final Resolution authorizing public improvement by minor asphalt resurfacing in S. 91st St. from W. Arthur Pl. to W. Harrison Ave., W. Vigo Terr. from S. 99th St. to east of S. 99th St., W. Hayes Ave. from W. Greenlinks Dr. to East End and W. Orchard St. from S. 93rd St. to S. 95th St. and levying special assessments against benefited properties.

Sponsors: Public Works Committee

Committee Action:

Ald. Grisham moved to adopt, Ald. Stefanski seconded, motion carried.

Council Action: Adopted

- 26. R-2022-0137 Resolution to approve bid of WIL-Surge Electric, Inc. to furnish and install a new standby generator at the West Allis Police Department located at 11301 West Lincoln Avenue in the amount of \$476,686.

Sponsors: Public Works Committee

Committee Action:

Ald. Reinke moved to adopt, Ald. Stefanski seconded, motion carried.

Council Action: Adopted

- 27. R-2022-0194 Resolution to enter into a Limited Term Conservation Easement with the Milwaukee Metropolitan Sewerage District (MMSD) for the installation of Green Infrastructure in the Parking Lot South of Greenfield Ave., between S. 73rd Street and S. 74th Street.

Sponsors: Public Works Committee

Committee Action:

Ald. Grisham moved to adopt, Ald. Reinke seconded, motion carried.

Council Action: Adopted

- 28. R-2022-0208 Resolution to enter into a Limited Term Conservation Easement with the Milwaukee Metropolitan Sewerage District (MMSD) for the installation of Green Infrastructure in the Parking Lot South of Greenfield Ave., between S. 71st Street and S. 72nd Street.

Committee Action:

Ald. Stefanski moved to adopt, Ald. Grisham seconded, motion carried.

Council Action: Adopted

- 29. R-2022-0222 Resolution relative to accepting the proposals of Crescent Electric, GexPro Supply, and Neher Electric for furnishing and delivering fuses, fuse holders, connectors, wire, cable, and luminaires for a total sum of \$124,085.83.

Committee Action:

Ald. Grisham moved to adopt, Ald. Reinke seconded, motion carried.

Ald. Stefanski moved to adjourn at 8:27 p.m., Ald. Reinke seconded, motion carried.

Council Action: Adopted

SAFETY & DEVELOPMENT COMMITTEE

Passed The Block Vote

Ald. Tenorio moved to approve all the actions on items #30 - #33 on a block vote, motion carried by roll call vote:

Aye: 9 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, and Weigel

No: 0

30. O-2022-0024 Ordinance to repeal and recreate the City Zoning Code.

Sponsors: Safety and Development Committee

Committee Action:

Ald. Haass moved to hold, Ald. Kuehn seconded, motion carried.

Council Action: Held

31. O-2022-0040 Ordinance to repeal and recreate the City Zoning Map.

Sponsors: Safety and Development Committee

Committee Action:

Ald. Haass moved to hold, Ald. Kuehn seconded, motion carried.

Council Action: Held

32. R-2022-0132 Resolution relative to the determination of an Application for a Special Use Permit to establish a school within a portion of the existing building located at 2500 S. 68th Street.

Committee Action:

Ald. Haass moved to adopt, Ald. Kuehn seconded, motion carried.

Council Action: Adopted

33. R-2022-0135 Resolution relative to the determination of an Application for a Special Use permit to establish a mixed use (commercial and residential), an existing residential duplex property, located at 1416-18 S. 81st Street.

Committee Action:

Ald. Weigel moved to adopt, Ald. Kuehn seconded, motion carried with one nay by Lajsic.

Recess meeting adjourned at 8:43 p.m.

Council Action: Adopted

LICENSE & HEALTH COMMITTEE

Passed The Block Vote

Ald. Grisham moved to approve all the actions on items #36, #38, #39 on a block vote, motion carried by roll call vote:

Aye: 9 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, and Weigel

No: 0

35. 2022-0372 2021-2023 New Operator's License (Bartender/Class D Operator) application for Maxwell Anderson. (BART 47)

Committee Action:

Ald. Stefanski moved to hold, Ald. Reinke seconded, motion carried.

Council Action: Held

- 36.** [2022-0383](#) 2021-2023 New Operator's License (Bartender/Class D Operator) application for Alissa Karlik. (BART 50)

Committee Action:
Ald. Stefanski moved to hold, Ald. Reinke seconded, motion carried.

Council Action: Held
- 38.** [2022-0400](#) Communication regarding the Enforcement and Nuisance Control 2022 Budget Initiative.

Health Commissioner Bob Leischow and Administrator/Clerk Rebecca Grill presented information about this matter.

Council Action: None.
- 39.** [2022-0375](#) February 2022 Police Department tavern violations/calls for service report.

Committee Action:
Ald. Roadt moved to place on file, Ald. Stefanski seconded, motion carried.

Ald. Stefanski moved to adjourn at 9:18 p.m., Ald Reinke seconded, motion carried.

Council Action: Placed on File
- 34.** [2022-0352](#) New Class A Beer & Liquor License for Vadeshvar Inc, d/b/a West Allis Food & Spirits, 9127 W. Lincoln Avenue. Agent: Yes Pravin Patel. (ALC 22 4)

Committee Action:
Ald. Stefanski moved to grant beer only, Ald. Reinke seconded, motion carried with one nay by Ald. Roadt.

Council Action: Held

Aye: 9 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, and Weigel

No: 0
- 37.** [2022-0382](#) Class B Tavern Seasonal Temporary Premise Extension request for Paulie's Pub, 8031 W. Greenfield Avenue, from May 1, 2022 through September 30, 2022. (TEMP 22 2)

Committee Action:
Ald. Stefanski moved to approve, Ald. Roadt seconded, motion carried by roll call vote:

Aye: 8 - Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, and Weigel

No: 1 - Grisham

ADVISORY COMMITTEE**Passed The Block Vote**

Ald. Reinke moved to approve all the actions on items #40 - #46 on a block vote, motion carried by the following vote:

Aye: 9 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, and Weigel

No: 0

40. 2022-0376 Appointment by Mayor Devine of Scott Biggar to the Tourism Commission for a one-year term to expire March 14, 2023.

Committee Action:

Ald. Stefanski moved to approve, Ald. Grisham seconded, motion carried.

Council Action: Approved

41. 2022-0397 Appointment by Mayor Devine of Petra Theurich to the Historical Commission for a five-year term to expire March 14, 2027.

Committee Action:

Ald. Roadt moved to approve, Ald. Grisham seconded, motion carried.

Council Action: Approved

42. 2022-0402 Appointment by Mayor Devine of Jessica Yanny to the Farmer's Market Committee for a two-year term to expire March 14, 2024.

Committee Action:

Ald. Grisham moved to approve, Ald. Stefanski seconded, motion carried.

Council Action: Approved

43. 2022-0381 Reappointment by Mayor Devine of Henry Kiesow to the Farmer's Market Committee for a two-year term to expire March 14, 2024.

Committee Action:

Ald. Stefanski moved to approve, Ald. Grisham seconded, motion carried.

Council Action: Approved

44. 2022-0398 Reappointment by Mayor Devine of Patricia Wikenhauser, David Rymaszewski and Margee Maydak to the Commission on Aging, each for a three-year term to expire March 14, 2025.

Committee Action:

Ald. Grisham moved to approve, Ald. Stefanski seconded, motion carried.

Council Action: Approved

45. 2022-0399 Reappointment by Mayor Devine of Linda Taylor to the Public Beautification Committee for a two-year term to expire March 14, 2024.

Committee Action:

Ald. Grisham moved to approve, Ald. Stefanski seconded, motion carried.

Council Action: Approved

46. 2022-0414 Reappointment by Mayor Devine of Alex Geiger to the Downtown West Allis Business Improvement District for seven-month term to expire October 10, 2022.

Committee Action:

Ald. Grisham moved to approve, Ald. Stefanski seconded, motion carried.

Ald. Stefanski moved to adjourn at 9:20 p.m., Ald. Grisham seconded, motion carried.

Council Action: Approved

N. ADJOURNMENT

Ald. Haass moved to adjourn at 9:31 p.m., Ald. Reinke seconded, motion carried.

Next scheduled meeting is April 7, 2022 at 7:00 p.m.

Common Council Part 1

<https://www.youtube.com/watch?v=ZS5IWDbwSzs>

Recess - Administration & Finance / Safety & Development

https://www.youtube.com/watch?v=UuyleZ_h4AA

Recess - License & Health, Public Works & Advisory

<https://www.youtube.com/watch?v=kkvdR6ykW10>

Common Council Part 2

<https://www.youtube.com/watch?v=aawbege3H5E>



All meetings of the {bdName} are public meetings. In order for the general public to make comments at the committee meetings, the individual(s) must be scheduled (as an appearance) with the chair of the committee or the appropriate staff contact; otherwise, the meeting of the committee is a working session for the committee itself, and discussion by those in attendance is limited to committee members, the mayor, other alderpersons, staff and others that may be a party to the matter being discussed.

NON-DISCRIMINATION STATEMENT

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

AMERICANS WITH DISABILITIES ACT NOTICE

Upon reasonable notice the City will furnish appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

LIMITED ENGLISH PROFICIENCY STATEMENT

It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

Original Alcohol Beverage Retail License Application

For the license period beginning 07/01/2021 ending 06/30/2022

To the governing body of the City of West Allis County of Milwaukee

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Complete A or B. All must complete C.

*All WI residents listed below will have a record check conducted. Please include that in your fees.
 **An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

Applicant's Wisconsin Seller's Permit Number	
FEIN Number <u>87-4359498</u>	
TYPE OF LICENSE REQUESTED	FEE
Class A beer	\$
Class B beer	\$ 200
Class C wine	\$ 100
Class A liquor	\$ 100
Class A liquor (cider only)	\$ 500
Class B liquor	\$
Reserve Class B liquor	\$ 500
Publication fee	\$
Record Checks (\$16 ea.)	\$
TOTAL LIQUOR FEES	\$ 15

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)

6139 BELoit TAVERN LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name <u>Stamates</u>	(First) <u>Jay</u>	(Middle Name) <u>Kelcey</u>	Home Address (Street, City or Post Office, & Zip Code) <u>702 S 2nd ST MILWAUKEE WI 53204</u>
	Phone Number <u>414 405-4656</u>	Email Address <u>stamates711@yahoo.com</u>	WIDL# <u>S353-4317-3054-08</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Date of Birth	Phone Number	Email Address	WIDL#
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Date of Birth	Phone Number	Email Address	WIDL#
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Date of Birth	Phone Number	Email Address	WIDL#
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Date of Birth	Phone Number	Email Address	WIDL#
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Date of Birth	Phone Number	Email Address	WIDL#

1. Trade Name CHERRY BOMB Business Phone Number 414-405-4656
 2. Address of Premises 6139 Beloit Road Post Office & Zip Code 53219

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
1st floor storage & sale/behind bar
Basement storage only

RECEIVED
 JAN 18 2022

CITY OF WEST ALLIS
 CITY CLERK

4. Legal description (omit if street address is given above): _____
 5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued? (d.b.a. DINGERS) VICTORY HOSPITALITY GROUP LLC



LICENSE INFORMATION SHEET
ALCOHOL BEVERAGE LICENSES

FORM
ALC-INFO
 10/21

REMINDERS


- All sections of your application must be completed including your current WI Tax Registration Certificate (also known as a Sellers Permit) and FEIN numbers.
- You **MUST** submit a copy of your current Wisconsin Business Tax Registration Certificate with your application. The certificate must have the expiration date on it.
- Please be as specific as possible when describing your premise. You must indicate the portion of the building or buildings where alcohol beverages are to be stored, sold/consumed and where the liquor receipts are kept. This information is printed on your license. Alcohol beverages may be stored sold/consumed only on the premises described.
- When signing the applications: the individual, partner, officer of the corporation or manager/member of the LLC must sign the application. Be sure to include the full name, address, date of birth and driver's license number for each WI resident listed as a part of the Partnership/Corporation/LLC.

LICENSING FEES

CLASS B TAVERN	CLASS A LIQUOR	CLASS A BEER	CLASS B BEER	CLASS C WINE
<i>Prorated After Renewal Period Begins</i>		<i>No Proration.</i>		
August	\$550	\$600	\$200	\$100 <i>*This is included with Class B Tavern fee</i>
September	\$500	\$550		
October	\$450	\$500		
November	\$400	\$450		
December - June	\$350	\$400		
Publication Fee	\$15 required fee at the time of application			
Background Check Fee	\$16 for every WI resident listed as a part of the Partnership/Corporation/LLC <i>Required with Class A, B & C license applications for: individual owner; partners; and agent & E-Smoking apps.</i>			
Cigarette License Fee	\$100	Electronic Smoking Device Sales (Vape) Fee	\$100	
Public Entertainment Premises Fee Structure				
Public Entertainment Premises Standard Fee		\$500		
Reduced Fee for premises with legal capacity of 400-499		\$350		
Reduced Fee for premises with legal capacity of 300-399		\$275		
Reduced Fee for premises with legal capacity of 200-299		\$200		
Reduced Fee for premises with legal capacity of 100-199		\$150		
Reduced Fee for premises with legal capacity of 76-99		\$125		
Reduced Fee for premises with legal capacity of 26-75		\$100		
Reduced Fee for premises with legal capacity of 25 or fewer		\$ 75		

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date Jan 11, 2022 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
1. 700 CLUB LLC | 700 S 2nd St, MKE WI 53204 | 100% owner | AGENT
 2. 1754 NFRANKLINBAR LLC | 1754 N Franklin Pl, MKE WI 53202 | 51% owner
 3. 746 JAMESLOVELLBAR LLC | 746 James Lovell, MKE WI 53233 | 51% owner
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <u>Stamates, Jay K.</u>	Title/Member <u>Member</u>	Date <u>1-11-2022</u>
Signature 	Phone Number <u>414-405-4656</u>	Email Address <u>stamates711@yahoo.com</u>

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	RECEIVED JAN 18 2022 CITY OF WEST ALLIS CITY CLERK

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Stamates		Jay		Kelcey	
Home Address (street/route)	Post Office	City	State	Zip Code	
702 S 2nd St		Milwaukee	WI	53204	
Home Phone Number			Place of Birth		
414.405.4656			MILWAUKEE		

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- Member of 6139 BELoit TAVERN LLC
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

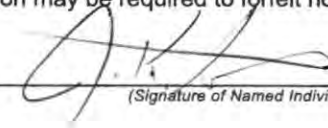
1. How long have you continuously resided in Wisconsin prior to this date? 19 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
Fleeing An Officer, Washington County Court | 1996 | \$1000 Fine
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. see ADDENDUM A
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify.
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
STANDARD	1754 N Franklin Pl MKE WI	2011	Present
SABBATIC	700 S 2nd St, MKE WI	2009	Present

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

CITY OF WEST ALLIS
CITY CLERK


(Signature of Named Individual)

Addendum A.

Jay Stamates's interest in other Class B establishments;

1. 700 CLUB LLC (Sabbatic)
700 S 2nd Street, Milwaukee WI 53204
Ownership 100%
Class B Agent license holder

2. 1754 NFRANKLINBAR LLC (The Standard Tavern)
1754 N Franklin Pl, Milwaukee WI 53202
Ownership 51%

3. 746 JAMESLOVELLBAR LLC (Stellas Cocktail Dive)
746 James Lovell Road, Milwaukee WI 53233

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JAN 18 2022
CITY OF WEST ALLIS
CITY CLERK

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of WEST ALLIS County of MILWAUKEE
 City

The undersigned duly authorized officer/member/manager of 6139 BELOIT TAVERN LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as CHERRY BOMB
(Trade Name)

located at 6139 Beloit ROAD, WEST ALLIS WI 53219

appoints Jay K. Stamates
(Name of Appointed Agent)

702 S 2nd ST, MKE WI 53204
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).
See Addendum A

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 19 years

Place of residence last year 702 S 2nd ST, MKE WI 53204

For: 6139 BELOIT TAVERN LLC
(Name of Corporation / Organization / Limited Liability Company)

By: [Signature]
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, Jay Kelcey Stamates, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 1.11.2022 Agent's age
(Signature of Agent) (Date)

702 S 2nd ST MKE WI 53204 Date of birth
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointment.
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Approved on by Title 8-2022
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)



APPLICATION

ALCOHOL BEVERAGE LICENSE PLAN OF OPERATION

**FORM
ALPLANOP**
09/21

Applicant Information

Legal Entity Name (If Corporation or LLC)

6139 BELOIT TAVERN LLC

Business Address

6139 Beloit Road West Allis WI 53219

Legal Capacity (Occupancy Load of Premises)

What is the legal capacity of your premises? 80

Please attach a copy of your Occupancy Load approval letter or a picture of the placard issued by the Fire Department

Parking

List the number of parking spaces on the premises (do not include street parking.) If none, write 0.

2

Proximity

Is the premises less than 300 feet from a school, hospital or church? If yes, list which.

No

All types of business that are planned or currently conducted on the premises (check all that apply)

- Banquet Hall Bowling Alley Lounge Tavern/Bar Night Club Private/Fraternal Veteran's Club
- Café/Coffee Shop Deli/Fast Food Restaurant Full Service Restaurant
- Convenience Store Gas Station Liquor Store Supermarket Other _____

Percentage of sales related to the types of business listed above (must equal 100%)

Alcohol 90 % Food 9 % Entertainment _____ % Gas _____ % Cigarettes 1 %

Other _____ % - Describe _____

Security Plans

Describe the security provisions for parking and loading areas

Lighting RECEIVED
JAN 18 2022

Number of Security Personnel (list by day if number varies)

1 Friday & Saturday night CITY OF WEST ALLIS
CITY CLERK

Security Personnel Responsibilities and Equipment Used

ID check, crowd control / Flashlight

Location of inside and outside security cameras

Throughout



ALCOHOL BEVERAGE PLAN OF OPERATION CONTINUED

**FORM
ALPLANOP
09/21**

Litter and Noise (attach additional sheets if necessary)

Name of solid waste removal contractor.

Eagle

How will the exterior trash/littering be addressed?

Dailing Policing of grounds

How will noise issues be addressed?

Limits on music volume / Employee staff intervention

Entertainment

A Public Entertainment Premises License is required to provide entertainment. Permitting unauthorized entertainment will subject licensee to citations, and/or suspension, revocation, or non-renewal of the license. This form is included in this packet.

Hours of Operation for Alcohol Beverage Sales

DAY OF THE WEEK	START / END TIME	DAY OF THE WEEK	START / END TIME
Sundays	6 am / 2 am	Thursdays	6 am / 2 am
Mondays	6 am / 2 am	Fridays	6 am / 2:30 am
Tuesdays	6 am / 2 am	Saturdays	6 am / 2:30 am
Wednesdays	6 am / 2 am		

Floor Plan

Please attach a separate sheet showing your floor plan. It must include:

1. Detailed description outlining the areas of the building where the public entertainment will be provided. (Stages, rooms, etc. must be labelled.)
2. Square feet and dimensions of the premises to be licensed.
3. Location of all entrances and exits, seating areas, bars, waiting line, security search areas, stages, rooms, food preparation areas, areas where public entertainment will be provided, etc.
4. North Point
5. Date

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CITY OF WEST ALLIS
CITY CLERK



ALCOHOL BEVERAGE PLAN OF OPERATION CONTINUED

FORM
ALPLANOP
09/21

Class A Applicants

No "Class A" Liquor license may be granted for any premises where gasoline or diesel fuel is sold at retail in connection with the premises, unless:

1. The "Class A" license contains the condition that retail sales of intoxicating liquor are limited to cider; or
1. The premises for which the "Class A" license is issued is connected to premises where gasoline or diesel fuel is sold at retail by a secondary doorway that serves as a safety exit and is not the primary entrance to the "Class A" premises.

If you are applying for a Class A and gasoline or diesel fuel is sold at the premises, do you meet one of the exceptions listed above?

Yes, list which exception you meet: _____

No, your application may not be approved.

Not Applicable - No gasoline or diesel fuel is sold at the premises.

Class B Applicants

No Class B license may be granted for any premises where any other business is conducted in connection with the premises. This restriction does not apply if the Class B licensed premises is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class B premises. These restrictions do not apply to:

- hotels • restaurants • combination grocery stores & taverns • combination sporting goods stores & taverns in towns, villages & 4th class cities • combination novelty stores & taverns • bowling centers or recreation premises • a club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for the Class "B" license • movie theaters • painting studio as defined in sec. 125.02(11m).

If you are applying for a Class B and another business is conducted at the location, do you meet one of the exceptions listed above?

Yes. List the type of business: _____

No, your application may not be approved.

Not applicable - No other business is conducted at the premises.

Class C Wine Applicants

"Class C" wine licenses may only be granted to premises that are a restaurant. A restaurant is defined as a premises where the sale of alcohol beverages accounts for less than 50 percent of gross receipts; and (3) wine is the only intoxicating liquor sold in the barroom. Sec. 125.51(3m), Stats.

If you are applying for a Class C Wine license, do you meet the requirement to be a restaurant?

Yes No, your application may not be approved.

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JAN 18 2022

CITY OF WEST ALLIS
CITY CLERK



ALCOHOL BEVERAGE PLAN OF OPERATION CONTINUED

FORM
ALPLANOP
09/21

Signature and Acknowledgement

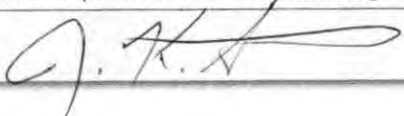
You must initial each of the following items confirming your understanding:


- I understand that after the license has been issued, a change to the plan of operation or floor plan will require approval from the Common Council and I agree to inform the City Clerk within 10 days of any substantial changes in the information supplied in this application.
- I agree to comply with the approved conditions, plan of operation details, and floor plan.
- I understand that if this license is not used for a period of 30 days or more, it is subject to revocation.
- Each licensed premises shall always be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises.
- I understand that the issuance of the license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or State laws.
- I understand that I may not sell, dispense, or serve alcohol beverages by means of a drive-through facility. In this section, "drive-through facility" means any vehicle related commercial facility in which a service is provided, or goods, food or beverages are sold, served, or dispensed to an operator or passengers of a vehicle without the necessity of the operator or passengers disembarking from the vehicle.
- I understand that the license holder, and/or the employees and agents of the license holder, shall cooperate with police investigations of disturbances, intoxicated persons, underage persons and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested.
- I have knowledge of Wisconsin Statutes and City Ordinances currently regulating alcohol beverage licenses and understand that the license may be subject to suspension, non-renewal, or revocation, if I violate any rule, law, or regulation of the City of West Allis and/or State of Wisconsin.
- I understand that the information submitted to the City by any applicant or licensee pertaining to an alcohol beverage license shall be true. Any person who submits in writing any untrue statement to the City in connection with any such license or application shall forfeit not more than five hundred dollars (\$500) together with the costs of prosecution, and in default shall be imprisoned in the Milwaukee County House of Correction for the maximum number of days set forth in Section 800.095(1)(b) of the Wisconsin Statutes. In addition, any license granted shall be subject to revocation and no alcohol beverage license of any kind whatsoever shall thereafter be granted to such person for a period of one year from the date of such revocation.

To the best of my knowledge and belief, all statements and answers in this application are complete and true. I understand that if I provide false or fraudulent information on this application, the application will be denied.

Signature (Individual, Partner, Agent or Officer)

Date





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CITY OF WEST ALLIS
CITY CLERK



APPLICATION

PUBLIC ENTERTAINMENT PREMISES LICENSE (SUBMIT W/LIQUOR LICENSE)

FORM
PEP-APP
09/21

Instructions

- Licenses are valid for one year and expire annually on June 30.
- Submit your non-refundable license fee with your completed application.
- Incomplete applications, or applications filed without the proper fee will be returned.
- Your name must appear exactly as it does on your driver's license or state id.
- Check here if you do not have any forms of entertainment.

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JAN 18 2022

Fee: See Below

TOTAL DUE: \$ 125⁰⁰ (CASH OR CHECK ONLY)

CITY OF WEST ALLIS
CITY CLERK

Applicant

Legal Entity Name (If Corporation or LLC)

6139 BELOIT TAVERN LLC

Business Name (DBA)

CHERRY BOMB

Business Address

6139 Beloit Road, WEST ALLIS WI 53219

Agent, Individual or Partner Name

Phone Number

Jay K. Stamates

414.405.4656

Email Address

stamates711@yahoo.com

Driver's License/State ID#:

State Issued:

Exp. Date:

S353-4317-3054-08

WI

2-14-2025

Legal Capacity (Occupancy Load of Premises)

What is the legal capacity of your premises?

80

A copy of your Occupancy Load (capacity placard) must accompany your application or your application will not be accepted.

Legal Capacity (occupancy load) determines the fee for your public entertainment license. If you do not currently have a designa capacity and posted sign, please contact the Fire Department at 414-302-8900. You may click [here](#) for a copy of the occupancy lc application. Premises without a current legal capacity (occupancy load), will be charged the \$500 standard fee for the Pul Entertainment Premise License. Reduced fees are available depending upon your legally assigned capacity. Fees are as follows:

- | | | | |
|---|-------|--|-------|
| <input type="checkbox"/> Public Entertainment Premises Standard Fee: | \$500 | <input type="checkbox"/> Legal Capacity of 100-199: | \$150 |
| <input type="checkbox"/> Reduced Fee for premises with legal capacity of 400-449: | \$350 | <input type="checkbox"/> Legal Capacity of 76-99: | \$125 |
| <input type="checkbox"/> Legal Capacity of 300-399: | \$275 | <input type="checkbox"/> Legal Capacity of 26-75: | \$100 |
| <input type="checkbox"/> Legal Capacity of 200-299: | \$200 | <input type="checkbox"/> Legal Capacity of 25 or fewer | \$ 75 |

If you do not currently have a legal capacity (occupancy load) and are applying with the Fire Department to acquire one prior to the ne license year, submit an initial payment of \$75 and you can pay the difference (if required once you receive it.) It is important that you complete this requirement prior to July 1 so you are properly licensed and not subject to citations or closure.

RECEIPT
CODES

CE: Varies



APPLICATION

PUBLIC ENTERTAINMENT PREMISES LICENSE CONTINUED

FORM
PEP-APP
09/21

Types of Entertainment (Choose all that apply)

- Juke Box
- DJ
- Bands
- Karaoke
- Patrons Dancing
- Instrumental Music
- Movie
- Theater
- Concerts - # per year _____
- Theatrical Performances - # per year _____
- Billiard/Pool Tables # 1
- Amusement Machines # 10
- Bowling Lanes # _____
- Dancing by Performers (Adult Entertainment also requires an Adult Oriented Establishment License)
- Other, describe: _____

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CITY OF WEST ALLIS
CITY CLERK

Please Note: All entertainment must be listed above and is subject to approval by the Common Council. Entertainment approved and listed on license may be allowed in the premises. Permitting unauthorized entertainment will subject licensee citations, and/or suspension, revocation, or non-renewal of the license. If you wish to add entertainment to your license during license year, you will need to file a change of entertainment application. If you wish to temporary add a type of entertainment, apply for a Temporary Public Entertainment Permit.

All types of business that are planned or currently conducted on the premises (check all that apply)

- Banquet Hall
- Bowling Alley
- Lounge Tavern/Bar
- Night Club
- Private/Fraternal Veteran's Club
- Café/Coffee Shop
- Deli/Fast Food Restaurant
- Full Service Restaurant
- Convenience Store
- Gas Station
- Liquor Store
- Supermarket
- Other _____

Hours of Operation for Entertainment (Default hours are 10:00 am - 10:00 pm unless otherwise approved)

DAY OF THE WEEK	START / END TIME	DAY OF THE WEEK	START / END TIME
Sundays	7 PM - 10 PM	Thursdays	7 PM - 10 PM
Mondays	7 PM - 10 PM	Fridays	7 PM - 10 PM
Tuesdays	7 PM - 10 PM	Saturdays	7 PM - 10 PM
Wednesdays	7 PM - 10 PM		

Signature and Acknowledgement

You must initial each of the following items confirming your understanding:

- I understand that after the license has been issued, a change to the plan of operation or floor plan will require approval from the Common Council and I agree to inform the City Clerk within 10 days of any substantial changes in the information supplied in this application.
- I agree to comply with the plan of operation details and floor plan provided as part of this application.
- I have knowledge of the City Ordinances currently regulating public entertainment, and understand that the license may be subject to suspension, non-renewal or revocation, if I violate any rule, law or regulation of the City of West Allis and State of Wisconsin.

To the best of my knowledge and belief, all statements and answers in this application are complete and true. I understand that if I provide false or fraudulent information on this application, the application will be denied.

Signature:

Date:

1.11.2022



APPLICATION

CIGARETTE AND ELECTRONIC SMOKING DEVICE SALES

FORM CIG-APP 8/21

Information. Instructions & Type of License (check all that apply)

RECEIPT CODES

Cigarette CL: \$100

E-Smoking* CM: \$100 C4: \$16

*Background check Req'd for E-Smoking

Excel Email

- Licenses are valid for one year and expire annually on June 30.
- Submit your non-refundable license fee with your completed application.
- Incomplete applications, or applications filed without the proper fee will be returned.
- Your name must appear exactly as it does on your driver's license or state id.
- Type of license(s) applying for:
 - NEW RENEWAL
 - Cigarette: \$100 Electronic Smoking: \$116 Both: \$216
- Sales will be made:
 - Over the Counter Vending Machine Both

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JAN 18 2022

CITY OF WEST ALLIS CITY CLERK

TOTAL DUE: \$ _____ (CASH OR CHECK ONLY)

Applicant Information

Last Name: (include suffix Sr, Jr, etc.) First Name: Middle Initial: Date of Birth:

Stamates Jay K

Home Street Address: 702 S 2nd St City, State, Zip Code: Milwaukee WI 53204

Email Address: stamates711@yahoo.com Phone: 414.405.4656

Driver's License/State ID#: S353-4317-3054-08 State Issued: WI

Business Information

Legal Entity Name (If Corporation or LLC) 6139 BELoit TAVERN LLC

Business Name (DBA) Cherry Bomb

Business Address 6139 Beloit Road, WEST ALLIS WI 53219

Business Phone Number 414.405.4656 Business Email Address stamates711@yahoo.com



APPLICATION

CIGARETTE AND ELECTRONIC SMOKING DEVICE SALES CONTINUED

FORM
CIG- APP
8/21

Additional Partner, Member, or Officer Information

Last Name, First Name, Middle Initial

Address

Date of Birth

Phone Number

Driver's License or State ID

Email Address

Acknowledgment/Signature

You must initial each of the following items confirming your understanding:

I agree to inform the City Clerk within 10 days of any substantial changes in the information supplied in this application.

I understand that the sale to minors is prohibited and no person shall, give, furnish, or cause to be sold, given, or furnished an electronic smoking device or electronic smoking device paraphernalia or cigarettes or tobacco products to a person less than 18 years of age.

I have knowledge of the City Ordinances currently regulating this license, and understand that the license may be subject to suspension, non-renewal or revocation, if I violate any rule, law or regulation of the City of West Allis and State of Wisconsin.

To the best of my knowledge and belief, all statements and answers in this application are complete and true. I understand that if I provide false or fraudulent information on this application, the application will be denied.

Signature (Individual, Partner, Agent or Officer)

1-11-2022

Date

RECEIVED

JAN 18 2022

CITY OF WEST ALLIS
CITY CLERK



Application for Cigarette and Tobacco Products and Electronic Smoking Device Sales Retail License

Type of License - check all that apply

- Cigarette and Tobacco Electronic Smoking Device Sales
 Each license requires a \$100 fee. If you choose both your fee is \$200.

MUNICIPAL USE ONLY

License Number	RECEIVED
Period Covered	JAN 18 2022
Date of Issuance	CITY CLERK

Applicant's Wisconsin 15-digit Sales Tax Account Number

← This must be issued in the same Legal Name of the licensee below.

Legal Name (corporation, limited liability company, partnership or sole proprietorship) 6139 BELoit TAVERN LLC			Federal Employer Identification No. (FEIN) 87-4359498	
Trade or Business Name (if different than Legal Name) Cherry Bomb			Telephone Number (414) 405-4656	
Business Address (License Location) 6139 Beloit Road		Business Located In <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town		Business Telephone ()
Municipality West Allis	State WI	Zip Code 53219	of: West Allis County Milwaukee	
Mailing Address (if different than Business Address)		Municipality West Allis	State	Zip Code

Organization (check one)

- Sole Proprietor Wisconsin Corporation - Enter date incorporated: 1-11-2022
 Partnership Out-of-State Corporation - Are you registered to do business in Wisconsin? Yes No
 Other (describe) _____

- Yes No 1. Does the applicant understand that they must purchase cigarettes and tobacco products only from distributors, jobbers, or subjobbers, who hold a permit with the Wisconsin Department of Revenue?
- Yes No 2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-266-6701. See application form CTP-129, revenue.wi.gov/dorforms/ctp-129.pdf.)
- Yes No 3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?
- Yes No 4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health Services? (<https://witobaccocheck.org>)
- Yes No 5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products and nicotine products to minors (including electronic cigarettes containing nicotine)?
- Yes No 6. Does the applicant understand that they may not sell single cigarettes?
- Yes No 7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?
- Yes No 8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at www.doj.state.wi.us/dls/tobacco-directory may be sold in Wisconsin?

Products will be sold over counter through vending machine both

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

[Signature]
(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of September 19, 2019: Sections 134.65, 134.66, 139.321, 139.79, 139.76, 995.10, and 995.12, Wis. Stats.



State of Wisconsin
Department of Financial Institutions

ARTICLES OF ORGANIZATION - LIMITED LIABILITY COMPANY

Executed by the undersigned for the purpose of forming a Wisconsin Limited Liability Company under Chapter 183 of the Wisconsin Statutes:

Article 1. **Name of the limited liability company:**
6139 BELOIT TAVERN LLC

Article 2. **The limited liability company is organized under Ch. 183 of the Wisconsin Statutes.**

Article 3. **Name of the initial registered agent:**
Jay Kelcey Stamates

Article 4. **Street address of the initial registered office:**
6139 Beloit Rd
West Allis, WI 53219
United States of America

Article 5. **Management of the limited liability company shall be vested in:**
A member or members

Article 6. **Name and complete address of each organizer:**
Jay Kelcey Stamates
702 S 2nd street
MILWAUKEE, WI 53204
United States of America

Other Information. **This document was drafted by:**
Jay Kelcey Stamates

Organizer Signature:
Jay Kelcey Stamates

RECEIVED

JAN 18 2022

CITY OF WEST ALLIS
CITY CLERK

Date & Time of Receipt:
1/11/2022 11:26:55 AM

Order Number:

202201115867850

RECEIVED
JAN 18 2022
CITY OF WEST ALLIS
CITY CLERK

ARTICLES OF ORGANIZATION - Limited Liability Company(Ch. 183)



Filing Fee: \$130.00
Total Fee: \$130.00

ENDORSEMENT

**State of Wisconsin
Department of Financial Institutions**

EFFECTIVE DATE	
1/11/2022	

FILED 1/11/2022	Entity ID Number S138739
---------------------------	-----------------------------

RECEIVED
JAN 18 2022
CITY OF WEST ALLIS
CITY CLERK

Date of this notice: 01-11-2022

Employer Identification Number:
87-4359498

Form: SS-4

Number of this notice: CP 575 A

6139 BELOIT TAVERN LLC
CHERRY BOMB
% JAY KELCEY STAMATES SOLE MBR
6139 W BELOIT RD
WEST ALLIS, WI 53219

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

RECEIVED

JAN 18 2022

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

CITY OF WEST ALLIS
CITY CLERK

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 87-4359498. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

Based on the information received from you or your representative, you must file the following forms by the dates shown.

Form 941	04/30/2022
Form 940	01/31/2023

If you have questions about the forms or the due dates shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification (corporation, partnership, etc.) based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2020-1, 2020-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

IMPORTANT INFORMATION FOR S CORPORATION ELECTION:

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S, U.S. Income Tax Return for an S Corporation, must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, *Election by a Small Business Corporation*.

If you are required to deposit for employment taxes (Forms 941, 943, 940, 944, 945, CT-1, or 1042), excise taxes (Form 720), or income taxes (Form 1120), you will receive a Welcome Package shortly, which includes instructions for making your deposits electronically through the Electronic Federal Tax Payment System (EFTPS). A Personal Identification Number (PIN) for EFTPS will also be sent to you under separate cover. Please activate the PIN once you receive it, even if you have requested the services of a tax professional or representative. For more information about EFTPS, refer to Publication 966, *Electronic Choices to Pay All Your Federal Taxes*. If you need to make a deposit immediately, you will need to make arrangements with your Financial Institution to complete a wire transfer.

The IRS is committed to helping all taxpayers comply with their tax filing obligations. If you need help completing your returns or meeting your tax obligations, Authorized e-file Providers, such as Reporting Agents or other payroll service providers, are available to assist you. Visit www.irs.gov/mefbusproviders for a list of companies that offer IRS e-file for business products and services.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you. You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.
- * Provide future officers of your organization with a copy of this notice.

Your name control associated with this EIN is 6139. You will need to provide this information along with your EIN, if you file your returns electronically.

Safeguard your EIN by referring to Publication 4557, *Safeguarding Taxpayer Data: A Guide for Your Business*.

You can get any of the forms or publications mentioned in this letter by visiting our website at www.irs.gov/forms-pubs or by calling 800-TAX-FORM (800-829-3676).

If you have questions about your EIN, you can contact us at the phone number or address listed at the top of this notice. If you write, please tear off the stub at the bottom of this notice and include it with your letter.

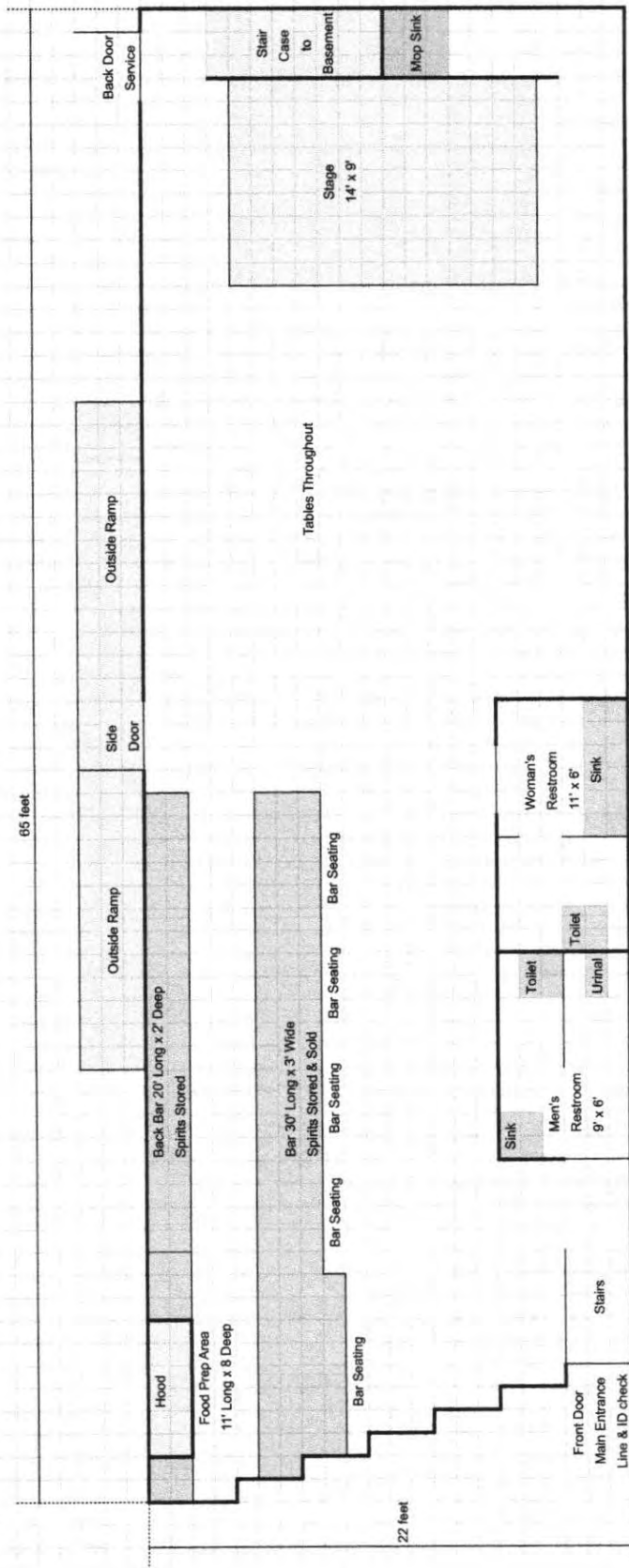
Thank you for your cooperation.

RECEIVED

JAN 18 2022

CITY OF WEST ALLIS
CITY CLERK

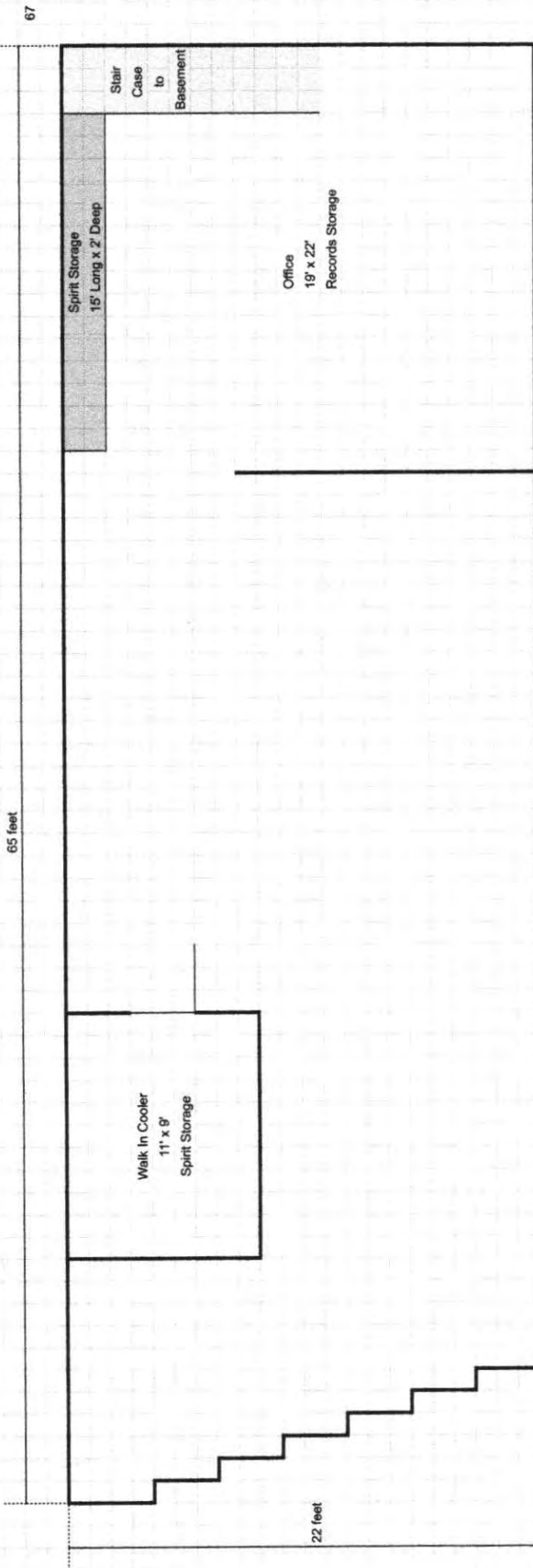
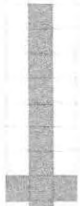
6139 BELOITBAR LLC
 6139 Beloit Road, West Allis WI 53219
 DATE: Jan 11, 2022
 First Floor
 65' x 22' = 1430' Total Square Feet



RECEIVED
 JAN 18 2022
 CITY OF WEST ALLIS
 CITY CLERK

6139 BELOITBAR LLC
6139 Beloit Road, West Allis WI 53219
DATE Jan 11, 2022
Basement
65' x 22' = 1430' Total Square Feet

NORTH



RECEIVED
JAN 18 2022
CITY OF WEST ALLIS
CITY CLERK

APPLICATION FOR LIQUOR LICENSE

Notice is hereby given pursuant to §125.04(3)(g) Wis. Stat., that the following have filed application in the City of West Allis for the following license:

Class B Tavern License for the sale of Fermented Malt Beverages and Intoxicating Liquor

EKC Investments, d/b/a Kane's Bar & Grill, 6922 W. Orchard Street, West Allis, WI 53214; Agent: Edward Jones.

T&T Beverage, d/b/a Aman's Beer & Wine, 11135 W. National Avenue, West Allis, WI 53227; Agent: Amandip Singh.

6139 Beloit Tavern, LLC, d/b/a Cherry Bomb, 6139 W. Beloit Road, West Allis, WI 53219; Agent: Jay Stamates.

Dated this 19th day of January, 2022

Rebecca Grill, City Clerk

Publish as a Class I Legal Notice in the Daily Reporter on Friday, January 21, 2022

2022-0122; 0127; 0132

PROOF OF PUBLICATION

STATE OF WISCONSIN }
MILWAUKEE COUNTY } s.s.

Joe Yovino, being the first duly sworn on oath, says that he or she is the Associate Publisher/Editor of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

APPLICATION FOR LIQUOR LICENSE

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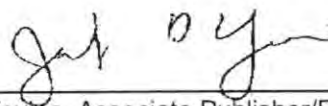
T&T Beverage, d/b/a Aman's Beer & Wine, 11135 W. National Avenue, West Allis, WI 53227; Agent: Amandip Singh.

6139 Beloit Tavern, LLC, d/b/a Cherry Bomb, 6139 W. Beloit Road, West Allis, WI 53219; Agent: Jay Stamates.

Dated this 19th day of January, 2022

Rebecca Grill, City Clerk
12070251/1-21

Jan. 21, 2022

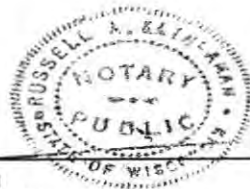


Joe Yovino, Associate Publisher/Editor

Sworn to me this 21st day of January 2022



Russell A. Klingaman
Notary Public, Milwaukee County, Wisconsin
My Commission Is Permanent



PROOF OF PUBLICATION

RECEIVED

FEB 3 2022

CITY OF WEST ALLIS
CITY CLERK

Customer: 10093332/City of West Allis

APPLICATION FOR LIQUOR LICENSE

Notice is hereby given pursuant to §125.04(3)(g) Wis. Stat., that the following have filed application in the City of West Allis for the following license:

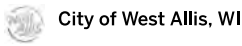
Class A Beer & Liquor License for the sale of Fermented Malt Beverages and Intoxicating Liquor

Vadeshvar Inc, d/b/a West Allis Food & Spirits, 9127 W. Lincoln Avenue. Agent: Yes Pravin Patel.

Dated this 25th day of February, 2022

Rebecca Grill, City Clerk

Publish as a Class I Legal Notice in the Daily Reporter on Friday, March 4, 2022



03/09/2022

ALC-22-4

Alcohol Beverage Retail License Application

Status: Active

Date Created: Feb 24, 2022

Applicant

Yes Patel
patelyash627@gmail.com
1357 E Hickory Ct
Oak Creek, WI 53154
4148077760

Location

9127 W LINCOLN AVE
West Allis, WI 53227

Owner:

Ebrahim Jaber
15605 Luella Drive Brookfield, WI 53005

Application Information

Check here if applying in person.

New or Renewal

New

License Type

Class A Liquor and Beer

If you are applying for a liquor store that will sell beer, and wine and/or liquor, choose Class A Beer and Class A Liquor; choose Class B Tavern for sale of beer, wine and liquor at a bar or restaurant.

Class A Applicants

Is gasoline or diesel fuel sold at the premises?

No

No "Class A" Liquor license may be granted for any premises where gasoline or diesel fuel is sold at retail in connection with the premises, unless:

Exception 1: The "Class A" license contains the condition that retail sales of intoxicating liquor are limited to cider; or

Exception 2: The premises for which the "Class A" license is issued is connected to premises where gasoline or diesel fuel is sold at retail by a secondary doorway that serves as a safety exit and is not the primary entrance to the "Class A" premises.

If you are applying for a Class A and gasoline or diesel fuel is sold at the premises, do you meet one of the exceptions listed above?

No "Class A" Liquor license may be granted for any premises where gasoline or diesel fuel is sold at retail in connection with the premises unless they meet one of the above exceptions.

Applicant / License Agent Information

Applicant Last Name (include suffix if applicable)

Patel

Applicant First Name

Yes

Applicant Middle Initial

P

Mailing Address

1357 E Hickory Creek Ct

City

Oak Creek

State

WI

Zip Code

53154

County

Milwaukee

Place of Birth

Milwaukee, WI

E-Mail Address

patelyash627@gmail.com

Upload Driver's License



image1.jpeg

Uploaded by Yes Patel on Feb 23, 2022 at 11:13 am

Phone Number

414-807-7760

Proof of schooling or Proof of Operator's/Retail License held in another Wisconsin city within the past 2 years



Screen Shot 2022-01-27 at 11.30.15 AM.png

Uploaded by Yes Patel on Feb 23, 2022 at 11:14 am

Police Department Review of Individual/Agent/1st Partner

DL

Valid

Check here if there are not any DOT violations.

DOT Notes

8/8/18 Speeding Intermediate, 9/26/18 Restrictions on Parking and Stopping, 11/3/21 Defective Speedometer

Check here if there are not any Local Violations

Locals Notes

--

Clerk Police Information - Individual/Agent/1st Partner

Review WORCS reports for all people listed on the application. Under Clerk Administration Information section, select yes for field - ready to schedule.

Click here if there are not any WORCS records.

WORCS Attachment



Uploaded by ... on

WORCS Notes

--

There are additional people who need background reviews. Scroll down to find this information.

AUXILIARY QUESTIONNAIRE

The above named individual provides the following information as a person who is (check one):

Applying for an alcohol beverage license as an individual.

A member of a partnership which is making application for an alcohol beverage license.

An officer/director/member/manager/agent of the corporation, limited liability company or non-profit organization?

List position in organization (officer, member, manager, agent)

Owner

List Name of Corporation, Limited Liability Company or Non-profit Organization

Vadeshvar Inc

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

How long have you continuously resided in Wisconsin prior to this date?

7 Years

Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality?

No

Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality?

No

Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit?

Yes

If yes, identify.

Yes owner of Shree Shadi Bhramani Inc applying for Class A license in Racine, WI

Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?

No

List last two employers in chronological order. Include Employer Name, address and the dates you were employed for. If none, or if you are still working, enter today's date in the fields.

Most recent employer name

Jay Goga Maharaj Inc

Most recent employer address

821 Main St Racine WI 53403

Employed from:

08/21/2019

to:

02/23/2022

Previous employer name:

Subway

Previous employer address:

7241 S 76th St Franklin WI 53132

Employed from:

01/01/2021

to:

02/23/2022

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Yes Pravin Patel

02/23/2022

Auxiliary Questionnaire Alcohol Beverage License Application for Additional Partners, Members, or Officers

Add'l Part/Member or Officer Last Name (include suffix if applicable)	
NA	
First Name	Middle Initial
NA	--
Home Address	City
NA	NA
State	Zip Code
NA	NA
Date of Birth	Age
02/23/2022	NA
Place of Birth	Position in Organization
NA	Other
Email Address	Phone Number
NA	NA
Driver's License Number	
NA	

Police Department Review - Officers, Members, Partners

DL - Police Only

Copy of DL



Screen Shot 2022-01-27 at 11.30.15 AM.png
Uploaded by Yes Patel on Feb 23, 2022 at 11:34 am

Check here if there are not any DOT Violations - Police Only

DOT Notes - Police Only

Check here if there are not any Local Violations - Police Only

Locals Notes - Police Only

Police Information - Officers, Members, Partners

Review WORCS reports for all people listed on the application. Under Clerk Administration Information section, select yes for field - ready to schedule.

WORCS Attachment - Clerk's Office Only

Uploaded by ... on

Check here if there are not any WORCS records - Clerk's Office Only

WORCS Notes - Clerk's Office Only

1. How long have you continuously resided in Wisconsin prior to this date?

NA

2a. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality?

No

2b. If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending.

3a. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality?

No

3b. If yes, describe status of charges pending.

4a. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit?

No

4b. If yes, identify.

5a. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?

No

5b. If yes, identify the name of the wholesale license or permittee.

5c. If yes, list the address including city and county.

Are you self employed

6. Named individual must list in chronological order last two employers. Include Employer Name, address and the dates you were employed for. If none, or if you are still working, enter today's date in the fields.

No

If yes, move on to signature section. If no, fill in the information regarding your previous two employers.

Most recent employer name.

NA

Most recent employer address.

NA

Most recently employed from:

02/23/2022

Most recently employed to:

02/23/2022

Previous employer name.

NA

Previous employer address.

NA

Previously employed from:

02/23/2022

Previously employed to:

02/23/2022

READ CAREFULLY BEFORE SIGNING:

Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Digital Signature of Person on Auxiliary Questionnaire.

NA

02/23/2022

Business Information


Federal Employer Identification No. (FEIN)

xx-xxx9456

Type of Organization

Wisconsin Corporation

Upload Seller's Permit

 Vadeshvar Inc Seller's Permit.pdf
Uploaded by Yes Patel on Feb 23, 2022 at 11:22 am

Legal Name (corporation, limited liability company, or partnership)

Vadeshvar Inc

DBA/Trade/Business Name

West Allis Food & Spirits

Business Address (License Location)

9127 W Lincoln Ave

Business City

West Allis

Business State

Wisconsin

Business Zip Code

53227

Business Phone Number

4148077760

Check here if the mailing address is the SAME as the address of the licensed premises.

I am the only officer or member of the organization.

If you are the ONLY officer or member of the organization, you do not need to fill out the additional partner, member, or officer information. If your organization is a partnership or has more than one member/officer, you MUST fill out the additional partner, member, or officer information. Failure to do so will result in your application not being processed.

What is the total number of members, officers or partners in your legal entity? Include the agent in the number.

1

4. Normally not used -Legal Description (not required if business street address has been provided above); This is NOT the premises description which is the raeas in the building that will be licensed, you will enter the premises description in one of the following sections.

--

5a. Was this premises licensed for the sale of liquor or beer during the past license year?

No

6a. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period?

No

7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant?

No

8a. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business?

No

9a. State of Incorporation for Corp/LLC applicants: (if sole proprietor enter - not applicable)

Wisconsin

9a. Date of Incorporation:

02/11/2022

Upload Articles of Incorporation

 VADESHVAR INC..pdf

Uploaded by Yes Patel on Feb 23, 2022 at 11:28 am

9b. Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? (If sole proprietor choose - Not applicable)

No

9c. Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin?

Yes

9c. If yes, describe:

Shree Shadi Bhramani Inc

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5a) before beginning business? [phone 1-877-882-3277]

Yes

11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]

Yes

12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs?

Yes

READ CAREFULLY BEFORE SIGNING:

Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, MI)

Patel, Yes, P

Title/Member

Owner

Digital Signature

Yes Pravin Patel
02/23/2022

Phone Number

414-807-7760

Email Address

patelyash627@gmail.com

Premises Description: Describe the building or buildings where alcohol beverages are to be sold and stored. You must include all rooms including living quarters, if used, for the sales, services, consumption, storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

Where will alcohol be stored?

On Site First Floor

Where will alcohol be sold/consumed?

On Site First Floor

Where will the receipts be kept?

On Site First Floor

If Mailing Address Is Different**Business Mailing Address**

9127 W Lincoln Ave

City

West Allis

State

Wisconsin

Zip Code

53227

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

The undersigned duly authorized officer/member/manager of: (enter registered name of corporation/organization or limited liability company)

Yes P Patel

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as (enter trade name)

Vadeshvar Inc

located at (enter address of business premises)

9127 W Lincoln Ave West Allis WI 53227

appoints (enter name of appointed agent)

Yes P Patel

enter home address of appointed agent

1357 E Hickory Creek Ct Oak Creek WI 53154

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/ organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes

If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Shree Shadi Bhramani Inc

Is applicant agent subject to completion of the responsible beverage server training course?

No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin?

7 Years

Place of residence last year:

Wisconsin

For: (enter name of corporation/organization/limited liability company)

Vadeshvar Inc

Digital Signature of Officer/Member/Manager)

Yes Pravin Patel

02/23/2022

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Acceptance by Agent**I (type in agent's name),**

Yes P Patel

Digital Signature of Agent

Yes Pravin Patel

02/23/2022

Current Date

02/23/2022

hereby accept this appointment as agent for the corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Plan of Operation

Are you also applying for a public entertainment premises license at this time?

No

A separate Public Entertainment Premises License is required to provide entertainment. Permitting unauthorized entertainment will subject licensee to citations, and/or suspension, revocation, or non-renewal of the license.

Are you also applying for a cigarette and/or electronic smoking device sales license (vape) at this time?

Yes

A separate cigarette and/or electronic smoking device (vape) license is required to sell or dispense cigarettes, tobacco or vape products.

Please check all the days you will be in operation and the hours of operation for that day. If you will be closed on a certain day, type closed.

Sunday Open:

8am

Sunday Close:

9pm

Monday Open:

8am

Monday Close:

9pm

Tuesday Open:

8am

Tuesday Close:

9pm

Wednesday Open:

8am

Wednesday Close:

9pm

Thursday Open:

8am

Thursday Close:

9pm

Friday Open:

8am

Friday Close:

9pm

Saturday Open:

8am

Saturday Close:

9pm

What is the legal capacity (occupancy load) of the premises?

Do not know yet will be contacting the fire department

If you do not currently have a designated capacity (occupancy load) and posted sign, please contact the Fire Department to apply for one.

Is the premises less than 300 feet from a school, hospital or church?

No

Types of Business that are planned or currently conducted on the premises (check all that apply)

Full Service Restaurant

Deli/Fast Food Restaurant

Liquor Store

Supermarket

Convenience Store

Other:

--

Percentage of sales related to the types of business listed above, if none enter 0. Must equal 100%.

Alcohol %

20

Food %

50

Entertainment %

0

Gas %

0

Cigarettes %

Other %

25

5

Describe other types of sales if applicable.

Lottery Sales

Total % of Sales

100

Security Plans

Describe the security provisions for parking and loading zones:

Camera System Security

Number of Security Personnel (list by day if number varies)

1 Everyday

Security Personnel Responsibilities and Equipment Used

Keeping parking lot and inside of business clear of any problems

Location of Inside and Outside Security Cameras

12-Inside

4-Outside

Litter and Noise

Name of solid waste removal contractor.

Eagle Disposal

How will the exterior trash/littering be addressed?

Trash and litter will be picked twice a day by employees and managers of the business

How will noise issues be addressed?

Signs will be posted, employees and managers will approach and let them know to lower the noise

Floor Plan

A floor plan must be submitted with the application.

The detailed floor plan must include: 1) detailed description outlining the areas of the building where public entertainment will be provided (stages, rooms, etc. must be labelled.) 2) Square feet and dimensions of the premises to be licensed. 3) Location of all entrances and exits, seating areas, bars, waiting license, security search areas, stages, rooms, food preparation areas, etc.) 4) North Point 5) Date 6) Address and Name of Applicant

Upload Floor Plan

Layout for 9127

Uploaded by Yes Patel on Feb 24, 2022 at 9:41 am

Acceptance & Signature

1. I agree to inform the City Clerk within 10 days of any substantial changes in the information supplied in this application.

2. I understand that after the license is issued, a change to the plan of operation and/or floor plan, will require approval from the Common Council.

3. I agree to comply with the plan of operation and floor plan approved as part of this application.

4. I understand that if this license is not used for a period of 30 days or more, it is subject to revocation.

5. Each licensed premises shall always be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises.

6. I understand that the issuance of the license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or State laws.



7. I understand that I may not sell, dispense, or serve alcohol beverages by means of a drive-through facility. In this section, "drive-through facility" means any vehicle related commercial facility in which a service is provided, or goods, food or beverages are sold, served, or dispensed to an operator or passengers of a vehicle without the necessity of the operator or passengers disembarking from the vehicle.



8. I understand that the license holder, and/or the employees and agents of the license holder, shall cooperate with police investigations of disturbances, intoxicated persons, underage persons and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested.



9. I have knowledge of Wisconsin Statutes and City Ordinances currently regulating alcohol beverage licenses and understand that the license may be subject to suspension, non-renewal, or revocation, if I violate any rule, law, or regulation of the City of West Allis and/or State of Wisconsin.



10. I understand that the information submitted to the City by any applicant or licensee pertaining to an alcohol beverage license shall be true. Any person who submits in writing any untrue statement to the City in connection with any such license or application shall forfeit not more than five hundred dollars (\$500) together with the costs of prosecution, and in default shall be imprisoned in the Milwaukee County House of Correction for the maximum number of days set forth in Section 800.095(1)(b) of the Wisconsin Statutes. In addition, any license granted shall be subject to revocation and no alcohol beverage license of any kind whatsoever shall thereafter be granted to such person for a period of one year from the date of such revocation.



READ CAREFULLY BEFORE SIGNING:

To the best of my knowledge and belief, all statements and answers in this application are complete and true. I understand that if I provide false or fraudulent information on this application, the application will be denied.

Digital Signature (Individual, Partner, Member, Officer or Agent)

Yes Pravin Patel
02/24/2022

Failure to submit the required fee will result in your application not being processed. You will receive an email with the link to pay the fee after you submit this application.

Clerk Administration Information

Ready to Schedule?

Yes

Admin/Clerk Review

Schedule for LH Hearing - Regular Notice

Are other licenses being applied for at the same time?

No

Publication Date

03/04/2022

LH/CC Action

Don't complete step until the time the notice should be sent.

License and Health Date

03/15/2022

License and Health Time

7:00 pm

Meeting Room

Room 128

License and Health Recommendation

--

Common Council Date

--

Common Council Tentative Decision

--

List types of entertainment approved.

--

Common Council Final Decision (do not complete until after the council makes a decision as the license will be issued or denial letter sent right away after you enter the information)

--


List reasons for denial.

--

Month of Issuance

--

Attachments

 2022-03-15 - Class A Beer Liquor - West Allis Food Spirits.pdf
Uploaded by Gina Gresch on Feb 25, 2022 at 9:32 am

History

Date	Activity
Feb 23, 2022 at 11:00 am	Yes Patel started a draft of Record ALC-22-4
Feb 24, 2022 at 9:42 am	Yes Patel submitted Record ALC-22-4
Feb 24, 2022 at 9:43 am	completed payment step Fee Payment on Record ALC-22-4
Feb 24, 2022 at 9:43 am	changed the deadline to Feb 25, 2022 on approval step Clerk's Office Application Review For Completion and Accuracy on Record ALC-22-4
Feb 24, 2022 at 9:43 am	approval step Clerk's Office Application Review For Completion and Accuracy was assigned to Jenny Slivka on Record ALC-22-4
Feb 24, 2022 at 9:43 am	changed the deadline to Feb 25, 2022 on approval step Clerk's Office Application Review For Completion and Accuracy on Record ALC-22-4
Feb 24, 2022 at 9:55 am	Jenny Slivka assigned approval step Clerk's Office Application Review For Completion and Accuracy to Gina Gresch on Record ALC-22-4
Feb 25, 2022 at 9:27 am	Gina Gresch approved approval step Clerk's Office Application Review For Completion and Accuracy on Record ALC-22-4
Feb 25, 2022 at 9:27 am	approval step Dispatch was assigned to Police Amber Alert Group on Record ALC-22-4
Feb 25, 2022 at 9:27 am	changed the deadline to Feb 26, 2022 on approval step Dispatch on Record ALC-22-4
Feb 25, 2022 at 9:27 am	approval step Initial Notification for Departments of Completed Application Received was assigned to Robert Woodard on Record ALC-22-4
Feb 25, 2022 at 9:27 am	changed the deadline to Feb 28, 2022 on approval step Initial Notification for Departments of Completed Application Received on Record ALC-22-4
Feb 25, 2022 at 9:30 am	Police Amber Alert Group approved approval step Dispatch on Record ALC-22-4
Feb 25, 2022 at 9:32 am	Gina Gresch added attachment Legal Notice - 2022-03-15 - Class A Beer Liquor - West Allis Food Spirits.pdf to Record ALC-22-4
Feb 25, 2022 at 10:29 am	Gina Gresch assigned approval step Initial Notification for Departments of Completed Application Received to Mike Romens on Record ALC-22-4
Feb 25, 2022 at 10:29 am	Gina Gresch changed the deadline to Mar 04, 2022 on approval step Initial Notification for Departments of Completed Application Received on Record ALC-22-4
Feb 25, 2022 at 1:23 pm	Gina Gresch assigned approval step Initial Notification for Departments of Completed Application Received to Gina Gresch on Record ALC-22-4
Feb 25, 2022 at 1:23 pm	Gina Gresch approved approval step Initial Notification for Departments of Completed Application Received on Record ALC-22-4
Feb 25, 2022 at 1:23 pm	approval step Police Background was assigned to Deyana Petrick on Record ALC-22-4
Feb 25, 2022 at 1:23 pm	changed the deadline to Feb 26, 2022 on approval step Police Background on Record ALC-22-4
Feb 25, 2022 at 2:44 pm	Deyana Petrick changed DOT Notes from "" to "8/8/18 Speeding Intermediate, 9/26/18 Restrictions on Parking and Stopping, 11/3/21 Defective Spe" on Record ALC-22-4
Feb 25, 2022 at 2:58 pm	Deyana Petrick changed Check here if there are not any Local Violations from "" to "true" on Record ALC-22-4
Feb 25, 2022 at 3:02 pm	Deyana Petrick approved approval step Police Background on Record ALC-22-4
Feb 25, 2022 at 3:02 pm	approval step Clerk Review After Background Completed was assigned to Gina Gresch on Record ALC-22-4
Feb 25, 2022 at 4:39 pm	Gina Gresch altered approval step Clerk Review After Background Completed, changed status from Active to On Hold on Record ALC-22-4
Feb 28, 2022 at 8:51 am	Gina Gresch changed DL from "" to "Valid" on Record ALC-22-4
Feb 28, 2022 at 8:54 am	Gina Gresch changed WORCS Notes from "" to "WORCS check is clear. " on Record ALC-22-4
Feb 28, 2022 at 8:56 am	Gina Gresch added Click here if there are not any WORCS records, to Record ALC-22-4
Feb 28, 2022 at 8:56 am	Gina Gresch changed WORCS Notes from "WORCS check is clear. " to "" on Record ALC-22-4
Feb 28, 2022 at 8:56 am	Gina Gresch altered approval step Clerk Review After Background Completed, changed status from On Hold to Complete on Record ALC-22-4
Feb 28, 2022 at 8:56 am	approval step Admin/Clerk Review Records/Violations was assigned to Rebecca Grill on Record ALC-22-4
Feb 28, 2022 at 8:56 am	changed the deadline to Mar 01, 2022 on approval step Admin/Clerk Review Records/Violations on Record ALC-22-4

Date	Activity
Feb 28, 2022 at 8:56 am	inspection step Fire Inspection was assigned to Fire Department on Record ALC-22-4
Feb 28, 2022 at 8:56 am	inspection step Health Inspection was assigned to Lindy Wiedmeyer on Record ALC-22-4
Feb 28, 2022 at 8:56 am	inspection step BINS Inspection was assigned to Robert Woodard on Record ALC-22-4
Feb 28, 2022 at 8:56 am	approval step Zoning Review was assigned to Planning & Zoning on Record ALC-22-4
Feb 28, 2022 at 2:48 pm	Planning & Zoning approved approval step Zoning Review on Record ALC-22-4
Feb 28, 2022 at 2:50 pm	Lindy Wiedmeyer altered inspection step Health Inspection, changed status from Active to Complete on Record ALC-22-4
Mar 1, 2022 at 11:30 am	Gina Gresch assigned inspection step BINS Inspection to Mike Romens on Record ALC-22-4
Mar 1, 2022 at 12:04 pm	Mike Romens altered inspection step BINS Inspection, changed status from Active to Complete on Record ALC-22-4
Mar 4, 2022 at 2:35 pm	Rebecca Grill changed Ready to Schedule? from "" to "Yes " on Record ALC-22-4
Mar 4, 2022 at 2:35 pm	Rebecca Grill changed Admin/Clerk Review from "" to "Schedule for LH Hearing - Regular Notice" on Record ALC-22-4
Mar 4, 2022 at 2:35 pm	Rebecca Grill changed Admin/Clerk Review from "Schedule for LH Hearing - Regular Notice" to "Schedule for Hearing - Police Notice" on Record ALC-22-4
Mar 4, 2022 at 2:35 pm	Rebecca Grill approved approval step Admin/Clerk Review Records/Violations on Record ALC-22-4
Mar 8, 2022 at 4:56 pm	Gina Gresch changed Admin/Clerk Review from "Schedule for Hearing - Police Notice" to "Schedule for LH Hearing - Regular Notice" on Record ALC-22-4
Mar 8, 2022 at 4:56 pm	Gina Gresch changed Are other licenses being applied for at the same time? from "" to "No" on Record ALC-22-4
Mar 8, 2022 at 4:56 pm	Gina Gresch changed Publication Date from "" to "03/04/2022" on Record ALC-22-4
Mar 8, 2022 at 4:57 pm	Gina Gresch changed License and Health Time from "" to "7:00 pm" on Record ALC-22-4
Mar 8, 2022 at 4:57 pm	Gina Gresch changed License and Health Date from "" to "03/15/2022" on Record ALC-22-4
Mar 8, 2022 at 4:57 pm	Gina Gresch changed Meeting Room from "" to "Room 128" on Record ALC-22-4
Mar 8, 2022 at 4:59 pm	Gina Gresch changed the deadline to Mar 15, 2022 on inspection step Fire Inspection on Record ALC-22-4
Mar 9, 2022 at 11:28 am	Gina Gresch waived inspection step Fire Inspection on Record ALC-22-4
Mar 9, 2022 at 11:28 am	approval step Common Council Consideration was assigned to Jenny Slivka on Record ALC-22-4
Mar 9, 2022 at 11:28 am	Gina Gresch altered inspection step Fire Inspection, changed status from Skipped to Active on Record ALC-22-4

Timeline

Label	Status	Activated	Completed	Assignee
Fee Payment	Paid	Feb 24, 2022 at 9:42 am	Feb 24, 2022 at 9:43 am	-
Clerk's Office Application Review For Completion and Accuracy	Complete	Feb 24, 2022 at 9:43 am	Feb 25, 2022 at 9:27 am	Gina Gresch
Dispatch	Complete	Feb 25, 2022 at 9:27 am	Feb 25, 2022 at 9:30 am	Police Amber Alert (
Initial Notification for Departments of Completed Application Received	Complete	Feb 25, 2022 at 9:27 am	Feb 25, 2022 at 1:23 pm	Gina Gresch
Police Background	Complete	Feb 25, 2022 at 1:23 pm	Feb 25, 2022 at 3:02 pm	Deyana Petrick
Clerk Review After Background Completed	Complete	Feb 25, 2022 at 3:02 pm	Feb 28, 2022 at 8:56 am	Gina Gresch
Zoning Review	Complete	Feb 28, 2022 at 8:56 am	Feb 28, 2022 at 2:48 pm	Planning & Zoning
Health Inspection	Complete	Feb 28, 2022 at 8:56 am	Feb 28, 2022 at 2:50 pm	Lindy Wiedmeyer
BINS Inspection	Complete	Feb 28, 2022 at 8:56 am	Mar 1, 2022 at 12:04 pm	Mike Romens
Admin/Clerk Review Records/Violations	Complete	Feb 28, 2022 at 8:56 am	Mar 4, 2022 at 2:35 pm	Rebecca Grill
Regular Hearing Notice	Issued	Mar 9, 2022 at 11:28 am	Mar 9, 2022 at 11:28 am	-
Fire Inspection	Active	Feb 28, 2022 at 8:56 am	Mar 9, 2022 at 11:28 am	Fire Department
Common Council Consideration	Active	Mar 9, 2022 at 11:28 am	-	Jenny Slivka

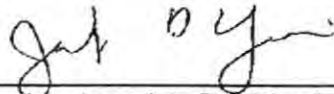
2022-0352

PROOF OF PUBLICATION

STATE OF WISCONSIN }
MILWAUKEE COUNTY } s.s.

Joe Yovino, being the first duly sworn on oath, says that he or she is the Associate Publisher/Editor of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Mar. 4, 2022



Joe Yovino, Associate Publisher/Editor

Sworn to me this 4th day of March 2022



Russell A. Klingaman
Notary Public, Milwaukee County, Wisconsin
My Commission Is Permanent



APPLICATION FOR LIQUOR LICENSE

Notice is hereby given pursuant to §125.04(3)(g) Wis. Stat., that the following have filed application in the City of West Allis for the following license:

Class A Beer & Liquor License for the sale of Fermented Malt Beverages and Intoxicating Liquor

Vadeshvar Inc, d/b/a West Allis Food & Spirits, 9127 W. Lincoln Avenue. Agent: Yes Pravin Patel.

Dated this 25th day of February, 2022

Rebecca Grill, City Clerk
12094241/3-4

PROOF OF PUBLICATION

RECEIVED

MAR 9 2022

CITY OF WEST ALLIS
CITY CLERK

Customer: 10093332/City of West Allis

**CITY OF WEST ALLIS
ORDINANCE O-2022-0024**

ORDINANCE TO REPEAL AND RECREATE THE ZONING CODE

REPEALING SUBCH. I OF CH. 12 AND CREATING CH. 19

WHEREAS, for the purpose of promoting the health, safety, morals or the general welfare of the community, the common council may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of Wis. Stat. 62.23; and

WHEREAS, the council finds that the amendments within this ordinance are in accordance with the comprehensive plan; and

WHEREAS, the amendments within this ordinance have been submitted to the city plan commission for recommendation and report, published as a class 2 notice, and the subject of a public hearing;

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

SECTION 1: **REPEAL** “Subchapter I Zoning Code” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

The next 83 pages were deleted from the packet, as it is all of the repealed ordinance text.

SECTION 2: AMENDMENT “Chapter 12 Zoning And City Planning” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

Chapter 12 ~~Zoning And~~ City Planning

SECTION 3: ADOPTION “Chapter 19 Zoning Code” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Chapter 19 Zoning Code(*Added*)

SECTION 4: ADOPTION “19.01 Zoning Map” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.01 Zoning Map(*Added*)

The locations and boundaries of the zoning districts in the City are established and set forth on the Official Zoning Map. The map may be amended by the common council pursuant to Wis. Stat. 62.23. The current Official Zoning Map shall be kept on file in the office of the City Clerk and shall be available for inspection by the public during normal City Hall hours of operation. Unless otherwise indicated in relation to established lines, points or features, the zoning district boundary lines on the Official Zoning Map are the City limit lines; center lines of streets, highways, alleys or railroad right-of-way, existing or extended; and, tract or lot lines, existing or extended.

Official West Allis Zoning Map (effective [insert date])

SECTION 5: ADOPTION “Subchapter I Administration” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Subchapter I Administration(*Added*)

SECTION 6: **ADOPTION** “Subchapter II Districts” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Subchapter II Districts(*Added*)

SECTION 7: **ADOPTION** “Subchapter III Uses” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Subchapter III Uses(*Added*)

SECTION 8: **ADOPTION** “Subchapter IV Structures” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Subchapter IV Structures(*Added*)

SECTION 9: **ADOPTION** “Subchapter V Planned Development” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Subchapter V Planned Development(*Added*)

SECTION 10: **ADOPTION** “19.11 General Provisions” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.11 General Provisions(*Added*)

1. Application. The regulations in this chapter are adopted pursuant to Wis. Stat. 62.23(7) (am). This Chapter shall not be construed to legalize the use of land or construction of a structure in any manner that violates any other law.
2. Use. No building or premises shall be used, in whole or in part, except as explicitly authorized by this Chapter as specified for the Zoning District in which any such building or premises is located.
3. Structures. All structures shall conform to the requirements established in this Chapter for the Zoning District in which each structure is located.
4. Legal Nonconforming Structures and Uses. All structures lawfully erected and uses lawfully established prior to the effective date of this Chapter, or any amendment, may

continue only to the extent allowed by state law. Any nonconforming structure or use shall comply with this Chapter upon no longer qualifying as a legal nonconforming structure or use under state law.

5. Principal Buildings Limited. Every building hereafter erected or structurally altered shall be located on a lot. There shall be no more than 1 principal building on a lot except in the case of those lands developed as a Planned Development under this Chapter.
6. Unoccupied Lots: Where a lot is occupied for a permitted use without buildings or structures, side yard and front yard requirements normally associated with the Zoning District in which the lot is located shall be maintained, unless otherwise stipulated in this Chapter, except that side yards shall not be required on lots used for garden purposes without buildings or structures or on lots used for public recreational purposes.
7. Yards Apply to Single Building: No required yard or other open space around an existing building shall be considered as providing a yard or open space for any other building or for any other lot on which a building may be erected.
8. Exemptions for City Premises: The regulations established in this Chapter are not enforceable against the City.
9. Root River Flood Control District: Within the area shown and designated on the Official Zoning Map as the Root River Flood Control District, no building or structure shall be erected, no existing building or structure shall be structurally altered, no building or structure shall be moved into the said area and no use of land shall be made except, in addition to all other applicable regulations of this Chapter, in compliance with the specific regulations of the Root River Flood Control District. The regulations of the Root River Flood Control District shall be construed as supplementary to the regulations imposed on the same lands by any underlying zoning regulations. When flood control and underlying zoning regulations conflict, the most restrictive regulations shall govern.
10. The Building Inspector and Director of Development or their designees shall administer and may enforce the provisions of this Chapter.

SECTION 11: ADOPTION “19.12 Penalties” of the City Of West Allis
Municipal Code is hereby *added* as follows:

ADOPTION

19.12 Penalties(*Added*)

1. Any person, firm or corporation violating any provision of this Chapter shall, for each offense, forfeit not less than \$25, nor more than \$500, together with the costs of prosecution. Each day a violation of a provision of this Chapter continues constitutes a separate offense.
2. In case any building or structure is or is proposed to be erected, constructed or reconstructed or any building, structure or premises is proposed to be used in violation of the provisions of this Chapter, the Building Inspector or the City Attorney or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any such violation.

SECTION 12: ADOPTION “19.13 Site Plan Review” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.13 Site Plan Review(*Added*)

1. No building permit for the construction of any building, structure, or project to which this section applies shall be issued until a site and architectural plans for that building, structure, or project have been reviewed and approved pursuant to this section. Site improvements not requiring a building permit but subject to site plan approval shall not be commenced until approved pursuant to this section.
2. Authority
 - a. Except as otherwise stated, site plan approval by the Plan Commission is required for any of the following:
 - i. new construction
 - ii. change of use
 - iii. additions to existing buildings
 - iv. exterior alterations
 - v. repairs to existing buildings for which a building permit is required
 - vi. conducting a conditional use
 - vii. site changes
 - b. Site plan approval by the Plan Commission or Planning and Zoning Office is required for any of the following:
 - i. New construction of a 1- or 2-unit dwelling
 - ii. Conversion with exterior modification of a 1- or 2-unit dwelling
 - c. In approving any site plan, the Plan Commission or, if applicable, the Common Council shall have the authority to stipulate those conditions it deems necessary to protect the public interest and to secure compliance with this section.
 - d. The Plan Commission shall have the authority to adopt reasonable rules and regulations relative to the exercise of its powers under this section. Such rules may include specific site and architectural design criteria that serve to implement the general standards set forth in this section. Rules will become effective only after they have been approved by the Common Council following due notice and public hearing. Publication of this notice will be as required for a Class 2 notice under Wisconsin Statutes.
 - e. As a condition of approving a site plan, the Plan Commission may require that the applicant provide a security bond, letter of credit or cash deposit to ensure the completion of all required site improvements.
 - i. The form of the bond or other security, if any, shall be prescribed by the Plan Commission.
 - ii. The amount of any bond or other security may not exceed 125% of the estimated cost of the site improvements and may be reduced over the life of the construction of the project as elements are completed; however, even if the amount is reduced, the bond or other security will remain in force until all required site improvements have been completed and approved by the Building Inspector.
 - iii. The Plan Commission may require more than 1 estimate from licensed contractors to determine the value of the bond or security.
 - f. The Plan Commission shall have the power to approve, approve with conditions, or reject a site plan based on the requirements specified in this section and those rules adopted and approved pursuant to this section.

3. Procedure
 - a. Application. The applicant must submit an application with the Planning & Zoning Office. The application shall include the following:
 - i. Completed application and fee listed in the Fee Schedule.
 - ii. Project description.
 - iii. Site plan.
 - b. Plan Commission Review. Site and building designs shall:
 - i. Provide for the placement of all site elements necessary to create a safe, functional, convenient, healthful, durable and attractive environment.
 - ii. Preserve the positive features of the site to the extent possible and minimize their destruction or harmful alteration. In particular, site and landscape designs shall protect mature trees and soils and use landscaping and natural features to manage and infiltrate stormwater runoff wherever practicable.
 - iii. Ensure that all developments function within the context of the site and the surrounding area. Site designs shall eliminate, or if not possible to eliminate, mitigate potential hazards created by the proposed development.
 - iv. Be designed in accordance with site and architectural design criteria adopted and approved by the plan commission.
 - c. Plan Commission Decision. The Plan Commission may approve, approve with conditions, or reject the application.
 - i. The Plan Commission decision shall be in writing and contain a statement of reasons for its action. Any conditions of approval shall be specifically stated in the decision. A copy of the Plan Commission decision will be sent to the applicant and owner, if different from the applicant.
 - ii. The Plan Commission decision on an application shall be issued within 60 days of filing of the application with the Planning & Zoning Office unless the applicant has agreed in writing to an extension.
 - d. Appeals. Any person aggrieved by a decision of the Plan Commission under this section may appeal that decision to the Common Council.
4. Effect of Approval. Building permits and certificates of occupancy shall be consistent with plans approved by the Plan Commission. Construction, location and use of all buildings and structures shall also be consistent with the approved plans.
 - a. Sites, buildings, and structures will be completed and maintained in accordance with the final plans approved pursuant to this section.
 - b. Approved plans will run with the land and will remain in effect regardless of changes in ownership of the subject property.
5. Approval Expiration. Approval will expire 1 year from the date of approval unless construction is underway, or the applicant has been granted a valid building permit. If construction is underway or a building permit has been granted after 1 year from the date of approval, the approval will expire if construction is not completed within 2 years of the Plan Commission decision. ~~Extension of Time:~~ An extension of time of the time limitations may be granted by the Plan Commission with the following criteria:
 - a. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit an extension fee. The fee may be waived at the discretion of the Planning & Zoning Manager.
 - b. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start.

- c. The request for extension shall be submitted within 60 days of the expiration of the Plan Commission approval, and the Plan Commission shall decide on the length of the requested extension of time.
- 6. Revocation. The Plan Commission shall have the authority to revoke its approval of a site and/or architectural plan if the provisions of that plan are not fully implemented.
- 7. Conditional Occupancy. In the event the completion of all required site improvements is delayed due to work stoppages, extraordinary or seasonal weather conditions or damage caused by fire, or other casualty, a conditional occupancy for the project, or any part thereof, may be approved by the Building Inspector.
 - a. This approval shall be subject to whatever terms and conditions are deemed necessary by the Building Inspector to protect the public interest and promote and secure compliance with the purposes and intent of this section. No conditional occupancy will be allowed unless the improvements to be occupied are approved for occupancy by the Building Inspector.
 - b. All required site improvements will be completed within a period set by the Building Inspector from the date of approval of the conditional occupancy.
 - c. The approval of a conditional occupancy will not be interpreted as a waiver of any of the applicant's obligations under this section, except to extend the time for completion of the site improvements.
- 8. Re-Application. No application which has been wholly, or in part, rejected may be resubmitted until at least 1 year from the date of the final action of the Plan Commission, except in the case of newly discovered evidence or proof of changed conditions.
- 9. Amendments. No modification or alteration of any plan approved pursuant to this section will be permitted unless approved in writing by the Plan Commission.
 - a. An application for any such alteration or modification shall be filed with the Plan Commission on a form approved by the Plan Commission.
 - b. Alterations and modifications shall be subject to the same standards and criteria as original applications and shall be in conformance with all the provisions of this section.

SECTION 13: ADOPTION “19.14 Conditional Use Review” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.14 Conditional Use Review(*Added*)

- 1. Conditional Uses Necessary. Within each Zoning District, there are various permitted uses. There are also various other uses which are required for the public convenience but are potentially incompatible with permitted uses and which can have a deleterious impact on the surrounding area. This impact cannot be predetermined or controlled by general regulations. In addition, these conditional uses cannot always be confined to specific Zoning Districts. Therefore, to ensure compatibility with the neighborhoods in which they may be located, it is necessary that these conditional uses not be permitted as a matter of right, but only after appropriate review and approval as provided by this Section. Conditional uses shall be granted by the Common Council, as provided under the provisions of the Section and Wis. Stat. 62.23(7)(de).
- 2. Standards for Approval
 - a. The establishment, maintenance or operation of the conditional use will not be

detrimental or endanger the public health, safety, morals, comfort or general welfare and will not otherwise conflict with the purpose and intent of this Chapter.

- b. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.
- c. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for permitted uses in the Zoning District.
- d. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- e. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in the public streets.
- f. Adequate measures have been or will be taken to encourage walking, biking, and transit trips in a manner that considers the context of the surrounding community as well as the broader urban design needs of the city.
- g. The conditional use will comply with all additional regulations imposed on it by the particular provision of this Chapter authorizing such use.

3. Authority

- a. In granting any conditional use, the Common Council shall have the authority to change the minimum or maximum requirements specified for such uses in the respective Zoning Districts and shall establish such regulations and impose such conditions and restrictions on the use as are reasonably necessary to secure compliance with the standards set forth in this section and chapter.
- b. The regulations that are established and any conditions and restrictions that are imposed shall be expressly set forth in the resolution granting the conditional use and shall govern the development, use and occupancy of the property, subject to such other required permits and approvals, including, but not limited to site and architectural approvals required under this Chapter and a building permit under Chapter 13 of this Code.
- c. The Common Council may limit the conditional use permit's duration, its transferability, and its renewal after expiration.

4. Procedure

- a. Application. The applicant must submit an application with the Planning & Zoning Office. The application shall include the following:
 - i. Completed application and fee listed in the Fee Schedule.
 - ii. Project description.
 - iii. Site plan.
- b. Addition to Common Council Agenda. Upon receipt of an application, the City Clerk will place the application on the agenda of the Common Council. The Common Council will refer the matter to the City Plan Commission and Safety and Development Committee for review and a recommendation.
- c. Plan Commission Review. The City Plan Commission will review the Site plans associated with the Conditional Use application.
- d. Safety and Development Committee Review. The Safety and Development Committee of the Common Council will meet to review the recommendations of the Plan Commission. Members of the public will be allowed to address the Committee with the approval of the Chair. The Safety and Development Committee will make its own decision on the application which may agree or disagree with that of the Plan Commission. The decision of the Committee will be forwarded to the Common Council along with the recommendation of the Plan Commission.
- e. Common Council Public Hearing. Any public hearing required by Wis. Stat. 62.23(7)(de)3. shall be held by the Common Council. Notice of the time and place of the hearing shall be made in the official City newspaper as a Class II

- c. The approval of a conditional occupancy will not be interpreted as a waiver of any of the applicant's obligations under this section, except to extend the time for completion of the site improvements as provided in b.
- 9. Re-Application. No application which has been wholly, or in part, rejected may be resubmitted until at least 1 year from the date of the final action of the Plan Commission, except in the case of newly discovered evidence or proof of changed conditions.
- 10. Amendments. No modification or alteration of any plan approved pursuant to this section will be permitted unless approved by the Common Council.
 - a. Any application for an alteration, extension or other modification will be filed and processed as an original application under this section.
 - b. Alterations and modifications shall be subject to the same standards and criteria as original applications and shall be in conformance with all the provisions of this section.
 - c. Maintenance, repair or renovation of existing buildings, structures or improvements and alterations, extensions or other modifications of such buildings and structures which do not increase, intensify, expand, or substantially change the character of the conditional use do not require approval by the Common Council

SECTION 14: **ADOPTION** “19.15 Board Of Appeals” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.15 Board Of Appeals(*Added*)

- 1. The Board shall operate under Wis. Stat. 62.23(7)(e) and may adopt procedural rules in accordance with the provisions of this section.
- 2. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer within 30 days after notice of the decision by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof.
- 3. In granting a variance, the Board may specify, in writing to the applicant, such conditions of the variance that will, in its judgment, substantially secure the objectives of the regulations or provisions to which the variance applies. A variance is only valid only upon complying with any specified conditions.
- 4. No application or appeal which has been denied, wholly or in part, by the Board may be resubmitted for a period of 1 year from the date of the last denial, except on the grounds of new information or changed conditions which are found valid by the Board upon inspection.
- 5. A variance granted under this section shall expire if the action authorized by the variance is not commenced within 6 months after granting the variance or the board grants an extension of time.
- 6. Nothing in this section shall preclude the granting of special exceptions by the city plan commission or the common council.

SECTION 15: ADOPTION “19.16 Definitions” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.16 Definitions(*Added*)

The terms below shall have the following meanings within this chapter:

Term	Definition
<u>Accessory Building</u>	<u>Any building other than the principal building</u>
<u>Accessory Dwelling Unit</u>	<u>A dwelling unit other than the principal dwelling unit</u>
<u>Accessory Structure</u>	<u>Any structure other than a principal building</u>
<u>Accessory Use</u>	<u>A subordinate use which is clearly and customarily incidental to the principal use on the lot</u>
<u>Adult-Oriented Entertainment</u>	<u>The use of a lot in the manner described in WAMC 9.28</u>
<u>Alcohol Beverage Sales</u>	<u>The retail sale of alcohol beverages in the manner described in Wis. Stat. 125.25 and 125.51(2)</u>
<u>Ambulance Services</u>	<u>The use of a lot in the manner described under Wis. Stat. 256.01(3)</u>
<u>Animal Boarding</u>	<u>The boarding, breeding, or training of animals for compensation</u>
<u>Automobile Part Sales</u>	<u>The retail sale of automobile components or accessories</u>
<u>Bed and Breakfast</u>	<u>The use of a lot in the manner described in Wis. Stat. 97.01(1g)</u>
<u>Bicycle Parking Space (indoor)</u>	<u>An area inside a building designated for the parking of 1 bicycle</u>
<u>Bicycle Parking Space (outdoor)</u>	<u>An area outside a building designated for the parking of 1 bicycle</u>
<u>Bicycle Rack</u>	<u>A structure used to provide bicycle parking space</u>
<u>Building</u>	<u>A structure that shields persons or property from the elements</u>
<u>Building Area</u>	<u>The total area of a building bounded by its exterior walls</u>
<u>Building Coverage</u>	<u>The sum of all building areas on a lot</u>
<u>Building Height</u>	<u>The vertical distance measured from the average established grade at the front lot line to the highest point of a building, including all appurtenances</u>
<u>Car Wash Service</u>	<u>The washing and cleaning of motor vehicles for compensation</u>
<u>Child Care Center</u>	<u>The use of a lot in the manner described in Wis. Stat. 49.136(1) (ad)</u>
<u>Civic Institution</u>	<u>Unless more specifically defined, the use of a lot by a governmental entity</u>
<u>Commercial Light Industrial Flex</u>	<u>The light industrial use of a lot to distribute goods that are also sold in an on-site retail space</u>
<u>Community Living</u>	<u>The use of a lot in the manner described in Wis. Stat. 46.03(22),</u>

<u>Arrangement</u>	48.743(1), 48.02(6), or 50.01(1)
<u>Conditional Use</u>	A use that is allowed upon meeting all conditions specified in the code and those imposed by the common council
<u>Crematory</u>	The use of a lot in the manner described in Wis. Stat. 440.70(8)
<u>Donation Center</u>	The receiving of donated goods from the public for redistribution to the public at no cost
<u>Drive-Through Service</u>	The delivery of products or services to customers while the customer is inside a vehicle
<u>Dry Cleaning</u>	The use of a lot in the manner described in Wis. Stat. 77.996(2)
<u>Dwelling Unit</u>	A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one or more persons maintaining a common household, to the exclusion of all others
<u>Employment Agency</u>	The use of a lot in the manner described in Wis. Stat. 111.32(7)
<u>Event Space</u>	The use of a lot for the gathering of individuals at a specific time for direct or indirect compensation
<u>Family Child Care Home</u>	The use of a lot in the manner described in Wis. Stat. 66.1017(1)(a)
<u>Floor Area Ratio</u>	The numerical value obtained through dividing the gross floor area by the total area of the lot
<u>Food Production (limited)</u>	The use of a lot in the manner described in Wis. Stat. 97.29(1)(g) where processed food is available to be sold or distributed directly to a consumer
<u>Fuel Sales</u>	The retail sale of vehicle fuel
<u>Funeral Establishment</u>	The use of a lot in the manner described in Wis. Stat. 445.01(6)
<u>General Retail</u>	Unless more specifically defined, the retail sale of goods within a building that has a gross floor area of 8,000 square feet or greater
<u>General Service</u>	Unless more specifically defined, the sale of services within a building that has a gross floor area of 8,000 square feet or greater
<u>Gross Floor Area</u>	The sum of all areas within a building designed to carry a vertical load, excluding any area used exclusively for off-street parking or equipment that provides utilities or climate control to the building
<u>Heavy Motor Vehicle Sales</u>	The use of a lot in the manner described in Wis. Stat. 218.0101(23) and offering any vehicles having a gross vehicle weight rating of 10,001 pounds or greater
<u>Heavy Motor Vehicle Service</u>	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,001 pounds or greater for compensation
<u>Home-Based Business</u>	The use of a lot in the manner described in Wis. Adm. Code SPS 361.04(3m), except a home office
<u>Home Office</u>	The accessory use of a dwelling unit to carry on an occupation for which clients do not meet at the dwelling unit and no packages are sent from the dwelling unit to carry on that occupation

<u>Hospital</u>	The use of a lot in the manner described in Wis. Stat. 50.33(2)
<u>Hotel</u>	The use of a lot in the manner described in Wis. Stat. 97.01(7)
<u>Industrial</u>	Unless more specifically defined, the use of a lot for creating products by combining or connecting other materials
<u>Instruction/Training</u>	The use of a lot for teaching one particular skill or conducting a class on one subject
<u>Large Retail Development</u>	The use of a lot or combination of lots for retail sales with a display area of 50,000 square feet or more
<u>Laundry (self-service)</u>	The use of a lot for laundry services performed by the customer through the use of self-service machines
<u>Light Industrial</u>	The use of a lot for creating products by combining or connecting other materials, but only if 1) no noise, vibration, or odor is reasonably detectible from off the lot, 2) no hazardous materials are stored or processed on the lot, 3) no industrial activities take place outside a building, and 4) no material is disbursed in the air from the lot
<u>Light Motor Vehicle Sales</u>	The use of a lot in the manner described in Wis. Stat. 218.0101(23) and offering only vehicles having a gross vehicle weight rating of 10,000 pounds or less
<u>Light Motor Vehicle Sales (indoor)</u>	The use of a lot in the manner described in Wis. Stat. 218.0101(23) and offering only vehicles having a gross vehicle weight rating of 10,000 pounds or less entirely within a building
<u>Light Motor Vehicle Service</u>	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,000 pounds or less for compensation
<u>Limited Use</u>	A use that is allowed upon meeting all conditions specified in the code
<u>Lodging House</u>	Conducting the activities described in Wis. Stat. 779.43(1)(b)
<u>Lot</u>	A distinct parcel, tract, or area of land established by plat, subdivision, or other instrument recorded in the office of the register of deeds
<u>Lot Coverage</u>	The percentage of the lot which is occupied by buildings
<u>Lot Line, Front</u>	If one street borders a lot, the portion of a lot that borders that street. If multiple streets border a lot, the portion of a lot that borders the street deemed primary by the manager of planning and zoning
<u>Lot Line, Rear</u>	The portion of a lot that borders an alley. If no alley exists, the portion of a lot opposite a front lot line.
<u>Lot Line, Side</u>	The portion of a lot that is not a front or rear lot line
<u>Lot Width</u>	The shortest distance between side lot lines at a point midway between the front and rear lot lines
<u>Massage Therapy</u>	The use of a lot in a manner described in Wis. Stat. 460.01(4) for compensation
<u>Medical Clinic</u>	The use of a lot for the provision of outpatient nursing, medical, podiatric, dental, chiropractic, or optometric care and treatment outside of a residence or a hospital

<u>Medical Services</u>	<u>The use of a lot for blood or blood plasma donation, kidney dialysis, birth center services, or treatment of sexually transmitted diseases outside of a residence or a hospital</u>
<u>Narcotic Treatment Service</u>	<u>The use of a lot in a manner described in Wis. Stat. 51.4224(1)(a) outside of a hospital</u>
<u>Neighborhood Retail</u>	<u>Unless more specifically defined, the retail sale of goods within a building that has a gross floor area of less than 8,000 square feet</u>
<u>Neighborhood Service</u>	<u>Unless more specifically defined, the sale of services within a building that has a gross floor area of less than 8,000 square feet</u>
<u>Nicotine Sales</u>	<u>The use of 20% or more of a gross floor area for the retail sale of cigarettes, tobacco products, nicotine products, or any device used to ingest cigarettes, tobacco products, or nicotine products</u>
<u>Nominal Price Retail</u>	<u>The retail sale of primarily inexpensive general merchandise at a price of \$10.00 per item or less</u>
<u>Outdoor Dining</u>	<u>The use of a lot for consumption of food outside of a building on the premises of a restaurant</u>
<u>Outdoor Display</u>	<u>The presentation outside of a building of goods offered for retail sale or examples of goods offered for retail sale</u>
<u>Outdoor Storage</u>	<u>Except for outdoor displays, the placement of any items outside a building for the purpose of storing the items for more than 24 consecutive hours</u>
<u>Parking Lot</u>	<u>A structure that is not a building which is built at grade and used to facilitate the ingress, egress, and parking of motor vehicles</u>
<u>Parking Structure</u>	<u>A building used to facilitate the ingress, egress, and parking of motor vehicles</u>
<u>Pawnbroker Sales</u>	<u>The purchasing and selling of articles or jewelry in a manner described in Wis. Stat. 134.71(1)(e)</u>
<u>Payday Lender</u>	<u>The use of a lot in a manner described in Wis. Stat. 62.23(7)(hi)1.b.</u>
<u>Permitted Use</u>	<u>A use that is allowed without any specified conditions</u>
<u>Principal Building</u>	<u>The building on a lot in which the principal use is primarily conducted.</u>
<u>Principal Dwelling Unit</u>	<u>The dwelling unit or units located within the principal building</u>
<u>Principal Use</u>	<u>A primary or predominant use of a premises</u>
<u>Production/Repair</u>	<u>The accessory use of a lot to produce or service items similar to those sold on-site at retail as a principal use</u>
<u>Public Park</u>	<u>A lot that is primarily used for recreational activity and open to the public at no cost</u>
<u>Public Utility Service Structure</u>	<u>A structure that is exclusively used to provide public utilities</u>
<u>Recreation</u>	<u>The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants</u>
<u>Recreation (indoor)</u>	<u>The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants entirely within a</u>

	<u>building</u>
<u>Religious Institution</u>	The use of a lot for the assembly of persons for religious purposes and related use for religious ceremonies, purposes, and events
<u>Research Laboratory</u>	The use of a lot for testing, investigation, development, or verification of scientific processes to advance technology
<u>Residential Care Service</u>	The use of a lot as a nursing home as described in Wis. Stat. 50.01(3), a hospice as described in Wis. Stat. 50.90(1), or a residential care apartment complex as described in Wis. Stat. 50.034
<u>Restaurant</u>	The use of a lot in the manner described in Wis. Stat. 97.01(14g)
<u>Restricted Manufacturing</u>	The preparation, processing, assembling, or packing of a product that may be lawfully advertised as blind-made under Wis. Stat. 47.03(3)(a)
<u>School</u>	The use of a lot for teaching more than one skill or conducting classes on more than one subject
<u>Secondhand Article or Jewelry Sales</u>	The purchasing and selling of articles or jewelry in the manner described in Wis. Stat. 134.71(1)(g) or (h)
<u>Self-Service Storage</u>	A type of light industrial use of a lot in a manner described in Wis. Stat. 704.90(1)(g)
<u>Setback</u>	The distance between a lot line and a building or structure
<u>Short-Term Rental</u>	The use of a lot in a manner described in Wis. Stat. 66.1014(1)(c)
<u>Site Plan</u>	A document or set of documents that show the physical layout of a lot, landscaping arrangement and description, and architectural drawings of any structures located on the lot
<u>Sport Shooting Range</u>	The use of a lot in the manner described in Wis. Stat. 66.0409(1)(c)
<u>State Fair Use</u>	The use of a lot in a manner authorized under Wis. Stat. 42.01
<u>Structure</u>	Any object that is affixed to the ground and not created by nature
<u>Substation</u>	A structure used for the transmission or distribution of electrical power, light, heat, water, gas, sewer, telegraph or telecommunication services
<u>Tavern</u>	The retail sale of alcohol beverages in the manner described in Wis. Stat. 125.26 and 125.51(3)
<u>Theater</u>	The use of a lot for the exhibition of a motion picture or performing arts to the public
<u>Thrift Retail</u>	The receiving of donated goods from the public for on-site sale of those goods to the public
<u>Use</u>	A constant, occasional, or isolated act taking place with or without the knowledge of any person occupying a lot
<u>Utility Pole</u>	A structure described in Wis. Stat. 66.0414(1)(x) or any structure designed solely for the collocation of small wireless facilities
<u>Veterinary Services</u>	The use of a lot for the practice of veterinary medicine under Wis. Stat. 89.02(6)

<u>Warehousing, Private</u>	<u>A type of light industrial use of a lot for the storage of property owned by the operator and intended for wholesale or retail distribution</u>
<u>Warehousing, Public</u>	<u>A type of light industrial use of a lot in the manner described in Wis. Stat. 99.01(3)</u>
<u>Waste Services</u>	<u>The use of a lot as a solid waste facility under Wis. Stat. 289.01(35), pyrolysis facility under Wis. Stat. 289.01(27m), or gasification facility under Wis. Stat. 289.01(9m)</u>
<u>Wireless Support Structure</u>	<u>A structure described in Wis. Stat. 66.0414(1)(zp) that actually used to support small wireless facilities</u>
<u>Yard</u>	<u>Any part of a lot that is not within a building</u>
<u>Yard, Front</u>	<u>The part of a lot from the front lot line to the principal building and any adjacent land (see image)</u>
<u>Yard, Rear</u>	<u>The part of a lot from the rear lot line to the principal building and any adjacent land (see image)</u>
<u>Yard, Side</u>	<u>The part of a lot that is not a rear or front yard</u>

SECTION 16: **ADOPTION** “19.21 Zoning Districts” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.21 Zoning Districts(Added)

To regulate and restrict the location of various types of activities and land use, the following zoning districts are created and classified:

Residential Districts	
RA-1	<u>Intended for neighborhoods with primarily 1-unit dwellings on large lots</u>
RA-2	<u>Intended for neighborhoods with primarily 1-unit dwellings on moderate sized lots</u>
RA-3	<u>Intended for neighborhoods with primarily 1-unit dwellings on small lots</u>
RB	<u>Intended for traditional neighborhoods with a diverse array of housing types on small lots</u>
RC	<u>Intended for dense, multi-unit housing development in areas throughout the city</u>
Commercial Districts	
C-1	<u>Intended for the city's historic pedestrian-oriented downtown shopping district</u>
C-2	<u>Intended for a mix of uses in close proximity to residential areas that are compatible with the neighborhood scale</u>
C-3	<u>Intended for commercial development serving the broader community's daily needs</u>
C-4	<u>Intended for large-scale, automobile-oriented commercial development serving the needs of the regional population</u>
Manufacturing Districts	
M-1	<u>Intended for lower-intensity industrial uses in closer proximity to residential and commercial uses</u>
M-2	<u>Intended for higher-intensity industrial uses that should be separated from residential and commercial uses</u>
Unclassified Districts	
P	<u>Intended to provide areas for open space, recreation, and preservation of natural resources</u>
SF	<u>Intended for State Fair grounds</u>

SECTION 17: ADOPTION “19.22 Split Zoning” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.22 Split Zoning(*Added*)

Where a Zoning District boundary line runs approximately parallel to a street and divides a lot with street frontage in the less restricted Zoning District, the provisions of this chapter covering the less restricted portion of the lot may extend to the entire lot, but in no case more than 25 feet of such Zoning District boundary line. Where such Zoning District boundary line divides a lot with street frontage in a more restricted zone, the provisions of this Subchapter covering the more restricted portion of such lot shall extend to the entire lot. Where a Zoning District boundary line divides a lot and such line is normal or approximately normal to the street upon which the lot fronts, the provisions of this Subchapter covering the less or more restricted portion of such lot may be extended to the entire lot, but in no case more than 25 feet from such Zoning District boundary line.

SECTION 18: ADOPTION “19.31 Zoning Use Determination” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.31 Zoning Use Determination(*Added*)

1. Determination of Substantially Similar Uses: When a use cannot be reasonably classified or appears to fit into multiple use categories, subcategories, or specific use types, in accordance with Wis. Stat. 62.23(7)(am), the Planning and Zoning Manager is authorized to determine the most similar and thus most appropriate use category, subcategory, or specific use.
 - a. This determination should be made based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory, and specific use type descriptions provided in this chapter.
 - b. To make use determinations, the Planning and Zoning Manager should consider:
 - i. The types of activities that will occur in conjunction with the use.
 - ii. The types of equipment and processes to be used.
 - iii. The existence, number and frequency of residents, customers, or employees.
 - iv. Parking and loading and site improvement demands associated with the use.
 - v. Other factors deemed relevant to a use determination.
2. Square Footage Distinctions. Whenever a use is identified with a square footage range, the gross floor area shall be used to determine whether a use is permitted, limited, conditional, or not permitted.

SECTION 19: ADOPTION “19.32 Principal Uses” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.32 Principal Uses(*Added*)

The following table identifies the principal uses allowed in each zoning district. Each use is given one of the following designations: P (Permitted Use), L (Limited Use), or C (Conditional Use). Uses without a designation are not permitted.

Residential & Lodging	RA -1	R A- 2	RA -3	R B	R C	C- 1	C- 2	C- 3	C- 4	M- 1	M- 2	P	S F
1-Unit Dwelling	P	P	P	P	P	L	L	L	L				
2-Unit Dwelling	L	L	P	P	P	L	L	L	L				
3- to 4-Unit Dwelling				P	P	C	C	C	C				
Dwelling with 5+ Units				C	P	C	C	C	C				
Bed and Breakfast	C	C	C	C	C								

Community Living Arrangement (8 or fewer persons)	P	P	P	P	P		P	P	P					
Community Living Arrangement (9 or more persons)				C	C		C	C	C					
Hotel						C		C	C	C	C			
Lodging House					C									
Residential Care Service	C	C	C	C	C		C	C	C	C	C			
Short-Term Rental	P	P	P	L	L	L	L	L	L	L	L			
Retail														
	<u>RA</u> <u>-1</u>	<u>R</u> <u>A-</u> <u>2</u>	<u>RA</u> <u>-3</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>	
Neighborhood Retail						P	P	P	P	P	P			
General Retail								P	P	P	P			
Large Retail Development								C	C	C	C			
Alcohol Beverage Sales							P	P	P	P	P			
Nicotine Sales								L	L	L	L			
Nominal Price Retail									L					
Pawnbroker Sales									C					
Secondhand Article or Jewelry Sales									C					
Thrift Retail									C					
Service														
	<u>RA</u> <u>-1</u>	<u>R</u> <u>A-</u> <u>2</u>	<u>RA</u> <u>-3</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>	
Neighborhood Service						P	P	P	P	P	P			
General Service								P	P	P	P			
Tavern						P	P	P	P	P	P			
Restaurant (limited)						L	L	L	L	L	L			
Restaurant						C	C	C	C	C	C			
Animal Boarding										C	P			
Dry Cleaning								C	C	C	C			
Employment Agency						L	L	L	L	P	P			
Food Production (limited)						C	C	C	C	P	P			
Laundry (self-service)						C	P	P	P	P	P			
Massage Therapy						C	C	C	C	C	C			
Payday Lender									C	C	C			

Civic & Institutional	<u>RA</u> <u>-1</u>	<u>R</u> <u>A-</u> <u>2</u>	<u>RA</u> <u>-3</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
Child Care Center	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Civic Institution					<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
Event Space or Theater (less than 5,000 sq. ft.)					<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Event Space or Theater (5,000 or more sq. ft.)						<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>		
Funeral Establishment							<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
Religious Institution	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	
School	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Parks & Recreation													
Parks & Recreation	<u>RA</u> <u>-1</u>	<u>R</u> <u>A-</u> <u>2</u>	<u>RA</u> <u>-3</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
Public Park	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	
Instruction/Training (15 or fewer persons at one time)						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Instruction/Training (16 or more persons at one time)						<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
Recreation (indoor)						<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Recreation										<u>C</u>	<u>P</u>	<u>P</u>	
Sport Shooting Range									<u>P</u>	<u>P</u>	<u>P</u>		
Manufacturing													
Manufacturing	<u>RA</u> <u>-1</u>	<u>R</u> <u>A-</u> <u>2</u>	<u>RA</u> <u>-3</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
Commercial Light Industrial Flex										<u>C</u>	<u>P</u>		
Light Industrial										<u>L</u>	<u>L</u>		
Heavy Industrial											<u>C</u>		
Restricted Manufacturing								<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
Medical													
Medical	<u>RA</u> <u>-1</u>	<u>R</u> <u>A-</u> <u>2</u>	<u>RA</u> <u>-3</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
Ambulance Services										<u>C</u>	<u>P</u>		
Hospital					<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
Medical Clinic						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Medical Service								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Narcotic Treatment Service									<u>L</u>	<u>L</u>	<u>L</u>		

Veterinary Services						C	C	P	P	P	P		
Automotive	<u>RA</u> -1	<u>R</u> <u>A-</u> 2	<u>RA</u> -3	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> 1	<u>C-</u> 2	<u>C-</u> 3	<u>C-</u> 4	<u>M-</u> 1	<u>M-</u> 2	<u>P</u>	<u>S</u> <u>F</u>
Automobile Parts Sales								P	P	P	P		
Car Wash Service								C	C	C	L		
Fuel Sales							C	C	C	C	C		
Heavy Motor Vehicle Sales										C	P		
Heavy Motor Vehicle Service											C		
Light Motor Vehicle Sales (indoor)								C	C	C	P		
Light Motor Vehicle Sales									C	C	P		
Light Motor Vehicle Service							C	C	C	C	C		
Infrastructure	<u>RA</u> -1	<u>R</u> <u>A-</u> 2	<u>RA</u> -3	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> 1	<u>C-</u> 2	<u>C-</u> 3	<u>C-</u> 4	<u>M-</u> 1	<u>M-</u> 2	<u>P</u>	<u>S</u> <u>F</u>
Parking Lot										L	L		
Parking Structure										L	L		
Public Utility Service Structure (less than 25 sq. ft. and less than 6 feet above grade)	P	P	P	P	P	P	P	P	P	P	P	C	
Public Utility Service Structure (at least 25 sq. ft. or at least 6 feet above grade)	C	C	C	C	C	C	C	C	C	C	C	C	
Substation										C	P	C	
Utility Pole										C	C		
Other	<u>RA</u> -1	<u>R</u> <u>A-</u> 2	<u>RA</u> -3	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> 1	<u>C-</u> 2	<u>C-</u> 3	<u>C-</u> 4	<u>M-</u> 1	<u>M-</u> 2	<u>P</u>	<u>S</u> <u>F</u>
Adult-Oriented Entertainment								C	C	C	C		
Donation Center								C	C	C	C		
Research Laboratory								C	C	C	P		
State Fair Use													P

SECTION 20: ADOPTION “19.33 Limited Use Criteria” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.33 Limited Use Criteria(*Added*)

The following limited uses shall be permitted as principal uses upon satisfying the criteria below.

1. Residential & Lodging

Principal Use	District(s)	Criteria
<u>1-Unit Dwelling</u>	<u>C-1</u>	<u>Permitted if located above the grade-level floor</u>
<u>1-Unit Dwelling</u>	<u>C-2, C-3, C-4</u>	<u>Permitted if located on a lot platted or recorded prior to the adoption of this ordinance which meets the lot size requirements of RB district</u>
<u>1-Unit Dwelling</u>	<u>C-2, C-3, C-4</u>	<u>Permitted if located on a lot that has another principal use</u>
<u>2-Unit Dwelling</u>	<u>RA-1, RA-2</u>	<u>Permitted on lots with a side or rear lot line adjacent to or separated by an alley from a lot in a commercial or manufacturing district. Common Council may grant exceptions for lots that share a side lot line with a lot adjacent to a commercial or manufacturing district</u>
<u>2-Unit Dwelling</u>	<u>C-1</u>	<u>Permitted if located above the grade-level floor</u>
<u>2-Unit Dwelling</u>	<u>C-2, C-3, C-4</u>	<u>Permitted if located on a lot platted or recorded prior to the adoption of this ordinance which meets the lot size requirements of RB district</u>
<u>2-Unit Dwelling</u>	<u>C-2, C-3, C-4</u>	<u>Permitted if located on a lot that has another principal use</u>
<u>Short-Term Rental</u>	<u>RB, RC, C-1, C-2, C-3, C-4</u>	<u>Permitted if structure is a 1-Unit, 2-Unit, or 3-4 Unit Dwelling</u>

2. Retail

Principal Use	District(s)	Criteria
<u>Nicotine Sales</u>	<u>C-3, C-4, M-1, M-2</u>	<u>Permitted if the lot is located at least 1,000 feet from any lot where the following are located: lots zoned P, Schools, Libraries, or any lot for which a cigarette and tobacco products retailer license has been issued</u>
<u>Nominal Price Retail</u>	<u>C-4</u>	<u>Permitted if the lot is located more than 1,000 feet from any lot where another Nominal Price Retail use is located</u>

3. Service

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Employment Agency	C-1, C-2, C-3, C-4	Permitted if not providing transportation for temporary employees to work sites
Restaurant (limited)	C-1, C-2, C-3, C-4, M-1, M-2	Permitted if: - gross floor area is less than 2,000 square feet, - premises are closed between 12 a.m. and 6 a.m. at all times, and - premises are closed after 10 p.m. Sunday through Thursday

4. Civic & Institutional

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>

5. Parks & Recreation

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>

6. Manufacturing

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Light Industrial	M-1, M-2	Self-storage is permitted only if lot is at least 2 acres and at least 20% of the lot is landscaped
Light Industrial	M-1, M-2	Public warehousing is permitted only if at least 20% of the lot is landscaped
Light Industrial	M-1, M-2	Private warehousing is permitted only if at least 20% of the lot is landscaped

7. Medical

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Narcotic Treatment Service	C-4, M-1, M-2	Permitted if the lot is located at least 250 feet from any lot where the following are located: lots in a Residential District or developed for residential use, lots zoned P, Schools, or another Narcotic Treatment Service use

8. Automotive

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Car Wash Service	M-2	Permitted if not located on a lot which shares a lot line with a lot zoned residential

9. Infrastructure

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Parking Lot	M-1, M-2	Permitted only if at least 20% of the lot is landscaped (See Subch. V)
<u>Parking Structure</u>	<u>M-1, M-2</u>	Permitted only if at least 20% of the lot is landscaped (See Subch. V)

10. Other

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>

SECTION 21: ADOPTION “19.34 Conditional Use Criteria” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.34 Conditional Use Criteria(*Added*)

No conditional use permit may be issued unless the principal use satisfies the criteria below.

1. Residential & Lodging

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>

2. Retail

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Pawnbroker Sales	C-4	No conditional use permit may be issued if the lot is located within 3,500 feet from any other lot used for pawnbroker sales or secondhand article or jewelry sales
Secondhand Article or Jewelry Sales	C-4	No conditional use permit may be issued if the lot is located within 3,500 feet from any other lot used for pawnbroker sales or secondhand article or jewelry sales

3. Service

Principal Use	District(s)	Criteria
Payday Lender	C-4, M-1, M-2	No conditional use permit may be issued if the lot is located within 3,500 feet from any other lot used for payday lender

4. Civic & Institutional

Principal Use	District(s)	Criteria

5. Parks & Recreation

Principal Use	District(s)	Criteria

6. Manufacturing

Principal Use	District(s)	Criteria
<u>Commercial</u> <u>Light Industrial</u> <u>Flex</u>	C-3	No conditional use permit may be issued unless at least 30% of the gross floor area is accessible to the public
<u>Commercial</u> <u>Light Industrial</u> <u>Flex</u>	C-4	No conditional use permit may be issued unless at least 20% of the gross floor area is accessible to the public
<u>Heavy Industrial</u>	<u>M-2</u>	No conditional use permit may be issued for asphalt, cement, or stone processing, mixing, or crushing unless at least 20% of the lot is landscaped and no lot used for nonindustrial purposes is located within 500 feet of the lot
<u>Heavy Industrial</u>	<u>M-2</u>	No conditional use permit may be issued for waster services unless at least 20% of the lot is landscaped and no lot used or zoned for residential purposes is located within 500 feet of the lot

7. Medical

Principal Use	District(s)	Criteria

8. Automotive

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Car Wash Service	C-3, C-4, M-1	No conditional use permit may be issued unless no lot zoned for residential purposes is located adjacent to the lot
Light Motor Vehicle Sales	C-4, M-1	No conditional use permit may be issued unless at least 20% of the lot is landscaped and the lot is at least 1 acre
Light Motor Vehicle Service	C-2, C-3, C-4, M-1, M-2	No conditional use permit may be issued unless no lot zoned for residential purposes is located adjacent to the lot
Heavy Motor Vehicle Sales	M-1	No conditional use permit may be issued unless at least 20% of the lot is landscaped and the lot is at least 1 acre

9. Infrastructure

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>
Public Utility Service Structure	All	No conditional use permit may be issued if the structure is located within a front yard of any lot or a side yard of a corner lot

10. Other

<u>Principal Use</u>	<u>District(s)</u>	<u>Criteria</u>

SECTION 22: **ADOPTION** “19.35 Accessory Uses” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.35 Accessory Uses(*Added*)

The following table identifies the accessory uses allowed in each zoning district. Each use is given one of the following designations: P (Permitted Use), L (Limited Use), or C (Conditional Use). Uses without a designation are not permitted.

<u>Accessory Use</u>	<u>RA</u> <u>-1</u>	<u>R</u> <u>A-</u> <u>2</u>	<u>RA</u> <u>-3</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
<u>Accessory Dwelling Unit</u>	L	L	L	L	L		L	L	L				
<u>Animal Boarding</u>						C	C	L	L	L	L		
<u>Drive-Through Service</u>						C	C	C	C	C	C		
<u>Home-Based Business</u>	L	L	L	L	L	L	L	L	L	L			
<u>Home Office</u>	P	P	P	P	P	P	P	P	P	P			
<u>Instruction/Training (15 or fewer persons at one time)</u>						P	P	P	P	P	P		
<u>Instruction/Training (16 or more persons at one time)</u>						C	C	C	C	C	C		
<u>Outdoor Dining</u>						L	L	L	L	L	L		
<u>Outdoor Sales/Displays</u>						C	C	C	C	C	C		
<u>Outdoor Storage (including vehicles)</u>								C	C	L	L		
<u>Parking Lot/Structure</u>					P	P	P	P	P	P	P	P	P
<u>Production/Repair (less than 5,000 sq. ft.)</u>						P	P	P	P	P	P		
<u>Solar Energy System</u>	P	P	P	P	P	P	P	P	P	P	P	P	P
<u>Wind Energy System</u>	C	C	C	C	C	C	C	C	C	C	C	C	C
<u>Wireless Support Structure</u>	L	L	L	L	C	C	C	C	P	P	P	C	P

SECTION 23: **ADOPTION** “19.36 Accessory Use Criteria” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.36 Accessory Use Criteria(*Added*)

1. Limited Uses. The following limited uses shall be permitted as accessory uses upon satisfying the criteria below.

<u>Accessory Use</u>	<u>District (s)</u>	<u>Criteria</u>
Accessory Dwelling Unit	All	Permitted up to 1 accessory dwelling unit per lot
Animal Boarding	C-3, C-4, M-1, M-2	Permitted if accessory to principal use of veterinary services
Home-Based Business	RA-1, RA-2, RA-3, RB, RC	Permitted only in a 1- or 2-unit dwelling in compliance with WAMC 19.37(2)
Home-Based Business	C-1, C-2, C-4, C-4, M-1	Permitted only in a 1- or 2-unit dwelling
Outdoor Dining	All	Permitted upon approval of site plan
Outdoor Storage	M-1, M-2	Permitted if stored materials are screened from the view of adjacent lots, located in a side or rear yard, and at least 5 feet from any lot line or setback specified by zoning district regulation, whichever is greater
Wireless Support Structure	RA-1, RA-2, RA-3, RB	Permitted if no more than 6' above a principal building to which it is attached, 35' above the ground if on a freestanding pole, and 15' above the ground if the facility is a satellite dish

2. Conditional Uses. No conditional use permit may be issued unless the accessory use satisfies the criteria below.

<u>Accessory Use</u>	<u>District(s)</u>	<u>Criteria</u>

SECTION 24: **ADOPTION** “19.37 Other Use Regulations” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.37 Other Use Regulations(*Added*)

1. Residential Parking. Any person allowing parking of vehicles outside of a building on a lot that contains a 1- or 2-unit dwelling shall comply with all the following:
 - a. Motor vehicles shall be parked on a paved surface, except on the dates on which the Wisconsin State Fair is taking place.
 - b. No motor vehicle may have more than 2 axles.
 - c. No motor vehicle may have more than 4 wheels.
 - d. No trailer may exceed 12 feet in length.
2. Home-Based Business Regulations. Any person operating a home-based business in a residential district shall comply with all the following:
 - a. The operator shall obtain a home-based business permit.
 - b. Services or sales on premises shall be conducted by appointment only.
 - c. No more than 1 client may be on the premises at any time and no more than 4 clients may enter the premises per day.
 - d. No appointments shall occur between 8 pm and 8 am.
 - e. The business shall be conducted solely within either the principal building or an accessory building.
 - f. The business may not utilize a shipping service from the dwelling unit.
 - g. The business may not employ any person who does not reside on the premises.
 - h. No vehicle shall be used in connection with the business unless owned by the permittee and legally parked on the premises.
 - i. The home-based business may not be any activity licensed by the State of Wisconsin under Wis. Stat. Chs. 441-480.
3. C-1 and C-2 Warehousing. For any building located in a C-1 or C-2 district and used for the storage of goods intended for retail sale, the maximum interior area of the building used for the storage of goods intended for retail sale shall not exceed 25% of the gross floor area.
4. C-1 and C-2 Public Floor Area. For any building located in a C-1 or C-2 district and used for commercial purposes, other than a home office or home-based business, the minimum interior area of the building that must be accessible to the public shall be at least 10% of the gross floor area.

SECTION 25: **ADOPTION** “19.41 Structure Size and Location” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.41 Structure Size and Location(*Added*)

No structure, except a residential accessory structure, may exceed the minimum and maximum standards set forth in the table below. If any cell is blank, no limit is imposed.

Buildable Space	<u>RA</u> <u>-1</u>	<u>RA</u> <u>-2</u>	<u>RA</u> <u>-3</u>	<u>RB</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
Height (maximum)	35'	35'	35'	40'	85'	65'	85'	85'	10 5'				
Front Setback (maximum)			40'	30'	20'	0'	10'	20'					
Front Setback (minimum)	30'	25'	20'	10'					10'	20'	30'		
Rear Setback (minimum)	25'	25'	10'	10'					Se e (1)	10'	20'		
Side Setback (minimum)	8'	5'	3'	3'					Se e (1)	See (1)	10'		
Density													
Density	<u>RA</u> <u>-1</u>	<u>RA</u> <u>-2</u>	<u>RA</u> <u>-3</u>	<u>RB</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
Floor Area Ratio (maximum)										1.5	1.5		
Lot Coverage (maximum)	40 %	40 %	50 %	60 %									
Lot Size													
Lot Size	<u>RA</u> <u>-1</u>	<u>RA</u> <u>-2</u>	<u>RA</u> <u>-3</u>	<u>RB</u>	<u>R</u> <u>C</u>	<u>C-</u> <u>1</u>	<u>C-</u> <u>2</u>	<u>C-</u> <u>3</u>	<u>C-</u> <u>4</u>	<u>M-</u> <u>1</u>	<u>M-</u> <u>2</u>	<u>P</u>	<u>S</u> <u>F</u>
Lot Width (maximum)		150 '	100 '	80'									
Lot Width (minimum)	75'	50'	40'	30'									

1. If the lot is adjacent to a 1- or 2-unit dwelling that conforms to the underlying zoning district, the minimum setback is 10 feet.
2. (Reserved)

SECTION 26: ADOPTION “19.42 Residential Accessory Structures” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.42 Residential Accessory Structures(*Added*)

No residential accessory structure may exceed the minimum and maximum standards set forth in the table below. If any cell is blank, no limit is imposed.

	<u>Accessory Dwelling Unit</u>	<u>Detached Garage</u>	<u>Other Accessory Building</u>
Exterior Wall Height (maximum)	<u>20'</u>	<u>10'</u>	<u>10'</u>
Height (maximum)	<u>Height of principal building, not to exceed 20'</u>	<u>Height of principal building, not to exceed 18'</u>	<u>15'</u>
Building Coverage (maximum)	<u>50% of principal building, not to exceed 700 sq. ft.</u>	<u>1,000 sq. ft.</u>	<u>150 sq. ft.</u>
Setback from Principal Building (minimum)	<u>10'</u>	<u>10'</u>	<u>10'</u>
Front Setback (minimum)	<u>60'</u>	<u>60'</u>	<u>60'</u>
Rear Setback - abutting alley (minimum)	<u>5'</u>	<u>5'</u>	<u>5'</u>
Rear Setback - not abutting alley (minimum)	<u>3'</u>	<u>3'</u>	<u>3'</u>
Side Setback (minimum)	<u>3'</u>	<u>3'</u>	<u>3'</u>

SECTION 27: **ADOPTION** “19.43 Structures in Yards” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.43 Structures in Yards(*Added*)

No structure may be located in a front, side, or rear yard except as permitted (P) in the table below. If any cell is blank, the structure is prohibited.

Structure	Front Yard	Side Yard	Rear Yard
Accessory Building	P	P	P
Air Conditioning Equipment		See (1)	See (1)
<u>Animal Enclosure</u>			<u>See (2)</u>
Apiary		P	P
Basketball Hoop	P	P	P
Canopy	P	P	P
Cistern	P	P	P
Compost		P	P
Fence		P	P
Landscaping	P	P	P
Vehicle Parking Lot/Structure Surface	P	P	P
Patio	P	P	P
<u>Planter Box</u>	<u>P</u>	<u>P</u>	<u>P</u>
Play Equipment		P	P
Porch	See (3)	<u>See (3)</u>	<u>See (3)</u>
Refuse Container Enclosure Container		P	P
Retaining Wall	P	P	P
Sign	P	P	P
Sporting Equipment (except Basketball Hoop)		P	P
Swimming Pool		See (4)	See (4)
Wireless Communication Structure		P	P
Decorations	P	P	P

1. Air conditioning equipment is permitted up to 1' away from a lot line.
2. Kennels are permitted up to 5' away from a lot line.
3. Porches are permitted up to 10' away from a front lot line and 3' away from a side lot line, and only if the porch area does not exceed 15% of the total yard area.
4. Swimming pools are permitted up to 3' away from a lot line.

SECTION 28: ADOPTION “19.44 Vehicle Parking” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.44 Vehicle Parking(*Added*)

1. Permit Required. No person may provide motor vehicle access between a vehicle parking area and a public way without first obtaining a driveway permit from the Board of Public Works.
2. Motor Vehicle Parking Limits. No lot may contain more motor vehicle parking spaces than the amount allowed within the table below without special permission from the common council.

Type of Use	Maximum Parking Spaces
Dwelling (3 or more units)	2 per dwelling unit
Hotel/Bed and Breakfast	1.5 per guest room
Residential Care	1 per bed
All Retail Uses	3 per 1,000 sq. ft. of gross floor area open to the public
Restaurant	40% of building capacity
All Service Uses (except Restaurant)	<u>3 per 1,000 sq. ft. of gross floor area open to the public</u>
Commercial Light Industrial Flex	<u>4 per 1,000 sq. ft. of gross floor area open to the public</u>
Automobile Parts Sales	<u>3 per 1,000 sq. ft. of gross floor area open to the public</u>
<u>Any conditional use</u>	<u>As stated on the conditional use permit</u>

3. Bicycle Parking Requirements. No lot may contain fewer bicycle parking spaces than the amount required within the table below without special permission from the common council.

Principal Use	<u>Bicycle Parking Spaces (outdoor) (minimum)</u>	<u>Bicycle Parking Spaces (indoor) (minimum)</u>
Dwelling (5 or more units)	1 per 30 dwelling units	<u>1 per 5 dwelling units</u>
All Retail Uses	1 per 3,000 sq. ft. gross floor area	
All Service Uses	<u>1 per 3,000 sq. ft. gross floor area</u>	
School	1 per classroom	
All Civic & Institutional Uses (except school)	<u>1 per 10,000 sq. ft. gross floor area</u>	
<u>All Medical Uses</u>	<u>1 per 10,000 sq. ft. gross floor area</u>	
Automobile Parts Sales	<u>1 per 3,000 sq. ft. gross floor area</u>	
Any conditional use	<u>As stated on the conditional use permit</u>	<u>As stated on the conditional use permit</u>

4. Parking Lot/Structure Design. Any parking lot or parking structure shall be constructed in the following manner:
 - a. The parking lot or parking structure shall comply with Wis. Stat. 346.503.
 - b. Curbing or other approved method shall be installed so that no part of any vehicle shall extend beyond the lot line. Poured curbing, fencing, landscaping, or other method shall be required where a parking lot and/or loading facility abuts a street, public right-of-way or building, or as deemed appropriate by the Plan Commission.
 - c. Grading and drainage shall provide for the collection of storm water on site with proper discharge to available public storm sewer or retention area and to prevent runoff onto adjacent lots and right-of-way. Paved areas and other site areas may be sheet drained to public right-of-way if approved by the City Engineer.
 - d. A visual buffer, enclosure, or screening shall surround any parking lot or parking structure to the extent required by the plan commission.
 - e. Landscaping shall be included within any parking lot to the extent required by the plan commission.
 - f. Lighting used for illumination shall be so arranged to not reflect, direct, or splay lighting beyond the lot that is the source of the light.
 - g. Parking surfaces shall be constructed of macadam, concrete, sealcoat, paver blocks, permeable asphalt or concrete (subject to approval of the City Engineer), or similar suitable surface to eliminate dust, dirt, and mud.
5. 1- and 2-Unit Dwelling Parking. A driveway or parking area serving a 1- or 2-unit dwelling shall be:
 - a. Graded and drained to prevent run off onto adjacent properties.
 - b. Constructed of macadam, concrete, sealcoat, paver blocks, permeable asphalt or concrete (subject to approval of the City Engineer), or similar suitable surface to eliminate dust, dirt, and mud.

SECTION 29: **ADOPTION** “19.51 Overlay Districts” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.51 Overlay Districts(*Added*)

1. PDD Authorized. The city and the owners of any number of contiguous lots may jointly establish a planned development district over those lots. Any lots subject to a planned development district shall be zoned PDD in addition to any other zoning district.
2. Effect. Regulations in each PDD may deviate from the underlying permanent zoning. Any adjustments shall promote the maximum benefit from coordinated area site planning, diversified location of structures, and mixed compatible uses. Such regulations shall provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and common facilities, and ensure adequate standards of construction and planning.

SECTION 30: ADOPTION “19.52 Procedures” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.52 Procedures(*Added*)

1. Pre-Application. Prior to the formal submission of an application for a Planned Development, the developer and/or property owner shall confer with the Development Department to obtain information and direction on development plan requirements and procedures. The Development Department may also initiate the request for a Planned Development.
2. Application. Applications for a Planned Development shall be made in writing to the Common Council by filing with the City Clerk and shall include the following:
 - a. Name, address, and signatures of the applicant and/or owner, architect, planner, and professional engineer.
 - b. Preliminary development plan including maps, preliminary building plans, and a written statement showing enough of the surrounding area to demonstrate the relationship of the proposed development to adjoining uses, both existing and proposed. The maps shall contain the following information:
 - i. Plat of survey prepared by registered land surveyor.
 - ii. Existing topographic features of the land and proposed grading changes.
 - iii. Existing and proposed land uses.
 - iv. Site plan.
 - v. Elevation and perspective drawings of all proposed structures and improvements.
 - c. Written statement which shall contain the following information:
 - i. Statement of present ownership of all lands in the proposed project.
 - ii. Statement of proposed financing.
 - iii. Statement restricting the project to be constructed, as proposed, with written agreement that the City does have the right to hold building permits for any or all of the project if it does not conform to the original proposal, unless changes have been mutually agreed upon.
 - d. Development schedule which shall contain the following information:
 - i. Approximate construction start date.
 - ii. Construction stages and approximate start and completion dates.
 - iii. Agreements, provisions, or covenants which govern the use.

maintenance, and continued operation of the planned development and any of its common open areas.

3. Review. Upon the formal submission of the application and fee for a Planned Development, the Common Council shall refer the application to the Plan Commission for review and recommendation. As a result of this recommendation, the Common Council shall establish a date for a public hearing. Public hearing shall be held prior to any final action by the Common Council. Notice of public hearing shall be published as a Class II notice under Chapter 985 of the Wisconsin Statutes.
4. Determination. The Common Council may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions. Such approval shall constitute approval of the zoning change to impose this Overlay District and of the specific project development plan.
 - a. The approval of an application and consequent amending of the Zoning Map by overlay of this Overlay District shall be based on, and include as conditions thereto, the building, site, and operational plans for the development, as approved, as well as all other commitments offered or required as regard to project value, character, or other factors pertinent to an assurance the proposed development will be carried out basically as presented in the official submittal plan. Detailed construction and engineering plans are conditioned upon the subsequent submittal to, and approval by, the Building Inspector.
 - b. A subdivision development agreement relative to improvements shall be agreed with by the developer and the Board of Public Works.
5. Contract. The developer shall enter an appropriate contract with the City to guarantee the implementation of the development according to the terms of the conditions established as part of the development plan approval.
 - a. If no construction has begun or no permanent use has been established in the Planned Development within one year from the approval of the final development plan, the final development plan and related restrictions and conditions shall lapse and be no further effect. In its discretion and for good cause, the Common Council may extend, for not more than one additional year, the period for the beginning of construction on the establishment of a permanent use. If a final development plan and related restrictions and conditions lapse under the provisions of this Section, the City Clerk shall file a notice of revocation with the Register of Deeds of Milwaukee County.
 - b. After approval of the Planned Development by the Common Council, the developer shall, at the time of application for building permits, pay a fee to the City Treasurer computed on the basis of \$300 per unit (residential, commercial or manufacturing). In the event the development consists of more than one billing or more than one phase, the fee shall be for those units for which a building permit is being requested and any credits due for fees previously tendered shall be on a proportional basis.
6. Failure to Begin Planned Development. If no construction has begun or no permanent use has been established in the Planned Development within one year from the approval of the final development plan, the final development plan and related restrictions and conditions shall lapse and be of no further effect. The Common Council may extend the period to begin construction or establish the permanent use up to 1 additional year. If a final development plan and related restrictions and conditions lapse under the provisions of this Section, the City Clerk shall file a notice of revocation with the Register of Deeds of Milwaukee County.
7. Changes and Amendments
 - a. No changes shall be made in the approved final development plan and related restrictions and conditions during construction, except upon application under the procedures provided.
 - b. Minor changes in location, setting, and height of structures may be authorized by the Plan Commission if required by circumstances not foreseen at the time

of the final development plan.

- c. All other changes in use, rearrangement of lots, blocks, and building tracts, any changes in the provision of open spaces, and all other changes must be authorized by Common Council under the procedures authorized for approval of a Planned Development. No amendments may be made in the approved final development plan or related restrictions and conditions unless they are shown to be required by changes that have occurred in conditions since the final development plans and related restrictions and conditions were approved or by a change in the development policy of the City.
8. Subdivision and Resale. A Planned Development shall not be subdivided or re-subdivided for purposes of sale or lease without the approval of the Common Council, as required in this Subchapter. All sections of a subdivided Planned Development shall comply with the final development plan and related restrictions and conditions, as approved by the Common Council, unless changes thereto have been approved in accordance with this Section.?
9. Compliance. Upon any question related to compliance of an approved Planned Development, with the conditions and regulations as herein established and made specifically applicable to such development, the appropriate responsible party shall be given at least 15 days' notice to appear before the Plan Commission to answer such charge of noncompliance. If the Plan Commission finds the change substantiated and does not receive adequate assurance that the situation will be corrected within a reasonable time, as determined by the Plan Commission, it shall then recommend to the Common Council appropriate action to secure compliance or to revoke the approval of the development plan. Upon such revocation, no further building permits shall be issued within the project until approval has been reinstated in whole or part. In the case of failure to resolve the problem or to complete the development for any reason, the Common Council may require revision of the development plan to whatever degree is deemed necessary to achieve modified development with consideration of the specific problems of adjustment to the surrounding neighborhood consistent with the spirit and intent of the basic zoning regulations and of the original grant of the planned unit development approval.

SECTION 31: ADOPTION “19.53 Review And Approval” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

19.53 Review And Approval(*Added*)

1. Consistency. The proposed development is consistent with the spirit and intent of this chapter, is in conformity with the general character of the City and would not be contrary to the general welfare and economic prosperity of the City or of the immediate neighborhood. The benefits from improved design of the development justifies the variation from the normal requirements of this chapter through the application of a Planned Development.
2. Demonstrated Competent Planning. The proponents of the proposed development demonstrated that they intend to start and complete construction within a reasonable time period, have the financial capacity to carry out the project, and the project appears economically sound.
3. Compatibility with Surrounding Area. The size, quality, and architectural design of all buildings in the project will be compatible with the general character of the City and specifically the surrounding neighborhood. The following criteria shall be applied:
 - a. No building shall be permitted an unorthodox, abnormal, unsightly, or

- offensive design or exterior appearance in relation to the surroundings.
- b. No individual building shall be permitted the design or exterior appearance that is so identical with the adjoining buildings that it creates excessive monotony and drabness.
 - c. No building shall be permitted without an exposed façade that is aesthetically compatible with other facades and presents an attractive appearance.
 - d. No building shall be permitted to be sited on the property in a manner which would unnecessarily destroy or damage the natural beauty of the area, particularly if it would adversely impact values incident to land ownership or the beauty and enjoyment of existing residence on adjoining properties.
4. Landscaping and Screening Bond. A surety bond or other form of security in the amount of 125% of the estimated cost of the landscaping and screening warranting and guaranteeing the landscape and screening plan as submitted and approved by the Plan Commission as part of the development. The bond shall be approved by the City Attorney prior to issuance of any building permits.
5. Commercial Developments
- a. The economic practicality can be justified based on purchasing potential, competitive relationship, and demonstrated tenant interest.
 - b. The proposed development will be appropriately served by off-street parking and truck service facilities.
 - c. The locations for vehicular entrances and exits are designed to prevent unnecessary interference with the site, efficient movement of traffic, safety, accessibility for all road users, and will not create an adverse effect upon the general traffic pattern of the area.
 - d. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not substantially adversely impacting property values of the surrounding neighborhood.
6. Industrial Developments
- a. The operational character, physical plant arrangement, and architectural design of buildings will be compatible with contemporary performance standards and industrial development design and will not produce an effect upon the property values of the surrounding neighborhood substantially incompatible with that anticipated under the City's Comprehensive Plan for development.
 - b. The proposed development will have appropriate provisions for off-street parking and truck service areas and will be adequately served by rail or highway facilities.
 - c. The proposed development is properly related to the total transportation system of the community and will not produce an effect on the safety and efficiency of the public streets substantially incompatible with that anticipated under the City's traffic plans.
7. Mixed Use Developments
- a. That the proposed mixture of uses produces a unified composite which is compatible within itself and is substantially compatible with the surrounding neighborhood and consistent with the general objectives of this Section.
 - b. That the various types of uses conform to the general requirements applicable to projects of such use character.

SECTION 32: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 33: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 34: EFFECTIVE DATE This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of West Allis

Dan Devine, Mayor City Of West Allis

**CITY OF WEST ALLIS
RESOLUTION R-2022-0234**

**RESOLUTION ACCEPTING WORK OF STARK PAVEMENT CORPORATION
FOR STREET CONSTRUCTION AND AUTHORIZING AND DIRECTING
SETTLEMENT OF SAID CONTRACT IN ACCORDANCE WITH CONTRACT
TERMS OF 2020 PROJECT NO. 7 FOR FINAL PAYMENT IN THE AMOUNT OF
\$2,000**

WHEREAS, Stark Pavement Corporation has completed their contractual obligations in accordance with the plans and specifications therefore, attested by the approval for payment by the City Engineer.

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that the work of:

Stark Pavement Corporation - 2020 Project No. 7

for asphalt resurfacing of the pavement including the cracking and seating of the pavement, pavement milling, with miscellaneous driveway and sidewalk repair, pavement marking and utility adjustments in:

West Cleveland Avenue from South 72nd Street to South 76th Street South Wollmer Road from West National Avenue to West Oklahoma Avenue

PLAN FILE NOS. SP-1247, SP-1260, X-902, X-905

be and the same is hereby accepted, and the proper City officers are hereby authorized and directed to make settlement with the said contractor in accordance with terms of said contract.

SECTION 1: **ADOPTION** “R-2022-0234” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0234(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2022-0235**

**RESOLUTION ACCEPTING WORK OF PAYNE & DOLAN, INC. FOR STREET
CONSTRUCTION AND AUTHORIZING AND DIRECTING SETTLEMENT OF
SAID CONTRACT IN ACCORDANCE WITH CONTRACT TERMS OF 2018
PROJECT NO. 8 FOR FINAL PAYMENT IN THE AMOUNT OF \$2,000**

WHEREAS, Payne & Dolan, Inc. has completed their contractual obligations in accordance with the plans and specifications therefore, attested by the approval for payment by the City Engineer.

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that the work of:

Payne & Dolan, Inc. - 2018 Project No. 8

for installation of HMA Pavement, driveway replacement, storm sewer, water main alteration, hydrant relocations and pavement markings in:

South 124th Street from West Oklahoma Avenue to West Lincoln Avenue PLAN FILE NOS. SP-1234, U-2635, X-869, X-870, X-871, M-18

be and the same is hereby accepted, and the proper City officers are hereby authorized and directed to make settlement with the said contractor in accordance with terms of said contract.

SECTION 1: **ADOPTION** “R-2022-0235” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0235(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

**PRIVILEGE FOR ENCROACHMENT
(MAJOR)**

Beyond Lot Line and Within a Public Street Right-of-Way

S TIC 2101, LLC / H TIC 2101, LLC, owner(s) of property located at 7519-33 West Becher Street, West Allis, hereinafter "Grantee(s)", desire to maintain an encroachment extending beyond the lot line and on the City's right-of-way consisting of two (2) four by four (4 x 4) foot platforms (with the lowest portion to be at least fourteen (14) feet above the alley on the east side and above the sidewalk on the west side of the building), sign, awnings and two (2) metal and wood park benches and outdoor ashtrays (to the left and right of the front door of the building) and the installation of a double sided hanging sign on a part of South 76th Street and West Becher Street, adjoining Lot 40 in First Continuation of Cloverdale subdivision, Block 3, being a subdivision of Southwest ¼ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, more particularly described as follows:

Beginning at the Northwest corner of Lot 40, Block 3, First Continuation of Cloverdale; thence South along the West line of said Lot, 5.0 feet; thence West, 3.0 feet; thence North and parallel with the West line of said Lot, 7.0 feet; thence East and parallel with the North line of said Lot, 40.0 feet; thence South 2.0 feet; thence West along the North line of said Lot, 37.0 feet to the Point of Beginning.

Also, commencing at the Northeast corner of said Lot 40; thence Westerly, 20.00 feet, along the South right-of-way line of said West Becher Street, to the Point of Beginning; thence continue Westerly, 20.00 feet along said South right-of-way line; thence Northerly, 2.00 feet, at right angle to said South right-of-way line; thence Easterly, 20.00 feet, parallel with said South right-of-way line; thence Southerly, 2.00 feet, to the said South right-of-way line and Point of Beginning of this description.

Tax Key No. 476-0442-000.

The Board of Public Works is satisfied that the granting of this privilege is not adverse to the public interest.

NOW, THEREFORE, Pursuant to the authority contained in Section 66.0425 of the Wisconsin Statutes, the Board of Public Works does hereby grant the above-described privilege, subject to the following terms and conditions:

1. Upon acceptance hereof, the Grantee(s) shall become primarily liable for damages to persons or property by reason of the granting of this privilege; and the Grantee(s) agree to hold the City harmless for any damage to their property resulting from snow plowing or snow removal operations.
2. The Grantee(s) shall be obligated to remove the encroachment upon ten (10) days notice by the State of Wisconsin or City of West Allis, and shall be entitled to no damages for removal of the encroachment. I hereby grant permission to the City of West Allis to remove the encroachment if it is not removed pursuant to Sec. 66.0425(2), Wisconsin Statutes, the cost of which shall be at Grantee's expense. The cost of removal by the City shall be charged to Grantee and, if unpaid after thirty (30) days, assessed as a special charge under Sec. 66.0701, Wisconsin Statutes.
3. The Grantee(s), by acceptance hereof, waives any right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes.
4. Any third parties whose rights are interfered with by the granting of this privilege shall have a right of action against the Grantee(s) only.
5. No part of the metal platform shall extend over the alley (east side) and sidewalk (west side) below a height of fourteen (14) feet; and no part of the platform overhand shall extend farther than four (4) feet either side over the aforesaid public right-of-way of 7525 West Becher Street.
6. The platform overhang shall be constructed and maintained in a manner to safeguard the public and shall specifically comply with the West Allis Revised Municipal Code.
7. Plans and specifications of any repair/alterations being performed in the public right-of-ways for which this privilege is granted, other than the platforms, sign, awnings, park benches and outdoor ashtrays as provided herein, shall require submission to, and final approval of, the City Engineer of the City of West Allis.
8. It is understood that Grantee(s), their heirs, successors and assigns, shall file a Bond with the City Clerk/Treasurer in the amount of One Thousand Dollars (\$1,000) and a Certificate of Insurance in the amount of at least Ten Thousand Dollars (\$10,000.00), in a form approved by the City Attorney, for damages to person or property by reason of the granting of this privilege. The City of West Allis shall be named as an additional insured, as its interest may appear, on the certificate of insurance and endorsements. The insurance certificate and endorsement shall further provide that ten (10) day written notice to the City of West Allis shall be provided in the event of any material change, or cancellation of insurance coverage.

9. Grantee(s) shall pay to the City of West Allis as compensation for this privilege the sum of Fifty Dollars (\$50.00).

10. This privilege shall be in force and have effect only upon payment of the required fee and filing of the Certificate of Insurance and Performance Bond referred to above. This privilege shall cease upon the lapse or cancellation of the said insurance coverage. New application and new payment shall then be required to extend grant of privilege.

11. This privilege shall be binding upon and inure to the benefit of the Grantee(s), their respective heirs, successors and assigns.

Dated at West Allis, Wisconsin, this ____ day of _____, 202__.

CITY OF WEST ALLIS

BY: _____
Dan Devine, Mayor

BY: _____
Rebecca Grill, City Clerk

ACCEPTED BY:
S TIC 2101, LLC / H TIC 2101, LLC

By: ERIC HIGGINS

Date: 12.23.21

Approved as to form this 10 day
of March, 2022.



Assistant City Attorney Nicholas Cerwin
1088914

L/Encroachment/Enormajor-S TIC2101LLC/H TIC2101LLC/own

**CITY OF WEST ALLIS
RESOLUTION R-2022-0243**

**RESOLUTION GRANTING A PRIVILEGE FOR ENCROACHMENT (MAJOR) TO
NEW OWNER S TIC 2101, LLC / H TIC 2101, LLC FOR PROPERTY LOCATED AT
7519-33 W. BECHER ST. (TAX KEY NO. 476-0442-000)**

WHEREAS, by Resolution No. R-2017-0061, adopted March 21, 2017, the City of West Allis granted to Westly Investments LLC a certain Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of two (2) four by four (4 x 4) foot platforms (with the lowest portion to be at least fourteen (14) feet above the alley on the east side and above the sidewalk on the west side of the building), sign, awnings and two (2) metal and wood park benches and outdoor ashtrays (to the left and right of the front door of the building) and the installation of a double sided hanging sign on the property located at 7519-33 W. Becher St. (“Privilege”); and,

WHEREAS, the property has now changed ownership to S TIC 2101, LLC / H TIC 2101, LLC, who desires to retain the Privilege.

NOW THEREFORE, BE IT RESOLVED that the City of West Allis grants to S TIC 2101, LLC / H TIC 2101, LLC the Privilege for Encroachment Beyond the Lot Line and within Public Street Right-of-Way consisting of two (2) four by four (4 x 4) foot platforms (with the lowest portion to be at least fourteen (14) feet above the alley on the east side and above the sidewalk on the west side of the building), sign, awnings and two (2) metal and wood park benches and outdoor ashtrays (to the left and right of the front door of the building) and the installation of a double sided hanging sign on the property located at 7519-33 W. Becher St.

BE IT FURTHER RESOLVED that additional improvements on said area must require prior approval of the Board of Public Works.

BE IT FURTHER RESOLVED that the Mayor and City Clerk of the City of West Allis are hereby authorized and directed to execute and deliver the aforesaid Privilege on behalf of the City of West Allis.

SECTION 1: **ADOPTION** “R-2022-0243” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0243(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

**PRIVILEGE FOR ENCROACHMENT
(MAJOR)**

Beyond Lot Line and Within a Public Street Right-of-Way

S TIC 2101, LLC / H TIC 2101, LLC, owner(s) of property located at 7519-33 West Becher Street, West Allis, hereinafter "Grantee(s)", desire to maintain an encroachment extending beyond the lot line and on the City's right-of-way consisting of two (2) four by four (4 x 4) foot platforms (with the lowest portion to be at least fourteen (14) feet above the alley on the east side and above the sidewalk on the west side of the building), sign, awnings and two (2) metal and wood park benches and outdoor ashtrays (to the left and right of the front door of the building) and the installation of a double sided hanging sign on a part of South 76th Street and West Becher Street, adjoining Lot 40 in First Continuation of Cloverdale subdivision, Block 3, being a subdivision of Southwest ¼ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, more particularly described as follows:

Beginning at the Northwest corner of Lot 40, Block 3, First Continuation of Cloverdale; thence South along the West line of said Lot, 5.0 feet; thence West, 3.0 feet; thence North and parallel with the West line of said Lot, 7.0 feet; thence East and parallel with the North line of said Lot, 40.0 feet; thence South 2.0 feet; thence West along the North line of said Lot, 37.0 feet to the Point of Beginning.

Also, commencing at the Northeast corner of said Lot 40; thence Westerly, 20.00 feet, along the South right-of-way line of said West Becher Street, to the Point of Beginning; thence continue Westerly, 20.00 feet along said South right-of-way line; thence Northerly, 2.00 feet, at right angle to said South right-of-way line; thence Easterly, 20.00 feet, parallel with said South right-of-way line; thence Southerly, 2.00 feet, to the said South right-of-way line and Point of Beginning of this description.

Tax Key No. 476-0442-000.

The Board of Public Works is satisfied that the granting of this privilege is not adverse to the public interest.

NOW, THEREFORE, Pursuant to the authority contained in Section 66.0425 of the Wisconsin Statutes, the Board of Public Works does hereby grant the above-described privilege, subject to the following terms and conditions:

1. Upon acceptance hereof, the Grantee(s) shall become primarily liable for damages to persons or property by reason of the granting of this privilege; and the Grantee(s) agree to hold the City harmless for any damage to their property resulting from snow plowing or snow removal operations.
2. The Grantee(s) shall be obligated to remove the encroachment upon ten (10) days notice by the State of Wisconsin or City of West Allis, and shall be entitled to no damages for removal of the encroachment. I hereby grant permission to the City of West Allis to remove the encroachment if it is not removed pursuant to Sec. 66.0425(2), Wisconsin Statutes, the cost of which shall be at Grantee's expense. The cost of removal by the City shall be charged to Grantee and, if unpaid after thirty (30) days, assessed as a special charge under Sec. 66.0701, Wisconsin Statutes.
3. The Grantee(s), by acceptance hereof, waives any right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes.
4. Any third parties whose rights are interfered with by the granting of this privilege shall have a right of action against the Grantee(s) only.
5. No part of the metal platform shall extend over the alley (east side) and sidewalk (west side) below a height of fourteen (14) feet; and no part of the platform overhand shall extend farther than four (4) feet either side over the aforesaid public right-of-way of 7525 West Becher Street.
6. The platform overhang shall be constructed and maintained in a manner to safeguard the public and shall specifically comply with the West Allis Revised Municipal Code.
7. Plans and specifications of any repair/alterations being performed in the public right-of-ways for which this privilege is granted, other than the platforms, sign, awnings, park benches and outdoor ashtrays as provided herein, shall require submission to, and final approval of, the City Engineer of the City of West Allis.
8. It is understood that Grantee(s), their heirs, successors and assigns, shall file a Bond with the City Clerk/Treasurer in the amount of One Thousand Dollars (\$1,000) and a Certificate of Insurance in the amount of at least Ten Thousand Dollars (\$10,000.00), in a form approved by the City Attorney, for damages to person or property by reason of the granting of this privilege. The City of West Allis shall be named as an additional insured, as its interest may appear, on the certificate of insurance and endorsements. The insurance certificate and endorsement shall further provide that ten (10) day written notice to the City of West Allis shall be provided in the event of any material change, or cancellation of insurance coverage.

9. Grantee(s) shall pay to the City of West Allis as compensation for this privilege the sum of Fifty Dollars (\$50.00).

10. This privilege shall be in force and have effect only upon payment of the required fee and filing of the Certificate of Insurance and Performance Bond referred to above. This privilege shall cease upon the lapse or cancellation of the said insurance coverage. New application and new payment shall then be required to extend grant of privilege.

11. This privilege shall be binding upon and inure to the benefit of the Grantee(s), their respective heirs, successors and assigns.

Dated at West Allis, Wisconsin, this ____ day of _____, 202__.

CITY OF WEST ALLIS

BY: _____
Dan Devine, Mayor


BY: _____
Rebecca Grill, City Clerk

ACCEPTED BY:
S TIC 2101, LLC / H TIC 2101, LLC

By: ERIC HIGGINS

Date: 12.23.21

Approved as to form this 10 day
of March, 2022.



Assistant City Attorney Nicholas Cerwin
1088914

L/Encroachment/Enormajor-S TIC2101LLC/H TIC2101LLC/own

**MUNICIPAL AGREEMENT TO PURCHASE SODIUM CHLORIDE ON WISDOT BID
(March 2021)**

**THIS AGREEMENT MUST BE SIGNED, DATED, AND RECEIVED BY WisDOT BHM (saltadmin@dot.wi.gov)
WISDOT, Bureau of Highway Operations, P.O. Box 7986, Madison, WI 53707-7986)
NO LATER THAN 5 PM ON MONDAY, March 29th, 2021.**

Annually the Wisconsin Department of Transportation, Bureau of Highway Maintenance takes bids for sodium chloride to be used as a deicing agent. For the 2021-22 bid the Department will receive a single, combined price to include three categories of delivery services for its road salt needs. They are:

1. Guaranteed Early Fill - this service is to take delivery of salt that will fill the purchaser's storage facilities to capacity. Salt contractor is required to complete delivery by December 3, 2021. The contract guarantees the salt contractors that 100% of the bid quantity shown as guaranteed early fill will be taken by the purchaser at the price awarded to the salt contractor. It obligates the salt contractor to deliver this guaranteed quantity. Early fill salt can be ordered as soon as the contracts are signed by the salt contractor and must be ordered by August 31, 2021 using form DT2208. Any unordered salt by these guidelines may result in forfeiture of salt in this category.

2. Guaranteed Seasonal Fill - this service is to take delivery of salt that will re-fill the storage facilities between December 3, 2021 and April 30, 2022. The municipality guarantees to purchase from the salt contractor - 100% of the bid quantity shown as "guaranteed seasonal fill" at the price awarded to the salt contractor. The request for delivery is made by the purchasing agency using form DT2208. When both guaranteed early fill, and guaranteed seasonal fill are contracted, the municipality must take delivery on all early fill salt, before beginning to take delivery of seasonal fill.

3. Vendor Reserve - the salt contractor assures that it will have a "reserve" quantity, enabling it to provide additional salt up to the quantity let for bid as vendor reserve, which is taken at the discretion of the purchaser at the price awarded to the salt contractor. Form DT2208 must be used to order salt. **The purchaser's "vendor reserve" cannot be more than 20% of the "total guaranteed purchase."**

The WisDOT Bureau of Highway Maintenance will include the requested salt quantities for local units of government in the quantity for the statewide bid. Participating local units of government must agree to abide by the Special Terms and Conditions of the contract between WisDOT and the Salt Contractor including procedures for ordering, taking delivery, acknowledging receipt of delivery, making payment for salt received, salt quantities, salt unit prices, and assessing penalties. By signing this agreement, participants are also agreeing to comply with Administrative Code TRANS 277 which requires registration and compliance at all salt storage facilities. TRANS 277 also requires annual on-site storage facility inspections.

The City of West Allis in Milwaukee County
(Town / City / County) (Name of Municipality) (County)

hereby requests WisDOT to acquire the following quantity of sodium chloride for the 2021-22 winter season and agrees to purchase at least the "guaranteed" quantities shown in the table on the following page and to make payment as contractually required.

Quantity	Amount (tons)
Current Inventory (Include tonnage of yet-to-be-delivered salt from 2020-2021 contract)	6,000
Estimated Storage Capacity for Road Salt (Shed capacity – Current Inventory)	0
Guaranteed Early Fill (Early fill orders must be placed using form DT2208 prior to August 31, 2021 with preferred delivery - any date prior to December 3.)	0
Guaranteed Seasonal Fill (Seasonal fill orders must be placed using form DT2208 after December 3 rd with preferred delivery - any date prior to April 30, 2022)	3,000
Total Guaranteed Purchase (Early + Seasonal)	3,000
Vendor Reserve (This quantity can be no more than 20% of the total guaranteed purchase. This is an optional purchase. Purchaser may take delivery at its discretion between December 3, 2021 and up to April 30, 2022.)	600
Total Potential Vendor Reserve Purchase	3,600

Participants will receive a copy of the Bid Documents, the procedure to place orders, the form DT 2208 and instructions on how to use it, and assistance on other requirements contained in the Bid Documents.

*ALL SALT ORDERS MUST BE SUBMITTED TO SALT CONTRACTORS ON A DT2208 FORM (no phone orders).

Salt purchased under this agreement shall only be used on facilities owned and maintained by a municipality. If the municipality has contracted with a private entity to perform winter maintenance, the salt purchased under this agreement shall not be used by the private entity on facilities not owned or maintained by a municipality.

The undersigned authority here agrees to the terms and values of the above agreement:

Robert A. Barwick
Signature Approval Authority (electronic signature accepted)

03/22/21
Date

414-302-8303
Contact Phone Number
(ex: xxx-xxx-xxxx)

414-302-8255
Contact Fax Number
(ex: xxx-xxx-xxxx)

rbarwick@westaliswi.gov
Contact E-mail Address

**CITY OF WEST ALLIS
RESOLUTION R-2022-0247**

**RESOLUTION TO ACCEPT THE PROPOSAL OF COMPASS MINERALS FOR
FURNISHING AND DELIVERING 600 TONS OF DEICING ROAD SALT FOR A
TOTAL SUM OF \$45,312**

WHEREAS, the road salt is being purchased and stored by the DPW Inventory Division and to be issued as needed for the control of ice and snow buildup on our city streets, sidewalks and parking lots to help reduce vehicle accidents and increase safety for pedestrians; and,

WHEREAS, the City has an optional to purchase (emergency reserve fill, up to 600 tons) for road salt at the agreed contracted price of \$75.52 per ton as agreed by vendor; and,

WHEREAS, with this option to purchase for an additional 600 tons of road allows the City to purchase an additional amount of road salt at a fix rate prior to next seasons winter pricing is increased; and,

WHEREAS, there is currently \$84,367.83 available from the 2022 budget, with the remainder needed for the winter season as funded by the 2022 budget in the amount of \$271,800; and,

WHEREAS, the Finance Department/Purchasing received a joint purchase proposal through the State of Wisconsin Department of Transportation for furnishing and delivering deicing road salt for the 2021/2022 winter season, for the Department of Public Works of the City of West Allis, and that the proposal was reasonable; and,

WHEREAS, the Common Council deems it to be in the best interest of the City of West Allis that the proposal submitted by Compass Mineral be accepted.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of West Allis that the proposal submitted by Compass Minerals for furnishing 600 tons of emergency reserve fill for a total net sum of \$45,312, with up to \$84,367 available balance from the 2022 budget of \$271,800 budgeted for 2022. Funding is provided by the General Fund, Sanitation and Street Division, Account Number 100-4218-531-5323, Operational Supplies/ Salt & Ice Control, be and is hereby accepted.

BE IT FURTHER RESOLVED, that the Finance Department be and is hereby authorized to enter into a contract for the aforementioned material.

SECTION 1: **ADOPTION** “R-2022-0247” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0247(Added)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2022-0248**

**RESOLUTION ACCEPTING WORK OF STATE CONTRACTORS, INC. FOR
SIDEWALK REPAIR IN THE GENERAL AREA BOUNDED BY S. 84TH ST AND I-
894; NORTH CITY LIMITS AND UNION PACIFIC RAILROAD AND
AUTHORIZING AND DIRECTING SETTLEMENT OF SAID CONTRACT IN
ACCORDANCE WITH CONTRACT TERMS OF 2019 PROJECT NO. 6 FOR FINAL
PAYMENT IN THE AMOUNT OF \$1,000**

WHEREAS, State Contractors, Inc. has completed their contractual obligations in accordance with the plans and specifications therefore, attested by the approval for payment by the City Engineer.

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that the work of:

State Contractors, Inc. - 2019 Project No. 6

Sidewalk repair:

The General Area Bounded by S. 84 St. and I-894: North City Limits and Union Pacific Railroad

be and the same is hereby accepted, and the proper City officers are hereby authorized and directed to make settlement with the said contractor in accordance with terms of said contract.

SECTION 1: **ADOPTION** “R-2022-0248” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0248(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2022-0249**

RESOLUTION ACCEPTING WORK OF STATE CONTRACTORS, INC. FOR ALLEY RECONSTRUCTION, SANITARY SEWER RELAY, STORM SEWER RELAY, STORM UNDERDRAIN, BUILDING SERVICE, AND UTILITY ADJUSTMENTS IN VARIOUS LOCATIONS AND AUTHORIZING AND DIRECTING SETTLEMENT OF SAID CONTRACT IN ACCORDANCE WITH CONTRACT TERMS OF 2019 PROJECT NO. 9 FOR FINAL PAYMENT IN THE AMOUNT OF \$1,000

WHEREAS, State Contractors, Inc. has completed their contractual obligations in accordance with the plans and specifications therefore, attested by the approval for payment by the City Engineer.

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that the work of:

State Contractors, Inc. - 2019 Project No. 9

Alley reconstruction, sanitary sewer relay, storm sewer relay, storm underdrain, building services, and utility adjustments:

Various Locations within the City of West Allis

(PLAN FILE NOS. AP-475, U-2645, S-1621)
(PLAN FILE NOS. AP476, U2646)
(PLAN FILE NOS. AP-477, U-2647)
(PLAN FILE NOS. AP-478, U-2648)
(PLAN FILE NOS. AP-476, U-2646)

be and the same is hereby accepted, and the proper City officers are hereby authorized and directed to make settlement with the said contractor in accordance with terms of said contract.

SECTION 1: **ADOPTION** “R-2022-0249” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0249(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

CLAIMANT CONTACT INFORMATION

Name: JEFFREY COTTRELL Phone: 262-662-4933
Address: 1037 S. 74TH STREET Email: JEFFCTT@AOL.COM
WEST ALLIS WI 53214 262-9934905 Cell

INSTRUCTIONS

Complete this form and sign it, and serve a hard copy upon the West Allis City Clerk. If you have questions about how to fill out this form, please contact a private attorney who can assist you.

NOTICE OF CLAIM

Date of incident: 2 Year ago Time of day: ALL DAY - SEVERAL
Location: 1037-39 S. 74TH STREET

Describe the circumstances of your claim here. You may attach additional sheets or exhibits. Some helpful information may be the police report, pictures of the incident or damage, a diagram of the location, a list of injuries, a list of property damage, names and contact information for witnesses to the incident, and any other information relevant to the circumstances.

I have received extensive damages to my sidewalk
foundation & Garage siding During Demolition and
Construction of an eight family dwelling on the
Corner of 74th & Washington
My sidewalk was used by tenants in eight family and
to support upper gangway on eight families
I talk to Contractor (New Berlin Construction) who did
the demo and the builder of new single family home
both of which they feel its not their responsibility
I contacted the Building Inspection Dept. They sent me to
Engineering Dept. They sent me to Housing Inspector (Rob)
He sent me to District Attorney's Office. They sent me
to Phil for this form to submit.
Do I need written estimates to continue this claim

Check one:

- I am seeking damages at this time (complete Claim Amount section below)
- I am submitting this notice without a claim for damages. This claim is not complete and will not be processed until I submit a claim for damages on a later date.

Signed: Jeffrey W Cottrell Date: 2-28-22

CLAIM AMOUNT

To complete this claim, attach an itemized statement of damages sought. If any damages are for repair to property, include at least 2 estimates for repairs.

The total amount sought is: \$ _____ Have not received any
written estimates yet.
Thinking it is Contractor
that built new home or demolished building

Responsibility



CLAIMANT CONTACT INFORMATION

Name: Kathy Bott Phone: 414-257-0662
Address: 1343 S. 113th St Email: frustratingfeel000@hotmail.com
West Allis, WI 53214

INSTRUCTIONS

Complete this form and sign it, and serve a hard copy upon the West Allis City Clerk. If you have questions about how to fill out this form, please contact a private attorney who can assist you.

NOTICE OF CLAIM

Date of incident: Jan 2022 Time of day: 11:30 am
Location: 1343 S. 113th St. West Allis

Describe the circumstances of your claim here. You may attach additional sheets or exhibits. Some helpful information may be the police report, pictures of the incident or damage, a diagram of the location, a list of injuries, a list of property damage, names and contact information for witnesses to the incident, and any other information relevant to the circumstances.

Had an ^{extra tote} bin of Recyclables out for the recycle guy because our recycle bin was completely filled. The garbage guys came thru the alley first and they took my ^{tote} bin of recyclables plus the tote and put it in the garbage truck. I tried to go out to the truck to see if I could get it back, but they already had crushed it. Why in the world would the garbage guys take recyclables? I talked to the supervisor of sanitation + she said she would replace my 20 gallon tote. Last week she called back + said she could not find one and I should fill out this paperwork to be reimbursed for my tote.

Check one:

- I am seeking damages at this time (complete Claim Amount section below)
- I am submitting this notice without a claim for damages. This claim is not complete and will not be processed until I submit a claim for damages on a later date.

Signed: Kathy Bott Date: 3-17-22

CLAIM AMOUNT

To complete this claim, attach an itemized statement of damages sought. If any damages are for repair to property, include at least 2 estimates for repairs.

The total amount sought is: \$ \$11,50 at Menards

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOAN McCANTS, ESTATE OF
JERMAINE CLAYBROOKS,
BIOLOGICAL MINOR CHILDREN
J.J.C., by and through KAYENNE ALLEN,
as parent and guardian, and J.D.C., by and
through MARKIA S. LOVE, as parent and
guardian,

Case No. 2:17-cv-

Plaintiffs,

v.

CITY OF MILWAUKEE,
POLICE CHIEF EDWARD FLYNN,
MILWAUKEE POLICE OFFICERS JOHN SCHOTT,
MARTEZ BALL, and JOHN IVY, WEST ALLIS
POLICE OFFICERS TODD KURTZ, and
P.O. DANIEL DITTORRICE, and SPECIAL AGENT
JAMES KRUEGER, Drug Enforcement Agency,

Defendants.

FEDERAL COMPLAINT WITH JURY DEMAND

NOW COME the above-named Plaintiffs, by their attorney, WALTER W. STERN III,
and for their causes of action against the above-named Defendants, the Plaintiffs allege and show
claims for relief as follows:

INTRODUCTION

1. This is a federal civil rights action under the Fourth and Fourteenth Amendments to the
Constitution of the United States and Title 42 of the United States Code, Section 1983.
Plaintiffs bring this action to obtain compensatory damages, punitive damages, attorneys'

fees, costs and equitable relief for the serious personal injuries and resulting death of JERMAINE CLAYBROOKS, who was unlawfully subjected to excessive force when he was shot over fourteen times on March 16, 2017 by the Defendants, JOHN SCHOTT, MARTEZ BALL, JOHN IVY, TODD KURTZ, DANIEL DITTORRICE and JAMES KRUEGER. The conduct of the Defendants and the constitutional violations suffered by JERMAINE CLAYBROOKS occurred as a direct result of the unconstitutional policies of the City of Milwaukee, Milwaukee Police Department and their agents.

JURISDICTION AND VENUE

Jurisdiction

2. This action arises under the 4th and 14th Amendments to the United States Constitution and Title 42 of the United States Code, Section 1983. Jurisdiction of the Court is conferred by Title 28 of the United States Code, Sections 1331 and 1343(a)(3) and (4).

Venue

3. The Eastern District of Wisconsin is the proper federal venue for this action, pursuant to Title 28 of the United States Code, Section 1391 (b), because it is the judicial district where the constitutional rights violations of JERMAINE CLAYBROOKS were committed.

PARTIES

Plaintiffs

4. That Plaintiff, J.J.C., is a minor and the biological child of JERMAINE CLAYBROOKS, deceased. This action is brought by and through his mother and guardian, Kayenne Allen, on his behalf, and J.J.C. has been residing in the City of Milwaukee, State of Wisconsin, since birth.

5. That Plaintiff, J.D.C., is a minor and the biological child of JERMAINE CLAYBROOKS, deceased. This action is brought by and through his mother and guardian, Markia S. Love, on his behalf, and J.J.C. has been residing in the City of Milwaukee, State of Wisconsin, since birth.
6. That Plaintiff, ESTATE OF JERMAINE CLAYBROOKS, proceeds in this action through its Court-appointed Special Administrator, JOAN MCCANTS, asserting all claims for pain and suffering, loss of pecuniary estate, and funeral and burial expenses, and any other matter that can legitimately be claimed for the death of JERMAINE CLAYBROOKS, who was killed on March 16, 2017, at 31 years of age, and said JERMAINE CLAYBROOKS was a permanent resident of the City of Milwaukee and State of Wisconsin.

Defendants

7. That Defendant, the City of Milwaukee ("MILWAUKEE"), at all times material hereto, was a municipal corporation, organized and existing under the laws of the State of Wisconsin, whose principal offices are located at City Hall, 200 East Wells Street, Room 205, City of Milwaukee, State of Wisconsin, 53202.
8. That Defendant, EDWARD FLYNN ("FLYNN"), at all times relevant hereto, is the City of Milwaukee Chief of Police, and said Chief of Police is responsible for the management and carrying out of the activities of Milwaukee Police Officers, all acting under color of State law, as herein set forth, and participated and agreed in the policies, practices and procedures leading to excessive force and violation of the 4th and 14th Amendments to the United States Constitution, and the due process clause of the 14th Amendment to the United States Constitution, in that he agreed, approved, and promoted policies which led to

excessive force, contrary to the 4th and 14th Amendments to the United States Constitution, as alleged below in Paragraph “14” through “21” herein.

9. That Defendants, Police Officer JOHN SCHOTT, Police Officer MARTEZ BALL, and Police Officer JOHN IVY, at all times material hereto, were adult residents of the City of Milwaukee, State of Wisconsin, and were employed and members of the Milwaukee Police Department ("MPD") at all times pertinent hereto and, at all times pertinent, were acting under color of State law in carrying out the duties of Milwaukee Police Officers, and acting in the scope of their employments with said City of Milwaukee.
10. That Defendant Police Officer TODD KURTZ and Police Officer DANIEL DITTORRICE, were adult residents of the City of West Allis, State of Wisconsin, and were employed and members of the West Allis Police Department ("WAPD") at all times pertinent hereto and, at all times pertinent, were acting under color of State law in carrying out the duties of West Allis Police Officers, and acting in the scope of their employments with said City of West Allis.
11. Defendant Special Agent JAMES KRUEGER worked for the United States Government, Drug Enforcement Administration, and was acting under color of law and carrying out his employment under Federal, and carrying out the duties of law enforcement officer, within the scope of his employment.
12. That each and all of the Defendant specified above were operating under color of State law in carrying out their duties in the scope of their employment as members of the High Intensity Drug Trafficking Area Task Force, (HIDTA), which was formed under the policies and authorization of the City of Milwaukee Police Department.

13. Each Defendant acted jointly and severally to cause the death of JERMAINE CLAYBROOKS on or about March 16th, 2017, who died at the scene of the incident, and all were acting under color of law as the HIDTA unit.

FACTS

14. Since 2008, Defendant City of Milwaukee (“CITY” or “MILWAUKEE”), through the MPD, has engaged in an unlawful policy, practice, and custom of conducting a high-volume, suspicion-less stop and frisk program. This program authorizes MPD officers to stop people without objective and articulable reasonable suspicion of criminal conduct, and to frisk people without reasonable suspicion that the person is armed and dangerous, as required under the Fourth Amendment. Under this program, the MPD also conducts pervasive stops and frisks that are motivated by race and ethnicity in violation of the Fourteenth Amendment and Title VI.
15. The MPD’s unconstitutional, suspicion-less stop and frisk program was adopted as part of a so-called “broken windows” policing strategy purportedly devised to deter crime. The strategy includes blanketing certain geographic areas in which residents are predominantly people of color with “saturation patrols” by MPD officers, who conduct high-volume, suspicion-less stops and frisks throughout the area. Over time, the MPD’s program has developed into a formal and informal quota system that requires patrol officers to meet numerical targets for stops on a regular basis.
16. As a result, the combined number of MPD traffic and pedestrian stops skyrocketed from just 66,657 in 2007 to 196,434 in 2015 - a staggering, nearly threefold increase.
17. Overwhelmingly, the victims of the MPD’s suspicion-less stop and frisk program are Black and Latino people. Though implemented citywide, the MPD’s program has been largely

concentrated in neighborhoods of color, including Milwaukee Police Districts Three, Five, and Seven, all of which are located in predominantly Black neighborhoods in the northern half of the City.

18. In addition, data reflect that Black and Latino people are more likely than Caucasians to be stopped and frisked throughout Milwaukee, including in mixed-race and predominantly white neighborhoods. A 2011 Milwaukee Journal Sentinel analysis of MPD traffic stop data found that Black drivers citywide were seven times more likely – and Hispanic drivers were five times more likely – to be targeted for a traffic stop than Caucasian drivers. Moreover, non-Hispanic Black people made up 72% of the targets of MPD stops conducted between 2010 and 2012 that were documented in an MPD database, even though they only made up an estimated 34% of the City’s total population at the time, according to U.S. Census figures.
19. The MPD’s high-volume, suspicion-less stop and frisk program has created and deepened public fear of and alienation from the MPD, particularly among Black and Latino residents. Black and Latino people throughout Milwaukee – including children – fear that they may be stopped, frisked, or otherwise treated like criminal suspects when doing nothing more than walking to a friend’s house or home from school, driving to and from the homes of loved ones, running errands, or simply taking a leisurely walk or drive through the City. No matter where they are in the City, Black and Latino people face the constant fear that they and their children may be subjected to police harassment even if they are doing nothing wrong. There is a long, tragic history of a widespread pattern of constitutional violations committed by MPD officers.

20. That the policies alleged in Paragraphs “14” through “19” indicate a widespread practice of using excessive force, contrary to the 4th and 14th Amendments to the United States Constitution, and the due process of the 14th Amendment to the United States Constitution.
21. There has been a habit and routine practice by MPD officers, as evidenced by victims of said policies, including, but not limited to, Daniel Bell, Ernest Lacy, Tandy O’Neal, Justin Fields, Curtis Harris, Frank L. Jude, Jr., Wilber Prado and Derek Williams, all victims of a violation of excessive force under the 4th and 14th Amendments to the United States Constitution and the due process clause of the 14th Amendment to the United States Constitution, and were evidence of said policy and procedure of the City of Milwaukee, by and through its police officers and imputed to the City of Milwaukee.
22. That one of the latest victims of the widespread pattern of constitutional rights violations committed by MPD officers is JERMAINE CLAYBROOKS, who suffered an unlawful stop and attempted arrest which resulted in the fatal use excessive force.
23. That the moving force behind the widespread pattern of constitutional violations committed by MPD officers, including the violations suffered by JERMAINE CLAYBROOKS, are the unconstitutional policies of MILWAUKEE including: (a) the deficient hiring and retention policy; (b) the failure to train policy; (c) the failure to discipline policy; and (d) the custom of condoning constitutional rights violations.
24. That the Fire and Police Commission (FPC) and MPD Chief of Police are the policy-makers for MILWAUKEE with respect to the discipline of MPD officers.
25. That MILWAUKEE has a long history of failing to discipline its police officers for misconduct, including, but not limited to, the commission of constitutional rights violations

under the 4th and 14th Amendments to the United States Constitution, and the Due Process Clause of the 14th Amendment to the United States Constitution.

26. That the policies of MILWAUKEE with respect to its failures to discipline MPD officers, as set forth in the preceding paragraphs, were the moving force behind the constitutional violations suffered by JERMAINE CLAYBROOKS under the 4th and 14th Amendments to the United States Constitution, and the Due Process Clause of the 14th Amendment to the United States Constitution.
27. That MILWAUKEE had actual and/or constructive notice that MPD officers were unlawfully detaining individuals prior to March 16, 2017.
28. That, despite having actual and/or constructive notice that MPD officers were unlawfully detaining individuals, MILWAUKEE took no action to cease such unlawful conduct of discipline the MPD officers involved.
29. That, as a result of MILWAUKEE's failure to discipline the MPD officers involved in unlawfully detaining individuals, MILWAUKEE allowed the unlawful detentions to continue, including the unlawful arrest suffered by JERMAINE CLAYBROOKS.
30. That MILWAUKEE had actual and/or constructive notice that MPD officers were unreasonably arresting and searching individuals prior to March 16, 2017.
31. That, despite having actual and/or constructive notice that MPD officers were unreasonably searching individuals, MILWAUKEE took no action to discipline the MPD officers involved.
32. That, as a result of MILWAUKEE's failure to discipline the MPD officers involved in unreasonably arresting searching individuals, MILWAUKEE allowed the unreasonable

arrests and searches to continue, including the unreasonable arrest suffered by JERMAINE CLAYBROOKS.

33. That MILWAUKEE had actual and/or constructive notice that MPD officers were using excessive force against individuals prior to March 16, 2017.
34. That, despite having actual and/or constructive notice that MPD officers were using excessive force against individuals, MILWAUKEE took no action to discipline the MPD officers involved.
35. That, as a result of MILWAUKEE's failure to discipline the MPD officers involved in using excessive force against individuals, MILWAUKEE allowed the use of excessive force to continue, including the use of excessive force suffered by JERMAINE CLAYBROOKS.
36. That DEFENDANTS unlawfully detained, unreasonably searched, and used excessive force against JERMAINE CLAYBROOKS, because, prior to April 30, 2014, other MPD officers had not been disciplined for similar misconduct.
37. That MILWAUKEE presently maintains a policy of failing to discipline MPD officers for engaging in misconduct, including, but not limited to, unlawful detentions, unreasonable searches and uses of excessive force.
38. That, if MILWAUKEE had not failed to discipline MPD officers for unlawful detentions, unreasonable searches and uses of excessive force, the unlawful detention unreasonable search and the use of excessive force suffered by JERMAINE CLAYBROOKS would not have happened.

39. That MILWAUKEE presently maintains a policy of failing to discipline MPD officers for engaging in misconduct, including, but not limited to, unlawful detentions, unreasonable searches and uses of excessive force.
40. That, prior to March 16, 2017 and continuing to the present, MILWAUKEE maintained/maintains a custom of condoning constitutional rights violations by MPD officers, particularly violations of the 4th and 14th Amendments to the United States Constitution, and the Due Process Clause of the 14th Amendment.
41. That this custom of condoning constitutional rights violations by MPD officers was/is so persistent and widespread that it was/is the official policy of MILWAUKEE.
42. That, prior to April 30, 2014, MILWAUKEE had actual and/or constructive notice of the custom of condoning constitutional rights violations by MPD officers.
43. That the American Civil Liberties Union, (ACLU) has filed a federal civil rights action against the City of Milwaukee and Milwaukee Police Department, alleging constitutional violations and deprivations, now pending in the Eastern District of Wisconsin.
44. That part of MILWAUKEE's custom of condoning constitutional rights violations by MPD officers was/is the failure to discipline MPD officers for misconduct, as set forth in the preceding paragraphs.
45. That part of MILWAUKEE's custom of condoning constitutional rights violations by MPD officers was/is the "code of silence" that exists within the MPD, even though this code may be contrary to the express policies of MILWAUKEE.
46. That the MPD's "code of silence" is where MPD officers do not report the misconduct of their fellow officers due to the fear of retaliation.

47. That MILWAUKEE has taken no action with respect to any MPD officer following the "code of silence" by refusing to testify in civil or criminal proceedings.
48. That, in 2009, Defendant EDWARD A. FLYNN, Chief of Police for Milwaukee County, admitted that a "code of silence" existed in the Milwaukee Police Department, and also indicating that he approved of the unconstitutional procedures outlined in Paragraphs "14" through "19", making him a proper Defendant herein.
49. That the "code of silence" continues to exist within the MPD and is currently the custom and policy of MILWAUKEE.
50. That part of MILWAUKEE's custom of condoning constitutional rights violations by MPD officers is the concept of "*noble cause corruption*" that exists within the MPD, even though this concept may be contrary to the express policies of MILWAUKEE.
51. That the concept of "noble cause corruption" is where MPD officers engage in misconduct because they believe they are accomplishing a greater good.
52. That in 2012, FLYNN admitted that the concept of "noble cause corruption" exists within the MPD.
53. That MILWAUKEE's custom of condoning constitutional rights violations by MPD officers was the moving force behind the constitutional violations suffered by JERMAINE CLAYBROOKS, specifically the 4th and 14th Amendments to the United States Constitution and the Due Process Clause of the 14th Amendment.
54. That the constitutional violations suffered by JERMAINE CLAYBROOKS happened because these Defendants were following the concept of "noble cause corruption," engaging in unlawful detentions, unreasonable searches and uses of excessive force, because he believed that such actions would serve the greater good of the community.

55. That had MILWAUKEE not maintained a custom of condoning constitutional violations, the constitutional violations suffered by JERMAINE CLAYBROOKS under the 4th and 14th Amendments to the United States Constitution and the Due Process Clause of the 14th Amendment would not have occurred.
56. That there is a long history of constitutional violations committed by MPD officers that were caused by the policies and customs of MILWAUKEE. That the constitutional violations, specifically under the 4th and 14th Amendments to the United States Constitution and the Due Process Clause of the 14th Amendment include, but are not limited to, the events listed below.
57. That in 1958, MPD Officer Thomas Grady planted a knife on Daniel Bell to support his false claim that Mr. Bell was armed and attacked him.
58. That MPD Officer Louis Krause followed the MPD's "code of silence" by conspiring with MPD Officer Thomas Grady to lie about the incident which led to the fatal shooting of Daniel Bell.
59. That between 1979 and 1980, the United States Department of Justice ("DOJ") conducted an investigation into a possible pattern of misconduct within the MPD.
60. That former MPD Chief of Police Harold Brier refused to cooperate with the DOJ investigation.
61. That the DOJ investigation found that 22 people died in MPD custody between 1975 and 1979.
62. That the DOJ investigation ultimately determined that former MPD Chief of Police Harold Brier had no accountability for the deaths.

63. That in 1981, Ernest Lacy died in MPD custody after MPD officers used excessive force against him and then failed to provide him with medical assistance.
64. That, despite a medical examiner documenting over 30 cuts and bruises on Ernest Lacy's body, and witness accounts describing MPD officer use of excessive force against Mr. Lacy, former MPD Chief of Police Harold Brier claimed that MPD officers did nothing wrong during the incident that resulted in the death of Mr. Lacy.
65. That former MPD Chief of Police Harold Brier refused to cooperate with any federal investigation into the death of Ernest Lacy.
66. That, in 1988, MPD officers shot Tandy O'Neal in the back, rendering Mr. O'Neal a quadriplegic.
67. That a MPD detective, following the MPD's "code of silence," initially stated that Tandy O'Neal struggled with MPD officers prior to being shot.
68. That the MPD Detective eventually admitted that his statement regarding Tandy O'Neal struggling with MPD officers was not true.
69. That, in 2003, MPD Officer Craig Nawotka shot and killed Justin Fields.
70. That MPD Officer Craig Nawotka shot Justin Fields in the back as Mr. Fields was slowly driving away from MPD officers.
71. That MPD Sergeant Harold Hampton, who conducted the MPD internal investigation into MPD Officer Craig Nawotka's shooting of Justin Fields, testified under oath that the head of the MPD internal affairs division ignored Sergeant Hampton's findings that Officer Nawotka violated several MPD rules during the incident that resulted in the shooting of Mr. Fields.

72. That MILWAUKEE settled a civil rights action filed by the family of Justin Fields for \$1.6 million.
73. That in 2003, MPD Officer Kevin Clark slammed Curtis Harris' head into the wall and floor of the MPD District 3 Police Station booking room.
74. That as a result of MPD Officer Kevin Clark's actions, Curtis Harris was rendered a quadriplegic.
75. That MPD Officer Kevin Clark claimed that Curtis Harris was trying to hit him, but video from the incident refuted Officer Clark's claim.
76. That MILWAUKEE settled a federal civil rights action filed by Curtis Harris for \$3 million.
77. That MILWAUKEE took no action against MPD Officer Kevin Clark for his actions during the incident with Curtis Harris.
78. That MPD Officer Kevin Clark was later fired from the MPD after he pled guilty to insurance fraud after collecting worker's compensation benefits for injuries he sustained while sledding on duty.
79. That MPD Officer Kevin Clark and other MPD officers followed the MPD's "code of silence" by covering up the sledding while on duty incident.
80. That although they initially denied any involvement in the Frank L. Jude, Jr. 's incident, several MPD officers ultimately pled guilty in federal court to violating Mr. Jude's constitutional rights.
81. That following a federal criminal trial, a jury determined that several other MPD officers violated Frank L. Jude, Jr. 's constitutional rights.
82. That MILWAUKEE settled Frank L. Jude, Jr. 's federal civil rights action for \$2.1 million.

83. In March 2005, MPD Officer Alfonzo Glover shot and killed Wilbert Prado. Following the trial on the Prado family's federal civil rights action, a jury determined that MPD Officer Alfonzo Glover violated Wilbert Prado's constitutional rights.
84. That MIILW AUKEE ultimately settled the Prado family's federal civil rights action.
85. That, in 2012, MPD Sergeant Jason Mucha was reassigned after multiple complaints of invasive body cavity searches.
86. That, within a three-year time period, Sergeant Mucha was accused on at least ten (10) occasions of using excessive force and/or planting drugs on citizens.
87. That in August 2005, the Milwaukee County Circuit Court, the Honorable Charles F. Kahn, Jr. presiding, ruled that several persons who had accused Sergeant Mucha of using excessive force could testify in a criminal case wherein the defendant accused Sergeant Mucha of using excessive force. (*State of Wisconsin v. Lemar Barnes*, Milwaukee County Case Number 04-CF-1001, Amended Decision of Admissibility of Evidence, dated August 10, 2005.)
88. That, on March 14, 2006, the Court of Appeals of Wisconsin issued an opinion reversing a trial court decision that denied a criminal defendant's request to introduce evidence that Sergeant Mucha had used excessive force and/or planted drugs on other persons. (*State of Wisconsin v. Walter T. Missouri*, 2006 WI App 74.)
89. That, between 2000 and 2007, the MPD investigated Sergeant Mucha for seven (7) battery complaints, four (4) unreasonable search complaints, two (2) theft complaints and one (1) false arrest complaint.
90. That the MPD claimed that all the complaints against Sergeant Mucha set forth in the preceding paragraph were either unfounded or unsubstantiated.

91. That the MPD either failed to notice or intentionally disregarded a pattern and/or trend with respect to Sergeant Mucha's misconduct.
92. That, on July 6, 2011, Derek Williams died in MPD custody after MPD officers may have used excessive force against Mr. Williams and then failed to provide Mr. Williams with medical assistance, despite the fact that Mr. Williams was in the back seat of an MPD squad car struggling to breathe and begging MPD officers for help.
93. That an Inquest was held to determine whether any of the MPD officers involved should face criminal charges as a result of the death of Derek Williams.
94. That, following the conclusion of testimony, the Derek Williams Inquest jury issued an advisory verdict that MPD Officers Richard Ticcioni, Jason Bleichwehl, and Jeffrey Cline should be criminally charged pursuant to Wisconsin Statute Section 940.291, Law Enforcement Officer; Failure to Render Aid.
95. That despite the Derek Williams Inquest jury's advisory verdict, the special prosecutor who conducted the Inquest refused to bring criminal charges against Officers Ticcioni, Bleichwehl and Cline.
96. That MILWAUKEE took no action against Officers Ticcioni, Bleichwehl, Cline, or any other MPD officers involved in the death of Derek Williams.
97. That on September 22, 2011, MPD Officer Richard Schoen used excessive force against a woman in his custody by punching her in the face multiple times, grabbing her by the hair as he removed her from an MPD squad car, and kneeing her in the stomach.
98. That the MPD fired Officer Schoen as a result of his actions on September 22, 2011.
99. That the FPC then reversed the MPD's decision to fire Officer Schoen and instead gave him his job back, suspending him for 60 days.

100. That, following a public outcry, the FPC reinstated the MPD's decision to fire Officer Schoen.
101. That, in 2013, a jury determined that MPD Detective Rodolfo Gomez either intentionally, or with reckless disregard for the truth, made false or misleading statements in an affidavit accompanying a search warrant application, awarding the victim of Detective Gomez's misconduct \$1,000,000. (*Richard Betker v. Rodolfo Gomez*, United States District Court for the Eastern District of the United States Case Number 08-CV-760, Verdict Form dated November 20, 2013.)
102. That, from approximately 2008 to 2012, several MPD officers conducted illegal pat-down searches, illegal strip searches and illegal body cavity searches of numerous individuals.
103. That over 70 individuals alleged federal civil rights claims against the MPD officers for the illegal pat-down searches, illegal strip searches and illegal body cavity searches.
104. That MILWAUKEE settled the individuals' federal civil rights claims involving the illegal pat-down searches, illegal strip searches and illegal body cavity searches for \$5 million.
105. That on March 16, 2017, the Defendants, as part of teams formed to execute search warrants in narcotics cases involving Anthony Q. Vivians, executed those search warrants and arrested individuals, including Anthony Q. Vivians.
106. That subsequent to the execution of the search warrants, Anthony Q. Vivians requested to meet with these Defendants and become a confidential informant.
107. That Anthony Q. Vivians ("Vivians") then met with the Defendants and advised them that in exchange for charge or sentence leniency, he would lure his "source" for narcotics, whom he referred to as "Big Bro" and "Plug," so the Defendants could affect an arrest.

108. That Vivians then provided a California phone number to the Defendants, which he advised was the contact number for “Big Bro” or “Plug,” and that he would lure said person to the neighborhood of 19th and Stark in Milwaukee, Wisconsin.
109. That Vivians had no actual name of his “source” for narcotics.
110. That Vivians had no physical address for his “source” for narcotics.
111. That Vivians had no license number for the vehicle driven by his “source” for narcotics.
112. That Vivians described the vehicle which his “source” for narcotics customarily drove, as a dark gray, with tinted windows.
113. That Vivians omitted that his family members resided on or close to 19th and Stark, in Milwaukee, Wisconsin.
114. That Vivians is a career criminal, with convictions for narcotics trafficking and faced a “life” sentence in State or Federal courts, as a result of his arrest on March 16, 2017.
115. That the Defendants had no prior experience with Vivians upon which to formulate a proper determination of his credibility as an informant.
116. That subsequent to Vivians requesting to become an informant, a plan was devised by the Defendants whereby Vivians would accompany the Defendants and “point out” the vehicle in which his source of narcotics was driving, in or about 19th and Stark, Milwaukee, Wisconsin.
117. That on March 16, 2017, Vivians, while riding in the black SUV operated by KRUEGER, pointed out the vehicle operated by JERMAINE CLAYBROOKS.
118. That upon Vivians’ pointing to a vehicle, the plan called for a forced interception of the vehicle operated by JERMAINE CLAYBROOKS, by means of wedging the vehicle between numerous undercover vehicles and arrest the occupant.

119. That prior to the pointing out by Vivians, these Defendants had no prior knowledge or investigation involving JERMAINE CLAYBROOKS by the Drug Enforcement Agency, HIDTA or MPD.
120. That prior to the pointing out by Vivians, these Defendants had never affected a controlled buy of any narcotics from JERMAINE CLAYBROOKS.
121. That prior to the pointing out by Vivians, these Defendants had never applied for or obtained a valid Search or Arrest warrant for the vehicle operated by JERMAINE CLAYBROOKS or for JERMAINE CLAYBROOKS, his vehicle or residence.
122. That prior to unlawfully stopping of JERMAINE CLAYBROOKS, the Defendants lacked any probable cause or articulable suspicion, pursuant to the 4th and 14th Amendments to the United States Constitution.
123. That on March 16, 2017, these Defendants knew or should have known, that they had no probable cause upon which to stop, detain or otherwise interfere with the life of JERMAINE CLAYBROOKS.
124. That on March 16, 2017, subsequent to Vivians pointing out a gray Toyota Avalon, which was operated by JERMAINE CLAYBROOKS, these Defendants, none of whom wore any uniform whatsoever and were dressed in “street clothes,” then executed their plan by having undercover vehicles approach JERMAINE CLAYBROOKS at a high rate of speed and box him in on 19th and Stark, Milwaukee, Wisconsin.
125. That the vehicular maneuver executed by these Defendants caused JERMAINE CLAYBROOKS to strike a tree on the West side of 19th, whereby the front tires began to spin wildly while being prevented from forward movement by the tree.

126. That the Defendants then surrounded the vehicle, dressed in “street clothes,” with weapons drawn.
127. That the spinning tires on the vehicle operated by JERMAINE CLAYBROOKS caused dense, acrid smoke to form inside the vehicle of JERMAINE CLAYBROOKS, whereby some of that smoke billowed from the windows, engine compartment and from underneath the vehicle, obstructing any clear vision into the vehicle operated by JERMAINE CLAYBROOKS.
128. That while the Defendants’ vision was obscured by the tire smoke, the front tire, having been spinning about twenty minutes and smoking, deflated with an audible pop and one of the Defendants then shouted “gun.”
129. That at this point, all of the Defendants began blindly firing rounds into the vehicle of JERMAINE CLAYBROOKS, striking him approximately twenty times and killing him.
130. That at no time, did JERMAINE CLAYBROOKS point or discharge any firearm at any of the Defendants.
131. That the Defendants lacked any justification for shooting and killing JERMAINE CLAYBROOKS.
132. That subsequent to killing JERMAINE CLAYBROOKS, these Defendants then conspired, confederated and agreed to obfuscate the facts surrounding the confidential informant, the lack of probable cause or reasonable suspicion to arrest JERMAINE CLAYBROOKS, the “plan” devised by the Defendants and the killing of JERMAINE CLAYBROOKS by these Defendants.
133. That in furtherance of the scheme or artifice devised by these Defendants, jointly and severally, the MPD Defendants invoked their right to remain silent for fear of self-

incrimination and refused to cooperate with Wauwatosa PD investigators that were designated by Wisconsin Statute ¹ to investigate the shooting.

CAUSES OF ACTION

First Cause of Action

Title 42, United States Code, Section 1983 Unlawful Arrest & Detention against Defendants

134. Plaintiffs reallege, and incorporate by reference, the allegations of the preceding paragraphs.
135. That JERMAINE CLAYBROOKS had a constitutionally protected right not to be unlawfully stopped, detained, and killed, pursuant to the 4th and 14th Amendments of the United States Constitution.
136. That, as set forth in the preceding paragraphs, the Defendants unlawfully stopped, detained, and ultimately killed JERMAINE CLAYBROOKS.
137. That the Defendants acted under color of State law, custom, practice and/or procedures, as required by Title 42 U.S.C. Section 1983.
138. That the Defendants' unlawful stop and detention resulted in the death of JERMAINE CLAYBROOKS.

Second Cause of Action

Title 42, United States Code, Section 1983 Excessive Force against the Defendants

139. Plaintiffs reallege, and incorporate by reference, the allegations of the preceding paragraphs.
140. That JERMAINE CLAYBROOKS had a constitutionally protected right not to have excessive force used against him, pursuant to the 4th and 14th Amendments to the United States Constitution.

¹ 175.47 Review of deaths involving officers.

141. That, as set forth in the preceding paragraphs, the Defendants used excessive force against JERMAINE CLAYBROOKS.
142. That the Defendants intentionally used excessive force against JERMAINE CLAYBROOKS.
143. That the Defendants acted under color of State law, practices, procedures and policies.
144. That the Defendants, by jointly and severally shooting at JERMAINE CLAYBROOKS' automobile, resulting in death, was a use of excessive force contrary to the 4th and 14th Amendments to the United States Constitution, and the Due Process Clause of the 14th Amendment to the United States Constitution.
145. That the Defendants' use of excessive force resulted in the death of JERMAINE CLAYBROOKS.

Third Cause of Action

Title 42, United States Code, Section 1983
Loss of Society and Companionship against the Defendants

146. Plaintiffs reallege, and incorporate by reference, the allegations of the preceding paragraphs.
147. That the conduct of the Defendants, as set forth in the preceding paragraphs, which resulted in the death of JERMAINE CLAYBROOKS, deprived JERMAINE CLAYBROOKS biological children, J.C.C. and J.M.C., of the society and companionship of their father.

Fourth Cause of Action

Wisconsin Statute Section 895.46 Indemnification against MILWAUKEE

148. Plaintiffs reallege, and incorporate by reference, the allegations in the preceding paragraphs.

149. That at all times material hereto, the Defendants were carrying out their duties as officers or agents of the MPD and HIDTA, and were acting within the scope of their employment with MILWAUKEE.
150. That the conduct of the Defendants, as set forth in the preceding paragraphs, resulted in the death of JERMAINE CLAYBROOKS.
151. That MILWAUKEE is liable, pursuant to Wisconsin Statute Section 895.46, for any judgment entered against the Defendants in this action because, at all times material hereto, the Defendants were carrying out their duties as an MPD officers or agents, and were acting within the scope of their employment with MILWAUKEE.

Fifth Cause of Action

Title 42, United States Code, Section 1983
Deficient Hiring and Continued Employment Policy against MILWAUKEE

152. Plaintiffs reallege, and incorporate by reference, the allegations in the preceding paragraphs.
153. That at all times material hereto, MILWAUKEE was a "person" for purposes of Title 42 of the United States Code, Section 1983.
154. That prior to 2005, MILWAUKEE had an official policy with respect to the hiring and continued employment of MPD officers.
155. That prior to 2005, the policymakers of MILWAUKEE made a conscious choice from various alternatives to follow its official policy with respect to the hiring and continued employment of MPD officers.

156. That prior to 2005, MILWAUKEE's official policy with respect to the hiring and continued employment of MPD officers was deficient in that it did not include administration of complete psychological testing of police officer candidates.
157. That prior to 2005, the policymakers of MILWAUKEE permitted the hiring of certain MPD officers, even though complete psychological testing would lead an objectively reasonable policymaker to conclude, as set forth in the preceding paragraphs, that said police officers would be highly likely to deprive third parties of their constitutional rights, including, but not limited to: (a) the right not to be unlawfully detained; (b) the right to be free from unreasonable searches; and (c) the right to be free from the use of excessive force.
158. That prior to 2005 and continuing to the present, the policymakers of MILWAUKEE permitted/permit the continued employment of certain MPD officers, even though complete psychological testing would lead an objectively reasonable policymaker to conclude, as set forth in the preceding paragraphs, that said police officers would be highly likely to deprive third parties of their constitutional rights, including, but not limited to: (a) the right not to be unlawfully detained; (b) the right to be free from unreasonable searches; and (c) the right to be free from the use of excessive force.
159. That the policymakers of MILWAUKEE knew or should have known that, as set forth in the preceding paragraphs, complete psychological testing of police officer candidates was needed to avoid highly likely deprivations of constitutional rights, including, but not limited to: (a) the right not to be unlawfully detained; (b) the right to be free from unreasonable searches; and (c) the right to be free from the use of excessive force.

160. That MILWAUKEE's deficient policy with respect to the hiring and continued employment of MPD officers caused the violation of JERMAINE CLAYBROOK's constitutional rights under the 4th and 14th Amendments to the United States Constitution, and the injuries and damages to the Plaintiffs, as set forth in the preceding paragraphs.
161. That MILWAUKEE's official policy with respect to the hiring of MPD officers may be currently deficient in that it does not include administration of complete psychological testing of police officer candidates.

Sixth Cause of Action

Title 42, United States Code, Section 1983 Failure to Train Policy against MILWAUKEE

162. Plaintiffs reallege, and incorporate by reference, the allegations in the preceding paragraphs.
163. That at all relevant times herein, MILWAUKEE was a "person" for purposes of Title 42 of the United States Code, Section 1983.
164. That prior to March 16, 2017, and continuing to the present, the policymakers of MILWAUKEE made/make a conscious choice from various alternatives to follow its official policies with respect to the training of MPD officers.
165. That, as set forth in the preceding paragraphs, prior to March 16, 2017, and continuing to the present, MILWAUKEE's official policies with respect to the training of MPD officers were/are inadequate with respect to the recurring situations of encountering individuals with mental illness and using force against individuals.
166. That prior to March 16, 2017, and continuing to the present, the policymakers of MILWAUKEE knew or should have known that more and/or different training of MPD officers with respect to: (a) encountering individuals who are suffering from mental illness

and/or experiencing a crisis situation; (b) dealing with intense situations involving individuals who are suffering from mental illness and/or experiencing a crisis situation; and (c) using force against individuals was/is needed to avoid likely unlawful detentions, unreasonable searches, and uses of excessive force; and/or that this was/is plainly obvious to the policymakers of MILWAUKEE.

167. That MILWAUKEE's failure to provide adequate training to MPD officers caused the violation of JERMAINE CLAYBROOKS' constitutional rights under the 4th and 14th Amendments to the United States Constitution, and the injuries and damages to the Plaintiffs, as set forth in the preceding paragraphs.

168. That MILWAUKEE's official policies with respect to the training of MPD officers are currently inadequate with respect to the recurring situations of encountering individuals with mental illness and using force against individuals.

Seventh Cause of Action

Title 42, United States Code, Section 1983 Failure to Discipline Policy against MILWAUKEE

169. Plaintiffs reallege, and incorporate by reference, the allegations in the preceding paragraphs.

170. That at all relevant times herein, MILWAUKEE was a "person" for purposes of Title 42 of the United States Code, Section 1983.

171. That prior to March 16, 2017, and continuing to the present, the policymakers of MILWAUKEE made/make a conscious choice from various alternatives to follow its official policies with respect to the discipline of MPD officers.

172. That, as set forth in the preceding paragraphs, prior to March 16, 2017 and continuing to the present, MILWAUKEE's official policies with respect to the discipline of MPD officers

were/are inadequate with respect to the recurring situations of unlawful detentions, unreasonable searches, and uses of excessive force.

173. That prior to March 16, 2017 and continuing to the present, the policymakers of MILWAUKEE knew or should have known that more and/or different policies with respect to the discipline of MPD officers was/is needed to avoid likely unlawful detentions, unreasonable searches, and uses of excessive force; and/or that this was/is plainly obvious to the policymakers of MILWAUKEE.
174. That MILWAUKEE's failure to discipline MPD officers caused the violations of JERMAINE CLAYBROOKS' constitutional rights under the 4th and 14th Amendments to the United States Constitution, and the injuries and damages to the Plaintiffs, as set forth in the preceding paragraphs.
175. That MILWAUKEE's official policies with respect to the discipline of MPD officers are currently inadequate with respect to the recurring situations of unlawful detentions, unreasonable searches, and uses of excessive force.

Eighth Cause of Action

Title 42, United States Code, Section 1983

Custom of Condoning Constitutional Rights Violations against MILWAUKEE

176. Plaintiffs reallege, and incorporate by reference, the allegations in the preceding paragraphs.
177. That at all relevant times herein, MILWAUKEE was a "person" for purposes of Title 42 of the United States Code, Section 1983, because their practices, habits and routines approved, promoted, and condoned the excessive use of force to stop, detain and arrest individuals in the fashion that occurred in the death of JERMAINE CLAYBROOKS.

178. That the actions and/or inactions of the Defendants in unlawfully detaining, unreasonably searching, and using excessive force against JERMAINE CLAYBROOKS were done in accordance with MILWAUKEE's custom of condoning constitutional rights violations.
179. That MILWAUKEE's custom of condoning constitutional rights violations was/is so persistent and widespread, as set forth in the preceding paragraphs, that it was/is MILWAUKEE's official policy.
180. That MILWAUKEE's custom of condoning constitutional rights violations permitted, encouraged, tolerated or ratified the actions and/or inactions of the Defendants, all in malicious or reckless disregard or with deliberate indifference regarding the constitutional rights of JERMAINE CLAYBROOKS.
181. That the policymakers of MILWAUKEE made/make a conscious choice from various alternatives to follow its custom of condoning constitutional rights violations.
182. That the policy-makers of MILWAUKEE acted with deliberate indifference to the consequences of its custom of condoning constitutional rights violations.
183. That MILWAUKEE's custom of condoning constitutional rights violations caused the violations of JERMAINE CLAYBROOKS' constitutional rights, and the injuries and damages to the Plaintiffs, as set forth in the preceding paragraphs.

Ninth Cause of Action

Title 42, United States Code, Section 1983

Custom of Condoning Constitutional Rights Violations against KRUEGER

184. That, as a member of the HIDTA unit, Agent KRUEGER, as an employee of the United States Government Drug Enforcement Administration, was acting as a member of the HIDTA team and was acting under cover of State law, and, jointly and severally, violated the 4th and 14th Amendments to the United States Constitution, and the Due Process Clause

of the 14th Amendment to the United States Constitution, by shooting JERMAINE CLAYBROOKS on March 16, 2017.

185. That the conduct of said Defendant Agent of the United States Government Drug Enforcement Administration was carried out pursuant to State law and the HIDTA unit, and his conduct was a substantial factor in causing the death of JERMAINE CLAYBROOKS on March 16, 2017.
186. That the conduct of the Defendants, jointly and severally, were reckless, intentional, and unjustifiable actions leading to the death of JERMAINE CLAYBROOKS, justifying an award of compensatory damages, funeral and burial expenses, pecuniary loss of his estate, pain and suffering, loss of companionship for the minor children, as alleged above, in an amount to be determined by the jury.
187. That each and every Defendant, including the corporate Defendants, and Defendant FLYNN's, actions and conduct that culminated in the death of JERMAINE CLAYBROOKS on March 16th, 2017, were done intentionally and maliciously, and justify an award of punitive damages.
188. That because the use of excessive force, contrary to the 4th and 14th Amendments of the United States Constitution and the Due Process Clause of the 14th Amendment, has been a custom and practice, which led to the death of JERMAINE CLAYBROOKS on March 16, 2017, the entry of a Consent Decree against the CITY OF MILWAUKEE, EDWARD P. FLYNN, and others, wherein the Court maintains jurisdiction to prevent and protect other citizens from policies, practices, and procedures leading to the unconstitutional stops, detentions and arrests of Milwaukee citizens.

189. WHEREFORE, the Plaintiffs demand judgment against the Defendants, as follows:

A. A judgment in an amount to be determined by the jury for compensatory and punitive damages as above alleged;

B. A judgment in favor of the Plaintiffs against the City of Milwaukee for its liability pursuant to Wisconsin Statutes 895.46;

C. For the entrance in conjunction for equitable relief, by way of Consent Decree, against the City of Milwaukee and Edward Flynn to prevent actions such as this that will harm citizens in the future;

D. For costs, disbursements, pre-judgment interest, and reasonable attorney's fees pursuant to Title 42 United States Code Section 1988; and

E. For any other further relief the Court deems just and equitable.

PLAINTIFFS HEREBY DEMAND A JURY TRIAL OF THIS ACTION

ON ALL ISSUES SO TRIABLE.

Dated this 1 day of November, 2017.

By:



WALTER W. STERN III
Counsel for Plaintiffs

Law Office of Walter W. Stern III
920 85th Street, Unit 123
Kenosha, WI 53143
Phone: (262) 880-0192
Fax: (262) 977-1101
wstern1@wi.rr.com



CLAIMANT CONTACT INFORMATION

Name: Angelica Torres Juarez
Address: 1815 S. 63rd St
West Allis, WI 53214

Phone: 414-393-7539
Email: mateo@gringolaw.com

INSTRUCTIONS

Complete this form, print and sign it, and serve a hard copy upon the West Allis City Clerk. If you have questions about how to fill out this form, please contact a private attorney who can assist you.

NOTICE OF CLAIM

Date of incident: 9/4/2020 Time of day: Approx 4:00 pm
Location: 5919 W. Burnham St

Describe the circumstances of your claim here. You may attach additional sheets or exhibits. Some helpful information may be the police report, pictures of the incident or damage, a diagram of the location, a list of injuries, a list of property damage, names and contact information for witnesses to the incident, and any other information relevant to the circumstances.

On September 4, 2020 at around 4:00 pm, Ms. Torres Juarez was walking at a normal pace and she tripped on an uneven section of sidewalk that was raised up about 1-2 inches above the portion of sidewalk that is immediately in front of it. She fell to the ground hard and injured both of her arms/shoulders. She called her son and he came, picked her up, and conveyed her to the ER at Columbia St. Mary's Hospital. She also went and sought post-ER treatment at Blount Orthopaedic Associates. As a result of the injury, Ms. Torres Juarez missed about a year of work because her knees, which were also injured in the fall, developed pain and by July of 2021, she was unable to put weight on her legs.
Ms. Torres Juarez is seeking damages in the amount of \$2717.56. This total is calculated as follows:
- Columbia St. Mary's ER Bill: \$1100.56
- Blount Orthopaedic Associates Bill: \$207.00
- Missed Work: \$ 610.00
- Dynasplint Splint for Elbow Injury \$800.00

Check one:

- I am seeking damages at this time (complete Claim Amount section below)
- I am submitting this notice without a claim for damages. This claim is not complete and will not be processed until I submit a claim for damages on a later date.

Signed: Angelica Torres Juarez

Date: 3-22-22

CLAIM AMOUNT

To complete this claim, attach an itemized statement of damages sought. If any damages are for repair to property, include at least 2 estimates for repairs.

The total amount sought is: \$ _____

SAVE

PRINT

Rec'd via mail 3-22-22-459-



RECEIVED

MAR 31 2022

CLAIMANT CONTACT INFORMATION

CITY OF WEST ALLIS
CITY CLERK

Name: Cynthia F. Nix

Phone: 414 708 4758

Address: 718 S 123rd St.

Email: Cindylnix55@gmail.com

WEST Allis 53214 INSTRUCTIONS

Complete this form and sign it, and serve a hard copy upon the West Allis City Clerk. If you have questions about how to fill out this form, please contact a private attorney who can assist you.

FRIDAY NOTICE OF CLAIM

Date of incident: MARCH 4th, 2022

Time of day: 8-9 AM

Location: 718 S 123rd St.

Describe the circumstances of your claim here. You may attach additional sheets or exhibits. Some helpful information may be the police report, pictures of the incident or damage, a diagram of the location, a list of injuries, a list of property damage, names and contact information for witnesses to the incident, and any other information relevant to the circumstances.

(Also spoke with Tracey Utke that morning) Afternoon

It appears the sanitation collection crew
mistakenly took 2 items from my lawn
These were several feet from my driveway
where my garbage cans were set out.

I spoke with your staff that morning by phone
302-8888 302-8224
+ confirmed the crew remembered taking these
** (both were in NEW CONDITION)

- 1. An igloo cooler on wheels
- 2. A mailbox

Approx value \$40.00 marked U.S. mail \$40.00

Check one:

- I am seeking damages at this time (complete Claim Amount section below)
- I am submitting this notice without a claim for damages. This claim is not complete and will not be processed until I submit a claim for damages on a later date.

Signed: Cynthia F. Nix

Date: 3-29-22

CLAIM AMOUNT

To complete this claim, attach an itemized statement of damages sought. If any damages are for repair to property, include at least 2 estimates for repairs.

The total amount sought is: \$ 80.00

Cindy Nix
712 S 123 St
West Allis, WI 53214

1. 1500 cooler on wheels
\$ 40.00

2. mail box
\$ 40.00

\$ 80.00 total

Thank you.

U.S. DISTRICT COURT
EASTERN DISTRICT - WI
FILED

2022 MAR 14 P 3:23

CLERK OF COURT

COMPLAINT

(for non-prisoner filers without lawyers)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

Marvin Ealy Jr

v.

(Full name of defendant(s))

officer Anthony Wagner Badge # 119
Sgt. John Fabrycki Badge # 10
officer Kevyn Mussatti Badge # 158
officer Adam Niemuth Badge # 11

Case Number:

22-6-0323

(to be supplied by Clerk of Court)

officer Schultz
Badge # 180

A. PARTIES

1. Plaintiff is a citizen of Wisconsin and resides at
(State)

1720 w meinecke Ave Milwaukee WI 53206
(Address)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Anthony Wagner, John Fabrycki, Kevyn Mussatti, Adam Niemuth
(Name)

1. Officer Anthony Wagner = Pulled me over and unlawfully Detained me and deprived me of my Rights
2. Officer Kevyn Mussatti = unlawfully shattered the Automobile window to extract me out of the Automobile
3. Sgt John Fabrycki ordered officers to break the Automobile window to extract me out of the car
4. Officer Adam Niemuth forcefully snatch me out of the Automobile by my shirt and threw me to the ground.

I'm not sure which officers searched me I was disoriented at that time but I was unlawfully searched

Incident took place on South 110st/west National Ave west Allis WI 53227

5. Officer Schultz Badge # 180 unlawfully opened my car door without my consent so that other officers could snatch me out of the Automobile

The reason why the west Allis Police officers assaulted me is because they were acting under the color of law.

is (if a person or private corporation) a citizen of Wisconsin
(State, if known)

and (if a person) resides at 11301 W Lincoln Ave West Allis WI 53227
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for West Allis Police Department 11301 W Lincoln Ave West Allis WI 53227
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

1. officers that violated my constitutional rights are Anthony Wagner
John Fabrycki, Kevyn Mussatti, and Adam Niemuth
2. On March 26 2019 approximately 7:31pm upon information and
belief, despite there being no reasonable suspicion that I had
committed a crime, was committing a crime, or would be committing
a crime I Marvin Ealy Jr was detained and arrested, after numerous
City of West Allis Police officers broke out my car window dragged me
out of the Automobile illegally searched me in a inappropriate, unwarranted,
and unconstitutional manner because I refused to provide identification
or give them my name. As a direct result of the above-indicated actions of
The West Allis police officers I sustained injuries to my shoulders and my neck
I also sustained psychological injuries and has suffered and continues
to suffer from fear, Anxiety, nightmares and sleep disturbance.

That a proximate cause of the injuries and damages caused by west Allis police officers upon information and belief, was the conduct on the part of the Above-identified West Allis police officers All of were acting within the scope of their employment and under the

Color of law involving the use of negligent and intentional inappropriate unwarranted, excessive, improper and unconstitutional Acts to illegally Break and Damage property, search me without My consent Detain me and Also Arrest me.

The city of west Allis And the west Allis police department failed to adequately train, supervise and control its Police officers by allowing a Police force atmosphere that Promotes cavalier attitudes in conduct, and leading to a belief that Police action will never be Scutinized and/or prosecuted; and by encouraging "misplaced loyalties" and a code of Silence among police officers in refusing to report unlawful actions by police officers and by refusing to Cooperate with officials investigating unlawful actions by police officers

My injuries and damages caused by west Allis police officers upon information and Belief, was the negligence on the part of the city of west Allis and the west Allis police department in allowing some of the above-identified officers to be originally hired and to Also remain employed as police officers, having actual or constructive knowledge of their conduct and attitudes, and knowing their being hired and Also remaining employed As police officers would involve unreasonable risk of harm to others.

That upon information and belief, in addition to negligent actions much of the actions and mis conduct described above, was objectively unreasonable and was undertaken intentionally, with malice, and with willful and reckless indifference to my rights. That upon information and belief the city of west Allis has had Both actual and constructive notice of the prior conduct of the involved police officers the city of west Allis hiring practices; the city of west Allis Police Department training, supervision and control practices; The city of west Allis police Department disciplinary practices; Police officers Attitudes and conduct practices; the police officers misplaced loyalties and code of Silence and the injuries and damages sustained on me and causes thereof

That as a result of the aforementioned incident and conduct, upon the information and belief I Marvin Ealy Jr suffered damage to my property and Psychological injuries as described above I has incurred expenses the repair of my damage of property; I Also have incurred and will continue in the future to incur medical expenses for treatment of my Psychological injuries and has endured and will continue in the future to endure emotional distress and other damages as provided by law. I am Marvin Ealy Jr I am authorized to give this notice of injury.

Complaint - 3

Dated at Milwaukee wt this 14th day of March, 2022

Case 2:22-cv-00323-LA Filed 03/14/22 Page 4 of 6 Document 1

C. JURISDICTION

I am suing for a violation of federal law under 28 U.S.C. § 1331. and 42 U.S.C

OR

I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$ _____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

I want the court to prosecute the defendants to the fullest extent of the law. I want the police officers that are involved to be fired. And I want the courts to award me 1,600,000

E. JURY DEMAND

I want a jury to hear my case.

- YES

- NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 14 day of March 2022.

Respectfully Submitted,

Marnie Early Jr
Signature of Plaintiff

262 202 9325
Plaintiff's Telephone Number

eknolegeel@gmail
Plaintiff's Email Address

1720 W Meinecke Milwaukee WI 53206

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE

I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Filing Fee form and have attached it to the complaint.

I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.



WEST ALLIS POLICE DEPARTMENT

Patrick S. Mitchell
Chief of Police

Robert Fletcher
Deputy Chief of Police

Christopher Marks
Deputy Chief of Police

January 26, 2022

Re: Requested records

To Whom It May Concern:

This letter is in response to your request for records for the above listed matter. Since you are making your request under the public records law, my response to your request will be framed under the provisions of those statutes and the case law interpreting them.

I have been mindful in preparing these records for release that the purpose of the Wisconsin public records law is to shed light on the workings of government and the acts of public officers and employees in their official capacities. Wis. Stat. § 19.31 declares: "In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them." In addition to Wis. Stat. § 19.31, see Building and Constr. Trades Council v. Waukakee Comm. Sch. Dist., 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

In considering your request, I initially determined whether there is a statute or case law requiring disclosure or creating a blanket disclosure exception. Thereafter, I performed the balancing test to decide whether the strong presumption favoring disclosure is overcome by some even stronger presumption favoring limited access or non-disclosure. For the reasons set forth below, I have decided to partially deny your request for records, specifically:

Personal identifying information of individuals associated with an incident(s) investigated by law enforcement has been redacted from records.

- In performing the balancing test, I determined that the public interest in disclosure of this information is outweighed by the public interest in the privacy on the part of individuals as well as the public interest in individuals cooperating with authorities. Furthermore, this information has been redacted to protect against identity theft, harassment, or other unauthorized use. Finally, the redacted information sheds little, if any, light on the affairs of the government.

Name and personal identifying information of a juvenile(s) have been redacted from records.

- See Wis. Stat. § 48.396 and 938.396.
- In performing the balancing test, I determined that the public interest in disclosure of this information is outweighed by the public interest in the privacy on the part of juveniles. In addition, I concluded that disclosure of this information sheds very little, if any, light on the workings of government and the acts of public officers and employees in their official capacities in this incident. Furthermore, this information has been redacted to protect against identity theft, harassment, or other unauthorized use.

Personal medical/psychiatric information has been redacted from records.

- In performing the balancing test, I determined that the public interest in disclosure of this information is outweighed by the public interest in the privacy on the part of individuals as it pertains to their personal medical/psychiatric history, as well as the privacy afforded to individuals by the Health Insurance Portability and Accountability Act (HIPAA).
- See Wis. Stat. § 146.82 Confidentiality of Patient Health Care Records.

Other requested records are being made available.

Wis. Stat. § 19.35(4)(b) requires that you be informed this determination is subject to review under Wis. Stat. § 19.37(1). You may bring an action for mandamus asking for a court to order release of the records or request the District



WEST ALLIS POLICE DEPARTMENT

Patrick S. Mitchell
Chief of Police

Robert Fletcher
Deputy Chief of Police

Christopher Marks
Deputy Chief of Police

Attorney or Attorney General to bring an action for mandamus asking a court to order a release of the records. The Milwaukee County District Attorney's office is located at 949 North 9th Street, Milwaukee, WI, 53233. The Milwaukee County Children's Court Center is located at 10201 West Watertown Plank Road, Wauwatosa, WI, 53226. The State Attorney General's office is located at Wisconsin Department of Justice, 114 East State Capitol, P.O. Box 7857, Madison, WI 53707-7857.

Sincerely,

Steven Beyer

Steven Beyer
Captain of Police
Administrative Services Bureau



West Allis Police Department

Incident Report

Date: 03/26/2019

CFS Code-1: 4801

Incident Report Number:

19-011368

Incident: Resisting Officer

Incident Report Number: 19-011368 Between: Date - Time: And/At: Date-Time: 3/26/19 19:31

Incident Location: S 110 St/W National Ave, West Allis, WI, 53227

CFS Code-1: 4801 CFS Code-2: 90Z4 CFS Code-3: ZJF9874 Offense Code-4: CFS Code-5: CFS Code-6: CFS Code-7: CFS Code-8:

Name (Last, First, Middle): Ealy, Marvin Jr DOB: Race/Sex: W/M

Address: (Address, City, State, Zip) Home Phone Number

Employer Work Phone Number

Employer Address Cell Phone Number

Name (Last, First, Middle) DOB: Race/Sex:

Address: (Address, City, State, Zip) Home Phone Number

Employer Work Phone Number

Employer Address Cell Phone Number

SUMMARY

Officer Wagner reports

On 03/26/19 at approx. 1931hrs, I observed a vehicle bearing WI LIC AAE1555, operating westbound on W National Ave at S 110 St. A DOT query of the vehicle indicated that the registration plates on the vehicle was currently suspended. A traffic stop was conducted. The operator of the vehicle, later identified as Marvin Ealy Jr, M/B [REDACTED], refused to identify himself and refused to exit the vehicle. He was eventually removed from the vehicle and taken into custody. He was found to have a revoked license status and held a body only warrant through the Milwaukee County Sheriff's office. He was arrested, booked, and turned over to the Milwaukee County Sheriff's Office on the warrant. This incident will be reviewed by the Milwaukee County District Attorney's office for review on 04/10/19 at 0830hrs.

Vehicle Information: (Year, Make, Model, Style, Color)

License Number: State: Expiration Year: Vin: Insurance Company:

Other Vehicle Information: NCIC#

Reporting Officer(s): Wagner, Anthony Payroll Number: 2570 Report Date: 03/26/2019

Time Received: 19:31:39 Time Cleared: 22:47:52 Unit(s) Assigned: 207, 222, 299, 235, 233, 234, ; Pages: 1 of 4

Reviewed by: Clerical and Coding Manz, Tra Payroll Number: 9656 Copy To

West Allis Police Department**Continuation**

Incident Report Number 19-011368	Incident Location: S 110 St/W National Ave, West Allis, WI, 53227	Incident Date: 03/26/2019
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NARRATIVE

At the time of this investigation I was wearing my WAPD issued body camera, which was functional and activated. The body worn camera footage was categorized as Misdemeanor. See video recording for precise details as the following is a summary based off little or no review.

INITIAL STOP

On 04/04/19 at approx. 1931hrs, while on patrol in my marked WAPD squad car, I observed a red 2001 Ford Escort WI LIC AAE1555, operating westbound on W National Ave from S 108 St. A DOT query of the vehicle indicated that the registration of the vehicle was currently suspended due to an unpaid parking ticket through the Milwaukee County Sheriffs office. At S 110 St and W National Ave I positioned my squad behind the vehicle and activated my emergency lights to conduct a traffic stop. The vehicle pulled into the McDonalds lot and pulled into a parking space facing east on the west side of the building. In the rear windows of the vehicle I observed several pieces of paper that stated things such as "not for commerce", "Private Property" and "you are being recorded". I know that, based upon my training and experience as a law enforcement officer, signs and statements of this nature are sometimes used by "sovereign citizens", who can sometimes be uncooperative with law enforcement. I waited for my back up officers to arrive before making contact.

CONTACT WITH MARVIN EALY JR - OFFENDER

I approached the drivers side window of the vehicle and spoke with the driver and sole occupant, later identified by WI Fast ID as Marvin Ealy Jr, M/B [REDACTED]. I introduced myself and explained the reason for the stop. Marvin told me that the vehicle was not the property of the DMV. He then told me that he was going to call the owner of the vehicle on his phone. Marvin then explained that he was recording me. I informed him that my body camera was also recording.

I then asked Marvin if he had his drivers license or ID card on with him. He told me that he was not driving. I explained to him that he as operating a vehicle on a city street in the city of West Allis. He then told me to read the papers he had on his drivers window. I again explained to him that he was operating a vehicle on a city street and I needed to see his drivers license. He then explained that "this was not a registered vehicle with the DMV so the contract has been expired". He also again explained that he was not a driver. I asked Marvin if he would turn off the vehicle so I could speak with him. He told me that he could hear me and did not turn off the vehicle.

I again asked him for his drivers license and he again told me that he was not

Reporting Officer(s): Wagner, Anthony	Payroll Number : 2570	Pages: 2 Of 4
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West Allis Police Department**Continuation**

Incident Report Number

19-011368

Incident Location:

S 110 St/W National Ave, West Allis, WI, 53227

Incident Date:

03/26/2019

driving, he was traveling, and that he was not engaged in commerce. Marvin also told me that he "pleads the fifth" on everything. I explained to him that I was not requesting any statements from him and that I just needed him to produce his drivers license. Marvin continued to show me his papers and claim that he did not have to show me anything.

I asked Marvin if I could know his first name, just so I know what to call him. He refused to tell me even his first name. He then asked for a supervisor. I informed him that my Sergeant was on his way.

As other officers arrived on-scene, they also attempted to speak with Marvin. I went inside of the McDonalds to check if anyone knew Marvin or was waiting for him to arrive at the business. Initially no one inside the business knew who the male was, but a short time later a store manager exited and told me that one of the employees was [REDACTED]. I spoke with [REDACTED], who stated that the man was [REDACTED] who had come to pick her up. [REDACTED] stated she did not live with the male and did not know his actual legal name. She stated that he often acts this way and stated he was "woke".

Officers continued to order Marvin to exit the vehicle and explained to him multiple times that he was now under arrest. For approx. 20 min he was ordered to exit the vehicle and told that he was under arrest.

ARREST OF MARVIN EALY JR

For additional information regarding the arrest of Marvin, See additional officers supplements.

TRANSPORT AND BOOKING

Marvin was secured in a squad car and transported to the WAPD station for booking by Officer Eklund. Once at the WAPD station, he was searched and a WI ID card was located, identifying him as Marvin. His identity was also confirmed by the WI Fast ID system. Marvin claimed that he was a Mooring American and that the name on the ID card was not his real identity and that he did not recognize the state.

I explained to Marvin the booking process and explained that we needed his fingerprints and a photograph. He told me that he did not consent, and that we would have to make him do it. Marvin did not physically resist and would move over to the fingerprint area and photograph area with minimal guidance from officers.

Marvin was found to have a valid body only warrant through the Milwaukee County Sherriff's Office. His drivers license status was also found to be revoked, related to an OWI incident.

Marvin was issued citation AE264096-0 for OAR due to an OWI, and local citation

Reporting Officer(s):

Wagner, Anthony

Payroll Number:

2570

Pages:

3 Of 4

West Allis Police Department**Continuation**

Incident Report Number 19-011368	Incident Location: S 110 St/W National Ave, West Allis, WI, 53227	Incident Date: 03/26/2019
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AE164098-2 for operating after the suspension of the registration. The OAR citation has a court date set for 04/30/19 and the local citation has a court date set for 04/29/19 at 0830hrs.

Following the booking he was turned over to MCSO on the warrant.

CASE DISPOSITION

Marvin Ealy JR was arrested for Obstructing, OAR due to an OWI, and a warrant through the sheriffs office

Reporting Officer(s): Wagner, Anthony	Payroll Number: 2570	Pages: 4 Of 4
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West Allis Police Department**Supplementary Report**

Incident Report Number: 19-011368	Incident Location: S 110 St/W National Ave, West Allis, WI, 53227	Incident Date: 03/26/2019
New Incident:	Original CFS Code - 1:	New CFS Code - 1: New CFS Code - 2:

NARRATIVE**INITIAL RESPONSE**

On 03/26/19 at approx. 2200 hrs., I responded to McDonald's, 10915 W. National Ave., to assist with a traffic stop. Officers were already out with a red Ford Escort, WI Reg #AAE1555, and the operator refused to get out of the vehicle. On scene officers advised the operator was argumentative and refusing to roll the window down.

VEHICLE CONTACT

Upon arrival on scene I made contact with Sgt. Fabrycki who advised officers were going to break the windows of the vehicle to take the operator into custody. While speaking with Sgt. Fabrycki I heard contact officers continually tell the operator he was under arrest and to exit the vehicle.

While speaking to Sgt. Fabrycki, it was agreed to break the front passenger window first (for cover/less lethal options), then to move to the front driver side window. Officers decided to remove the operator from the driver side due to another vehicle parked on the passenger side of the offender's vehicle.

EXTRICATION

Once officers were ready, I used my window punch tool and hit the top left corner of the front passenger window. After the window was broken, I used the halogen to rake the glass around the window to avoid any officers getting cut. After the window was cleared, I moved myself to the front driver side window. While there, the operator ultimately advised officers he was coming out. He unlocked the door, and officers took him into custody.

End of Supplemental Report

Reporting Officer(s): Mussatti, Kevyn	154	Payroll Number: 9906	Report Date: 03/26/2019
Reviewed by: Pasdera, Trever	Payroll Number: 1851	Copy To:	Page: 1 Of 1

West Allis Police Department

Supplementary Report

Incident Report Number: 19-011368	Incident Location: S 110 St/W National Ave, West Allis, WI, 53227	Incident Date: 03/26/2019
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Officer Borree reports...

INITIAL CALL FOR SERVICE

On 03/26/19 at approximately 7:31pm, Officer Wagner called out a traffic stop via radio at S 110 St/W National Ave. The vehicle eventually stopped at McDonald's located at 10915 W National Ave., in the City of West Allis, County of Milwaukee, State of Wisconsin. More Officers arrived on the scene as Officers Wagner and Schultz advised via radio that the driver was not cooperative, would not roll down his window, and would not step out of the vehicle.

Eventually, the driver of the vehicle was removed from the vehicle. I assisted in this investigation by taking photographs of the scene.

SCENE PHOTOGRAPHS

I utilized a WAPD Canon digital point-and-shoot camera and my issued media card to take 22 digital photographs of the scene. The following is a summary of those photographs:

- 1-5. Mid-range photographs of offender's vehicle
- 6-7. Damage to front passenger window
- 8. Interior of front passenger area
- 9-13. Signs affixed to inside of windows of offender's vehicle
- 14. Interior of front driver area
- 15. Rear seat
- 16. Camera affixed to dashboard
- 17. Handicapped parking placard hanging from rearview mirror
- 18. Camera affixed to dashboard
- 19. Sign affixed to inside of offender's vehicle
- 20. Vehicle registration plate AAE1555
- 21-22. VIN of offender's vehicle

The photographs were uploaded to the WAPD DIMS system for safekeeping.

This report will be submitted to the Commanding Officer for review.

Reporting Officer(s): Borree, Peter <i>112</i>	Payroll Number: 9897	Report Date: 03/26/2019
Reviewed by: Pasdera, Trever	Payroll Number: 1851	Copy To: Page: 1 Of 1

West Allis Police Department**Supplementary Report**

Incident Report Number: 19-011368	Incident Location: S 110 St/W National Ave, West Allis, WI, 53227	Incident Date: 03/26/2019
New Incident:	Original CFS Code - 1:	New CFS Code - 1:
		New CFS Code - 2:

NARRATIVE

At the time of this investigation I was wearing my WAPD issued body camera, which was functional and activated. The body worn camera footage was categorized as misdemeanor arrest. See video recording for precise details as the following is a summary based off little or no review.

Obstructing

When I arrived on scene, PO Wagner and PO Schultz were talking to the driver and lone occupant in a red Ford Escort. The driver, a M/B subject was refusing to identify himself or exit the vehicle after he was stopped for a traffic violation by PO Wagner.

I took over communication with the unidentified driver for PO Wagner and PO Schultz. I spoke with the driver for approx. 25 minutes trying have him exit the vehicle. During the approx. 25 minutes of negotiation with the driver, I informed him he is under arrest for obstructing and needed to exit the vehicle.

During my entire contact with the driver he refused to exit the vehicle after repeated commands and told officers they would need to break his window to get him out of the vehicle.

Due to the driver refusing to exit the vehicle and identify himself after approx. 25 minutes of repeated commands to exit the vehicle, officers broke the passenger side window of the vehicle to take the driver into custody. When the vehicle doors were unlocked, PO Schultz opened the driver's door from the outside. I grabbed the driver by the shirt at his shoulders and directed him to the ground next to the driver's door where he was taken into custody without further incident.

Q&A Tab

The Use of Force Q&A Tab was completed.

End of Supplement

V80

Reporting Officer(s): Niemuth, Adam	Payroll Number: 2681	Report Date: 03/26/2019
Reviewed by: Orlowski, Rick, Jr.	Payroll Number: 9249	Page: 1 Of 1

West Allis Police Department

Supplementary Report

Incident Report Number: 19-011368	Incident Location: S 110 St/W National Ave, West Allis, WI, 53227	Incident Date: 03/26/2019
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

OTHER NAMES

Ealy, Marvin Jr W/M-

[REDACTED]

PROPERTY LIST

Seq#	Reason	Make/Model	Description/Serial#	Quan/Value
19-001549				
1	SAF		CBD product in a clear bottle and in a white calcium pill bottle	1.000 \$20.00 [Recovered]

Reporting Officer(s): Wagner, Anthony	Payroll Number : 2570	Report Date: 03/26/2019
Reviewed by: Fabrycki, Jonathan	Payroll Number : 9874	Copy To: Page: 1 Of 1

West Allis Police Department**Supplemental Report**

Incident Report Number: 19-011368	Incident Location: S 110 St/W National Ave, West Allis, WI, 53227	Incident Date: 03/26/2019
New Incident:	Original CFS Code - 1: 4801	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE**ADA REVIEW 04-11-19****Barwick reports:**

ADA Behling is assigned to this case. The defendant has a [REDACTED] hearing on 04-12-19 for a different case. This case may be read in the existing case.

Reporting Officer(s): Barwick, Steven	Payroll Number : SB1805	Report Date: 04/11/2019
Reviewed by: Orlowski, Rick, Jr.	Payroll Number : R09249	Copy To: Page: 1 Of 1

West Allis Police Department

Property Report

Property Number: 19-001549	Case Number 19-011368	Location: S 110 St/W National Ave	Incident Date: 03/26/2019 19:31:39
Name (Last, First, Middle) Ealy, Marvin		DOB: [REDACTED]	Race/Sex: Black/African American Male
Address: (Address, City, State, Zip) [REDACTED]			Home Phone Number:

Details of Recovery

Recovered Location: (Address, City, State, Zip)		Recovery Date: 03/26/2019 22:28:56
Found in Possession of:	Address: (Address, City, State, Zip)	
<input type="checkbox"/> Evidence	Place Retained: Sent to Property Room 03/26/2019 22:28:56	<input type="checkbox"/> Found Property

Item#	Type	Reason
19-001549 - 1	Article	Safekeeping
Description: CBD product in a clear bottle and in a white calcium pill bottle		
Quan/Value: 1.000 / \$20.00		
Disposition: Sent To Property Room		

Reporting Officer: Wagner, Anthony M	AW2570	Reviewed by: Wagner, Anthony M	AW2570	Report Date 03/26/2019
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Disposition of Property

Release Date:	Proof of Ownership:	Signature of Officer Authorizing Release:
Owner - Agent Printed Name:	Owner - Address:	
Signature of Owner - Agent:	Signature of Officer Releasing Property:	

**CITY OF WEST ALLIS
ORDINANCE O-2022-0047**

**SALARY ORDINANCE FOR CODE ENFORCEMENT DEPARTMENT AND
DEPARTMENT HEAD RECRUITMENT**

AMENDING SALARY SCHEDULE

WHEREAS, the Building Inspections and Neighborhood Services Department has been renamed the Code Enforcement Department; and

WHEREAS, the salary schedule must be updated to reflect the change in department name;

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

SECTION 1: **AMENDMENT** “Salary Schedule” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Salary Schedule

1. Establishment. City employees and officers shall receive compensation based on the salary schedule in this ordinance, the terms of an employment contract, or the terms of a collective bargaining agreement.
2. Automatic Cost of Living Adjustments. This salary schedule does not include an automatic adjustment for personnel in conformity with fluctuations upwards and downwards in the cost of living.
3. Employee and Appointed Officer Salaries. Each City employee and officer who holds a position recognized within the salary schedule below shall receive compensation within the range assigned to the salary grade for that employee's or officer's position.

[Current Salary Schedule - Effective 2/2/22-4/8/22 \(Link\)](#)

Past Salary Schedules

[Effective 2/2/22-4/7/22 \(Link\)](#)

[Effective 1/11/22-2/1/22 \(Link\)](#)

[Effective 10/3/21-1/10/21 \(Link\)](#)

[Effective 7/13/21-10/2/21 \(Link\)](#)

[Effective 6/15/21-7/12/21 \(Link\)](#)

[Effective 6/1/21-6/14/21 \(Link\)](#)

[Effective 3/2/21-5/31/21 \(Link\)](#)

[Effective 2/2/21-3/1/21 \(Link\)](#)

[Effective 12/15/20-2/1/21 \(Link\)](#)

- [Effective 10/18/20-12/14/20 \(Link\)](#)
- [Effective 9/1/20-10/17/20 \(Link\)](#)
- [Effective 3/17/20-8/31/20 \(Link\)](#)
- [Effective 3/3/20-3/16/20 \(Link\)](#)
- [Effective 1/7/20-3/2/20 \(Link\)](#)
- [Effective 8/6/19-1/6/20 \(Link\)](#)
- [Effective 3/19/19-8/5/19 \(Link\)](#)
- [Effective 10/16/18-3/18/19 \(Link\)](#)
- [Effective 10/2/18-10/15/18 \(Link\)](#)
- [Effective 6/19/18-10/1/18 \(Link\)](#)
- [Effective 4/17/18-6/18/18 \(Link\)](#)
- [Effective 3/6/18-4/16/18 \(Link\)](#)
- [Effective 1/14/18-3/5/18 \(Link\)](#)

4. Elected Officer Salaries. Elected officers shall receive annual salaries as indicated in this subsection. Salaries for elected officers shall be paid in biweekly payments in the same manner as employees and appointed officers.

a. Alderperson

Date	Annual Salary
Effective 4/21/2020	\$10,000
Effective 1/1/2021	\$10,200
Effective 1/1/2022	\$10,400
Effective 1/1/2023	\$10,600
Effective 1/1/2024	\$10,800

b. Mayor

Date	Annual Salary
Effective 4/21/2020	\$73,583.75
Effective 4/20/2021	\$75,791.26
Effective 4/19/2022	\$78,065.00
Effective 4/18/2023	\$80,406.95

c. Municipal Judge

Date	Annual Salary
Effective 5/1/2019	\$69,603.82

5. Hourly Employee Pay Rates. Each City employee who holds a position recognized below shall receive compensation within the range assigned. The rates assigned to any position marked with an asterisk shall increase by 3.5% if the employee is a City resident.

Position	Minimum Hourly Pay	Maximum Hourly Pay
BINS Code Enforcement Part-Time Inspector*	\$24.51	\$29.41
Co-Facilitator (WISH)*	\$25.00	\$30.00
College Co-op/Intern	\$12.00	\$17.50
Community Service Officer*	\$11.76	\$14.71
Crossing Guard	\$11.00	\$13.00
High School Co-op	\$8.00	\$9.00
Lead Library Page*	\$10.00	\$15.00
Library Page*	\$8.33	\$10.50
Market Attendant*	\$17.56	\$24.08
Neighborhood Partnership Specialist*	\$18.00	\$23.00
Night Parker Taker*	\$7.84	\$9.80
Part-Time Cleaner*	\$12.00	\$17.00
Police Background Investigator*	\$24.51	\$29.41
Security Installers*	\$11.76	\$14.71
Special Voting Deputy*	\$9.80	\$9.80
Temporary Seasonal Laborer*	\$13.00	\$16.00
WISH Child Care Provider*	\$9.80	\$14.71

6. Election Official Pay Rates. Any person who is appointed as an election official under Wis. Stat. 7.30 or seeking that appointment shall receive compensation of:
- a. \$125.00 per full day of work on election day as an inspector. The city clerk may authorize up to \$50.00 in additional pay for meeting performance metrics established by the city clerk.
 - b. \$150.00 per full day of work on election day as an assistant chief inspector. The city clerk may authorize up to \$75.00 in additional pay for meeting performance metrics established by the city clerk.
 - c. \$175.00 per full day of work on election day as a chief inspector of a polling place. The city clerk may authorize up to \$100.00 in additional pay for meeting performance metrics established by the city clerk.
 - d. \$25.00 for attending an instructional meeting prior to election day.
 - e. \$15.00 per hour for any of the following:
 - i. training prior to election day.
 - ii. working as a special voting deputy under Wis. Stat. 6.875.
 - f. \$350.00 per full day of work on election day as chief inspector of the location canvassing absentee ballots under Wis. Stat. 7.52. The city clerk may authorize up to \$100.00 in additional pay for meeting performance metrics established by the city

clerk.

- 7. Unlisted Positions. Each City employee and officer who holds a position not recognized within this salary schedule shall receive compensation in the manner described in that employee's or officer's employment contract or collective bargaining agreement.

[Fire Department Salary Schedule - Effective 4/5/20-12/31/21 \(Link\)](#)

Wis. Stat. 7.03, 62.09(6), 66.0507, 755.04

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on April 8, 2022.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of West Allis

Dan Devine, Mayor City Of West Allis

**CITY OF WEST ALLIS
RESOLUTION R-2020-0250**

**RESOLUTION TO AMEND THE CITY’S FEE SCHEDULE BY ADDING
RECYCLING CART PRICING AND WAIVER FEE FOR CURBSIDE/ALLEY EDGE
GARBAGE AND RECYCLING COLLECTION TO THE PUBLIC WORKS FEE
SECTION**

WHEREAS, to ensure that the City collects the full cost of each recycle cart and avoids subsidizing the cost of each recycle cart with taxpayer dollars, the City shall charge the full cost of each recycle cart to the persons who receive one; and

WHEREAS, the price of each recycling cart changes with each order, so it is important to provide flexibility so the city clerk may update the fee amount as prices change; and

WHEREAS, the Department of Public Works Sanitation and Street Division provides a waiver from curbside/alley edge garbage and recycling collection services to those who qualify for a medical exemption; and

WHEREAS, the Department of Public Works will collect for those residences that are verified of the medical exemption to receive collection of refuse and recycling services at or near the residential dwelling at the specified annual fee; and

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the fee schedule is approved.

SECTION 1: **ADOPTION** “R-2022-0250” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

A D O P T I O N

R-2022-0250(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

Public Works

1. Park Rental. The director of public works shall collect the following park area rental fees as applicable.

Type	Fee Amount	Authority
Honey Creek Park	\$50.00 per day + \$50.00 for alcohol permission + \$50.00 for structure use + \$75.00 for electricity use	
Klentz Park	\$50.00 per day + \$50.00 for alcohol permission + \$50.00 for structure use	
Liberty Heights Park	\$50.00 per day + \$50.00 for alcohol permission + \$50.00 for structure use	
Reservoir Park	\$50.00 per day (includes shelter) + \$50.00 for alcohol permission	
Rogers Park	\$50.00 per day + \$50.00 for alcohol permission	
Rogers Playground	\$50.00 per day + \$50.00 for alcohol permission	
Skate Park	\$300.00 per day	
Veterans Park	\$50.00 per day + \$50.00 for alcohol permission	

2. Drop-Off Waste Processing Fees. The director of public works shall collect the following waste processing fees for any items dropped off at the City's designated waste processing facility, as applicable.

Service	Fee Amount	Authority
Brush, household debris, demolition materials, concrete, and ground drop off	\$0.00 (<1 cu. yd - once per day) \$15.00 (over 1-3 cu. yds) \$30.00 (over 3-6 cu. yds) \$50.00 (over 6-8 cu. yds)	
Microwave	\$5.00 per unit	
Television - CRT, LED, LCD	\$25.00 per unit	
Television - Console, Plasma, Projection, Other	\$40.00 per unit	
Tires (except tractor tire)	\$5.00 each (0"-16" rim diameter) \$15.00 each (Over 16" rim diameter)	
Tires (tractor tire)	\$60.00 each	

3. Pick-Up Waste Processing Fees. The director of public works shall collect the following waste processing fees for any items picked up from private property or an area in front of private property, as applicable.

Service	Fee Amount	Authority
Heavy item charge - over 150 lbs	\$50.00 per item	
Brush, household debris,	\$50.00 (over 1-4 cu. yds)	

demolition materials, concrete, and ground collection	\$100.00 (over 4-8 cu. yds)	
---	-----------------------------	--

4. Water Utility Fees. The director of public works shall collect the following water utility fees as applicable

Type	Fee Amount	Authority
Final bill - Statement and Reading	\$50.00 per bill	
Illegal Service Correction	\$50.00	
Missed appt charge - During normal business hours	\$50.00 per missed appointment	
Service Reconnection Fee	\$50.00 (during business hours) \$75.00 (outside of business hours)	
Water Meter Broken or Missing	Actual Repair or Replacement Cost	

5. Item Sales. The director of public works shall collect the following amounts for items sold, as applicable. For any refuse and/or recycling cart delivered to a customer, the director of public works shall collect the actual cost paid by the City for that refuse and/or recycling cart. The city clerk shall update the table below to reflect the most recent price reported to the clerk's office by the director of public works.

Item	Fee Amount	Authority
Refuse Cart	\$58.00 each (96 gallon) \$52.00 each (64 gallon)	
Recycle Cart	\$45.00 each (96 gallon)	

6. Waiver from curbside/alley edge garbage and recycling collection requirement. The director of public works shall collect the following amounts for services, as applicable..

Item	Fee Amount	Authority
All individuals in household who have a disability that prevents placement of garbage and recycling at curbside/alley edge	\$100 per year	

HISTORY

Adopted by Res. R-2021-0247 on 4/20/2021
Amended by Res. R-2021-0385 on 7/13/2021
Amended by Res. R-2021-0461 on 8/3/2021

**CITY OF WEST ALLIS
RESOLUTION R-2022-0273**

**RESOLUTION APPROVING A TWO-YEAR EXTENSION AND AMENDMENT TO
THE INTERGOVERNMENTAL EMERGENCY MEDICAL SERVICES
AGREEMENT FOR EMERGENCY MEDICAL SERVICES (EMS) BETWEEN
MILWAUKEE COUNTY AND THE CITY OF WEST ALLIS FOR 2021-2025**

WHEREAS, the City of West Allis (the "City") and Milwaukee County (the "County") desire to continue to provide for EMS to the citizens of the City of West Allis and to other individuals as deemed appropriate by the Common Council and Milwaukee County in a cost effective and efficient manner which coordinates care and services throughout the County; and

WHEREAS, the City and the County desire to enter into an agreement to set forth their respective responsibilities in connection with continuing the provision of EMS within Milwaukee County; and

WHEREAS, the City and the County agree to extend the existing agreement through December 31, 2025; and

WHEREAS, the City agrees to meet Milwaukee County's Key Performance Indicators; and

WHEREAS, Milwaukee County agrees to provide an increased supplement to the City of West Allis for providing Advanced Life Support services to residents.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the Intergovernmental Emergency Medical Services Agreement for EMS between Milwaukee County and the City of West Allis for 2021-2025, a copy of which is attached hereto and made a part hereof, be and is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and are hereby authorized and directed to execute the aforesaid Agreement on behalf of the City of West Allis.

SECTION 1: **ADOPTION** "R-2022-0273" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0273(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis



EXHIBIT A

Per Article V of the Milwaukee County Office of Emergency Management EMS Division (OEM-EMS) agreement with [] effective January 1, 2022 (“Agreement”), OEM-EMS will annually submit a notice of available EMS subsidy funds to each ALS transport capable municipality.

For 2022, a total of \$3.0M will be available to the Milwaukee County EMS System. OEM-EMS will retain \$500,000 to invest into the EMS system as a whole in collaboration with all EMS agencies. The remaining \$2.5M will be awarded to the ALS transport capable municipalities via the 30%-30%-40% Formula.

The funds assigned to the following BLS transport agencies will be awarded to the following ALS transport agencies:

- Cudahy: 100% of funding to South Milwaukee
- St. Francis: 100% of funding to Milwaukee
- Hales Corners: 40% of funding to Franklin, 40% to Greenfield, and 20% to Greendale.

30-30-40 FORMULA										
	POPULATION SERVED		30%	SQ. MILES SERVED			30%	AVG ALS TRANSPORT	40%	
Franklin	36,816	3.9%	\$ 29,390	34.58	14.3%	\$ 107,313	7.6%	\$ 76,000	\$ 212,704	
Hales Corners	7,720	0.8%	\$ 6,163	3.192	1.3%	\$ 9,906	N/A		\$ 16,069	
TOTAL	44,536	4.7%	\$ 35,553	37.772	15.6%	\$ 117,219	7.6%	\$ 76,000	\$ 219,131	
Greendale	14,854	1.6%	\$ 11,858	5.57	2.3%	\$ 17,286	2.6%	\$ 26,000	\$ 58,357	
Greenfield	37,803	4.0%	\$ 30,178	11.53	4.8%	\$ 35,781	6.0%	\$ 60,000	\$ 132,387	
Milwaukee	577,222	61.4%	\$ 460,800	96.184	39.8%	\$ 298,491	50.1%	\$ 501,000	\$ 1,260,291	
St. Francis	9,161	1.0%	\$ 7,313	2.569	1.1%	\$ 7,972	N/A		\$ 15,286	
West Milwaukee	4,114	0.4%	\$ 3,284	1.119	0.5%	\$ 3,473	N/A		\$ 6,757	
TOTAL	590,497	62.9%	\$ 471,397	99.872	41.3%	\$ 309,936	50.1%	\$ 501,000	\$ 1,282,333	
North Shore	67,591	7.2%	\$ 53,958	24.27	10.0%	\$ 75,318	9.7%	\$ 97,000	\$ 226,276	
Oak Creek	36,497	3.9%	\$ 29,136	28.45	11.8%	\$ 88,290	5.3%	\$ 53,000	\$ 170,425	
South Milwaukee	20,795	2.2%	\$ 16,601	4.83	2.0%	\$ 14,989	2.4%	\$ 24,000	\$ 55,590	
Cudahy	18,204	1.9%	\$ 14,532	4.772	2.0%	\$ 14,809	N/A		\$ 29,341	
TOTAL	38,999	4.2%	\$ 31,133	9.602	4.0%	\$ 29,798	2.4%	\$ 24,000	\$ 84,931	
Wauwatosa	48,387	5.2%	\$ 38,628	13.23	5.5%	\$ 41,057	7.3%	\$ 73,000	\$ 152,685	
West Allis	60,325	6.4%	\$ 48,158	11.38	4.7%	\$ 35,316	9.0%	\$ 90,000	\$ 173,474	
TOTAL	939,489	100.0%	\$ 750,000	241.676	100.0%	\$ 750,000	100%	\$ 1,000,000	\$ 2,500,000	

For Municipality:

by _____,

Date

For Milwaukee County Office of Emergency Management:

by Cassandra Libal, OEM Director

Date

**AMENDMENT NO. 3
TO INTERGOVERNMENTAL AGREEMENT
FOR EMERGENCY MEDICAL SERVICES (EMS)**

This Amendment No. 3 to Intergovernmental Agreement for Emergency Medical Services (EMS) (this “Amendment No. 3”) is entered into as of January 1, 2022 (the “Amendment Effective Date”), by and between Milwaukee County, a Wisconsin municipal body corporate (“County”), and (“Municipality”). Each of the County and Municipality also may be referred to herein as a “Party” and both may be referred to collectively as the “Parties.”

RECITALS:

Whereas, County and Municipality entered into that certain Intergovernmental Agreement Between Milwaukee County and [_____] For Emergency Medical Services(EMS) (2017 – 2018), effective as of January 1, 2017 (the “Agreement”), relating to the provision of a coordinated delivery system of EMS services to the residents of the County and others; and

Whereas, County and Municipality previously extended the term of the Agreement via Amendment #1: Intergovernmental Agreement for Emergency Medical Services (EMS) (2017-2018) dated July 21, 2017, through December 31, 2020 pursuant to Article VII(E) thereof; and

Whereas, County and Municipality previously extended the term of the Agreement via Amendment #2: Intergovernmental Agreement for Emergency Medical Services (EMS) (2017-2018) File 20-197 dated May 28th 2020, through December 31, 2025 thereof; and

Whereas, representative of the strength of the County EMS System, as proven by the robust system-wide collaboration and response to the COVID-19 pandemic; and

Whereas, the Parties desire to further amend the Agreement as more particularly set forth herein;

NOW, THEREFORE, in consideration of the covenants and promises hereinafter made, the Parties herebyagree as follows:

1.0 AMENDMENT TO COUNTY FUNDING REQUIREMENTS. The subsections of Article V arehereby amended as follows:

a. The ICC EMS Formula Schedule in Article V(B) will be used to calculate the funds to be distributed to the agencies providing ALS Transport capability. Annual amounts will be specified in Exhibit A. The funding is calculated using a formula that takes into consideration population, service area, and ALS call volume. Amendment #3 adds an additional \$1.5 million dollars to the Agreement for a total contract amount of \$3.0 million dollars.

b. The recognition of a new ALS transporting agency will be defined as the agency being considered operating at full practice as an ALS agency for more than 90 days (3 months), will be eligible for County funding in the next quarterly payment.

2.0 AMENDMENT TO MUNICIPALITY REQUIREMENTS. This will serve as written notice to Milwaukee County of [_____]'s commitment to participate in the data sharing and data consolidation to advance the health of the county. The intent of the information sharing clause is not to serve as a qualifier to receive the additional distributions. It is intended as a good faith effort to gather consistent information to improve system-wide operations. Additional sources of data that contribute to the advancement of healthcare operations in Milwaukee County will be proposed to MCAFC for consensus.

3.0 MISCELLANEOUS. Except as modified by this Amendment No. 3, the Agreement remains in fullforce and effect. In the event of a conflict between the terms of the Agreement, Amendment No. 2, and Amendment No. 3; Amendment No. 3 shall prevail. Capitalized terms used but not otherwise defined hereinshall have the meanings provided for them in the Agreement.

Signature Page Follows

WHEREOF, the parties hereto have executed this agreement on the day, month, and year above written:

FOR MILWAUKEE COUNTY:

FOR _____

BY: _____ DATE: _____

BY: _____ DATE: _____

NAME: _____

NAME: _____

TITLE: _____

TITLE: _____

DEPARTMENT: _____

TAXPAYER ID No.: _____

REVIEWED AS TO INSURANCE REQUIREMENTS:

APPROVED WITH REGARDS TO COUNTY ORDINANCE CHAPTER 42:

BY: _____ DATE: _____

BY: _____ DATE: _____

Risk Manager
Office of Risk Management

Director
Community Business Development Partners

APPROVED AS TO FUNDS AVAILABLE PER WISCONSIN STATUTES §59.255(2)(e):

APPROVED REGARDING FORM AND INDEPENDENT CONTRACTOR STATUS:

BY: _____ DATE: _____

BY: _____ DATE: _____

Milwaukee County Comptroller
Office of the Comptroller

Corporation Counsel
Office of Corporation Counsel

REVIEWED AND APPROVED BY THE COUNTY EXECUTIVE:

APPROVED AS COMPLIANT UNDER §59.42(2)(b)5, STATS.:

BY: _____ DATE: _____

BY: _____ DATE: _____

David Crowley, County Executive
Office of the County Executive

Corporation Counsel
Office of Corporation Counsel

2023 Budget and Capital Improvement Calendar

MAY

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
				4	5	6
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JULY

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCTOBER

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

May 3 and 17	Common Council Meetings
June 5	Capital Improvement Requests Due
June 7 and 29	Common Council Meetings
June 8	Budget Information Released to Departments
July 12	Common Council Meeting
August 1	Capital Improvement Committee Mtg - Initial Review of Requests
August 2	Common Council Meeting
August 9	Fall Primary
August 12	Budget Requests and Business Plans Due
August 15	Capital Improvement Committee Meeting - Review Requests
August 29	Capital Improvement Committee Meeting - Finalize 2023-2027 Recommended Program for Common
Aug - Sept	Additional/Changes to Dept budgets coordinated with Depts
September 6	Common Council Meeting
September	Levy Limit Information Available from WI-DOR
September	Revenues Completed by Finance/Departments
September	Shared Revenue estimates released
September 20	Common Council Meeting
September	Expenditure Restraint Information from WI-DOR
October 4	Common Council Meeting
October 13	Council Agenda Deadline for Budget Introduction; Noon Publication
October 17	Publication for Public Hearing
October 18	Common Council Meeting - Budget Submitted to Council
October 17/24	Administration and Finance Committee - Budget Review Mtgs
November 1	Common Council Meeting - City Budget Public Hearing - 7:00
November 15	Common Council Meeting - Operating Budget, Levy of Property Tax and Appropriations Ordinance
November 23	Deadline for Publication on Dec 2
December 2	Publication of Appropriations Ordinance and Adopted Levy
December	Tax Bills Mailed
December 13	Common Council Meeting



Peter C. Daniels, P.E.
City Engineer
Engineering Department
pdaniels@westalliswi.gov
414.302.8360

MEMORANDUM

TO: Mayor Devine, Common Council Members
FROM: Peter Daniels, P.E., City Engineer
DATE: April 7, 2022
SUBJECT: Request for Reclassification of Administrative Support Assistant position to Civil Engineer position

Mayor and Council Members:

This communication is a request for your approval of the reclassification of our Administrative Support Assistant position to a Civil Engineer position, and for your approval to fill the reclassified position. Our Administrative Support Assistant position in Engineering is currently vacant after the resignation of Rebecca Fleming effective March 18, 2022.

In evaluating the current needs of the Engineering Department, we would suggest filling this position as a Civil Engineer instead of as an Administrative Support Assistant for the following reasons:

1. West Allis has one of the **smallest number of engineers** on staff among all the comparably sized cities in Wisconsin
2. The Engineering Dept. **workload has quadrupled** in recent years after the City's utilities turned 100 years old and we began replacing all the water main, sanitary sewer and storm sewer on our projects.
3. The Engineering Dept. anticipates a further increase in workload due to several large projects totaling **\$212 Million** that will be beginning soon including: State Trunk Highway 59, State Trunk Highway 181, I-94, new Washington Street, Bipartisan Infrastructure Law (BIL) program projects, replacement of all remaining lead water services, a new DPW garage, a new City Hall, and replacement of all the high voltage street lighting throughout the City.
4. The fiscal impact of this reclassification is a **\$14,190 net salary reduction** on the General Fund since the new Civil Engineer position will charge 70% of their time to the utilities.
5. This will allow the City to develop more engineering specialties in house such as **green infrastructure design and traffic engineering design.**

The City of West Allis has one of the smallest numbers of engineers on staff among all the comparably sized cities in Wisconsin. We currently have 6.5 engineers on staff (Leo Kos, our City Surveyor spends half the year inside as an Engineer and half the year outside as our City Surveyor). Comparable cities in Wisconsin like Kenosha, Janesville and Menomonee Falls all employ 7 engineers; Appleton employs 8, La Crosse employees 9 and Waukesha employees 10 engineers.



The Engineering Dept. workload has quadrupled in recent years after the City's utilities turned 100 years old and we began replacing all the water main, sanitary sewer and storm sewer on our projects. The City of West Allis has come of age and so over the last decade we have been rapidly accelerating the pace of replacing all our sewers and water main for the first time in our 100-year history. But we are not able to keep up with the current needs and the City is falling behind in the rate of replacement for streets and sewers and water main as a result. The City is not replacing our infrastructure at a sustainable rate

The Engineering Dept. anticipates a further increase in workload due to several large projects totaling **\$212 Million** that will be beginning soon. These major projects are over and above our normal workload and will require a substantial increase in staff:

1. State Trunk Highway 59 (Greenfield/National Ave.): 84th to 56th = \$34.5 Million
2. State Trunk Highway 59 (Greenfield Ave.): 124th to 106th = \$1.7 Million
3. State Trunk Highway 181: (84th St.): Schlinger to Greenfield = \$12.8 Million
4. New Washington Street from 60th to 70th = \$20 Million
5. Federal Bipartisan Infrastructure Law (BIL): National Ave. from 108th to 95th = \$10 Million
6. Replacement of lead water services = 7,000 services X \$5,000 each = \$35 Million
7. New DPW garage = \$50 Million
8. New City Hall = \$38 Million
9. Replacement of high voltage street lighting = \$10 Million

The fiscal impact of this reclassification is a **\$14,190 net salary reduction** on the General Fund since the new Civil Engineer position will charge 70% of their time to the utilities. Conversely the Administrative Support Assistant position only charged 18% of their salary to the utilities over the past year. So only **\$18,125** or 30% of the annual Civil Engineer salary (\$61,235.20) will be charged to the General Fund compared to \$32,316 or 82% of the Administrative Support Assistant salary (\$39,457.60).

The filling of this vacant position at the Civil Engineer level would also give us much more versatility in assigning tasks and allow the City to take on more engineering specialties in house such as green infrastructure design and traffic engineering design for which we currently have a lack of expertise in the Department.

Your favorable consideration of this request is appreciated given the timing and impact of the vacancy relating to the continuity of operations of the department.



NOTICE OF PUBLIC HEARING
April 7, 2022
7:00 PM

This meeting will be held in-person in the Common Council Chambers. You can also watch the meeting as it is livestreamed on the City of West Allis YouTube Channel <https://www.youtube.com/user/westalliscitychannel>. You can also watch live and recorded broadcasts through your cable network, via Spectrum (channel 25, West Allis residents only) and AT&T U-Verse (Channel 99). If you require an alternate format for viewing the meeting, please call 414-302-8294 and leave a message prior to 11:00 a.m. CST on Monday, April 4, 2022.

Members of the public may submit comments or questions to the Common Council regarding this public hearing by emailing your comments or questions to city@westalliswi.gov or drop a paper copy addressed to City Clerk in the City Hall drop box by 8:00 a.m. on April 7, 2022. (City Hall – 7525 W. Greenfield Avenue)

PLEASE TAKE NOTICE That the Common Council of the City of West Allis, Wisconsin, has proposed that it is in the best interest of the City and the property affected thereby that

**North/South Alley between S. 113 St. – S. Wollmer Rd.; W. Ohio St. to W. Wildwood Ln.
North/South and East/West Alley between S. 74 St. – S. 75 St.; W. Lapham St. to W. National Ave.**

be improved by removal and reconstruction of the concrete alley pavement and storm underdrain.

Properties abutting the above alleys for the extents given are proposed as being benefited and are proposed to be assessed.

Reports showing preliminary plans and specifications, an estimate of the entire cost of the proposed improvements, and a schedule of the proposed assessments are located at:

<https://www.westalliswi.gov/DocumentCenter/Home/Index/3>

under the file name: Engineering/2022 Engineering Projects/Alleys

NOTICE IS FURTHER GIVEN That such reports are open for inspection and will be so continued for at least ten days after initial publication date of this notice, and that, not more than forty days from the initial publication date of this notice, on Thursday, the 7th day of April, 2022, the Common Council will be in session to hear all persons interested, their agents or attorneys, concerning the matters contained in the Preliminary Resolution and reports, including the schedules of the proposed assessments.

Dated at West Allis, Wisconsin this 11th day of March 2022.

City Clerk

Publish March 18, 2022

Questions Most Asked Regarding A Public Hearing

Q. What is the purpose of the public hearing?

A. To give the people affected by the proposed improvement an opportunity to express their feelings on the project to the Mayor and Common Council.

Q. Is every project "cut and dried"?

A. No. Many projects have been modified or dropped entirely after having been the topic of a public hearing.

Q. When will the decision be made as to approval or rejection of the project?

A. After the Public Hearing, the matter is referred to the Board of Public Works for their recommendation. After the Board makes a recommendation, the report is voted on by the entire Common Council.

Q. How will I know if the project is approved?

A. A copy of the Final Resolution authorizing the Board of Public Works to go ahead with the improvement and advertise for the installation of the improvements will be mailed to all property owners.

Q. How does a project get on the annual Capital Improvement Program for consideration at a Hearing?

A. There are several ways a project could be considered for the annual program:

1. By petition of the people affected.
2. By the request of the Aldermen of the District.
3. Upon recommendation of the Engineering Department.
4. Public interest or necessity.
5. Eligibility for State and Federal aid.

Q. How do I get further information if I do not understand the information sent to me or who should I notify of a change in the mailing address for the information?

A. You should call the City of West Allis Engineering Department at 302-8368 so that you can get any questions you may have answered or to notify us of any mailing address changes.

Q. How and when can I pay for the proposed improvements?

A. Once the project has reached substantial completion, a Special Assessment Billing will be mailed to you outlining the payment options available to you. Please refer to the methods of payment information enclosed herewith for a brief explanation of possible options.

Rev. 5/06

H:\Forms\Questions Asked Regarding Public Hearing.doc



Peter C. Daniels, P.E.
City Engineer
Engineering Department
pdaniels@westalliswi.gov
414.302.8360

April 7, 2022

Honorable Mayor and Common Council
West Allis, Wisconsin

Dear Mayor and Council Members:

I herewith respectfully submit my report on the assessment of benefits for removal and reconstruction of the concrete alley pavement in:

**North/South Alley between S. 113 St. - S. Wollmer Rd.; W. Ohio St. to W. Wildwood Ln.
North/South and East/West Alley between S. 74 St. - S. 75 St.; W. Lapham St. to W.
National Ave.**

as directed in Preliminary Resolution No. R-2021-0556, adopted on October 5, 2021.

This report consists of the following schedules attached hereto:

- Schedule A. - Preliminary Plans and Specifications;
- Schedule B. - Estimate of Entire Cost of Proposed Improvements;
- Schedule C. - Schedule of Proposed Assessments Against Each Parcel Affected.

The properties against which the assessments are proposed are benefited.

Respectfully submitted,

Peter C. Daniels, P.E.
City Engineer

/ns

Encs.

PROPOSED IMPROVEMENT OF

**North/South Alley between S. 113 St. - S. Wollmer Rd.: W. Ohio St. to W. Wildwood Ln.
North/South and East/West Alley between S. 74 St. - S. 75 St.; W. Lapham St. to W. National Ave.**

by removal and reconstruction of the concrete alley pavement and storm underdrain

SCHEDULE "A"

Preliminary Plans & Specifications Attached

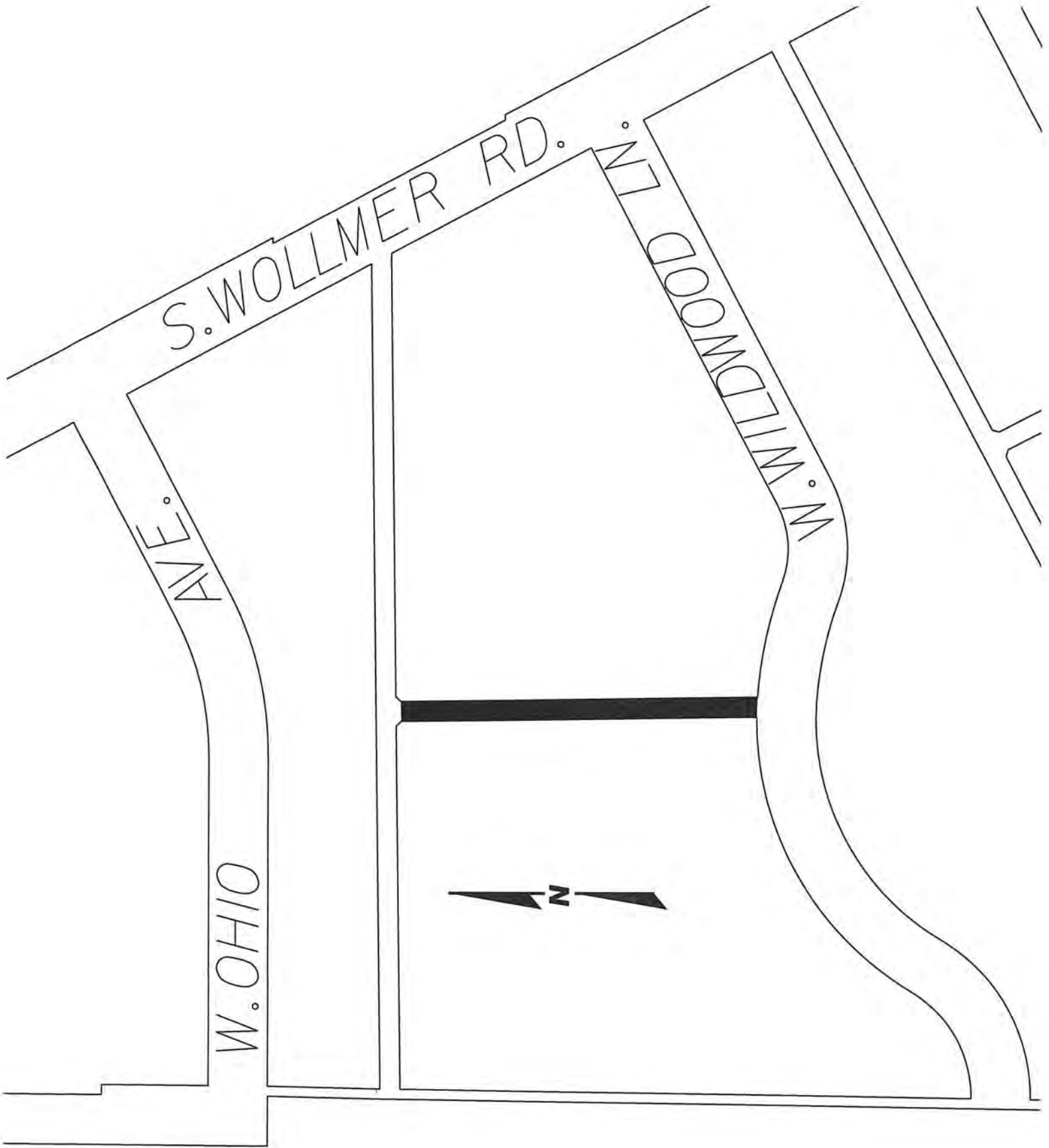
SCHEDULE "B"

Estimate of the Entire Cost

\$85,000

SCHEDULE "C"

Schedule of Proposed Assessments
Against Each Parcel Affected



S. 75 ST.

W. LAPHAM ST.



W. NATIONAL AVE.

S. 74 ST.

ST.





Peter C. Daniels, P.E.
City Engineer
Engineering Department
pdaniels@westalliswi.gov
414.302.8360

April 7, 2022

Board of Public Works
West Allis City Hall
West Allis, Wisconsin

Dear Board Members:

I am herewith submitting preliminary plans and an estimate of costs for the removal and reconstruction of the concrete alley pavement and storm underdrain in:

**North/South Alley between S. 113 St. - S. Wollmer Rd.; W. Ohio St. to W. Wildwood Ln.
North/South and East/West Alley between S. 74 St. - S. 75 St.; W. Lapham St. to W.
National Ave.**

Estimated Construction Cost:	\$ 77,000
Contingency:	8,000
TOTAL:	\$ 85,000

Sincerely,

Peter C. Daniels, P.E.
City Engineer

/ns

ASSESSMENT REPORT FOR COUNCIL

HEARING DATE: April 7, 2022

LOCATION

DESCRIPTION:

North/South Alley between S. 113 St. – S. Wollmer Rd.;
W. Ohio St. to W. Wildwood Ln.
North/South and East/West Alley between S. 74 St. – S. 75 St.;
W. Lapham St. to W. National Ave.

ACCOUNT NO.:

P2201A, P2202A

INTEREST RATE:

4.0%

2022 ASSESSMENT RATES

Resid.

Comm.

Mfg.

Alleys

20' Concrete Reconstruction, lin. ft.	\$39.63	\$49.54	\$59.45
14' Concrete Reconstruction, lin. ft.	\$32.94	\$41.18	\$49.42

The properties against which the assessments are proposed are benefited.

EXAMPLE:	Residential Special Assessment for Alley Concrete Reconstruct - RESIDENTIAL
-----------------	--

ALLEY = 14'

Lot Width 40 Ft.
Assessment Rate = \$32.94 Lin. Ft.
 40 Ft. @ \$32.94 = \$1,317.60 *

*Special Assessment for Alley Improvement Only - Does not include water lateral, if applicable

A special assessment of this amount would be eligible for payment by a ten (10) year, five (5) year, or one (1) year installment plan with interest at 4.0% per year. Payment of the entire assessment without interest may be made prior to the due date noted on the billing -- thirty (30) days.

Example of a ten (10) year plan: *(Based on a full year of interest)*

\$1,317.60 Total Special Assessment:

<u>Year No.</u>	<u>Principal Amt.</u>	<u>Interest Amt.</u>	<u>Total Payment</u>
1st year	\$131.76	\$52.70 **	\$184.46
2nd year	\$131.76	\$47.43	\$179.19
3rd year	\$131.76	\$42.16	\$173.92
4th year	\$131.76	\$36.89	\$168.65
5th year	\$131.76	\$31.62	\$163.38
6th year	\$131.76	\$26.35	\$158.11
7th year	\$131.76	\$21.08	\$152.84
8th year	\$131.76	\$15.81	\$147.57
9th year	\$131.76	\$10.54	\$142.30
10th year	\$131.76	\$5.27	\$137.03

Example of a five (5) year plan: *(Based on a full year of interest)*

\$1,317.60 Total Special Assessment:

<u>Year No.</u>	<u>Principal Amt.</u>	<u>Interest Amt.</u>	<u>Total Payment</u>
1st year	\$263.52	\$52.70 **	\$316.22
2nd year	\$263.52	\$42.16	\$305.68
3rd year	\$263.52	\$31.62	\$295.14
4th year	\$263.52	\$21.08	\$284.60
5th year	\$263.52	\$10.54	\$274.06

** Interest is based on the descending principal balance.



City of West Allis Engineering Department Project Details P2202A

14' North/South and East/West Alley between S. 74 St. - S. 75 St., W. Lapham St. to W. National Ave.

Property Assessments

453-0395-000	1601 S 74 ST					Residential	10
	Alley 14' Concrete Reconstruction	32.94	45.00 x Lin Ft	= \$	1,482.30	100.00 \$	1,482.30
					Total:	\$	1,482.30
453-0396-000	1607 S 74 ST					Residential	20
	Alley 14' Concrete Reconstruction	32.94	37.50 x Lin Ft	= \$	1,235.25	100.00 \$	1,235.25
					Total:	\$	1,235.25
453-0397-000	1613-1615 S 74 ST					Residential	30
	Alley 14' Concrete Reconstruction	32.94	37.50 x Lin Ft	= \$	1,235.25	100.00 \$	1,235.25
					Total:	\$	1,235.25
453-0398-000	7400 W NATIONAL AVE					Commercial	40
	Alley 14' Concrete Reconstruction 44' + 7"	41.18	51.00 x Lin Ft	= \$	2,100.18	100.00 \$	2,100.18
					Total:	\$	2,100.18
453-0399-000	7400 Block W NATIONAL AVE					Commercial	50
	Alley 14' Concrete Reconstruction	41.18	30.00 x Lin Ft	= \$	1,235.40	100.00 \$	1,235.40
					Total:	\$	1,235.40
453-0400-000	1624 S 75 ST					Commercial	60
	Alley 14' Concrete Reconstruction	41.18	60.00 x Lin Ft	= \$	2,470.80	100.00 \$	2,470.80
					Total:	\$	2,470.80
453-0405-000	1602-1604 S 75 ST					Residential	70
	Alley 14' Concrete Reconstruction	32.94	40.00 x Lin Ft	= \$	1,317.60	100.00 \$	1,317.60
					Total:	\$	1,317.60

*Commercial property - if only long side abuts alley, assessment rate is either 40% of long side or 100% of short side, whichever is greater.
40% of 98 = 38.8 so short side is greater



City of West Allis Engineering Department Project Details P2202A

14' North/South and East/West Alley between S. 74 St. - S. 75 St.; W. Lapham St. to W. National Ave.

453-0404-000	1606-1608 S 75 ST	Peter A Dillenburg	Residential	80
Alley 14' Concrete Reconstruction		32.94 40.00 x Lin Ft = \$ 1,317.60	100.00 \$	1,317.60
			Total: \$	1,317.60
453-0403-000	1612 S 75 ST	Nila Taylor Estate of & c/o Christine Van Brocklir	Residential	90
Alley 14' Concrete Reconstruction		32.94 40.00 x Lin Ft = \$ 1,317.60	100.00 \$	1,317.60
			Total: \$	1,317.60
453-0402-000	1616-1618 S 75 ST	Paul Quesnell & Lisa A Quesnell	Residential	100
Alley 14' Concrete Reconstruction		32.94 30.00 x Lin Ft = \$ 988.20	100.00 \$	988.20
Alley 14' Concrete Reconstruction		32.94 120.00 x Lin Ft = \$ 3,952.80	20.00 \$	790.56
	Reduction Code Longside		Total: \$	1,778.76

Property Type Summary

3	Commercial
7	Residential



City of West Allis Engineering Department
Project Details P2202A

14' North/South and East/West Alley between S. 74 St. - S. 75 St.; W. Lapham St. to W. National Ave.

Item Summary

	Total Quantity	Gross Total	Net Total
Alley 14'			
Concrete Reconstruction			
Commercial	141.00 Lin Ft	\$5,806.38	\$5,806.38
Residential	390.00 Lin Ft	\$12,846.60	\$9,684.36
		<u>\$18,652.98</u>	<u>\$15,490.74</u>
Grand Totals		\$18,652.98	\$15,490.74

**CITY OF WEST ALLIS
RESOLUTION R-2022-0174**

RESOLUTION TO CONFIRM AND ADOPT THE REPORT OF THE CITY ENGINEER CONTAINING THE SCHEDULE OF PROPOSED ASSESSMENTS FOR IMPROVEMENT OF NORTH/SOUTH ALLEY BETWEEN S. 113TH ST. - S. WOLLMER RD.; W. OHIO ST. TO W. WILDWOOD LN. AND NORTH/SOUTH AND EAST/WEST ALLEY BETWEEN S. 74TH ST. - S. 75TH ST.; W. LAPHAM ST. TO W. NATIONAL AVE. BY REMOVAL AND RECONSTRUCTION OF THE CONCRETE ALLEY PAVEMENT

WHEREAS, The City Engineer, pursuant to Preliminary Resolution No. R-2021-0556, adopted on October 5, 2021, prepared and submitted his report as provided in sec. 66.0703(5) of the Wisconsin Statutes, for the improvement of the alleys as hereinafter described; and,

WHEREAS, The City Clerk gave due notice that such report was open for inspection at his office and also at the office of the City Engineer, and that all persons interested could appear before the Common Council and be heard concerning the matters contained in the Preliminary Resolution and Report; and,

WHEREAS, The Common Council met pursuant to such notice, at the time and place therein named; and having considered all statements and communications concerning the proposed improvements, relating to the matters contained in the City Engineer's report, including the schedule of proposed assessments, the Common Council makes no change in said report.

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis:

1. The report of the City Engineer, including the schedule of the proposed assessments, for the improvement of North/South Alley between S. 113th St. - S. Wollmer Rd.; W. Ohio St. to W. Wildwood Ln., and North/South and East/West Alley between S. 74th St. - S. 75th St.; W. Lapham St. to W. National Ave. by removal and reconstruction of the concrete alley pavement and storm underdrain be and the same is hereby approved and adopted.
2. The property against which the assessments are proposed is benefited; the assessments shown on the report are true and correct, have been determined on a reasonable basis and are hereby confirmed.
3. The City Engineer is hereby authorized and directed to prepare final plans for the aforesaid area in accordance with the terms of this resolution.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2022-0175**

**FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT BY REMOVAL
AND RECONSTRUCTION OF THE CONCRETE ALLEY PAVEMENT IN
NORTH/SOUTH ALLEY BETWEEN S. 113TH ST. - S. WOLLMER RD.; W. OHIO
ST. TO W. WILDWOOD LN. AND NORTH/SOUTH AND EAST/WEST ALLEY
BETWEEN S. 74TH ST. - S. 75TH ST.; W. LAPHAM ST. TO W. NATIONAL AVE.
AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTIES**

WHEREAS, Public necessity requires the improvement of a certain alleys as hereinafter described; and,

WHEREAS, The Common Council has received final plans and specifications for such proposed improvements; and,

WHEREAS, A hearing has been conducted pursuant to Sec. 66.0703(7) of the Wisconsin Statutes; and,

WHEREAS, The Common Council finds that each property against which the assessments are proposed is benefited by the improvement.

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis as follows:

1. That the final plans and specifications heretofore submitted for the improvement of North/South Alley between S. 113th St. - S. Wollmer Rd.; W. Ohio St. to W. Wildwood Ln. and North/South and East/West Alley between S. 74th St. - S. 75th St.; W. Lapham St. to W. National Ave. (Plan File Nos. AP-479, AP-480), by removal and reconstruction of the concrete alley pavement and storm underdrain be and the same are hereby approved and adopted.
2. That the Board of Public Works be and is hereby authorized and directed to cause said alleys to be improved in accordance with the plans and specifications, and it is directed to advertise in the official paper for sealed proposals for all work necessary to be done with the installation of the above described improvements.
3. That such improvements be assessed in accordance with the report of the City Engineer as finally approved, and the due date for payment of such assessments, without interest, is the 30th day following the billing date; and

4. That each property owner be given the opportunity of paying the assessment against his property by one of the following methods:
 - a. Payment of entire assessment, or any portion thereof, without interest at any time prior to due date as noted on the billing.
 - b. Payment of the entire assessment with the next tax roll including a 4.0% interest charge from due date to December 31 of the year billed. All assessments of \$100.00 or less will automatically fall under category a or b.
 - c. Payment in five annual installments on the property tax bill including a 4.0% interest charge on each succeeding unpaid principal amount. All assessments between \$100.01 and \$250.00 which are not paid by due date or elected to be paid under plans a or b above will automatically be extended in this manner.
 - d. Payment in ten annual installments on the property tax roll, including a 4.0% interest charge on each succeeding unpaid principal amount. All assessments over \$250.00 which are not paid by due date or elected to be paid under plans a, b or c will automatically be extended in this manner.
5. That if, after election to pay to the City Treasurer by November 1st of the year billed said property owner shall fail to make the payment to the City Treasurer, the City Treasurer's office shall place the said assessment, with interest at the rate of 4.0% per annum as applicable from due date, on the next succeeding tax roll for collection; and,
6. That if the property owner fails to notify the City Treasurer's office, in writing prior to the due date, of his option, the assessment shall be written in ten annual installments, except that any total assessment or assessment balance of less than \$100.00 against any one property shall be written in one payment, and those between \$100.01 and \$250.00 shall be written in five annual installments; and,
7. That a certified list of such assessments and assessment installments be given to the City Treasurer's office, and the City Treasurer's office shall inscribe the same on the tax roll as they become due; and,
8. That property owners may submit duly executed waivers prior to or following the passage of the Final Resolution, approving assessments against their properties and waiving all statutory requirements and proceedings in public work of this nature and agreeing to pay all assessments levied against their properties by reason of the installation of the improvements stated therein, in the same manner and in the same effect as if said statutory requirements relating to said work had been complied with, and such waivers are hereby confirmed and adopted by the Common Council; and,
9. That the City Clerk is hereby directed to publish this resolution as a Class I Notice in the

assessment district.

10. That the City Engineer’s office is further directed to mail a copy of this resolution and upon completion of the improvement, a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll whose post office address is known or can, with reasonable diligence, be ascertained.

BE IT FURTHER RESOLVED as follows:

1. That with the above installations the existing alley grades and widths are hereby being re-established in accordance with Paving Plan Nos. AP-479 and AP-480.
2. That the Common Council does hereby exercise the authority contained in sec. 66.0911 of the Wisconsin Statutes, to require the installation of laterals to every property abutting said street where it is felt said services are necessary and that any required assessments be applied as therein provided; and
3. That said work be performed with funding from Bond Funds, Storm Water Management Funds, and Special Assessments.

SECTION 1: **ADOPTION** “R-2022-0175” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

A D O P T I O N

R-2022-0175(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2022-0251**

**RESOLUTION TO APPROVE BID OF LALONDE CONTRACTORS, INC. FOR
STREET CONSTRUCTION IN W. WASHINGTON ST. FROM S 84TH ST. TO S.
86TH ST AND S. 77TH ST. FROM W. HICKS ST. TO W. BECHER ST. IN THE CITY
OF WEST ALLIS IN THE AMOUNT OF \$1,328,296.50**

WHEREAS, The Board of Public Works reports that it duly advertised for bids for the furnishing of certain materials and the performance of all work required for the improvements in a certain area as hereinafter described; that the bids received as shown on the attached bid report were reasonable and hereby recommends and deems it to be for the best interests of the City of West Allis that the bid of LaLonde Contractors, Inc. for 2022 Project No. 5 be accepted.

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that the bid of LaLonde Contractors, Inc. for 2022 Project No. 5 for the installation of concrete curb and gutter, concrete pavement, concrete sidewalk, driveway replacement, sanitary sewer relay, storm sewer installation, water main relay, building services and utility adjustments in:

West Washington Street from South 84th Street to South 86th Street
South 77th Street from West Hicks Street to West Becher Street

(PLAN FILE NOS. SP-1271, SP-1272, S-1653, S-1654, U-2673, U-2674,
W-1420, W-1421, W-1422, W-1423, X-920, X-921)

for the sum of One Million, Three Hundred Twenty-Eight Thousand, Two Hundred Ninety-Six and 50/100 dollars (\$1,328,296.50) be accepted, and the proper City officers are hereby authorized and directed to enter into contractual relations with said contractor for the performance of said work, in accordance with the prices submitted in their proposal and with the specifications of the City of West Allis, and that all other bids received for same be rejected; and,

BE IT FURTHER RESOLVED That said improvements be installed with funding by Bond Funds, Water Utility Funds, Sanitary Sewer Funds, Storm Water Management Funds and Special Assessments.

SECTION 1: **ADOPTION** “R-2022-0251” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0251(Added)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2022-0252**

**RESOLUTION TO APPROVE BID OF MACEMON & SONS, INC. FOR THE
RESIDENTIAL PROPERTY DEMOLITION AT 1475 SOUTH 94TH STREET IN
THE CITY OF WEST ALLIS IN THE AMOUNT OF \$16,325**

WHEREAS, The Board of Public Works reports that it duly advertised for bids for the furnishing of certain materials and the performance of all work required for the improvements in a certain area as hereinafter described; that the bids received as shown on the attached bid report were reasonable and hereby recommends and deems it to be for the best interests of the City of West Allis that the bid of Macemon & Sons, Inc. for 2022 Project No. 8 be accepted.

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that the bid of Macemon & Sons, Inc. for 2022 Project No. 8 for the residential property demolition:

1475 South 94th Street

for the sum of Sixteen Thousand, Three Hundred-Twenty Five and no/100 dollars (\$16,325)

be accepted, and the proper City officers are hereby authorized and directed to enter into contractual relations with said contractor for the performance of said work, in accordance with the prices submitted in their proposal and with the specifications of the City of West Allis, and that all other bids received for same be rejected; and,

BE IT FURTHER RESOLVED That said improvements be installed with funding by Community Development Block Grant Project.

SECTION 1: **ADOPTION** “R-2022-0252” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0252(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis

MEMORANDUM

TO: Dan Roadt, Chair, Board of Public Works
Vince Vitale, First District
Tracy Stefanski, Second District
Suzzette Grisham, Third District
Rosalie Reinke, Fifth District

FROM: Peter C. Daniels, P.E., City Engineer

DATE: March 24, 2022

RE: **Communication from City Engineer regarding the WisDOT bid opening for the installation of new traffic signals at three intersections: 76th & Becher, 92nd & Lincoln, and 60th & Greenfield**

The WisDOT low bid for the installation of new traffic signals at 76th & Becher, 92nd & Lincoln and 60th & Greenfield came in at \$1,535,689.45 from Payne & Dolan, Inc. compared to the Engineer's estimate of \$1,809,318.75. Here are the bid numbers:

\$2,589,831.14	Bid from LaLonde Contractors Inc.
<u>\$284,101.48</u>	Fees for Inspection by CORRE
\$2,873,932.62	Total Cost
<u>\$1,741,445.41</u>	Federal Funds Allocated to City
\$1,132,487.21	Total City Cost

This project will improve the three signalized intersections of 76th & Becher, 92nd & Lincoln, and 60th & Greenfield that have experienced a high number of vehicle crashes due to the limited visibility caused by the negative offsets of the left-turn lanes and limited visibility of the existing horizontal traffic signal head configuration. Pedestrian and bicycle crashes have occurred at each of the intersections, partially attributed to lack of countdown timers and deteriorated crosswalk markings. Several curb ramps do not have detectable warning fields or pedestrian push buttons.

To increase safety, left-turn lanes will be realigned for better sight distance at the three project intersections within the existing roadway curbs. Overhead traffic signals will be installed to provide one signal head per travel lane to increase visibility and reinforce permitted vehicular movements. Crosswalks will be reconstructed to provide accessible facilities in compliance with the Americans with Disabilities Act (ADA). High visibility crosswalk markings will increase driver detection of pedestrians. The W. Lincoln Avenue pavement and underground utilities will be completely reconstructed from 91st to 93rd Street. S. 76th Street will receive a mill and overlay to extend the pavement's service life as well as underground utility relays approximately 150-feet north and south of the W. Becher St. intersection. S. 60th St. and Greenfield pavement and underground utilities are in good condition therefore only receive minor pavement disturbance will be needed to accommodate the traffic signal work.



Rebecca Grill
City Administrator/Clerk
rgrill@westalliswi.gov

Memorandum

To: Mayor Devine, Members of the Common Council
From: Rebecca Grill, City Administrator
Date: March 24, 2022
Re: Code Enforcement Department and Department Head Recruitment

One of the initiatives in the approved 2022 Budget and Action Plan is to focus on code enforcement streamlining and reorganization. City staff are currently implementation of the Nuisance Abatement program that was discussed at the License and Health meeting in March (click [here](#) to view report.)

A component of the Nuisance Abatement program is renaming the Building Inspection and Neighborhood Services Department to “Code Enforcement Department”, adjusting staff titles and rewriting the Director’s job description.

After various discussions, the recommendation is to make the following adjustments:
The Director position will be titled “Code Enforcement Director” and the Neighborhood Services Inspectors will be titled “Code Enforcement Officers”. The Director’s job duties have been adjusted to include the responsibility to develop, implement, and oversee the Nuisance Abatement and Code Enforcement programs of the city. The experience and education requirements have been revised to include program development and management. See the attached JDQ (Job Description Questionnaire) for more details. Depending on the Director’s qualifications, certain plan reviews may have to be completed by outside staff.

If the aforementioned changes are approved, we will begin recruiting for the Code Enforcement Director position.

Thank you for your consideration. Please let me know if you have any concerns.

Job Description Questionnaire

The purpose of the Job Description Questionnaire (JDQ) is to provide the information necessary to evaluate jobs for salary placement, classify jobs for various legal requirements, and to compile appropriate job descriptions.

Please read this JDQ carefully before answering any of the questions and then complete it as accurately, completely, and briefly as possible. While it is not necessary to describe each duty in great detail, it is important to provide sufficient information so the job can be accurately evaluated and classified. Keep in mind that *the purpose of the JDQ is to collect information about the job and is not designed to evaluate employee performance.*

Consider the typical responsibilities of the job; even those that might only occur cyclically (e.g. annually, quarterly, etc.). The responses should be based on duties and responsibilities that are part of the job under typical conditions, not special projects or temporary assignments. Further, unless specifically directed by management, describe the job as it is today, not as you believe it should be or what it might be in the future.

SECTION 1		DEMOGRAPHIC INFORMATION	
Employee Name	Vacant	Employer Name	CWA
Job Title	Code Enforcement Director	Work Location	City Hall
Department	Code Enforcement	Division	
Full-Time / Part-Time	Full Time	Part-Time (Hrs per Wk)	
Supervisor Name	Rebecca Grill	Supervisor Title	City Administrator

SECTION 2

DESCRIPTION OF ESSENTIAL DUTIES & RESPONSIBILITIES

Identify the essential duties / responsibilities of your job, which should be the most important aspects of the job. This section is focused on WHAT is done rather than HOW it is done. Use wording that will provide as clear an understanding as possible for someone not familiar with your work. Avoid terminology or acronyms that are not widely known outside of your line of work. Please list those duties that you feel are most important at the top of the list, and list the estimated percentage of the total annual time that each item takes. (*Remember, as a rule-of-thumb, that 10% equates to roughly 200 hours of a work year.*) To the extent possible, try to identify those duties and responsibilities that account for as close to 100% of your work time as possible. While catch-all categories are acceptable (e.g. misc. duties, other duties as assigned, etc.), those sections will likely NOT be evaluated.

Frequency Codes: Daily [D] / Weekly [W] / Bi-Weekly [B] / Monthly [M] / Quarterly [Q] / Annually [A] / As Needed [N]

Primary Duties	Frequency	% of Annual Total Time
Direct overall operations of department and supervise staff involved in building and property code enforcement and inspections including budget preparation, training and meetings	D	40
Interact with contractors, inspectors, building owners and homeowners to resolve issues	D	15
Develop, implement and oversee Nuisance Abatement and Code Enforcement program for City Depts.	D	30
Collaborative and Contributory member of the City's Executive Leadership Team	N	5
Attend Common Council and Mayor's Staff, Committee, trade organization and state building code meetings	N	3
Set department policy and procedures, interpret and resolve conflicts in codes; suggest and implement municipal code updates	N	3
Supervise local plan review duties per special second-class city designation to perform plan review duties for state	D	2
Prepare and review notices, orders, citations, summons and documents for court cases and proceedings	D	1
Inspects damaged buildings in conjunction with the fire department (during and after hours)	N	1

SECTION 3

TOOLS AND TECHNOLOGY

Identify any software, technology, equipment or machinery utilized on a regular basis in order to perform the functions of the job:

Office 365 including Teams, One Drive, PowerPoint and Sharepoint, OpenGov (license and permitting), Legistar, Novatime, Central Square (Financial), NeoGov (Hiring, OnBoarding and Performance Management), Blue Beam/Adobe Acrobat, Internet Browser, GIS, Municode, Video Conferencing and Remote Work Software and Equipment.

SECTION 4

JUDGMENTS / DECISION-MAKING

Identify at least five of the most typical judgments/decisions that you make in performing your job as well as the solutions to these problems. Please also describe the resource, input or guidance others provide in arriving at your decision and who reviews, if anyone.

Typical Problems/Challenges	Possible Solution(s) to Problem/Challenge	Resources Available and/or Used	Job Title of Who Reviews
Resistance to collaborative efforts for the Nuisance Abatement and Code Enforcement Program	Involve departments in the development and implementation program, set clear standards and guidelines for staff	Executive Leadership Team, Departments, SOP and Program Guidelines	City Administrator
Citizen complaints	Meet with inspector to get their side of story, discuss with inspector proper ways to handle situation and/or discuss with citizen why we need to do what we do	Past experience, codes	N/A
Code interpretation	Research intent of code and come to a solution or compromise	Codes	N/A
Maintain and Update Code as laws and regulations change	Write new ordinance to improve local code	State and International Building Codes	Common Council
Performance Management	Set expectations and goals, coach, proactively mitigate issues	Past experience, HR Department	N/A
Deciding how department budget gets spent on training with limited resources	Spending money wisely to get biggest benefit for training, looking for free or reduced cost training.	Trade organizations, past experiences	Mayor, City Administrator
Negative perception of department and processes	Continued review for efficiency and effectiveness; set standards for customer service	Outreach, Communications, Training	City Administrator

SECTION 5

WORKING RELATIONSHIPS / INTERACTIONS / CONTACTS

Please identify your typical work relationships with other persons inside or outside of your own organization.

Title of Individuals With Whom You Typically Interact	Describe the Interaction	Why Was It Necessary?
Alderman/Mayor	Report problems, or resident concerns.	To advise of problems and concerns and work to proactively mitigate in future if possible
All City Enforcement Staff	Code Enforcement and Nuisance Abatement Activities of city enforcement staff	Conduct successful nuisance abatement program.

Department Staff	Supervising daily job duties, provide advice on procedures, provide resources to staff as needed, provide information about upcoming projects or duties.	Ensure that staff are completing their duties effectively, efficiently and in compliance with laws, policies, and guidelines
Citizens, Business Owners, Contractors, Tenants	Assisting them through the permitting process, providing them necessary information, receiving and reacting to complaints, listening to community needs.	“”, update ordinances, policies, guidelines, and processes to improve the customer experience while maintain safety

SECTION 6 SUPERVISION / MANAGEMENT			
Please indicate the type of responsibility you have as it pertains to leading others.			
	Area of Action / Responsibility	Yes	No
	Screen / Interview Applicants	X	
	Hire / Promote Employees	X	
	Provide Written/Verbal Warnings	X	
	Suspend Employees	X	
	Terminate Employees	X	
	Prepare Work Schedules For Others	X	
	Project Management	X	
	Provide Work Direction For Others	X	
	Evaluate Performance Of Others	X	
	Counsel Employees	X	
	Train Employees (As Part Of The Normal Duties Of The Job)	X	
	Approve Overtime	X	
	Approve Time Off Request For Others	X	
	Develop / Implement Policies	X	
	Do you directly supervise any employees? <i>If yes, please list the number of FTEs and job titles of those employees below:</i>	Y	n/a

Job Title	# of FTEs
Building Inspectors	6
Code Enforcement Supervisor	1
Code Enforcement Officers	2
Officer Services Supervisor	1
Administrative Support Assistant	1
	11 Total

SECTION 7 WORK ENVIRONMENT / PHYSICAL REQUIREMENTS				
Physical Requirements	[Place an "X" in the appropriate cells]			
	N/A	Rarely	Occasionally	Frequently
Please indicate the amount of time typically spent in the following categories.				
Carrying/Lifting 10 - 40 Pounds			X	
Carrying/Lifting > 40 Pounds		X		
Sitting				X
Standing / Walking / Climbing				X
Squatting/Crouching/Kneeling/Bending			X	
Pushing / Pulling / Reaching Above Shoulder			X	
Work Environment	N/A	Rarely	Occasionally	Frequently
Indoor/Office Work Environment				X
Noise >85dB (e.g. mower, heavy traffic, milling machine, etc.)		X		
Extreme Hot/Cold Temperatures (>90 degrees / <40 degrees)		X		
Outdoor Weather Conditions			X	
Hazardous Fumes or Odors / Toxic Chemicals		X		
Confined Spaces (as identified by OSHA)	X			
Close Proximity to Moving Machinery / Equipment		X		
Bodily Fluids / Communicable Diseases	X			

Working Alongside Moving Traffic on Roads			X	
Electrical Hazards			X	

SECTION 8 **ADDITIONAL EMPLOYEE COMMENTS**

Please identify any other information that would help someone else understand your job more clearly:

This position oversees building and code enforcement for the city. The incumbent is responsible for the administration of the city's nuisance abatement program and proactive code enforcement. Building activities include occupancy, HVAC, plumbing, and electrical and related permits. In addition to the nuisance abatement program this position oversees property maintenance and property registration.

TO BE COMPLETED BY THE EMPLOYEE'S SUPERVISOR

SECTION 9			SUPERVISOR INFORMATION	
Supervisor Name	Dan Devine	Supervisor Title	Mayor	

SECTION 10		EDUCATION <u>REQUIRED</u> FOR HIRE	
	Level of Education (Select one with an "X")	Field(s) of Study	
	Less than High School Education	n/a	
	High School Education (or Equivalent)		
	One Year Certificate (or Equivalent)		
	Associate's Degree (or Equivalent)		
X	Bachelor's Degree	Architecture, Engineering, Construction management, Public Administration, Planning, and related fields	
	Master's Degree		
	Professional Degree (Law, Medicine, etc.)		
	PhD w/ Dissertation		
	Other:		
Provide Any Additional Information Regarding the Required Education (e.g. preferred vs. required, specific coursework, etc.):			
An equivalent combination of education and experience sufficient to successfully perform the essential functions of the job will also be considered.			

SECTION 11					TOTAL EXPERIENCE REQUIRED UPON HIRE				
[Place an "X" in the appropriate cells]									
No Experience	< 2 yr.	2 to 3 yrs.	4 to 5 yrs.	6 to 7 yrs.	8 to 9 yrs.	10 to 11 yrs.	≥ 12 yrs.		
					X				
Describe Specific Experience Required for Hiring (e.g. 5 total years of customer service experience 2 of which were in a supervisory capacity):									

2 years of supervisor experience; Nine years of progressively responsible experience in a public or quasi-public organization* that is engaged in regulatory, or review, or inspections, or administration of such duties. *preferred

SECTION 12 CERTIFICATION / LICENSURE / TRAINING TO PERFORM JOB			
List Required Certification/Licensure/Training	How Attained/Provided	Required Upon Hire?	May Obtain After Hire?
Driver's License	State of Wisconsin	X	
Building Inspector (Commercial and Residential)	State of Wisconsin		X
CVMIC – Certificate in Mgmt/Supervision	CVMIC		X
Describe any current practices as it relates to licensure or certification (e.g. extra pay for certification, employer payment for obtaining or renewing, etc.):			
Professional Engineering License preferred.			
Testing fees, renewal fees and continuing education expenses paid for by the City.			

SECTION 13 SUPERVISOR'S COMMENTS / CORRECTIONS / ADDITIONS	
JDQ Section	Comment / Clarification / Addition
In lieu of altering an employee's JDQ, please provide any corrections, clarifications, or additional information in the space provided below.	

TO BE COMPLETED BY ADMINISTRATIVE DESIGNEE

SECTION 14			SUPERVISOR INFORMATION	
Administrative Designee Name	Rebecca Grill	Administrative Designee Title	City Administrator	

SECTION 15		ADMINISTRATIVE COMMENTS / CORRECTIONS / ADDITIONS
In lieu of altering an employee's JDQ, please provide any corrections, clarifications, or additional information in the space provided below.		
JDQ Section		Comment / Clarification / Addition

**CITY OF WEST ALLIS
ORDINANCE O-2022-0056**

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

AMENDING NUMEROUS SECTIONS

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

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

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

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

A M E N D M E N T

2.33 ~~Building Inspection~~Code Enforcement Department

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

A M E N D M E N T

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

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

~~{Ord. O-2018-0022, 5-15-2018}~~

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

A M E N D M E N T

2.38 City Plan Commission

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

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

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

A M E N D M E N T

2.76 Civil Service, Wages, Hours And Conditions Of Employment

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

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

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

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

Vacancies in the Executive Service, except for the Chief of

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

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

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

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

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

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

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

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

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

- b. Classified Service. All other offices and positions shall be included in the classified service, unless otherwise determined from time to time by action of the Common Council. The classified service shall be organized and consist of the following:
- i. Supervisory: except with regard to the Executive and Managerial Service and the Deputy/Assistant Service, those positions which, in the interest of the City, have authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances or to effectively recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
 - ii. Professional: those positions whose work is predominantly intellectual and varied in character, are involved in consistent exercise of discretion and judgment in work performance, are involved in nonstandardized products or outputs and require knowledge of an advanced type in a field of science or learning customarily acquired by prolonged course of specialized intellectual instruction.

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

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

- iv. General Municipal Employee Service: any person employed by the City of West Allis, other than an independent contractor, an employee within the Executive Service, Managerial Service, Deputy/Assistant Service, Supervisory Service, Professional Service or Confidential Service.
- c. Employee Status Categories. It is the policy of the City of West Allis to utilize the following categories of employee status for all City employees.
- i. Regular Appointment: an employee who is hired to work the normal schedule of forty (40) or more hours per week on a continuing basis. Such employee fills a regularly constituted position established by the Common Council. An employee in this category is compensated on a biweekly basis and may be in a probationary status. A regular employee is entitled to all employee benefits provided by law, to include, but not be limited to, those specified within this Section 2.76 and elsewhere in the City of West Allis Revised Municipal Code and/or as set forth by policy in the City of West Allis Policies and Procedures Manual.
 - ii. Provisional Appointment: an employee who is hired to fill a regularly constituted vacant position on an interim basis pending the establishment of an eligible register, when the position cannot be temporarily filled by existing personnel. A provisional employee is rare and when an appointment is made in this status category, it generally does not exceed a period of ninety (90) days. The appointment is made on an emergency basis in those instances where a department is unable to wait for an appointment to be made through normal channels. A provisional employee is compensated on a biweekly basis and is entitled to all the employee benefits provided by law, to include, but not limited to, those specified within this Section 2.76 and elsewhere in the City of West Allis Revised Municipal Code and/or as set forth by policy in the City of West Allis Policies and Procedures Manual.
 - iii. Part-Time Appointment: an employee who is hired to work regular work hours which are distinctly shorter than the normal schedule of forty (40) hours per week. Such employment is steady and

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

- iv. Temporary Appointment: an employee who is hired for a limited time to meet a peak demand. Such increased demand may be occasioned by sporadic seasonal or special needs. An employee in this status category is compensated on an hourly basis only. Such employee is not eligible for benefits and may be terminated without notice when the purpose for which the employee was hired has been accomplished. Employment may be either full-time temporary or part-time temporary. Employment in this category does not confer the privilege of promotion, transfer, or reinstatement.
 - v. Special Appointment: an employee who is hired for a specified duration or limited term under special agreement with some other agency of government such as county, state, or federal governments or by the City itself on a special project basis. Generally the compensation is totally or partially subsidized by the sponsoring agency. Employment does not confer the privilege of reinstatement. Pay and benefits entitlement is based on the agreement with the governmental agency or the circumstances of the City's special project.
6. Creating and Filling Positions, Reductions in Force and Recall Procedures. Except for positions under the jurisdiction of the Police and Fire Commission, the City shall fill positions, make reductions in force and recall individuals in accordance with the procedures set forth in Policies 404, 1402 and 1405 in the City of West Allis Policies and Procedures Manual.
7. Voluntary Benefit Programs. The City offers voluntary benefit programs as set forth in Policy 1483 in the City of West Allis Policies and Procedures Manual.
8. Discipline and Grievance Procedure.
- a. Discipline.
 - i. With the exception of protective service employees as noted in Subdivision 3 below, department heads/appointing authorities or their designees have the authority to discipline their employees in accordance with the provisions set forth in Policy 1403 of the City of West Allis Policies and Procedures Manual.
 - ii. The discipline, removal and suspension of Executive Service employees, except protective service employees as noted in Subdivision 3 below, shall be governed by the provisions of Policy 405 in the City of West Allis Policies and Procedures Manual, Section 2.02 of this chapter, and Secs. 17.12 and 17.16, Wis. Stats.
 - iii. The discipline of protective service employees under the jurisdiction of the Police and Fire Commission shall be governed by the provisions of Sec. 62.13, Wis. Stats.
 - b. Grievance Procedure. This grievance procedure, which addresses issues concerning workplace safety, discipline and termination, applies to all City employees except for: 1) protective service employees under the jurisdiction of the Police and Fire Commission (covered by Section 62.13 Wis. Stats.), 2) Executive Service employees, statutorily appointed employees identified specifically in statute as serving at the pleasure of an appointing authority, and elected officials (covered by Sections 17.12 and 17.16 Wis. Stats. and/or Policy 405 in the City of West Allis Policies and Procedures Manual and/or covered by Section 2.02 of the Revised Municipal Code); and 3) employees

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

- i. Workplace Safety. "Workplace safety" means the conditions of employment related to physical health and safety of employees. Only those acts or omissions that involve a violation of state and/or federal regulations or laws on health and safety in the workplace will constitute a workplace safety violation. Any grievance filed alleging a workplace safety violation must be personal to the employee filing the grievance; no class actions or complaints on behalf of another may be filed under this procedure.
- ii. Discipline. Disciplinary action may include a verbal warning, written warning, suspension (with or without pay), demotion or termination, for rule or policy violations, poor performance or other acts of misconduct. The City has the right to impose the disciplinary action it deems appropriate to the particular circumstances. The following actions shall not be considered "discipline" under the terms of this grievance procedure:
 - (1) Layoffs or workforce reduction activities;
 - (2) Performance evaluations or reviews;
 - (3) Actions taken to address work performance, including use of a performance improvement plan or job targets;
 - (4) Nondisciplinary demotion due to medical condition, lack of qualification or license, or other inability to perform job duties;
 - (5) Documentation of employee acts and/or omissions in an employment file;
 - (6) Actions taken pursuant to an ethics ordinance created under Sec. 19.59(lm) Wis. Stats.;
 - (7) Nondisciplinary wage, benefit or salary adjustments;
 - (8) Transfer, change in assignment or assignment location;
 - (9) Placing an employee on paid administrative leave pending an internal investigation;
 - (10) Counselings, meetings or other predisciplinary actions.
- iii. Termination. "Termination" is generally defined as a discharge from employment for rule or policy violations, poor performance or other acts of misconduct. The following actions shall not be considered a "termination" under the terms of this grievance procedure:
 - (1) Voluntary quit, resignation, retirement or other separation initiated by the employee;
 - (2) Workforce reduction activities, layoff or failure to be recalled from layoff at the expiration of the recall period;
 - (3) Job abandonment, "no-call, no-show," or other failure to report to work;
 - (4) Job transfer or demotion;
 - (5) Action taken pursuant to an ethics ordinance created under Sec. 19.59(lm), Wis. Stats.; or
 - (6) End of employment and/or completion of assignment of a temporary, seasonal, contract or part-time employee.
- iv. Steps in Grievance Procedure. [NOTE: The failure of the employee to comply with the time limits prescribed in this grievance procedure shall be deemed a waiver of his/her right to proceed with the grievance and shall be a bar to judicial review. The employee may advance a grievance to the next step if a response is not provided

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

- (1) Step 1. If an employee has a grievance, he/she shall first present and discuss the grievance orally with his/her immediate supervisor within two (2) workdays of knowledge of the issue/circumstances causing the grievance. The supervisor will reach a decision and communicate it orally to the employee within two (2) workdays.
- (2) Step 2. If the grievance is not settled at Step 1, the employee shall reduce the grievance to writing and present it to the department head/appointing authority within five (5) workdays after receiving communication of the supervisor's decision. The written grievance shall contain a clear and concise statement of the relevant facts, the date(s) the event occurred, the identities of the persons involved, documentation related to the grievance in possession of the employee, the actions taken to informally resolve the grievance, the reasons why the disciplinary action should be overturned, if applicable, and the remedy requested. A grievance alleging a workplace safety issue shall also identify the regulations or laws allegedly violated, if applicable. Within five (5) workdays, the department head shall furnish the employee with a written response to the grievance.
- (3) Step 3. If the grievance is not settled at Step 2, the employee may submit a written appeal to the Human Resources Director within five (5) workdays. The Human Resources Director shall schedule the matter before an impartial hearing officer for a hearing as soon as practicable.

v. Civil Service Commission Hearing.

- (1) The Commission shall appoint a time and place for hearing the appeal and shall notify the department head/appointing authority and the affected employee of the time and place of such hearing. This time period may be changed by mutual agreement of the parties and the Commission. The Commission may, in its discretion, have the hearing transcribed. A copy shall be made available to the employee at his/her expense. The employee may be represented at the hearing by an attorney at the employee's own expense.
- (2) Subject to the Commission's discretion, witnesses may appear at the hearing and present information under oath or affirmation. Written documents may be submitted. The rules of evidence may be used as a guideline but shall not be binding upon the Commission. The appealing party carries the burden of production of evidence and the burden of proof. In disciplinary matters, the sole issue before the Commission shall be: Based on the preponderance of the evidence presented, has the employee proven the disciplinary action was arbitrary and capricious? An action will be deemed arbitrary and capricious if it is unreasonable or without a rational basis (i.e., if any reasonable view of the evidence sustains the action, it may not be disturbed). In making such determination, the Commission shall accord the decision of the department head/appointing authority a presumption of correctness and validity. In matters involving allegations of workplace safety violations, the sole issue before the Commission shall be: Based on the preponderance of the

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

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

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

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

- establish and maintain a high level of professionalism and awareness of safety among its drivers and operators. Procedures to be followed by all City departments and employees regarding vehicle operation, driving privileges and mileage reimbursement are set forth in Policy 1468 in the City of West Allis Policies and Procedures Manual.
23. Subrogation. In the event the City makes any payment of sick leave benefits under Section 2.76(13), and/or any payment of medical expenses pursuant to the terms of any health insurance plan provided under Section 2.76(14), the City shall be subrogated to all the employee's/insured's rights of recovery therefor against any third party or his/her insurer for such payment. Should the employee/insured make a claim or maintain an action against a third party, he/she shall so notify the City and said claim or action shall include a demand for reimbursement of the sickness disability benefits and/or medical expenses paid by the City. As a condition of accepting benefits under Section 2.76(13) or 2.76(14), the employee and all eligible dependents agree to be obligated to subrogate any such claims to the City to the full and complete extent of payments made by the City, and agree to reimburse the City from the proceeds of such recovery from a third party or parties to the full extent of all monies paid by the City.
 24. Worker's Compensation Benefits and Alternate Duty. Worker's compensation benefits shall be paid to all City of West Allis employees, and alternate duty will be assigned to employees in accordance with Policy 1434 in the City of West Allis Policies and Procedures Manual.
 25. Drug- and Alcohol-Free Workplace. The City provides for a drug- and alcohol-free workplace as set forth in Policy 1447 in the City of West Allis Policies and Procedures Manual.
 26. Jury Duty. It is the policy of the City that all employees be allowed to serve on juries. The terms and conditions of leaves of absences for jury duty are set forth in Policy 1417 in the City of West Allis Policies and Procedures Manual.
 27. Life Insurance. Eligible elected officials and employees may be entitled to participate in the life insurance program in accordance with Policy 1411 in the City of West Allis Policies and Procedures Manual.
 28. Pension Plans. The City of West Allis provides an integrated pension system, comprised of benefits from Social Security (except Fire Department), and the Wisconsin Retirement System. Employees are eligible to participate immediately upon hire.
 - a. Social Security. The City and the employees each contribute to Social Security based on the employee's annual earnings, up to a maximum per annum established by the Social Security Administration.
 - b. Wisconsin Retirement System. Pursuant to Sec. 40.21, Wis. Stats., the City elects to include eligible City personnel under the provisions of the Wisconsin Retirement System (WRS), in accordance with the terms thereof. The City and the employees shall make contributions to the WRS as established by state law.
 29. Departmental Review of Employee Performance. It is the policy of the City that employees shall receive periodic, and at least annual, performance reviews in accordance with the provisions of Policy 1422 in the City of West Allis Policies and Procedures Manual.
 30. Appeals. Any person aggrieved by a determination of the Civil Service Commission may appeal that determination to the Circuit Court of Milwaukee County pursuant to the provisions of Section 68.13 of the Wisconsin Statutes.

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

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

A M E N D M E N T

5.17 Fire Inspection And Permit Fee Schedule

See Fee Schedule

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

Plan review. Alterations to existing systems up to 15 heads No charge New construction and additions to existing systems (1-250 heads or fixtures) \$25.00 New construction and additions to existing systems (each additional 100 heads or fixtures or fraction thereof) \$10.00 Site inspection. Plan review: \$25.00 100 or less heads or fixtures \$50.00 Over 100 heads or fixtures \$100.00 Site inspection: \$50.00 Fire suppression systems, to include halon, carbon dioxide, dry chemical, water spray and foam systems. Smoke ventilation systems. Hood and duct ventilation and suppression systems. Plan review: \$25.00 Plan review: \$25.00 Site inspection: \$50.00 Plan review: \$25.00 Site inspection: \$50.00 Site inspection: \$50.00 Spray booths, dip tank operations and flammable liquid spray areas. Hydrant flow test, per hydrant: \$25.00 Plan review not approved by DILHR: \$50.00/plan Liquid storage tanks, a regulation by this Code, above or below ground, or within buildings or structures. Pressure piping systems or vapor recovery systems for flammable and combustible liquids, new and altered systems utilizing pressure piping or suction system: 1% of the cost to install/\$50.00 minimum Pumps for flammable liquids, new, replacement or alteration: \$10.00 for each pump, dispenser or nozzle/\$50.00 minimum LP tanks - temporary installation: \$25.00 Temporary storage of explosives: \$25.00 New, replacement, removal or abandonment per tank: \$15.00/1,000 gallons or fraction thereof; \$50.00 minimum/\$150.00 maximum Cutting/Welding: \$25.00 Blasting: \$25.00 Tents in excess of 400 square feet, per tent: \$20.00 Petition for variance, per petition: \$50.00 Indoor car exhibition, per car: \$25.00 Removal of underground storage tank (nonresidential): \$100.00 minimum Liquid storage tank ILHR 10 permit: \$50.00 Special inspections requiring written response: \$100.00 Reinspection. In the event additional inspections are necessary because of failure to meet at an appointed time or by reason of faulty, incomplete or defective work, a fee equal to the original fee will be charged. Special Plan Review or Inspections. During nonworking hours, time and one-half of the normal hourly rate of Inspector assigned, three hours minimum. The fee shall be paid prior to the review or inspection. [Ord. 6115 (5.17(18)-(23)), 8/2/1994] [Ord. 6077 (create 5.17), 3/1/1994]

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

AMENDMENT

6.01 Public Safety

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

confiscated.

3. Hunting. [Ord. O-2014-0016, 3/4/2014]

a. Use Regulated.

i. The provisions of Section 6.01(2)(a) notwithstanding, a person may hunt with a bow and arrow or crossbow as provided herein. No person shall hunt with a bow and arrow or crossbow within one hundred (100) yards of a building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt within the specified distance of the building. All other types of hunting shall be prohibited.

b. Any person hunting within the City with a bow and arrow or crossbow shall discharge the arrow or bolt from the respective weapon toward the ground. As used in this subsection, "toward the ground" means: from a higher place or level to a lower place or level that exceeds the normal ballistic drop of the projectile fired from the device.

c. Hunting of any type shall be prohibited on all land owned or leased by the City pursuant to the authority of Section 29.038(2), Wisconsin Statutes.

d. Penalty. In addition to payment of the penalty prescribed in Section 6.04, each violator shall forfeit the bow and arrow, crossbow, or other weapon used to hunt in violation of this Subsection (3) and such device shall be confiscated.

e. The prohibition on hunting set forth in this Subsection (3) shall not apply to a law enforcement officer acting in his/her official capacity, or a person authorized by such law enforcement officer who has been authorized to trap, hunt, or otherwise dispose of nuisance wild animals.

4. Removal of Locks or Doors from Ice Boxes, etc. No person, firm or corporation shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, walk-in cooler or other container of any kind, which has an air tight door, without first removing the door from the said ice box, refrigerator, walk-in cooler or other container.

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

A M E N D M E N T

7.041 Food Peddlers

1. Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

a. Charitable Organization. The term "charitable organization" shall mean any patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, person, partnership, association or corporation that is validly registered under Wis. Stat. § 440.42.

b. Health Commissioner. The term "Health Commissioner" shall mean the Health Commissioner of the City, as set forth in Section 2.24 of the Revised Municipal Code, or his/her designee.

c. Food. The term "food" shall mean all articles used for food, drink or condiment, including ice or water used by humans, whether simple, mixed, or compound and articles used or intended for use as ingredients in the composition or preparation thereof.

d. Food Peddler. The term "food peddler" shall mean any person who sells food in this City from a pushed, pedaled, pulled, motorized, or movable vehicle or cart, or from a carried container.

2. Adoption of State Code. Except as otherwise provided herein, the provisions of Department of Agriculture, Trade, and Consumer Protection Chapter 75 and the Wisconsin Department of Health Services Code Chapter 196 and its appendix, the

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

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

- b. If, as a result of such investigation, the Chief of Police or his/her designee discovers that any representation on the application contains a material omission or inaccuracy, or the Chief of Police or his/her designee is of the opinion that the applicant is not a fit person to conduct such sales, the Chief of Police or his/her designee shall disapprove the application and return it to the City Clerk/~~Treasurer~~ along with the reason(s) for disapproval. Upon return of the disapproved application, the City Clerk/~~Treasurer~~ shall notify the applicant that the permit has been denied, along with the reasons therefor.
 - c. Issuance. If the City Clerk/~~Treasurer~~ does not send the application to the Chief of Police or his/her designee, or if the Chief of Police or his/her designee returns an application without disapproval, the City Clerk/~~Treasurer~~ shall then issue a permit to the applicant. The permit shall be carried by the food peddler at all times s/he is engaged in food peddling and shall contain the name of the permittee, the date of issuance, the date of expiration, and the permit number.
9. Transfer Prohibited. No permit issued under this subsection may be transferred.
10. Licensing Year. The licensing year for the food peddler's permit shall be from July 1 to June 30.
11. Posting of Permit and Company Name.
- a. Every food peddler shall display his/her permit at all times in plain view to the public on the food peddler's vehicle, cart, container, or person.
 - b. Every food peddler shall display on his/her vehicle, cart, or carrier, the name of the person to whom the permit is issued and the permittee's telephone number. Such lettering shall be not less than four (4) inches high.
12. Permit Revocation.
- a. The Common Council may, upon sufficient cause, suspend, revoke, or not renew a permit issued under this section. Cause for suspending, revoking, or not renewing a permit shall include, but not be limited to, the following: violations of this section; violations of the City or state's food regulations; violations of West Allis Revised Municipal Ordinance 7.05; violations of the City or state's health regulations; any fraud, misrepresentation, or false statement contained in the license application; failure to comply with the directives of the Common Council, License and Health Committee, or West Allis Health Department; disorderly conduct; or theft.
 - b. Whenever the Health Commissioner or his/her designee has reasonable cause to believe that any food, sanitary condition, equipment, premises or method of operation creates a danger to public health, the Health Commissioner may issue an order as set forth in sec. 66.0417(2), Wis. Stats. The License and Health Committee of the West Allis Common Council shall conduct the hearing required by sec. 66.0417(3), Wis. Stats. The decision of the License and Health Committee shall be final subject to appeal rights as provided by law.
13. Prohibited and Required Acts.
- a. A food peddler shall not:
 - i. Sell food between the hours of 9:00 p.m. and 6:00 a.m.
 - ii. Block or restrict an individual's access to a business or residential property.
 - iii. Occupy any sidewalk so as not to permit any pedestrian at any time to have a minimum five-foot clearance.
 - iv. Sell or offer for sale any food while the person is on a roadway median or safety island, unless the roadway has been closed to traffic under Subsection (3)(b) and the food peddler is otherwise in compliance with this section.
 - v. Sell or offer to sell any food while located within 10 feet of a crosswalk, bus stop, or fire hydrant.
 - vi. Make any comment, request, suggestion or proposal that is obscene, lewd, lascivious, profane, or indecent.

- vii. Sell food on private property or City-owned property that is not a public right-of-way without written permission of the owner.
 - viii. Sell food within 300 feet of school grounds.
 - ix. Sell food within 100 feet of a licensed restaurant, unless such restaurant is owned by the food peddler or the food peddler has written permission from the restaurant license's owner or agent.
 - x. Sell food within 300 feet of the West Allis Farmer's Market during the hours that the market is open for business, unless the food peddler holds a valid street vendor's contract for the Market with the West Allis Health Department.
 - xi. Sell food that is unwholesome, tainted, unclean, or that has been handled in an unclean manner, or has been exposed to unclean, contaminating things or conditions, or contrary to any rules or regulations adopted by the Health Commissioner.
 - xii. Allow any person who does not possess a valid food peddler's permit to sell or assist in selling food from the food peddler permittee's vehicle, cart, or container.
- b. A food peddler shall:
- i. Possess and maintain all required food-related permits issued by the West Allis Health Department.
 - ii. Direct vending equipment and displays, including signage, away from the street.
 - iii. Display food and signage in a manner in which attention to it is not focused from the street and which does not require or encourage prospective buyers to enter or walk upon the street to examine it.
 - iv. Notify the City Clerk/~~Treasurer~~ within 10 days of the event whenever anything occurs to change any fact set out in the application or information of any permit.
 - v. Comply with all inspection requests and orders from the City, including but not limited to inspections and orders from the Health Department, ~~Building Inspection and Zoning Code Enforcement~~ Department, and Fire Department.
 - vi. Comply with all lawful orders or requests from an officer of the West Allis Police Department or other police agency.
 - vii. Comply with all local, state, and federal laws and regulations.
14. Penalties.
- a. Any person violating this section shall, upon conviction for a first offense, forfeit not less than fifty dollars (\$50.) nor more than five hundred dollars (\$500.), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in § 800.095(4), Wis. Stat. Each and every day during which any such violation continues shall constitute a separate violation.
 - b. Any person violating this section shall, upon conviction for the second or subsequent offenses, forfeit not less than three hundred dollars (\$300.), nor more than two thousand dollars (\$2,000.), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in § 800.095(4), Wis. Stats. Each and every day during which any such violation continues shall constitute a separate violation.
15. Severability. If any provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the section shall not be affected thereby.
16. Distance Measurements. For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the edge of the property line when measuring from real estate or the nearest edge of an object or line when measuring from a crosswalk, bus stop, or fire hydrant, or similar object, to the nearest edge of a food peddler's cart, vehicle, or container.

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

AMENDMENT

9.02 Alcoholic Beverages

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

1m. Pursuant to Wis. Stat. § 125.51(3)(b), a retail “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold.

2. License Required. No person, firm, partnership, corporation or association shall, within the City, sell, barter, exchange, offer for sale or have in possession with intent to sell, deal or traffic in fermented malt beverages or intoxicating liquor, in any quantity whatsoever, or cause the same to be done without having procured a license.
3. Applications for Class "A" and "B" Retail License.

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

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

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

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

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

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

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

- ii. Publication. The application shall be published at least once in the official City newspaper and the costs of publication shall be paid by the applicant.
- iii. Granting of License. A Class "C" license may be granted to an applicant only if the applicant meets the qualifications set forth in sec. 125.04(5) of the Wisconsin Statutes; the premises to be licensed is a restaurant in which the sale of alcohol beverages accounts for or will account for less than fifty percent (50%) of gross receipts; and the restaurant does not contain a barroom.

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

iv. (Reserved)

4. Floor Plan and Plan of Operation.

- a. (Reserved).
- b. In any application for an alcohol beverage retail establishment license, excepting special Class B Beer and Wine Licenses, the applicant shall file a detailed floor plan on an 8 1/2-inch by 11-inch sized sheet of paper for each floor of the licensed premises. The floor plan shall include:
 - i. Area in square feet and dimensions of the licensed premises.
 - ii. all entrances and exits to the premises together with a description of

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

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

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

5. Outdoor Premises

a. Definitions

- i. "Indoor premises" means any part of the premises that is an enclosed place as that term is defined in Wis. Stat. 101.123(1)(ak).
- ii. "Outdoor premises" means any part of the premises that is not an indoor premises.

b. Regulations. All outdoor premises shall comply with the following regulations:

- i. Containers. No licensee may allow glass beverage containers in an outdoor premises.
- ii. Noise Limit. No outdoor premises may be the source of sound that measures over 100 decibels (A-weighted) within 100 feet from the outdoor premises. The common council may set different noise limits for a particular outdoor premises if the licensee agrees to those alternate noise limits.
- iii. Bordering. The border of any outdoor premises shall be physically marked with fencing, vegetation, barriers, or other objects or markings accurately indicating the limits of the outdoor premises.
- iv. Lighting. Any lighting for an outdoor premises may not project directly to an area beyond the indoor and outdoor premises.
- v. Closing Hours. No outdoor premises may remain open between the hours of 10 p.m. and 10 a.m. The common council may set different closing hours for a particular outdoor premises if the licensee agrees to those alternate closing hours.

6. Investigation. The City Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department and Building Inspector of each application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.

7. Qualifications. In addition to the qualifications under § 125.04(5) of the Wisconsin Statutes, no license related to alcohol beverages may be issued to any person who has had any license denied within prior 6 months.

8. Granting of License

- a. Upon the approval of an application by the Common Council, the City Clerk shall issue to the applicant a license, subject to the provisions of this code.
- b. In lieu of Common Council approval, the City Clerk is authorized to issue temporary Class "B" licenses and permit underage persons to be on the premises as provided in Wis. Stat. § 125.26(6), issue temporary "Class B" licenses and permit underage persons to be on the premises for the purpose of acting as designated drivers as provided in Wis. Stat. 125.51(10), and issue operator's licenses as provided in Wis. Stat. § 125.17(1) to any of the following applicants:
 - i. A person who is not a reviewable applicant.
 - ii. A reviewable applicant who has been granted an operator's license by the common council on a prior date and has no arrest or conviction

record since the prior license was granted.

- c. Under this paragraph, "reviewable applicant" means any person who has any of the following:
 - i. A pending criminal charge for any offense under Wis. Stat. § 111.335(4)(a);
 - ii. A conviction for an offense counted under Wis. Stat. § 343.307 within two years of the application date;
 - iii. A second or subsequent conviction for an offense counted under Wis. Stat. § 343.307 within five years of the application date;
 - iv. Convictions for three or more violations of Wis. Stat. § 343.44 within two years of the application date;
 - v. A conviction for any offense under Wis. Stat. Ch. 125 or any offense for which the consumption, possession, or sale of alcohol is an element within ten years of the application date, except no violation of Wis. Stat. § 125.07 may be considered unless the applicant has committed two or more violations within one year;
 - vi. A conviction for a felony offense where the sentence for confinement, extended supervision, or probation has ended within five years of the application date; or
 - vii. Convictions for three or more misdemeanors within five years of the application date.
- d. For any temporary Class B license, the clerk shall notify the Alderpersons of the district in which the event is to be held that a license has been issued.
- e. Applications for a temporary license must be received in the Clerk's Office at least five (5) business days prior to the event. An application for a temporary license received in the Clerk's Office five (5) business days prior to the event without approval of the Common Council must be accompanied by a late fee of fifteen dollars (\$15) in addition to the temporary licensee fee to defray administrative costs. An application filed less than five (5) business days prior to the event must be accompanied by a late fee of twenty-five dollars (\$25) in addition to the temporary license fee to defray administrative costs.

9. Transfer and Lapse of License.

- a. A license shall be transferable from one premises to another, if such transfer is first approved by the Common Council. No licensee shall be entitled to more than one (1) transfer in any one license year. Application for transfer shall be made on a form furnished by the City Clerk at least fifteen (15) days prior to the next available meeting of the License and Health Committee. Proceedings for such transfer shall be had in the same form and manner as the original application. Whenever a license is transferred, the City Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. The licensee shall pay a fee as specified in the most recent Schedule of Fees resolution.
[Ord. O-2018-0037, 9/18/2018]
- b. A license shall be transferable from one person to another, as set forth in Sec. 125.04(12)(b) of the Wisconsin Statutes. If licensed premises are transferred to a new owner or tenant, the new occupant must apply for and receive, prior to commencing operations, a Class "B" retailer's license. This section shall apply to licenses held by corporations which transfer same to another corporate entity with or without changing agents to the agent or to other persons. The prospective licensee shall file a new application and pay the required fee, as if it were making an original application. If the applicant is a tenant or subtenant, he shall first secure and present to the Common Council written approval of such tenancy from the owner of such premises.

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

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

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

10. Numbering, Expiration, and Posting of Licenses. **[Ord. O-2006-0016, 4/18/2006; Ord. O-2013-0014, 4/2/2013]**

- a. Each license holder shall be assigned a number which shall remain the same for that license holder annually except that the year when the license year commences shall change each license year, shall state clearly the specific premises for which granted, the date of issuance, the fee paid, the name of the licensee, and a statement that the license shall expire on the 30th day of June thereafter, unless revoked by state law or City ordinance.
- b. Every person licensed under this section shall post the license and maintain it posted while in force in a conspicuous place in the room or place where alcohol beverages are drawn or removed for service or sale. It shall be unlawful for any person to post the license upon premises other than those identified in the application and grant, or to knowingly deface or destroy the license.

11. Lost Licenses. Whenever a license issued under this section or under Section 9.03 shall be lost or destroyed without fault on the part of the holder or his agent or employee, a duplicate license in lieu thereof under the original application shall be issued by the City Clerk upon payment of the fee and satisfying himself as to the facts.

12. General Conditions upon all Licenses. All retail Class A and B licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto:

- a. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or State laws.
- b. The license holder, and/or the employees and agents of the license holder, shall cooperate with police investigations of disturbances, intoxicated persons, underage persons and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee. **[Ord. O-2008-0047, 10/7/2008]**
- c. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- d. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.

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

- a. The license shall conduct a principal business on the premises particularly described by the common council. Examples include those types of businesses described in Wis. Stat. § 125.32(3m).
- b. The licensee shall maintain the property and licensed premises so it is consistent with the landscaping and architectural design plans approved by the common council.
- c. The licensee shall video record all activities taking place on the licensed premises, except within bathrooms and areas inaccessible to customers, and retain a copy of that video for at least 7 days. The video resolution must have at least 640 pixels horizontally and 480 pixels vertically. The licensee shall provide a copy of any video recording in the licensee's possession within 48 hours after receiving a request for video from a law enforcement officer.
- d. The licensee shall maintain certain security measures particularly described by the common council. Examples include lighting requirements, staffing minimums, and photographic identification scanners.
- e. The licensee shall maintain the layout of the licensed premises consistent with the layout plan approved by the common council.
- f. The licensee may not promote or conduct certain activities particularly described by the common council. Examples include live music and drink specials.

13. Restrictions.

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

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

- (3) No provisional operator's license may be issued to a person who has been previously denied an operator's license by the Council.
 - (4) The applicant must provide evidence of completion or enrollment in a responsible beverage server course.
 - iii. Such provisional license shall be valid for not to exceed sixty (60) days or until action of the Common Council, whichever first occurs.
 - c. Temporary License. The City Clerk is authorized to issue a temporary operator's license to applicants meeting the qualifications of Subsection (a) if the applicant will be employed by or donating his services to nonprofit corporations and has not held another temporary license during the license year. The temporary license shall be valid for up to fourteen (14) days and the period for which it is valid shall be stated on the license.
 - d. Application. A written application shall be filed biennially with the City Clerk, stating the name, residence, age and sex of the applicant. The application shall be referred to the Chief of Police for a report. A license fee and record check fee must accompany the application. There will be no refund of the fees if the license is not subsequently granted.
 - e. Possession. Each person who holds an operator's license shall carry that license on his person while engaged in serving alcoholic beverages.
17. Loitering by Underage Persons Where Alcohol is Illegally Served. **[Ord. 6188 (repeal & recreate), 9/19/1995]**
 - a. No underage person shall enter, remain or loiter in any public or private place with the knowledge that any fermented malt beverage or other alcohol beverage is being sold, dispensed, served, given away or made available to underage persons.
 - b. This subsection shall not apply to underage persons who are accompanied by a spouse who has attained the legal drinking age or a parent or guardian.
 - c. No adult may knowingly suffer or permit any underage person to enter, remain or loiter in any premises, public or private, where alcohol beverages are served, sold, dispensed, given away or made available to underage persons, unless such underage person is accompanied by a spouse who has attained the legal drinking age, a parent or guardian.
18. List of Employees and Performers.
 - a. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License shall maintain a current list of all persons employed to work in the premises. The list shall also include those persons employed to work after closing hours for the purposes of cleaning the premises.
 - b. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License who affords patrons entertainment by, or performance of, any act, stunt, music, song or dance by performers under his auspices, whether such performances are paid or not, shall maintain a current list of all performers who perform in the licensed premises.
 - c. The lists required above shall contain the name or names (legal, trade and alias), current address and date of birth of each employee or performer and shall be provided to any police officer upon request.
19. Entertainment Standards.
 - a. No person shall, on a licensed Class "B" fermented malt beverages or intoxicating liquor premises, perform acts of or acts which constitute or simulate:
 - i. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; or,
 - ii. The touching, caressing or fondling of the breast, buttocks, anus or genitals; or,
 - iii. The displaying of human genitals, buttocks or pubic area or the female breast below the top of the areola.
 - b. No person shall, on a licensed premises, use artificial devices or inanimate objects to perform, simulate or depict any of the prohibited conduct or

- activities described in subsection (a).
 - c. It shall be unlawful for any person to show, display or exhibit on a licensed premises, any film, video, still picture, electronic reproduction or any other visual reproduction or image of any act, other visual reproduction or image of any act or conduct described in subsections (a) and (b).
 - d. No person holding a Class "B" fermented malt beverage or intoxicating liquor license, nor his agents or employees, shall allow or permit in or upon the licensed premises any act or conduct described in subsections (a), (b) and (c).
20. License Suspension, Revocation or Nonrenewal. **[Ord. O-2013-0014, 4/2/2013]**
- a. Causes. Any license issued under this section may be suspended, revoked, or non-renewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or not renewed for the following causes:
 - i. The making of any material false statement in any application for a license.
 - ii. The conviction of the licensee, his agent, manager, operator, or any other employee for keeping a gambling house or a house of prostitution or any felony related to the licensed operation.
 - iii. A showing that the licensee has violated any state law or City ordinance prohibiting the sale of intoxicating liquors or fermented malt beverages to underage persons or to any person who is intoxicated or bordering on intoxication.
 - iv. The violation of any of the applicable provisions of Section 9.02.
 - v. The violation of any of the excise laws of this state, or failure to provide proof that the licensee is in good standing as required by Sections 77.61(1) and 125.04(5)(a) of the Wisconsin Statutes.
 - vi. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience or prosperity of the immediate neighborhood.
 - vii. Failure of the licensee to operate the premises in accordance with the floor plan or plan of operation submitted pursuant to Section 9.02(5).
 - viii. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholders holding twenty percent (20%) or more of the corporation's total or voting stock, or proxies for that amount of stock, or any of the offenses enumerated in Section 125.12(2)(ag) of the Wisconsin Statutes.
 - ix. Any of the grounds set forth in Section 125.12(2)(ag) of the Wisconsin Statutes.
 - x. The licensee is a habitual law offender as set forth in 125.04(5)(b) of the Wisconsin Statutes.
 - xi. The failure to pay any tax or forfeiture as provided in Section 1.08(a).
 - xii. The City has been notified pursuant to Section 125.33(7)(b) and 125.69(4)(b) of the Wisconsin Statutes, that the licensee has failed to pay for alcohol beverages.
 - b. State Law Applicable. Except as otherwise provided herein, the provisions of Section 125.12(2)(ag) to (c) and 125.12(3) of the Wisconsin Statutes, shall be applicable to proceedings for the suspension, revocation, and nonrenewal of all licenses granted under this section.
 - c. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion, upon sworn written charges made and filed with the Clerk/Treasurer by the Chief of Police, or upon a sworn written complaint filed with the Clerk/Treasurer by any City resident.
 - d. Procedure.
 - i. Upon receipt of a sworn complaint, either from the Chief of Police, a

- resident of the City, or upon directive of the Committee, the License and Health Committee shall direct the City Attorney to prepare a summons and have the summons and complaint served upon the licensee pursuant to Section 125.12(2)(ar) of the Wisconsin Statutes.
- ii. The summons and complaint shall contain: the date and time for appearance by the licensee; a statement of the Common Council's intention to suspend, revoke, or not renew the license in the event any of the allegations are found to be true; a statement of the reasons for suspension, revocation, or nonrenewal; notification to the licensee of an opportunity to be heard, respond to and challenge the reasons for suspension, revocation, or nonrenewal and to present and cross examine witnesses under oath; notification to the licensee of the right to be represented by counsel of the licensee's choice and at the licensee's expense.
 - iii. If the licensee fails to appear on the date and time designated in the summons, the License and Health Committee may enter a default judgment and take the allegations of the complaint to be true. The License and Health Committee shall then deliberate on what sanction, if any, to impose consistent with Section 125.12 of the Wisconsin Statutes.
 - iv. If the licensee appears before the License and Health Committee at the date and time designated in the summons and denies the material charges contained in the complaint, an evidentiary hearing shall be scheduled. If the licensee does not appear or appears but does not deny the material charges contained in the complaint, the complaint may be taken as true and the Committee shall hear the arguments of the complainant and, if applicable, the licensee in connection with whether to non-renew, revoke or suspend the license and the length of the suspension.
 - v. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
 - (1) The complainant shall first present evidence in support of the complaint.
 - (2) After the complainant rests, the licensee may present evidence in opposition to the charges.
 - (3) The complainant and licensee may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross examination.
 - (4) The complainant and licensee shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.
 - (5) Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
 - (6) At the close of testimony, the complainant and licensee shall be given a reasonable time to make arguments upon the evidence produced at hearing.
- e. Miscellaneous Procedural Matters.
- i. At all stages of the proceedings, the licensee shall be entitled to appear in person or by an attorney of his own expense.
 - ii. If the complaint is in the name of the Committee or is brought by a City official in his/her official capacity, the complainant shall be represented by a prosecuting City Attorney.
 - iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the prosecuting City Attorney.
 - iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be

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

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

f. Findings and Recommendations.

- i. After the close of the hearing, the Committee shall deliberate and reach a decision. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk/Treasurer with a copy to the licensee and complainant. The findings and recommendations shall be distributed to each member of the Common Council.
- ii. The licensee and complainant may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk/Treasurer before the close of business on a day that is at least three (3) working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.

g. Common Council Action.

- i. Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk/Treasurer shall notify the licensee and complainant by U.S. first class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.
- ii. Unless an alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the complainant nor the licensee shall be permitted to make oral arguments.
- iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote. Upon an affirmative vote suspending, revoking, or not renewing the license(s), the Clerk/Treasurer shall give notice to the person whose license is affected. If the Common Council finds the complaint to be untrue or unsupported by sufficient evidence, the proceedings shall be dismissed without cost to the accused.

h. Surrender of License.

- i. A licensee may, at any time during the license year surrender a license to the City Clerk/Treasurer, along with a statement, in writing, that the licensee no longer wishes to conduct licensed activity at the licensed premises.
- ii. The Clerk/Treasurer shall notify the License and Health Committee of the surrender. Except as set forth in Subsection (h)3. below, the surrender shall operate to extinguish any right the licensee had to the license or to conduct licensed activity at the premises listed in the license.
- iii. If a summons and complaint has been issued against the licensee seeking suspension, revocation, or nonrenewal of the license, the

- surrender of the license shall be deemed a request and the matter shall be referred to the License and Health Committee. The Committee may approve the request or deny the request and proceed to hearing.
- iv. Any request to have a surrendered license returned shall be treated as a new license application and the requestor must fill out the required applications and pay the required fees. The request shall thereafter be treated as all other new license applications.

21. Fees.

See Fee Schedule.

22. Presence of Underage Persons On Specified Dates When No Alcohol Beverages Are Sold. **[Ord. O-2012-0020, 6/19/2012]**

- a. Underage persons may enter or remain on a Class "B" or "Class B" licensed premises, as set forth in Wisconsin Statutes § 125.07(3)(a)(10), under the following conditions:
 - i. Notification of Dates. The licensee or agent shall notify the Police Chief at least seven (7) days prior to any date on which underage persons will be permitted to enter and remain on the premises. The time period may be waived by the Police Chief or a designee upon determination of good cause or special circumstances.
 - (1) Each event shall require separate notification. Notification shall be in writing and contain the following information: dates and times of the event; specific nature of the event, including description of entertainment; number of persons expected on the premises.
 - ii. Regulations. The operation of a licensed premises during those times when underage persons are on the premises under this section shall be subject to the following regulations:
 - (1) There shall be at least a one-hour period between the serving of the last alcohol beverage and the commencement of operations under this section.
 - (2) No alcohol beverages may be consumed, sold or given away in any part of the licensed premises.
 - (3) All alcoholic beverages on tables shall be removed.
 - (4) The licensee, the agent named in the license if the licensee is a corporation, or a person who has an operator's license shall be on the premises during the event unless all alcohol beverages are stored in a locked portion of the premises.
 - (5) The licensee shall be responsible for the adequate supervision of the premises, and such supervision shall consist of adult persons twenty-one (21) years of age or older.
 - (6) Closing hours shall be no later than 1:00 a.m. on weekdays and 1:30 a.m. on Saturdays and Sundays.
 - (7) No persons under age seventeen (17) shall be allowed on the premises, unless accompanied by a parent.
 - (8) All underage persons must be off the licensed premises at least thirty (30) minutes prior to the resumption of alcohol beverage sales.

23. Late Fees.

See Fee Schedule.

24. Extension of Premises

- a. Temporary Extension
 - i. A licensee may apply for a temporary extension of premises by submitting a request to the city clerk in a form approved by the clerk and paying the fee listed on the Fee Schedule.
 - ii. Each licensee shall provide a description of the temporary premises and any other information required by the city clerk. The request shall list specific dates for which the licensee requests an extension of premises or list a range of dates not to exceed 6 months for which the licensee requests an extension of premises.

- iii. Upon receiving a request under this paragraph, the city clerk shall notify the Planning Department, ~~Building Inspection and Neighborhood Services~~ Code Enforcement Department, Health Department, and Police Department of the request, and the departments may provide information regarding the request to the common council.
 - iv. The common council shall determine whether to grant a request for temporary extension of premises under the same standards as a new license application. A temporary extension of premises creates a property interest only for the dates and times approved by the common council. Upon expiration of a temporary extension of premises, the temporary premises ceases to exist. Approval of a temporary extension of premises does not create a right to future approval.
- b. Permanent Extension. A licensee requesting a permanent extension shall pay the fee listed in the Fee Schedule at the time of the request. The council shall determine whether to grant the request for permanent extension of premises under the same standards as a new license application.

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

A M E N D M E N T

9.037 Public Entertainment License

1. Definitions

- a. "Premises" means the area described within a license issued under this section.
- b. "Public entertainment" means any activity or equipment made available with or without fee to the general public for amusement including, but not limited to: bowling centers, dance halls, roadhouses, billiard and pool tables, amusement devices, theater, live or pre-recorded music, movies, and other places of amusement. This definition applies to any entertainment provided commercially for gain by membership, season ticket, invitation, or other system open or offered to the public generally.

2. License Required. Except as stated in sub. 3, no person may provide public entertainment without a license issued under this section.

3. Exceptions. No license is required under this section for any of the following activities:

- a. Public entertainment provided by a charitable, nonprofit, or educational institution, religious organization, or governmental entity upon land owned and exclusively occupied by that entity.
- b. Public entertainment provided by an organization formed for the purpose of ballet performance and instruction and which has received tax exempt status from the United States Internal Revenue Service.
- c. Billiard tables provided on the premises of bona fide clubs or social organizations not operating for private profit which provide other membership privileges and activities, even though there is a charge for playing billiards.
- d. Dancing instruction for compensation without any performance for the general public.
- e. Television or music intended to entertain only employees and not customers.
- f. Public entertainment provided on the grounds of and during a special event

permitted under WAMC 6.032.

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

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

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

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

8. Suspension, Revocation, and Non-Renewal

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

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

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

A M E N D M E N T

9.128 Trailer And Truck Rental

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

- the license will not adversely affect the public health, welfare and safety, the license shall be granted by the Common Council, signed by the City Clerk and thereafter issued by the City Clerk to the licensee upon presentation of a receipt of payment of the required fees from the City Treasurer.
- a. The premises and all structures thereon shall be so situated and constructed that the rental of such trailers and/or trucks may be conducted in a sanitary manner, shall comply with municipal and state safety fire requirements, zoning and building codes and shall be open for inspection during normal business hours by proper health, fire and police authorities.
 - b. Premises shall be kept reasonably clean and free of litter and debris. No refuse, trailer or truck parts or accessories, or junked trailers or trucks, shall be permitted on the premises unless they are stored within a structure or container approved by the Code Enforcement Director of the Department of Building Inspections and Zoning.
 - c. Areas used for parking such trailers shall provide at least one hundred (100) square feet of space for each such trailer; areas used for parking van-type trucks and all other motor vehicles shall provide spaces of a size required in Sections 12.12(3) and 12.43(2) of this Code, whichever is applicable. Such areas shall be surfaced with bituminous asphalt or concrete, shall be provided with underground storm drains as required by Sections 16.09(21) and (22) of this Code, shall provide adequate driving lanes, entrances and exits, and all lanes, drives, entrances, exits and parking spaces shall be clearly marked.
 - d. Where a property line of a premise to be licensed abuts upon a residential zoned district as established in Chapter XII of this Code or is separated from such district by an alley, there shall be provided a solid wall, fence or hedge not less than four (4) feet high nor more than six (6) feet high along the abutting lot line and shall be installed in accordance with Section 10.035 of this Code. Where such property line abuts an alley, the Code Enforcement Director of the Department of Building Inspections and Zoning may authorize openings in such wall, fence or hedge to permit access to the premises from such alley for entering, exiting and parking and in the interest of safety may authorize a reduction in height requirements of such wall, fence or hedge.
 - e. The licensee shall have procured all other required permits and license, including, but not limited to, an occupancy permit pursuant to Section 12.44 of this Code and, where required, an off-street parking permit pursuant to Section 10.13 of this Code.
6. Revocation of License. The license provided herein shall be revocable at any time by the Common Council after a hearing at which it has been found the licensee has failed or refused to comply with the terms and conditions of this section or lawful orders issued hereunder. A revocation hearing shall be held by the Common Council upon its own motion or upon a complaint in writing duly signed and verified by the Code Enforcement Director of the Department of Building Inspections and Zoning. Such complaint shall state the nature of the alleged failure to comply with this section of lawful order issued hereunder. A copy of the complaint, together with a notice of hearing, shall be served upon the licensee not less than ten (10) days prior to the date of hearing.
7. Enforcement. The Code Enforcement Director of the Department of Building Inspections and Zoning is hereby designated as the administrator of this section. He shall cause to have inspected at the time that any application, including renewal applications for a license, is received, or upon written complaint of violations of this section, all premises covered by this section. Upon a finding that a licensee is in violation of this section, the Director shall issue a written order requiring compliance within thirty (30) days of date of order with the terms of this section. Should the licensee fail to comply with the order, the Director shall submit in writing a complaint to the Common Council which shall hold a hearing, as prescribed in section (6) above.

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

A M E N D M E N T

9.13 Salvage And Recycling Centers

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

- than seven (7) feet in height, effectively screening the salvage business from abutting private and public properties. No junk or other materials of the salvage business shall be stored or piled so as to extend above the height of the enclosure, nor shall any such material be stored outside the enclosed area.
- d. If the salvage dealer intends to deal in, accumulate or store junked motor vehicles or parts thereof, the Common Council, under authority of § 175.25(1) of the Wisconsin Statutes, shall specify the quantity and manner of storing junked automobiles outside of building on the premises and shall establish setback requirements, pursuant to § 175.25(2) of the Wisconsin Statutes.
 - e. The burning of auto bodies, tires, furniture, paper, plastic and other material is prohibited.
5. License Fee. Every salvage dealer shall pay an annual license fee of two hundred thirty dollars (\$230.00). All licenses shall be issued as of July 1 and shall continue in force until June 30 next succeeding the date of issuance, unless sooner revoked. **[Ord. O-2009-0033, 11/3/2009]**
 6. Issuance of License. Upon the filing of an application as provided in the preceding subsection, the Clerk shall, upon approval of such application by the Common Council and the payment to the City of the license fee, issue to the applicant a license to engage in the business, as provided in Subsection (1). All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the salvage business, the date of issuance and expiration of the license and the name and address of the licensee.
 7. Posting License. Every salvage dealer licensee shall at all times keep the license posted in a conspicuous place on the premises described in the application for such license. No person shall post such license upon premises other than those mentioned in the application, or knowingly deface or destroy any such license.
 8. Change of Location. Every salvage dealer's license shall designate the place of business in or from which the salvage dealer shall be authorized to carry on such business. No licensee shall remove his or its place of business from the place designated in the license until authorization has been secured from the City, and the same shall have been endorsed upon the license.
 9. Restrictions.
 - a. No salvage dealer shall carry on the business at or from any other place than the one designated in the license, nor shall the business be carried on while the license is suspended or after it has been revoked or has expired.
 - b. Hours of operation may be regulated by the License and Health Committee to such hours as reasonable, given the location of the salvage business.
 10. Rules by Health Commissioner. The Health Commissioner shall formulate reasonable rules and regulations relating to the conduct of the business of salvage dealing, which shall protect the health of the community. No salvage dealer shall violate any such rule or regulation.
 11. Concealing Identity of Used Cars. No person or corporation shall knowingly buy, sell, receive, dispose of, conceal, or have in his/her possession any motor vehicle, part or accessory from which the manufacturer's serial number or any other number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of such vehicle, part, or accessory. Every person to whom is offered for sale, storage, or wreckage any motor vehicle, part or accessory from which has been removed, defaced, covered, altered, or destroyed the manufacturer's serial number or any other number or identification mark shall immediately notify the West Allis Police Department of such offer. **[Ord. O-2015-0015, 2/17/2015]**
 12. Lost or Stolen Materials. Any salvage dealer or peddler having or receiving any goods, articles, or other materials, which he or she knows or has reason to believe are lost or stolen, shall notify the Police Department of said materials and the reasons why it is believed they are lost or stolen. **[Ord. O-2015-0015, 2/17/2015]**
 13. Suspension and Revocation of License. The procedure for the suspension, revocation, and nonrenewal of license shall be as set forth in Section 9.35(3) of this Code, except that any summons and complaint shall be served upon the licensee no less than ten (10) days prior to the hearing. **[Ord. O-2015-0015, 2/17/2015]**

14. Regulations. **[Ord. O-2015-0015, 2/17/2015]**

a. Definitions.

- i. "Regulated property" shall mean aluminum siding, gutters, downspouts, screens, windows, window frames and doors, metal bathtubs and sinks, nonplastic pipe, copper, nonferrous metal items other than aluminum cans, batteries used in motor vehicles, telecommunication wire, sheet metal, stained glass, traffic signs, aluminum light poles, water meters, cemetery monument plaques, fixtures from houses of worship, catalytic converters, and manhole covers, including lids, grates, and frames.
- ii. "Truckload and bulk purchases" shall mean the purchase of property by weight, or in quantity, without unloading or closely inspecting individual items of property when purchased. Truckload and bulk purchases shall be at least six (6) discrete items if purchased in quantity and not less than two hundred (200) pounds if purchased by weight.

b. Identification. No salvage dealer shall purchase any regulated property without first obtaining adequate identification, as defined in Section 9.15(3)(a) of this Code, from the seller.

c. Recordkeeping.

- i. For each purchase, receipt, or exchange of any regulated property from a customer, every salvage dealer licensed under this section shall complete a property transaction form. Such form shall contain a transaction number; the date of the transaction; the printed name and address of the seller; the type and weight of the property purchased, by the truckload or in bulk if a truckload or bulk purchase, along with any other additional description of the property; the amount paid for the property; and the seller's signature. The form shall be kept either as a computer file or in a written document approved by the Chief of Police or the Chief's designee. No entry on such a form may be erased, mutilated, or changed. The salvage dealer shall maintain computerized files and written property transaction forms and retain them for not less than one (1) year after the date of the transaction. **[Ord. O-2015-0027, 4/21/2015]**
- ii. For each purchase, receipt, or exchange of any regulated property from a customer, every salvage dealer licensed under this section shall keep a permanent record and written inventory in such form as the Chief of Police shall prescribe, in which the dealers shall record legibly in English the name, address, and date of birth of each customer and driver's license number or number of other adequate identification presented. The dealer shall also record the date, time, and place of the transaction; the amount paid for the property; and an accurate and detailed account and description of each item being purchased, including, but not limited to, any trademark, identification number, serial number, model number, brand name, description by weight and design of such article, and other identifying marks and identifying descriptions of personal nature. The written inventory shall be kept in a computerized file or in ink, and no entry in such inventory shall be erased, mutilated, or changed. The dealer shall retain each record and inventory for not less than one (1) year after the date of transaction. **[Ord. O-2015-0027, 4/21/2015]**
- iii. Every dealer shall on a weekly basis prepare a list that contains the name and address of each customer during the week for which the list was prepared, the date, time, and place of each transaction with each of those customers, and a detailed description of the regulated property, including the serial number and model number, if any. The dealer shall retain the list for not less than one (1) year after the date on which the list was prepared.
- iv. The dealer shall also obtain a written declaration of the seller's

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

- v. The seller shall sign, in ink or by electronic signature, his or her name in such inventory register and on the declaration of ownership. **[Ord. O-2015-0027, 4/21/2015]**
 - vi. Such inventory registers, declarations of ownership, and weekly lists shall be made available to any police officer for inspection at any time that the dealer's principal place of business is open or within one (1) business day of an officer's request.
- d. Exceptions to Recordkeeping.
- i. The description of the property purchased by salvage dealers by the truckload or in bulk shall be limited to a listing of the quantity or the weight purchased by category of regulated property purchased and shall be exempt from the property description provisions of Subsection (c)2.
 - ii. Salvage dealers making truckload and bulk purchases shall include a color photograph of the truckload or bulk purchase as a whole and not of individual items purchased.
- e. Electronic Reporting.
- i. Any dealer shall electronically report each item of regulated property purchased or received using a computer program approved by the West Allis Police Department. Such report shall occur no more than twenty-four (24) hours after the article is purchased or received and shall obtain a complete description as required in Subsection (14)(c)2 and a clear, unaltered digital photograph of any regulated property without a serial or identification number.
- f. Holding Periods.
- i. Any regulated property purchased or received by the salvage dealer shall be kept on the dealer's premises or other place for safekeeping not less than forty-eight (48) hours after the date of purchase or receipt. Any regulated property shall be held separate and apart from any other transaction and shall not be changed or altered in any manner. The dealer shall permit the Chief of Police or any other police officer designated by the Chief to inspect the regulated property during the holding period. If the Chief of Police or any other police officer designated by the Chief has reason to believe any regulated property was not sold by the lawful owner, he or she may cause any regulated property purchased or received to be held for an additional length of time as he or she deems necessary after the elapse of the initial forty-eight-hour holding period for identification by the lawful owner.
- g. Report to Police. All salvage dealer licensees and their employees shall report to the police any item presented to them during the course of business that the licensee or employee has reason to believe was stolen, either by the person presenting the item or another party.
- h. Wholesale Lots. This subsection shall not apply to the buying, handling, and selling of scrap metal in wholesale lots from regularly established foundries, mills, manufacturers, or licensed salvage dealers.
15. Transactions with Minors. **[Ord. O-2015-0015, 2/17/2015; Ord. O-2015-0027, 4/21/2015]**
- a. No salvage dealer may engage in a transaction of purchase, receipt, or exchange of any regulated property from an unemancipated minor unless the

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

16. Transaction Involving Article Not Owned. **[Ord. O-2015-0015, 2/17/2015]**

- a. No person shall sell, leave, or deposit any item with or to a salvage dealer if the item of property is not owned by the person; the item of property is the property of another, regardless of whether the transaction is occurring with the permission of the owner; or another person has a security interest in the item of property.
- b. This subsection shall not apply to any person selling, leaving, or depositing any item with or to a salvage dealer if the person is any of the following: a duly executed power of attorney for the owner of the item of property; a personal representative of the estate to which the item of property belongs; or a recipient of a lawful written authorization to sell, leave, or deposit the item of property issued by the owner of the property prior to the time of the transaction.

17. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to a salvage dealer license shall be true. **[Ord. O-2015-0015, 2/17/2015]**

18. Conditions of License. All licenses granted hereunder shall be granted subject to the following conditions and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto: **[Ord. O-2015-0015, 2/17/2015]**

- a. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of city ordinances or state laws.
- b. The license holder and/or the employees and agents of the license holder shall cooperate with police investigations of theft, fraud, burglary, and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a violation of the law, including, but not limited to, loitering, disturbance of the peace, or suspected stolen items occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
- c. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.

19. Penalties. **[Ord. O-2015-0015, 2/17/2015]**

- a. Any person, firm or corporation violating this section shall, upon conviction for a first offense, forfeit not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Sec. 800.095(1)(b)1, Wis. Stat.
- b. Any person, firm or corporation violating this section shall, upon conviction for the second or subsequent offenses, forfeit not less than five hundred dollars (\$500), nor more than two thousand dollars (\$2,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Sec. 800.095(1)(b)1, Wis. Stat.

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

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

A M E N D M E N T

9.21 Manufactured And Mobile Home Community Licenses

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

- requirements for an original application when any changes have been made or are proposed which are not shown on previous submittals.
- iv. An affidavit that states that the applicant is the owner or lessee, manager, and operator of such manufactured and mobile home community; that he or she shall be responsible for the proper upkeep, maintenance, and sanitary condition of the premises; and that he or she shall keep the premises, buildings, and all equipment in a state of good repair and in full compliance with all laws and applicable ordinances.
4. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to a license issued under this section shall be true.
 5. Investigation. The City Clerk shall notify the Fire Chief, Police Chief, Health Commissioner, and ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ (hereinafter "Director") or their designees of each application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.
 6. Granting of License. Licenses are to be granted subject to the following standards:
 - a. All necessary equipment, roads, sanitary facilities, lighting facilities, water facilities, and other facilities that are required to operate such community shall be erected and installed.
 - b. All necessary occupancy permits shall be obtained from the ~~Code Enforcement Department of Building Inspection and Neighborhood Services~~.
 - c. Municipal sanitary facilities shall be available on the community's premises.
 - d. The applicant shall pass a background check and pay the required record check fee.
 - e. Compliance with the applicable ordinances of the City and State Statutes, as well as payment of all outstanding obligations due the City.
 - f. Compliance with all Health Department regulations and inspections, including the payment of any inspection fees.
 7. Transfer of License. Any license granted pursuant to this section may be transferred to another person, subject to Common Council approval on the same basis as a new applicant, during the license year upon filing an application therefor and payment of a transfer fee in the sum of ten dollars (\$10). The applicant shall be subject to a background check and pay the required record check fee.
 8. License Year. License periods shall be for one (1) year, and shall commence as of the first day of July and shall expire on the 30th day of June of the following year.
 - a. Licenses granted for the 2015-2016 license year shall be extended until June 30, 2016.
 9. Fees.
 - a. License Fees. The annual license fee for a manufactured and mobile home community is two dollars (\$2) for each space located on the premises.
 - b. Health Department Permit Fee. The annual permit fee shall be as listed in SPS Section 302.33(3). The plan examination and inspection fee shall be as listed in SPS Section 302.33(2).
 - c. Monthly Permit Fee. Pursuant to Wis. Stat. Sec. 66.0435(3), each licensee shall pay a monthly permit fee as determined by the City Assessor. The community licensee shall be responsible for collecting the proper amount from each unit's owner or occupant. All fees shall be due to the City Treasurer on or before the 10th day of the month following the month for which such fees are due.
 10. Responsibilities of Licensee. Every person licensed to operate and manage a manufactured and mobile home community shall be responsible for:

- a. Maintaining all records pertaining to the management, operation, and supervision of the manufactured and mobile home community for the current licensing year and previous two (2) licensing years.
 - b. The maintenance of an orderly and clean manufactured and mobile home community and the maintenance of all streets, roadways, or thoroughfares necessary as fire lanes of a manufactured and mobile home community free and clear of all refuse, rubbish, snow, ice, or other materials or objects.
 - c. The numbering of all units, which numbers shall correspond to the number shown in the registry signed by each new arrival, permitting such person to occupy a given site.
 - d. The proper illumination on the licensed premises of all streets, roadways, private driveways, and entrances and exits to and from the premises from thirty (30) minutes after sunset to thirty (30) minutes before sunrise on the succeeding day.
 - e. The prompt reporting to the Police Department of any violation of an ordinance, statute, or other law committed on the premises that the licensee knew or should have known about.
 - f. The observation of fire prevention rules and laws; the keeping of all buildings, fences, illumination, streets, roadways, water systems, sewer systems, and electric streetlighting systems in good serviceable condition, clean, sanitary, and in good repair; and the keeping of the entire premises clean and sanitary so as to minimize obnoxious odors, rodent harborage, flies, mosquitoes, vermin, or other insects.
 - g. The maintenance of a register of all owners and occupants of manufactured and mobile homes located in the manufactured and mobile home community.
11. Availability of Licensee. The licensee's registered contact person shall, during reasonable hours, be available in the community, in close proximity to the community, or via electronic or telephonic means.
12. License Condition. The licensee shall appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
13. Revocation of License.
- a. Causes. Any license issued under this section may be suspended, revoked, or nonrenewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or nonrenewed for the following causes:
 - i. The making of any material false statement in any application for a license.
 - ii. The violation of any applicable provisions of this section.
 - iii. The violation of any of the applicable provisions of Wisconsin Statute Sections 66.0435 and 101.935, SPS Chapter 326 and SPS Section 302.33 as related to manufactured and mobile homes, as they are from time to time amended; the violation of any City building and zoning code, health code, or any other ordinance or law relating to the construction, maintenance, use, or occupancy of the premises.
 - iv. The failure to conduct the licensed activity at the authorized location for a period of thirty (30) consecutive days, unless such thirty-day period shall, for good cause shown, be extended by the Common Council.
 - v. The operation of the premises in such a manner that it constitutes a public and private nuisance, is designated a chronic nuisance premises under Section 18.04 of this Code, or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience, or prosperity of the immediate neighborhood.
 - vi. The failure to pay any tax or forfeiture as provided in Section 1.08(9) (a) and (b).
 - b. Commencement of Proceedings. Suspension, revocation, or nonrenewal

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

- c. Procedure. The procedure shall be the same as in Section 9.02(20)(d) through (h), except that the summons and complaint shall be served on the licensee no later than ten (10) days prior to the hearing.
- d. Disqualification for License.
 - i. Whenever a license is not renewed or is revoked, the City Clerk shall enter it into record, and no other license shall be granted to such person within twelve (12) months of the date of its nonrenewal or revocation, nor shall any part of the money paid for any license be refunded.
 - ii. If the license was not renewed or revoked for a reason relating to the fitness of the location, no other license for a manufactured and mobile home community at that location shall be granted within twelve (12) months from the date of the nonrenewal or revocation of the license.
- e. Appeal. Within twenty (20) days of the date of the revocation or suspension, the licensee may appeal the decision to the Circuit Court by filing a written notice of appeal with the City Clerk, together with a bond executed to the City, in the sum of five hundred dollars (\$500) with two (2) sureties or a bonding company approved by the City Clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the licensee.

14. Penalties.

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

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

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

A M E N D M E N T

9.31 Entertainment Clubs

1. Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
 - a. "City" means the City of West Allis.
 - b. "Entertainment Club; means commercial premises which are open to the public, a substantial function of which is to offer patrons an opportunity to engage in social activities such as dancing, or the enjoyment of live or prerecorded music, or the enjoyment of entertainment provided by dancers or other performers. As an incidental function, an entertainment club may sell and serve food and non-alcoholic beverages to its patrons. The term "entertainment club" does not include the following: premises licensed by the City to serve alcohol beverages unless the premises are operating alcohol free pursuant to sections 125.07(3)(a)8 or 10, Wis. Stats., in which case the premises shall be considered a entertainment club; theaters where the patrons sit in parallel rows of fixed seats; full service restaurants where the only entertainment consists of background music which is incidental to the primary function of serving food; a banquet, party or celebration consisting of invited guests which is not open to the public; dances or events sponsored and operated by a governmental entity, or an educational institution.
 - c. "Club premises" means any place where an entertainment club is operated or maintained, including all hallways, bathrooms, parking areas, private sidewalks, and other adjacent portions of the premises which are accessible to the public during operating hours.
 - d. "Licensed Premises" means the building or that portion thereof in which the entertainment club's business is conducted. Such licensed premises shall be identified on a drawing of the premises to be attached to the application. The Common Council may approve the applicant's designation of the licensed premises or may alter it.
 - e. "Over Twenty-One Club" means any entertainment club which restricts or is required to restrict its admissions to persons age 21 years and over.
 - f. "Adult Oriented Establishments" are defined in Section 9.28(1)(a) of the Revised Municipal Code.
 - g. "Person" means one or more natural persons, corporations, partnerships, associations, or other entities capable of having an action at law brought against such entity.
 - h. "Teen Club" means any entertainment club which restricts or is required to restrict its admissions to persons under 21 years of age.
2. Entertainment Club.
 - a. License Required. It is unlawful for any person to own, lease, operate, manage or maintain an entertainment club in the City without first obtaining an entertainment club license as set forth herein.
3. License Application. An applicant for an entertainment club license shall provide the following information on a form provided by the City Clerk/Treasurer:
 - a. The name(s) (including aliases), addresses and dates of birth of the applicant, any partner or limited partner in a partnership application, and each corporate officer and director.
 - b. The address of the establishment to be licensed.
 - c. Whether the applicant or any person named in subsection 9.31(3)(a) is currently operating or has previously operated, in this or any other municipality or state, under an entertainment club license; whether the applicant or person required to be named in subsection 9.31(3)(a) has ever had such license suspended or revoked; the reason(s) therefore; and the business entity and/or trade name under which the applicant operated that was subject to the suspension or revocation.
 - d. If the applicant is a corporation, or limited liability company, the name of the corporation, or limited liability company, the date and state of incorporation, and the name and address of the registered agent.
 - e. Proof of ownership, lease, or other legally enforceable right to possess, use, and control the premises where the licensed club is to be located.

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

- apply to all entertainment clubs in the City:
- a. Persons of the following ages shall not be permitted to enter or remain on the premises of a teen club:
 - i. Under the age of 16 years unless accompanied by a parent or legal guardian.
 - ii. 21 years of age or older except for bona fide employees or entertainers hired by the licensee to work in the club and while actually performing work-related functions, or a parent or guardian accompanying a person under 21 years of age present in the club.
 - b. No person under the age of 21 years shall be permitted nor may a licensee suffer or permit a person under the age of 21 years to enter or remain on the licensed premises of an over twenty-one club unless accompanied by a parent or legal guardian except for bona fide employees or entertainers hired by the licensee to work in the club and while actually performing work related functions.
 - c. Teen clubs shall be closed between the hours of 10:30 p.m. and 3:00 p.m. of each day.
 - d. Over twenty-one clubs shall be closed between the hours of 2:00 a.m. and 11:00 a.m. of each day.
 - e. The licensee shall maintain a current list of all persons employed to work in or entertain at the licensed premises. Said list shall contain the name or names (legal, trade, and alias), current address and date of birth of each employee or entertainer. Such list shall be provided to any police officer upon request.
 - f. The licensee shall employ an adequate number of qualified security personnel who will be present on the club premises during all operating hours and at such times before and after operation so as to maintain peace and order and to ensure compliance with all applicable laws of the City and State of Wisconsin.
 - g. The licensee shall meet all obligations as set forth in its application and approved by the Common Council.
 - h. The licensee shall insure that no alcohol beverages or controlled substances are offered for sale or consumed on the entertainment club premises.
 - i. It shall be the obligation of the licensee to summon the police when any person is or appears to be, under the influence of, or affected by the use of, alcohol or controlled substances, or whose conduct creates a public disturbance or poses a physical danger to the safety of others present.
 - j. All portions of the licensed premises which are available for public use shall be adequately illuminated. Such illumination shall not be less than 10 foot-candles at floor level at all times when the licensed premises are open to the public or when any member of the public is permitted to enter or remain on the licensed premises.
 - k. The licensee shall prevent loitering, the creation of public nuisances or disturbances of the peace by any patron or patrons of the entertainment club on the club premises or in the immediate vicinity.
10. Access by Police Officers. Any police officer of the City shall have free access to all entertainment clubs for the purpose of inspection and to enforce compliance with the provisions of this ordinance at all times that the licensed premises are open to patrons and such other times as would be reasonable under the circumstances.
11. Location.
- a. Entertainment clubs may be located as a special use in business districts as provided in Chapter 12 of this code. **[Ord. 6532, (amend), 9/5/2000]**
 - b. No teen club shall be located on premises used at any time as an adult oriented establishment or as a facility to serve alcohol beverages.
 - c. No teen club shall be permitted to be operated on the same premises as an over twenty-one club.
12. Checking the Age of Patrons.
- a. The licensee shall require picture identification upon which it is reasonable to rely showing the date of birth of each person admitted to an entertainment club. It is unlawful for a person to knowingly or recklessly suffer or permit a

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

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

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

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

A M E N D M E N T

10.13 Off-Street Parking Lots

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

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

- iv. Included in the definition of off-street parking lots are used car lots and parking or storage lots maintained in conjunction with an industrial or commercial building or business. This enumeration is not exclusive. Not included are parking lots maintained in conjunction with a church, school or playground where use is occasional rather than daily, and safety and other problems are minimized.
- b. License Required: Fees. No person, firm or corporation shall construct, operate or maintain an off-street parking lot without first having secured a license from the Code Enforcement Director of the Department of Building Inspections and Zoning. Premises licensed under Section 9.125 of this Code for used automobile dealers purposes shall conform to all provisions of this section, but shall be exempt from payment of any fee under this section. The license year shall extend from May 1 to April 30. Licenses shall be issued only upon compliance with minimum construction and maintenance standards, as set forth herein.
 - c. Application. A license shall be granted only upon written application filed with the Code Enforcement Director of the Department of Building Inspections and Zoning, giving the licensee's name, address, the location of the off-street parking lot, the zoning and the dimensions of the lot. A plan or sketch shall be submitted with the application showing entrances and exits, type of surfacing to be installed and the location and dimensions of any buildings or structures thereon. The Building Inspector may require such additional information as in his judgment may be necessary in the public interest. Prior approval of the Board of Public Works shall be required for all driveway installations.
 - d. Minimum Construction and Maintenance Standards. Off-street parking lots shall be designed, constructed and maintained with macadam, concrete, sealcoat or similar suitable surface to eliminate dust, dirt and mud. Entrances and exits shall be clearly visible and marked where, in the judgment of the Building Inspector, safety requires it. The Building Inspector may impose such additional construction and maintenance requirements as are necessary to eliminate dust, mud and dirt and to safeguard the public safety. Lots and adjoining sidewalks and driveways shall be kept reasonably clean. No vehicles shall be permitted to project into the public sidewalk, alley or street, not shall any vehicles be allowed to encroach upon abutting premises owned by others. Wheel chocks, guard rails or bumper posts, so designed and permanently constructed as to prevent the intentional or accidental movement of any automobile from the premises onto or across the public highway or public sidewalk or onto premises owned by others, shall be provided on each off-street parking lot, as herein defined.
 - e. Issuance of Permit. Upon an application properly executed and minimum construction and maintenance standards being duly met, the Code Enforcement Director of the Department of Building Inspections and Zoning shall issue an off-street parking lot license.
 - f. Exceptions.
 - i. Parking Emergencies. The Chief of Police may declare off-street parking emergencies during such times as State Fair week and similar events, during which the provisions of this subsection shall not apply.
 - ii. Churches, Schools, Playgrounds. Off-street parking lots maintained in conjunction with a church, school or playground, where the use is occasional, and dust, dirt, mud and safety and other problems are minimized, shall be exempt from the provisions of this subsection.
 - iii. Municipal Parking Lots. Off-street parking lots owned or operated by the City shall conform to minimum construction and maintenance standards, but shall not be required to be licensed.
2. Vocational School Parking Lot. No motor vehicle shall be parked in the parking lot

- immediately adjacent to the West Allis Vocational School, 1216 S. 71 St., and commonly known as the Vocational School parking lot, unless permission has been obtained from the Director of the Vocational School and the vehicle has been marked with an identifying tag or insignia issued for that purpose.
3. Municipal Market Site.
 - a. No operator of any vehicle shall park a vehicle on the Municipal Market Site for a period of time longer than one (1) hour from May 1 to December 1 on market days only, between the hours of 1 p.m. and 9 p.m.
 - b. Parking at any other time on the Municipal Market Site shall be prohibited, except at such times and under such terms and regulations as the Market Commission may establish.
 4. Library Parking Lots.
 - a. The following regulations are established for parking on lots operated in connection with municipal branch libraries:
 - i. Parking of vehicles shall be restricted to library patrons and employees.
 - ii. Vehicles may be parked only between the hours of 8:00 a.m. and 10:00 p.m. Parking during any other hours is prohibited.
 5. Extensions.
 - a. Application. The owner or owners of lots or lands ordered improved by the Code Enforcement Director of the Department of Building Inspections and Zoning to conform with the surfacing and/or drainage requirements of this section may apply to the Safety & Development Committee for an extension of time in which to comply with any such order. All such orders shall contain a statement regarding an owner's rights under the provisions of this subsection. Applications for an extension shall be filed with City Clerk within thirty (30) days of the date of the service of the order for improvement.
 - b. Hearings. The Safety & Development Committee shall fix a reasonable time for a hearing of an application. Notice of hearing shall be mailed to the applicant and to the owners of the land immediately adjacent to the land included in the application extending one hundred fifty (150) feet therefrom and the owners of the land directly opposite thereto extending one hundred fifty (150) feet from the street frontage of such opposite land. In addition, notice shall be published in the official City newspaper as a Class 1 notice, pursuant to Chapter 985 of the Wisconsin Statutes. The Safety & Development Committee shall have the power to adjourn the hearing at the request of the applicant for good and sufficient reason. At the hearing, the applicant and any parties in interest may appear and may offer testimony which is relevant to the hearing. The proceedings at such hearing, including the findings and decision of the Committee, shall be summarized, reduced to writing and entered as a matter of public record in the office of the City Clerk.
 - c. Grant of Extension. Within a reasonable time after hearing, the Safety & Development Committee shall grant an extension for a period not to exceed three (3) years from the date of the order for improvement, if it finds that any such extension will not have a substantial adverse effect upon the health, safety or property interests of individual persons or the public generally. In making its findings, the Safety & Development Committee shall consider, among other things, hazards or injury to persons or property which may result in the absence of proper drainage and/or proper surfacing. In granting any such extension, the Committee may stipulate such conditions as may be necessary for the protection of any such health, safety or property interests. Only one extension shall be granted for any off-street parking lot. A copy of the decision of the Committee shall be mailed to or served on the applicant and other persons appearing of record at the hearing.
 - d. Application Fee. A fee of twenty five dollars (\$25.) shall accompany an application to defray a portion of the publication and administrative costs in processing the application. The fee shall not be refunded in whole or in part under any circumstances.

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

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

A M E N D M E N T

11.12 Snow And Ice Removal

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

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

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

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

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

AMENDMENT

11.19 Post-Construction Stormwater Management

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

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

- post-construction stormwater BMPs.
- k. "Runoff" means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
 - l. "Site" means the entire area included in the legal description of the land on which the land-disturbing construction activity occurred.
 - m. "Stop-work order" means an order issued by the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer which requires that all construction activity on the site be stopped.
 - n. "Stormwater management plan" means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.
 - o. "Stormwater management system plan" is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
 - p. "Water quality management" means the stormwater standards and duties established under the Clean Water Act, 33 U.S.C. § 1251 et seq., parallel state law regulating the discharge of pollutants, and implementing regulations.
 - q. "Water quantity management" means stormwater duties and practices to abate peak flood flows during regional storm events pursuant to Chapter 13 of the Milwaukee Metropolitan Sewerage District rules as implemented and enforced by this municipality.
6. Technical Standards. The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of stormwater practices needed to meet the requirements of this ordinance:
- a. Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Chapter NR 151, Wis. Adm. Code.
 - b. Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used, provided that the Code Enforcement Director ~~of Building Inspection and Neighborhood Services~~ or the City Engineer has approved the methods.
 - c. The rainfall data from the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation - Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013, or more protective data shall be the basis for the analyses required by this ordinance for water quantity analysis.
7. Performance Standards.
- a. Responsible Party. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.
 - b. Plan. A written stormwater quality and quantity management plan in accordance with Subsection (9) shall be developed and implemented for each post-construction site.
 - c. Requirements. The water quality plan required under Subsection (7)(b) shall include the following:
 - i. Total Suspended Solids. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as defined by the Wisconsin Department of Natural Resources under Chapter NR 151, Wis. Adm. Code.
 - ii. Water Quantity and Management of Peak Runoff.
 - (1) BMPs shall manage the volume, timing, and peak flow rate of runoff to prevent increases in the regional flood and stream bank erosion rates and in accordance with Milwaukee Metropolitan Sewerage District's Chapter 13 rules.
 - (2) These BMPs may be implemented on either a watershed basis or an individual site basis.
 - (3) When implemented on a watershed basis, the BMPs implemented at a particular site shall comply with the findings of the relevant local or regional stormwater management plan,

rather than Subdivisions 4 and 5.

- d. Alternate Requirements. The Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer may establish stormwater management requirements more stringent than those set forth in this section if the City Engineer determines that an added level of protection is needed to protect sensitive resources.
8. Permitting Requirements, Procedures and Fees.
- a. Permit Required. No responsible party may undertake a qualifying land-disturbing construction activity without a Stormwater Management Plan approved by the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer prior to commencing the proposed activity. A Stormwater Permit shall be issued by the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer upon the satisfactory installation of the approved stormwater management system.
 - b. Permit Application and Fees. Any responsible party desiring a permit shall submit to the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer a Stormwater Management Plan as described in Subsection (9). The fee for the Stormwater Permit shall be determined by the plan review cost to the City.
 - c. Review and Approval of Permit Application. The Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer shall review the stormwater management plan as follows:
 - i. Within twenty (20) business days of the receipt of a complete stormwater management plan, the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer shall inform the applicant whether the plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
 - ii. If the stormwater management plan is approved, the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer shall grant permission to proceed with obtaining required Building Permits.
 - iii. If the stormwater permit application, plan or maintenance agreement is disapproved, the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer shall detail in writing the reasons for disapproval.
 - iv. The Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer may request additional information from the applicant. If additional information is requested, the City Engineer shall have the option to restart the review time from the time of receiving the complete plan.
 - v. Failure by the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer to inform the permit applicant of a decision within twenty (20) business days of a complete submittal shall be deemed an approval of the submittal and the applicant may proceed as if a permit had been issued.
 - d. Permit Requirements. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action to suspend or revoke this permit may be appealed in accordance with Subsection (14).
 - i. The responsible party shall design and install all structural or identify nonstructural stormwater management measures, or both, in accordance with the approved stormwater management plan and this permit.

- ii. The responsible party shall notify the Code Enforcement Director of Building Inspection and Neighborhood Services at least five (5) business days before commencing any work in conjunction with the stormwater management plan, and within five (5) business days upon completion of the stormwater management practices. If required as a special condition under Subsection (8)(c), the responsible party shall make additional notification according to a schedule set forth by the Director of Building Inspection and Neighborhood Services, so that practice installations can be inspected during construction.
 - iii. Practice installations required as part of this ordinance shall be certified "as built." Completed stormwater management practices must pass a final inspection by the Code Enforcement Director of Building Inspection and Neighborhood Services or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The Code Enforcement Director of Building Inspection and Neighborhood Services or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - iv. The responsible party shall maintain all stormwater management practices until the responsibility is transferred to the Common Council, or subsequent private owners as specified in the approved maintenance agreement.
 - v. The responsible party authorizes the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Subch. VII of Ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Subsection (11).
 - vi. If so directed by the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainageways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
 - vii. The responsible party shall permit property access to the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
 - viii. Where site development or redevelopment involves changes in direction, increases in the peak rate or the total volume of runoff, the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
- e. Permit Conditions. Permits issued under this subsection may include reasonable and necessary conditions established by Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer in addition to the requirements needed to meet the performance standards in Subsection (7) or a financial guarantee as provided for in Subsection (11).
- f. Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer notifies the

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

9. Stormwater Management Plan.

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

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

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

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

- v. A description and installation schedule for the stormwater management practices needed to meet the performance standards in Subsection (7).
- vi. A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.
- vii. Other information requested in writing by the Code Enforcement Director of Building Inspection and Neighborhood Services or the City Engineer to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.
- viii. All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

10. Maintenance Agreement.

- a. Maintenance Agreement Required. The maintenance agreement required under Subsection (8)(c)1 and 3 for stormwater management practices shall be an agreement between the Code Enforcement Director of Building Inspection and Neighborhood Services and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- b. Agreement Provisions. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Subsection (9)(a)6:
 - i. Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - ii. A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under Subsection (8)(b).
 - iii. Identification of the responsible party(s), organization or city, county, town or village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan required under Subsection (8)(b).
 - iv. Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management

- practices in accordance with the schedule included in Paragraph (b).
- v. Authorization for the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer, its designee to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - vi. Agreement that the party designated under Paragraph (b)3, as responsible for long-term maintenance of the stormwater management practices, shall be notified by the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer.
 - vii. Authorization of the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer to perform the corrected actions identified in the inspection report if the responsible party designated under Paragraph (b)3 does not make the required corrections in the specified time period. The ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subch. VII of Ch. 66, Wis. Stats.

11. Financial Guarantee.

- a. Establishment of the Guarantee. The ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer. The financial guarantee shall be in an amount determined by the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer that the requirements of this ordinance have not been met.
- b. Conditions for Release. Conditions for the release of the financial guarantee are as follows:
 - i. The ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer shall release the portion of the financial guarantee established under this section, less any costs incurred by the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - ii. The ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices, less any costs incurred by the

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

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

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

- e. Illicit Connection Prohibitions. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- f. Suspension of MS4 Access.
 - i. Suspension due to Illicit Discharges in Emergency Situations. The ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State of Wisconsin. If the violator fails to comply with a suspension order issued in an emergency, the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State of Wisconsin, or to minimize danger to persons.
 - ii. Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer notify a violator of the proposed termination of its MS4 access. The violator may petition the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer for a reconsideration and hearing.
- g. Monitoring of Discharges.
 - i. The ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.
 - ii. Facility operators shall allow the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a WPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - iii. Unreasonable delay in allowing the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a WPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
 - iv. If the ~~Code Enforcement Director of Building Inspection and~~

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

- h. Requirement To Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.
- i. Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- j. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the State of Wisconsin said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

14. Enforcement.

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

- actual and verifiable notice may be used.
- c. If the violations are likely to result in damage to properties, public facilities, or waters of the state, the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer may enter the land and take corrective actions necessary to prevent such damage. The costs incurred by the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer plus interest and legal costs shall be paid by the responsible party.
 - d. If the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer determines that any person is in violation of this ordinance or a stormwater permit, the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer may issue a notice of violation, a stop-work order, a cease and desist order, or revoke the permit, or refer the noncompliance to the City Attorney for civil enforcement, penalties, injunctive orders or other appropriate relief.
 - e. Every violation of this ordinance is a public nuisance. Any person who violates this ordinance shall be subject to a forfeiture of not less than ten dollars (\$10.) or more than ten thousand dollars (\$10,000.) per offense, together with the costs of prosecution. Each day each violation continues shall constitute a separate offense.
 - f. When the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices, has failed to comply with schedules in a stormwater management plan, or has failed to comply with the terms of the illicit discharge suspension, the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer or a party designated by the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said lands approved plan. The ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or the City Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Subsection (11) of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with the property taxes.

{Ord. O-2005-0012, 3/1/2005; O-2011-0012, 5/3/2011; Ord. O-2017-0005, 2/7/2017}

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

A M E N D M E N T

12.06 Definitions

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

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

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

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

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

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

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

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

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

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

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

Apartment. A dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

City. The City of West Allis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Land. A lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A M E N D M E N T

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

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

- a. Front yard parking.
 - i. Dwelling with attached garage. On a paved driveway or surface which is located in the area between the front of the attached garage and the front lot line and which does not exceed the width of the garage.
 - ii. Dwelling without attached garage. On a paved driveway of not less than eight and one-half (8.5) feet in width, which does not encroach in an area extending the full width of the lot between the line established by the front of the dwelling and the front lot line. Any such driveway shall have street access. **[Ord. 6202, 11/21/1995]**
 - iii. For front yard parking only one driveway per dwelling is permitted.
 - b. Side and rear yard parking. On a paved driveway which is connected to a street or alley.
5. Drainage. Parking areas shall be graded and drained to prevent run off onto adjacent properties in accordance with requirements of the Building Inspection Code Enforcement Department.
6. Surface. Parking areas shall be designed, constructed and maintained with all-weather durable and dustless pavements of bituminous concrete or asphalt and shall be of sufficient strength to maintain the surface and support the normal load placed thereon.

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

A M E N D M E N T

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

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

- b. Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if sec. 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when sec. 30.12(4)(a) of the Wisconsin Statutes applies.
 - c. Abrogation and Greater Restrictions.
 - i. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under secs. 61.35, 62.23 or 87.30 of the Wisconsin Statutes, which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - ii. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
 - d. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Chapter NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
 - e. Severability. Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
3. Shoreland-Wetland Zoning District.
- a. Shoreland-Wetland Zoning Maps. The following maps are hereby adopted and made part of this ordinance and are on file in the office of the City Clerk:
 - i. Wisconsin Wetlands Inventory Maps stamped "REVISED" on March 9, 1989.
 - ii. Federal Emergency Management Agency "Flood Boundary and Floodway Map," April 15, 1981.
 - iii. Southeastern Wisconsin Regional Planning Commission "Floodplain Delineation Map," January, 1995.
 - iv. United States Geological Survey quadrangle map.
 - b. District Boundaries.
 - i. The shoreland-wetland zoning district includes all wetlands in the municipality which are five (5) acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this ordinance and which are:
 - (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance.
 - (2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by

- reference and made a part of this ordinance. Floodplain zoning maps adopted in section (3)(a)l. shall be used to determine the extent of floodplain areas.
- ii. Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate District office of the Department for a final determination of navigability or ordinary high-water mark.
 - iii. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate District office of the Department to determine if the shoreland-wetland district boundary, as mapped, is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit, in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in sections (3)(c) and (3)(d), the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.
 - iv. Filled Wetlands. Wetlands which are filled prior to October 27, 1988, the date on which the municipality received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this ordinance.
 - v. Wetlands Landward of a Bulkhead Line. Wetlands located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982, under sec. 30.11 of the Wisconsin Statutes, are not subject to this ordinance.
- c. Permitted Uses. The following uses are permitted subject to the provisions of Chapters 30 and 31 of the Wisconsin Statutes, and the provisions of other local, state and federal law, if applicable.
- i. Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, swimming and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The practice of silviculture, including the planting, thinning and harvesting of timber.
 - ii. Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (2) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
 - (3) The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including

- limited excavating and filling necessary for such construction or maintenance;
- (4) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district, provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in Section (6)(a)3. of this ordinance;
 - (5) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- iii. Uses which are allowed upon the issuance of a building permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads, which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under Section (3)(c) of this ordinance provided that:
 - (A) The road cannot, as a practical matter, be located outside the wetland;
 - (B) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in Section (6)(a)3. of this ordinance;
 - (C) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (D) Road construction activities are carried out in the immediate area of the roadbed only; and,
 - (E) Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings provided that:
 - (A) The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - (B) The building cannot, as a practical matter, be located outside the wetland;
 - (C) The building does not exceed five hundred (500) square feet in floor area; and,
 - (D) Only limited filling and excavating necessary to provide structural support for the building is allowed.
 - (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
 - (A) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - (B) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
 - (C) The construction and maintenance of roads necessary

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

- (D) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:
- (A) The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - (B) Only limited filling or excavating necessary for such construction or maintenance is allowed; and,
 - (C) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in Section (6)(a)3. of this ordinance.

d. Prohibited Uses.

- i. Any use not listed in Section (3)(c) of this ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section (6) of this ordinance.
- ii. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

4. Nonconforming Structures and Uses.

- a. The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:
 - i. The shoreland-wetland provisions of this ordinance authorized by sec. 62.231 of the Wisconsin Statutes, shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure in existence on the effective date of the shoreland-wetland provisions, or of any environmental control facility in existence on May 7, 1982, related to such a structure. All other modifications to nonconforming structures are subject to sec. 62.23(7)(h) of the Wisconsin Statutes, which limits total lifetime structural repairs and alterations to fifty percent (50%) of current fair market value.
 - ii. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.
 - iii. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this ordinance adopted under secs. 61.351 or 62.231 of the Wisconsin Statutes, may be continued although such use does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.
 - iv. The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of sec. 30.121 of the Wisconsin

Statutes.

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

5. Administrative Provisions.

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

- i. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
- ii. Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.
- iii. Keep records of all permits issued, inspections made, work approved and other official actions.
- iv. Have access to any structure or premises at all reasonable hours for the purpose of performing these duties.
- v. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the Department.
- vi. Investigate and report violations of this ordinance to the appropriate municipal planning agency and the district attorney, corporation counsel or municipal attorney.

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

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

(1) General Information.

- (A) Name, address and telephone number of applicant, property owner and contractor, where applicable.
- (B) Legal description of the property and a general description of the proposed use or development.
- (C) Whether or not a private water supply or sewage system is to be installed.

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

- (A) Dimensions and area of the lot;
- (B) Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
- (C) Description of any existing or proposed on-site sewage systems or private water supply systems;
- (D) Location of the ordinary high-water mark of any abutting navigable waterways;
- (E) Boundaries of all wetland;
- (F) Existing and proposed topographic and drainage features and vegetative cover;
- (G) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;
- (H) Location of existing or future access roads; and,
- (I) Specifications and dimensions for areas of proposed wetland alteration.

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

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

c. Certificates of Compliance.

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

6. Amending Shoreland-Wetland Zoning Regulations.

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

including scarce wetland types and habitat of endangered species.

- iv. Where the District office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Section (6)(a)3. of this ordinance, the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.
- v. The appropriate District office of the Department shall be provided with:
 - (1) A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within ten (10) days after the submission of those recommendations to the municipal governing body.
 - (2) Written notice of the action on the proposed text or map amendment within ten (10) days after the action is taken.
- vi. If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Section (6)(a)3. of this ordinance, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than thirty (30) days have elapsed since written notice of the municipal approval was mailed to the Department, as required by Section (6)(a)5.b. of this ordinance. If, within the thirty (30) day period, the Department notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality, as provided by secs. 62.231(6) and 61.351(6) of the Wisconsin Statutes, the proposed amendment shall not become effective until the ordinance adoption procedure under secs. 62.231(6) or 61.351(6) of the Wisconsin Statutes, is completed or otherwise terminated.

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

8. Definitions.

- a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.
- b. The following terms used in this ordinance mean:
 - i. "Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
 - ii. "Boathouse," as defined in sec. 30.121(1) of the Wisconsin Statutes,

- means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.
- iii. "Class II public notice" means publication of a public hearing notice under Chapter 985 of the Wisconsin Statutes, in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing.
 - iv. "Conditional use" means a use which is permitted by this ordinance, provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning agency designated by the municipal governing body.
 - v. "Department" means the Wisconsin Department of Natural Resources.
 - vi. "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and, the deposition or extraction of earthen materials.
 - vii. "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
 - viii. "Environmental control facility" means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplements or replaced by other pollution control facilities.
 - ix. "Fixed houseboat," as defined in sec. 30.121(1) of the Wisconsin Statutes, means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
 - x. "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under sec. 144.26(2)(d) of the Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under secs. 61.351 or 62.221 of the Wisconsin Statutes, and Chapter NY 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:
 - (1) Such lands are not adjacent to a natural navigable stream or river;
 - (2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; or,
 - (3) Such lands are maintained in nonstructural agricultural use.

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

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

- xi. "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.
- xii. "Planning agency" means the municipal plan commission created under sec. 62.23(1) of the Wisconsin Statutes, a board of public land commissioners or a committee of the municipality's governing body which acts on matters pertaining to planning and zoning.
- xiii. "Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and, three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- xiv. "Shoreland-wetland district" means the zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance.
- xv. "Unnecessary hardship" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purpose of this ordinance.
- xvi. "Variance" means an authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.
- xvii. "Wetlands" means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- xviii. "Wetland alteration" means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

[Ord. 6203, 11/21/1995]

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

A M E N D M E N T

12.88 Historic Preservation

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

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

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

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

6. Procedures.

a. Designation of Historic Structures and Historic Sites.

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

b. Creation of Historic District.

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

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

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

[Ord 6644, 12/17/2002]

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

A M E N D M E N T

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

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

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

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

A M E N D M E N T

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

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

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

A M E N D M E N T

13.04 Definitions*

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

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

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

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

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

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

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

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

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

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

AMENDMENT

13.05 Permits

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

- b. Exterior Site Improvements. No permit is required for retaining walls less than five (5) feet in height or walks, driveways, stoops, outdoor patio areas and/or other similar improvements constructed of concrete, brick, or other hard surfaces within three (3) feet of grade.
 - c. Window Replacement and Awnings. For residential one- or two-family use properties, no permit is required to replace existing windows of the same dimension in the original opening, and no permit is required for awnings supported by an exterior wall.
 - d. Siding and Roofing. For residential one- and two-family use properties, no permit is required to install or replace nonstructural siding or roofing materials, including underlayment, on an existing dwelling or accessory building or structure.
 - e. Decks. No permit is required for decks less than twenty-five (25) square feet that are within four (4) feet of grade. No permit is required for replacing deck boards, stairs, guards or handrails on an existing deck.
 - f. Other Work. No permit is required for painting, replacing tiling, replacing flooring, replacing cabinetry, or other similar work.
3. Code Compliance. All work, including work exempted from permit requirements, shall conform to all applicable construction code requirements unless otherwise stated. An Inspector may require a permit to be issued for repairs ordered for code compliance.
 4. Permit Required Before Commencing Work. The property owner shall not allow the performance of any work requiring a permit without first making application for and being issued a permit. It shall be unlawful to do any work without a permit except as regulated in Subsection (2) above. An authorized agent may act on an owner's behalf to obtain a permit, but the owner is responsible that a permit is obtained.
 5. Work Performed Without a Permit. The owner shall correct any work done without a permit, unless specifically excluded through this code, either by obtaining a permit for said work, or by correcting or removing the work done to the satisfaction of the [Code Enforcement Department of Building Inspections and Neighborhood Services](#). Obtaining a permit for work done without a permit may include removing wall, floor or ceiling finishes and structures to be able to properly inspect the work, at the owner's expense. The work done will be required to meet this code for compliance as new work. Any work performed prior to permit issuance may be subject to increased permit fees as stated in the permit fee schedule.
 6. Emergency Work. Emergency work may be allowed when the permit application is filed within the next business day. The Inspector shall be notified when emergency work is to commence prior to permit application.
 7. Stop-Work Order. Whenever the Building Inspector finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Inspector is authorized to issue a stop-work order.
 - a. The stop-work order shall be in writing and be issued by posting on the premises. Upon issuance of a stop-work order, the cited work shall immediately cease. The stop-work order shall state the reason for the order.
 - b. Any person who shall continue any work after issuance of a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, is subject to penalties as prescribed by this Code.
 - c. Any person removing a stop-work order without the authorization of the Inspector is subject to penalties as prescribed by this Code.

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

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

AMENDMENT

13.06 Permit Application And Issuance

1. Application for Permit. **[Ord. O-2011-0023, 7/5/2011]**
 - a. Any owner of a premises, or person desiring a permit as required by this code shall file with the Inspector an application in writing on a form furnished for such purpose. Every application shall describe the land on which the proposed work is to be done by legal description, street address, or similar, that will readily identify the proposed building or work. Every application shall describe the use of the property, the construction to be done, the use or occupancy for which the proposed work is intended, the estimated cost of the construction, and any other reasonable information that may be required by the Inspector. The application shall be accompanied by plans, drawings, specifications, engineering details, and other information as required to provide sufficient detail for review in the issuance of a building permit. Application materials shall include, but not be limited to, when applicable: detailed and to scale footing, foundation, wall, floor, and roof plans; exterior elevation plans; floor plans indicating exits, windows, and room uses; section details of construction; itemized structural loads and calculations; equipment information; and other information as may be necessary to review an application and issue a permit.
 - b. An application for commercial (non-1 or 2-family use property) building construction or HVAC construction shall include an application for plan review fee in accordance with the fee schedule as stated in Subsection 13.255. The City of West Allis is classified as a Second Class City by the State of Wisconsin and, as such, is authorized to provide plan review and inspections for all commercial building projects, regardless of size, except state-owned buildings.
 - c. An application for commercial (non-1 or 2-family use property) building or HVAC construction shall include two (2) complete sets of paper plans and an acceptable readable electronic base copy (i.e., jpg, tif, pdf). Plan submittal shall include, but not be limited to, specifications for all components of the project, trusses, pre-cast concrete and laminated wood.
 - d. For commercial building and HVAC construction projects, the following State of Wisconsin Department of Commerce (COMM) Codes are specifically referenced:
 - i. Construction documents submitted for review shall be designed and sealed by a State of Wisconsin designer, such as an architect, engineer or other authorized licensed person in accordance with COMM 61.31 and ch. 443, State Statutes.
 - ii. See COMM 61.30(4) and 61.40 for designer exception allowance for stated smaller construction projects.
 - iii. See COMM 61.40 for supervision requirements by project designer regarding plan submittal, project construction supervision and supervision to submittal of completion statement of substantial compliance at project completion.
2. Cost of Construction. The applicant for a permit shall provide an estimated cost of construction at the time of application. Cost estimates shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. The estimated cost of construction may be set by the Building Inspector.
3. Survey Submittal. Whenever the proposed construction is for a new building or structure, or for an addition to an existing building or structure, the application shall include an accurate plat of survey containing the stamp of a licensed State of Wisconsin surveyor. The survey shall include, but not be limited to: the legal description of the lot or parcel of land as obtained from official records; the date of the survey; a scaled drawing of the parcel of land showing lot dimensions; the exact location of existing buildings and structures on the parcel of land at the time of the survey; the exact dimensions of buildings and structures and the distances to lot lines

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

11. Approval of Construction Documents. **[Ord. O-2011-0023, 7/5/2011]**
 - a. When the Inspector approves an application for permit issuance, the construction documents shall be approved in writing or by stamp as "conditionally approved." One set of construction documents so reviewed shall be retained by the ~~Building Inspection~~Code Enforcement Department. One set shall be returned to the applicant at the issuance of the permit and it shall be kept at the site of work and open to inspection by the Inspector or his authorized representative.
 - b. An application for plan review for commercial (non-1 or 2-family use property) construction or heating, ventilation, air conditioning (HVAC) when determined to be substantially conforming to the code, regulations and ordinances, shall be processed with a written notice to the submitter and building owner stating all conditions of approval. Additionally, plans shall be stamped "CONDITIONALLY APPROVED" and signed and dated by the certified commercial building inspector.
 - i. All non-code complying and other conditions stated in the conditional approval notice shall be corrected or met before or during construction and before occupancy of the building.
 - ii. A complete set of conditionally approved plans shall be kept at the project work-site and available to the Inspector at all times.
 - iii. A conditional approval of a plan may not be construed as an assumption of any responsibility on the part of the City or the certified commercial building inspector for design or construction of the building.
 - iv. If plan submittal does not substantially conform to the code, regulations or ordinances, a denial of plan approval shall be issued by the issuance of a notice in writing to the submitter and the building owner stating the reasons for denial. Plans shall be stamped "NOT APPROVED" and signed and dated by the certified commercial building inspector.
12. Holding Permit Issuance. Permit issuance may be held for the compliance with conditions that may be applied in the application review process by the Planning Division, the Plan Commission, the Engineering Department, the Fire Department, the City Attorney's Office and/or the Common Council.
13. Payment of Fee, Valid Permit. The fees for permits shall be assessed in accordance with the fee schedules of the Building Code (Chapter 13), Electrical Code (Chapter 14) and Plumbing Code (Chapter 16), and payable at the time a permit is issued. A permit shall not be valid until the fee is paid and the permit number assigned.
14. Approved Construction Documents. Work shall be installed in accordance with the approved construction documents. Any changes made during construction shall be resubmitted for approval. The Inspector may assess a fee for resubmittal in accordance with the applicable fee schedule.
15. Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Inspector is authorized to grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days each. The extension shall be requested in writing with cause stated.
16. Expiration of Permit. **[Ord. O-2010-0010, 4/6/2010]**
 - a. If any construction for which a permit has been issued is not started within one hundred twenty (120) days from the issuance of the permit, or if construction is suspended or abandoned for more than sixty (60) days, the permit shall expire and be void. No construction shall commence or resume unless a time extension is granted. The Building Inspector shall make the final determination as to if the permitted work has not started or has been suspended or abandoned. The permit shall not be considered expired until the Inspector has notified the permit holder in writing and offered a time extension as stated in Subsection (16)(c).

- b. A building permit shall expire two (2) years from the date of issuance and be void. No construction shall resume unless a time extension is granted. The permit shall not be considered expired until the Building Inspector has notified the permit holder in writing and offered a time extension as stated in Subsection (16)(c).
 - c. An extension of time, not to exceed twelve (12) months, may be allowed to a voided permit if the permit holder provides a written request within thirty (30) days of notification stating reasonable cause and a time table for completion. An administrative fee of one-twelfth (1/12) of the original fee construction fees per month of extension may be charged after permit expiration at the discretion of the Building Inspector.
 - d. Any permit that includes exterior property improvements, including but not limited to, building or structure, i.e., siding, windows, roofing, gutters/downspouts, driveway, curb cut, parking lot, yard grading or drainage, and/or installing vegetation or other erosion or dust control improvement, shall be completed within two (2) years of the issuance of the permit and shall not be allowed an extension of time. If not completed within two (2) years, the noncompliance of completion shall be processed as a violation of the Property Maintenance Code.
 - e. Renewal of a permit may be allowed upon written request, filed within one hundred twenty (120) days after the permit has expired. The Director may reduce fees based upon inspection work completed. After one hundred twenty (120) days from the date the permit has expired, the permit shall be processed as a new permit.
17. Revocation of Permit. If, at any time, ordinances, laws, orders, plans and specifications are not being complied with, the Inspector may revoke the permit by written notice to the property owner and placarding of the property. When any such permit is revoked, it shall be unlawful to do any further work upon such building or premises until a new permit is issued, excepting such work as the Inspector shall order to be done to make the site safe or as a condition precedent to the issuance of a new permit.
18. Suspension of Permit. The Inspector is authorized to suspend a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. When a permit is suspended it shall be unlawful to do any further work unless authorized by the Inspector.
19. Validity of Permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data.
20. Refunds. A refund of fees paid may be allowed in accordance with the applicable fee schedule.
21. Access. Upon issuance of a permit, the property owner shall allow the Inspector reasonable access to the property for inspection for code compliance.
22. Priority Plan Review. A priority plan review is a service that expedites the plan review time frame to three (3) business days or less after the complete submittal of all required plan review documents. The permit issuance may be held until other municipal agencies or departments have authorized permit issuance. **[Ord. O-2016-0058, 12/6/2016]**

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

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

AMENDMENT

13.07 Inspections

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

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

- i. Equipment Inspection. All equipment, to include but not limited to HVAC and associated mechanical and duct work, shall be inspected.
 - j. Other Inspections. In addition to the inspections specified above, the Inspector is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the building code and other laws that are enforced by the Department.
 - k. Final Inspection. Final inspection shall be made after any corrections from previous inspections have been completed and all work associated with an issued permit is completed. Completion statements from all designers, balance reports, and any other documentation shall be provided prior to, or at the time of, the final inspection as required by the building code.
 - l. Demolition Inspection. Buildings and structures being demolished shall be inspected after all building materials, foundations and slabs have been removed, but prior to backfilling any basement area or foundation holes. A final inspection is also required once the site is final graded and permanent vegetation is installed to prevent erosion.
 - m. Erosion Control Inspection. Erosion control measures shall be inspected after installation, but prior to disturbing the ground. Erosion control measures shall be periodically inspected during the construction project to ensure they are being maintained until permanent vegetation is installed to prevent soil erosion. A final inspection shall be required once permanent vegetation is installed and the soil erosion control measures have been removed.
5. Inspection Requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Inspector when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections made by the Inspector.
6. Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Inspector. The Inspector, upon notification, may make the requested inspection and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder where the same fails to comply with this code. Any inspections that do not comply with the code shall be corrected to comply with the code. The Inspector shall be notified when compliance is made and such portion may be reinspected by the Inspector.
7. Construction Under the UDC. Inspections listed in the State of Wisconsin Department of Safety and Professional Services Uniform Dwelling Code for dwellings constructed after June 1, 1980, shall be required by this code and performed by the Building Inspector.
8. Inspection Record Card. An inspection record card may be issued with a building permit. If an inspection record card is issued, the contractor or property owner shall post the card for the Inspector's signature/approval. The contractor or property owner shall request inspections as indicated on the inspection record card and this code section.

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

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

A M E N D M E N T

13.21 Sign Code

1. Purpose. It is declared that the regulation of signs within the City is necessary and in the public interest to:

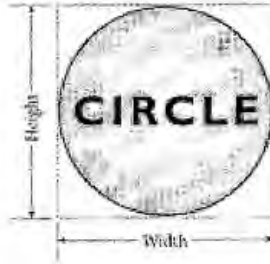
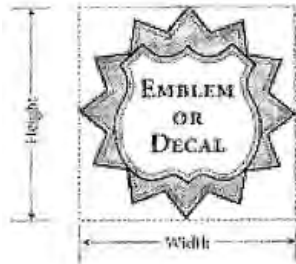
- a. Protect property values within the City.
- b. Preserve the beauty and the unique character of the City by aesthetically complementing the development, which a sign identifies.
- c. Promote a healthy and properly designed business environment.
- d. Provide for the expression of both commercial and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

2. Definitions. As used in this section:

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

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

MEASUREMENT OF DISPLAY AREA



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A sign allowed by this section and not requiring a permit.

A sign allowed by this section carrying a valid permit.

A legal nonconforming sign.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

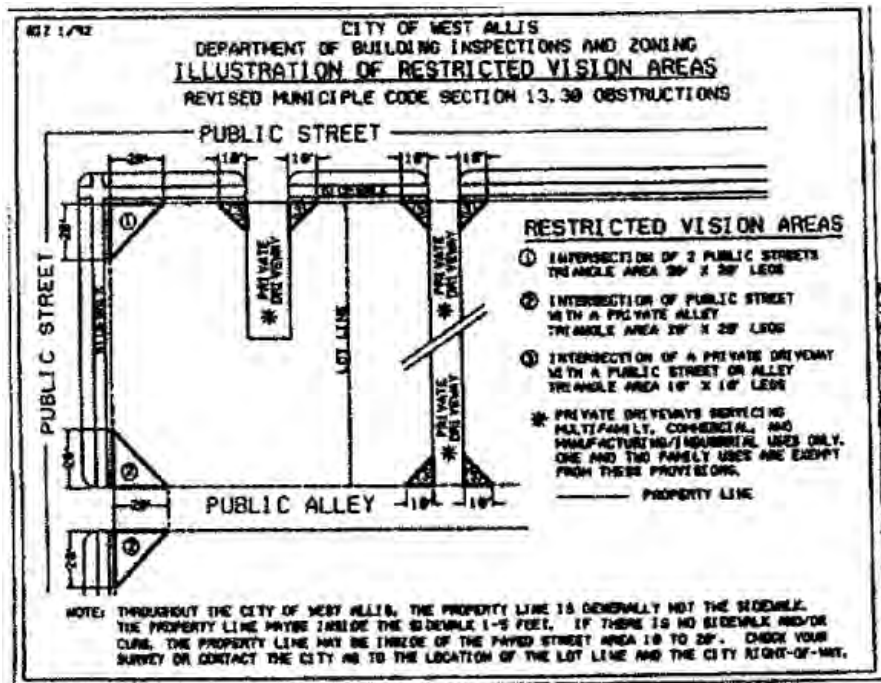
"Temporary sign" means a sign constructed of, but not limited to, cloth, canvas, wood, light fabric, cardboard, wallboard, plastic or other like materials, with or without frames, or any type of sign not permanently attached to the ground, wall or building which is permitted for display for a limited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

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

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

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

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



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

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

3. Requirement of Conformity. It shall be illegal for a sign to be erected, constructed, repaired, altered, located or maintained in the City, except as provided in this section.
 - a. All signs constructed or maintained contrary to the provisions of this section are declared to be illegal.
 - b. Any person or entity violating any provisions of this section or failing to comply with any orders or regulations made hereunder shall be subject to the penalties hereof and those otherwise provided by law.
 - c. This section shall not apply to signs located in the C-1 Central Business District of the City.
4. Conformity of Nonconforming Signs.
 - a. Any and all signs on a parcel which are nonconforming as of the date of the adoption of this Code (April 17, 2007) nonconforming being defined in Section 13.21(2) of this chapter and Sec. 62.23(7)(h), shall conform to this section: **[Ord. O-2008-0035, 7/1/2008]**
 - i. When there is any alteration to a sign that requires a permit;
 - ii. When there is any alteration to a building or site or structure that requires Plan Commission review;
 - iii. When the total structural repairs or alterations in a nonconforming building, premises, structure, or fixture exceeds fifty percent (50%) of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use; or
 - iv. When the nonconforming use of the building, premises, structure, or fixture is discontinued for a period of twelve (12) months.
 - b. All signs subject to the conformity requirements of this section will have twelve (12) months from issuance of permit for an exterior alteration to a building or site or structure to meet the requirements. An extension of this time limitation may be granted by the Plan Commission in accordance with the following criteria:
 - i. The applicant requesting the extension shall complete a signage application available from the ~~Department of Development~~Planning and Zoning Program Staff and shall submit an extension fee of ~~two hundred fifty dollars (\$250.)~~in the amount listed on the Fee Schedule.
 - ii. A written explanation for the extension of time shall accompany the signage application along with a timeline/schedule for obtaining necessary permits and a target date for construction start.
 - iii. The request for extension shall be submitted within sixty (60) days of the expiration of the conformity requirements.
 - iv. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the extension of time grant shall become null and void.
5. Procedures.
 - a. Sign Application Review and Permitting Process.
 - i. Sign review applications are available through the Planning and Zoning Program Staff~~Department of Development~~. All signs will be reviewed for approval pursuant to the administrative procedures as set by the ~~Department of Development~~Planning and Zoning Program Staff except for signs which do not require a permit under Section 13.21(6) of this section, temporary signs as described in Section 13.21(12), and Master Signage Program signs under Section, 13.21(13) of this section, which shall be reviewed and approved by the Plan Commission. Permits are granted from the ~~Building Inspections and Zoning Code Enforcement~~ Department and will only be granted after approval from the ~~Department of Development~~Planning and Zoning Program Staff or

Plan Commission.

- ii. The ~~Department of Development~~Planning and Zoning Program Staff decision on an application shall be issued within thirty (30) days of filing of the application with the office of the City Planner unless the applicant has agreed in writing to an extension, or additional information is required as detailed below.
 - (1) Should the applicant be required to supply additional information, the ~~Department of Development~~Planning and Zoning Program Staff shall notify the applicant within thirty (30) days of filing and the requested information shall be provided to the Planning and Zoning Program Staff~~Department of Development~~ within sixty (60) days of such notice, or the original application shall automatically be denied.
- iii. Permits are granted from the ~~Building Inspections and Zoning Code Enforcement~~ Department and will only be granted after approval from the ~~Department of Development~~Planning and Zoning Program Staff or Plan Commission.
- iv. All applicants must submit five (5) color copies of sign proposals along with a signage review fee (see Chapter 12 of the Revised Municipal Code) to the Planning and Zoning Program Staff~~Department of Development~~. Such submissions shall detail the size of the sign, the method of attachment or support, the location(s) of the proposed sign(s), any other sign(s) located on the premises, the materials to be used, and any other information deemed necessary to properly review the proposal.
- v. Multi-tenant applicants, who include buildings of three (3) or more tenants, or a building area of twenty-five thousand (25,000) square feet or more, or buildings with frontage along an interstate highway, should refer directly to Section 13.21(13) for detailed requirements relative to the Master Sign Program.
- vi. Guidelines for Approval.
 - (1) The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of the area.
 - (2) The proposed sign conforms to the location, size and style and other requirements set forth in this section.
 - (3) The proposed sign conforms to the City's long-range planning for the area as set forth in the City's Master Plan as that term is defined in Chapter 62.23(3), Wisconsin Statutes, or relevant portions thereof.
 - (4) The proposed sign shares similar architectural or building material features of the principal building.
 - (5) Signs located in residential corridors may be further regulated by Plan Commission pursuant to Section 13.21(9), such as, but not limited to, lighting operations.
- vii. The ~~Department of Development~~Planning and Zoning Program Staff may establish guidelines, which further define and interpret this section. Those guidelines, if any, shall be made available to all sign applicants.
- viii. Any signage proposals that are denied by the ~~Department of Development~~Planning and Zoning Program Staff may be appealed to the Plan Commission in accordance with the variance procedure as stated in Section 13.21(9).

6. Permits, Inspections and Revocations.

- a. A permit shall not be required for the following signs or activities; however, such signs or activities shall be subject to any and all applicable provisions of this section:
 - i. One (1) nonilluminated sign six (6) square feet or less in area unless otherwise specifically required by this section;

- ii. Maintenance, including repainting or replacing faces of signs, or minor nonstructural repairs of signs (except electrical repair);
 - iii. Political signs;
 - iv. Window signs only as permitted under Section 13.21(18);
 - v. Rental, sale and lease signs six (6) square feet or less in area; and
 - vi. Address markers/signs; and
 - vii. Flags.
- b. A permit shall not be required for the erection, construction, alteration, placement, maintenance or location of official traffic, fire and police signs, signals, devices and markings of the state and the City or other public authorities, or the posting of notices required by law or for other signs as approved by the Board of Public Works. See Section 13.21(11).
- c. No person, firm or corporation shall erect, replace, construct, enlarge, alter, move, relocate or maintain any sign as governed by this section without first obtaining a sign permit from the Building Inspections and Zoning Code Enforcement Department, except as said forth in Section 13.21(6)(a) and (b) above. Before a sign permit may be issued, it shall first be approved by the Planning and Zoning Program Staff Department of Development in accordance with the procedure in Section 13.21(5), and conform to the requirements of this code, and the applicant shall pay the required fees. See Chapters 12 and 13 of the Revised Municipal Code for a fee schedule.
 - i. Any owner of a premises or agent for the owner shall file an application for a sign permit on a form furnished for such purpose. Each application shall additionally include sufficient information to issue a permit to include plans and drawings detailing sign location information and sign construction information that indicates conformance with the construction standards of Section 13.21(7).
 - ii. In addition to a sign permit, an electrical permit is also required for electrically operated signs.
 - iii. As a condition of the issuance of a sign permit, the sign owner and owner of the premises upon which the sign is located agree to allow inspectors on the property for inspection of the installation and maintenance and further agree to promptly remove the sign should it become unsafe, inadequately maintained, dilapidated, abandoned, in nonconformance with this section, or if prescribed fees are not paid.
- d. Unless waived by the Building Inspections and Zoning Code Enforcement Department, all signs for which a permit is required shall be subject to the following inspections:
 - i. Electrical inspection on all electrically operated signs.
 - ii. Site inspection to insure that the sign has been constructed according to an approved application and a valid sign permit.
 - iii. Inspection on a yearly basis to insure that the sign continues to conform to the permit and has been adequately and properly maintained.
- e. Permit Revocation and Sign Removal.
 - i. The Building Inspections and Zoning Code Enforcement Department shall have the authority to revoke any sign permit upon determination that the sign authorized by the permit has been constructed or is being maintained in violation of the permit or the provisions of this section.
 - ii. In revoking any sign permit and requiring the removal of any illegal sign, the Building Inspections and Neighborhood Services Code Enforcement Department shall give a written compliance order to the owner(s) of the premises on which such sign is located and/or to the occupant(s) of the premises to which such sign pertains. The order shall state the reasons and grounds for removal, specifying the deficiencies or defects in such sign, and the violations charged, if any. Such order shall specify what repairs, if any, will make the sign conform to the requirements of this section, specify that the sign must be removed or made to conform with the provisions of this section within the compliance period provided below and further state the appeals process provided below. A sign with an expired permit is an illegal sign and therefore does not require revocation of the permit.

- iii. Compliance Period for Removal.
 - (1) The compliance period for removal for permanent signs shall be thirty (30) days.
 - (2) The compliance period for removal of temporary signs shall be forty-eight (48) hours.
 - iv. The decision of the ~~Building Inspections and Neighborhood Services Code Enforcement~~ Department to revoke the permit may be appealed to the Plan Commission. A written appeal must be filed within thirty (30) days from the date when the order was served. The Plan Commission shall consider this appeal at its next regularly scheduled meeting. The decision of the Plan Commission shall be the final determination as set forth in Sec. 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to Sec. 68.13 of the Wisconsin Statutes and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.
 - v. If no appeal has been filed within the thirty-day appeal period, or if the Plan Commission has upheld the decision of the ~~Building Inspections and Neighborhood Services Code Enforcement~~ Department on appeal, the permit is deemed revoked and the sign is deemed illegal. The ~~Building Inspections and Neighborhood Services Code Enforcement~~ Department then shall initiate the procedure for the removal of the illegal sign.
 - vi. If after service of order the owner(s) and/or occupant(s) of the premises upon which the sign is located have not removed the sign or brought the sign into compliance with the provisions of the section by the end of the compliance period, the ~~Building Inspections and Neighborhood Services Code Enforcement~~ Department shall take such legal action as deemed appropriate.
 - vii. Removal. The ~~Building Inspections and Neighborhood Services Code Enforcement~~ Department is authorized to cause the removal of any sign adjudged to be illegal by a court of competent jurisdiction if the court so orders. The actual cost and expense of any such removal by the ~~Building Inspections and Neighborhood Services Code Enforcement~~ Department shall be charged against the owner of the property and may be entered as a special assessment against such premises to be collected in all respects like other taxes upon the real estate, as provided in Chapter 66.0907(3)(f) of the Wisconsin Statutes, except in the case of snipe signage in the public right-of-way.
 - viii. Re-erection of any sign or any substantially similar sign on the same premises after a compliance order has been issued shall be deemed a continuance of the original violation.
7. Sign Construction Standards. All signs shall be designed and constructed to comply with the provision of this code for use of materials, loads and stress as required by the International Building Code (IBC), in the most current edition as published by the International Code Council, Inc.
- a. Signs shall be designed and constructed to withstand wind pressure as provided in IBC Chapter 16.
 - b. Signs shall be designed and constructed with the allowable working stress conforming to IBC Chapter 16. The working stress of wire rope and its fastening shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners. Exceptions:
 - i. The allowable working stress for steel and wood shall be in accordance with IBC Chapters 22 and 23.
 - ii. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth (1/5) of the ultimate strength of such chains, cables, guys or steel.
 - c. Signs attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. All ferrous chain, wire ropes, guy rods and their fastenings and anchor bolts shall be galvanized or be of other approved equivalent protection. Wood blocks shall not be used for anchorage, except in the case of signs attached to buildings with wood walls. Signs shall not be supported by anchors secured to an unbraced parapet wall. Minimum anchorage for wall signs is three-eighths-inch diameter embedded at least five (5) inches. Minimum anchorage for projecting signs is five-eighths-inch and turnbuckles shall be placed in chains, guys or

- steel rods supporting projecting signs.
 - d. All ferrous parts of signs subject to corrosion shall be protected and maintained free of corrosion.
 - e. Wood, approved plastic or other materials of combustible characteristic used as facings or in molding, cappings, nailing blocks, letters and latticing shall comply with Paragraphs 1 through 4 below, and shall not be used for other ornamental features of signs, unless approved.
 - i. All signs greater than forty (40) square feet shall be constructed of metal or other approved noncombustible materials.
 - ii. Plastic and other materials which burn at a rate no faster than two and five-tenths (2.5) inches per minute when tested in accordance with ASTM D 635 shall be deemed approved plastic and can be used as the display surface material and for letters, decorations and facings on signs and outdoor display structures.
 - iii. The area of individual plastic facings of electric signs is limited by the area allowed for that type of sign but shall not exceed two hundred (200) square feet. If the total area of display surfaces exceeds two hundred (200) square feet, the area occupied or covered by approved plastics shall be limited to two hundred (200) square feet plus fifty percent (50%) of the difference between two hundred (200) square feet and the area of the display surface. The area of plastic on the display surface shall not exceed one thousand one hundred (1,100) square feet.
 - iv. Letters and decorations mounted on approved plastic facing or display surface can be made of approved plastics.
 - f. No sign shall be illuminated by other than electrical means. Any open spark or flame design is not permitted unless specifically approved.
 - g. Signs that require electrical service shall comply with Chapter 14, Electrical Code.
 - h. All internally illuminated signs shall bear the label of the manufacturer and approved testing agency and the listing number shall be reported on the sign permit application.
 - i. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door. A sign shall not be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.
8. Maintenance.
- a. All signs and sign support structures, together with all parts to include, but not limited to, sign faces, supports, braces, base, guys and anchors, shall be kept in good repair and in proper state of preservation. Painted surfaces shall be maintained free of peeling, chipping paint. All metal parts and supports thereof shall be maintained free of corrosion.
 - b. ~~The Building Inspections and Zoning Code Enforcement~~ Department shall have the authority at all reasonable times to inspect and order the painting, repair, alteration, maintenance or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. ~~The Building Inspections and Zoning Code Enforcement~~ Department shall follow the procedure of notification concerning such maintenance or removal as outlined in Section 13.21(6).
 - c. When any sign, advertising structure or device, or a major part thereof, is blown down, destroyed, taken down or removed for any purpose, such structure shall not be re-erected, reconstructed, rebuilt, or relocated, except in conformity with the regulations of this section. Additionally, any existing sign, sign structure, awning, canopy, or other advertising structure requiring repairs at any one time in excess of fifty percent (50%) of the sign's original value shall not be repaired unless made to conform to the requirements of this section.
 - d. An abandoned sign is prohibited and shall be made to conform to this code or removed by the owner of the sign or owner of the premises.
 - e. Any sign which is located on a premises which becomes vacant or unoccupied for a period of six (6) months or more is considered abandoned and shall be removed.
 - f. If a business on a property is suspended because of business or property ownership or

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

- g. The Building Inspector may grant up to a six-month extension of time for the removal or intended compliance of a sign, to the sign owner, under the provisions of this subsection. A written request for an extension of time shall be submitted to the Building Inspections and Zoning Code Enforcement Department.
 - h. All signs, awnings, canopies, and other advertising structures projecting into the City right-of-way may be inspected yearly for maintenance and conformance with this code. An annual maintenance inspection fee shall be charged to the sign owner or property owner of each sign in place on January 1 and is due and shall be paid by March 15 of each year following original installation. The fee shall be in accordance with the fee schedule.
 - i. All signs, as designated in the Building Inspections and Zoning Code Enforcement Department fee schedule, may be inspected yearly for maintenance and conformance with the code. An annual maintenance inspection fee shall be charged to the sign owner of each sign and is due and shall be paid by March 15 of each year the sign exists. The fee shall be in accordance with the fee schedule.
9. Variance to Sign Code.
- a. Purpose. Sign variances are intended to allow flexibility in sign regulations while fulfilling the purpose of this ordinance. Variance from specific regulations of this section may be granted by the Plan Commission, where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship; provided, that the spirit of this section shall be observed, public safety and welfare secured and substantial justice done. Nothing in this section, however, is intended to permit the erection or maintenance of signs which create the potential of public harm or for which there is no public benefit or which are in conflict with the City's Master Plan or relevant portions thereof.
 - b. Procedure.
 - i. Any person may request a variance from any provision or requirement of Section 13.21 of the Revised Municipal Code by submitting a written request to the Planning and Zoning Program Staff~~Department of Development~~ not less than 20 days before the next regularly scheduled Plan Commission meeting. A fee shall be required of the applicant at the time that a request for a hearing is made in accordance with Development Review Fees in Chapter 12 of the Revised Municipal Code.
 - ii. The Plan Commission shall review such requests for variances using the following criteria:
 - (1) The sign as proposed will not result in an undue concentration of signage, which renders it difficult or confusing to read existing signs.
 - (2) The proposed sign is unique and of exceptional design or style so as to enhance the area.
 - (3) Site difficulties: unusual site factors preclude the construction of a sign in accordance with this section, which would be visible to the roadway adjacent to the site frontage.
 - iii. Should the Plan Commission find that a variance should be granted, the application will be forwarded to the Building Inspections and Zoning Code Enforcement Department with directions to issue a permit in accordance with its decision. If the Plan Commission finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision, in writing within thirty (30) days of the date of such decision. The decision of the Plan Commission shall be the final determination as set forth in sec. 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to sec. 68.13 of the Wisconsin Statutes, and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.
10. Prohibited Signs, Lighting and Movement.
- a. Lighting. Bare light bulbs shall not be permitted. No flashing, blinking or rotating lights shall be permitted for either permanent or temporary signs. Illumination shall be so installed to avoid any glare or reflection into any adjacent property, or onto a street

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

b. Prohibited Signs. It is unlawful to erect or maintain the following signs: **[Ord. O-2012-0028, 3/6/2012]**

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

11. Signs in the Public Right-of-Way.

a. No sign, pennant, flag or banner shall be erected, placed, located or maintained within the limits of any street or highway unless allowed as hereafter stated. Street or highway limits include all the dedicated rights-of-way, encompassing the traveled portion of the highway, shoulders, sidewalks, ditches and adjacent dedicated areas. This prohibition applies to freestanding signs and those placed on trees, utility poles, fence post stakes and all other structures within the highway limits.

- i. Failure to comply with the provisions of this section shall be a violation of Sec. 86.19, Wisconsin Statutes, which is hereby adopted, as well as this section.
- ii. Any sign in violation of this section shall be removed without notice by the ~~Building Inspections and Neighborhood Services Code Enforcement~~ Department, the Police Department, or the Public Works Department.
- iii. This prohibition shall not apply to signs placed within the limits of streets or highways by duly constituted municipal, county or state authorities for the guidance or warning of traffic, as provided in Sec. 86.19(1) and (4), Wisconsin Statutes, or to mail boxes and paper boxes, bus shelters, or to banners, signs, pennants, flags or other related decorations hung over streets attached to public property as authorized by the Board of Public Works, in which case these will not require a permit under this section.
- iv. No sign shall be erected, placed, located or maintained at or near the intersection of any streets so as to obstruct free and clear vision or at any location where, by reason of position, shape and color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "look," "danger" or other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

b. Signs on Public Property. No person shall erect, place or locate any sign in or on public property, with the exception of projecting signs, which are only allowed in the public right-of-way with a grant of privilege from the Board of Public Works.

c. Guidance signs. **[Ord. O-2008-0038]**

- i. Any person or persons conducting a summer or winter resort, hotel, or any place of public entertainment or instruction, or any place of religious worship may be granted permission from the Board of Public Works for erection of guidance signs of a type approved by the Board of Public Works subject to the conditions contained in this subsection. The application shall be filed with the ~~Planning and Zoning Program Staff~~ Department of Development along with a fee of five hundred dollars (\$500) for the Public Works Department's cost for materials and labor of the manufacturing and erection of the guidance sign.
- ii. All guidance signs and their supports shall be constructed, erected and maintained by the Public Works Department, and guidance signs shall be uniform in size as prescribed by the Board of Public Works.

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

12. Temporary Signs.

a. Permit, Maintenance and Removal.

- i. The Building Inspections and Neighborhood Services-Code Enforcement Department may issue a temporary sign permit as stated in this subsection. After permit application, a temporary sign permit may be issued for a time period specified unless as otherwise noted in this subsection.
- ii. Any temporary sign erected without a permit or for which the permit has expired may be removed by the Building Inspector with or without notice.
- iii. All temporary signs shall be maintained in good condition and removed promptly upon expiration of the permit or as ordered by the Building Inspector.

b. Banners.

- i. Application for a banner sign shall include information and/or plans indicating the size of the sign, the advertising or copy on the sign, the location of the sign on the property, sign material type, and information regarding installation (attachment and/or support).
- ii. Each banner allowed may not exceed thirty-two (32) square feet in area.
- iii. No more than two (2) banners may be erected per business or occupant per calendar year, with each permit issued allowing a maximum of thirty (30) days for the banner to be posted on the property. Additionally, there may be no more than two (2) banners erected per site at one time.
- iv. A grand opening banner sign not exceeding thirty-two (32) square feet may be allowed for a new business for a period of thirty (30) days in addition to other banners allowed.
- v. Seasonal signs may be posted for the term of the season as stated on the issued permit.
- vi. The Code Enforcement Director of the Building Inspections and Zoning Department may allow a temporary sign to remain in place for up to ninety (90) days with one (1) ninety-day extension of time, while a business or property owner pursues a permanent sign.

c. Construction and Development Signs.

- i. Construction and development signs are allowed to indicate the new business, development, contractor, subcontractor, architect or lending institution.
- ii. Application for each construction or development sign shall include information and/or plans indicating the size of the sign, copy on the sign, sign material type, the location of the sign on the property, whether single- or double-faced, and sign attachment and/or support information.

- iii. One (1) development sign is allowed per street frontage and may not exceed thirty-two (32) square feet in area.
 - iv. Two (2) construction signs are allowed per street frontage and each sign may not exceed thirty-two (32) square feet in area.
 - v. Construction and development sign permits shall expire ten (10) days after the first occupancy and shall be removed promptly upon expiration.
- d. Sale, Lease and Rent Signs.
- i. Vacant land and land being developed may have a temporary sale, lease, and rent sign posted on each street which the land abuts. The sign shall be placed on the property being sold, leased or rented in accordance with this subsection.
 - ii. Residential use properties are allowed a sale, lease, or rent sign, not greater than six (6) square feet in area and may be double-faced. Freestanding signs shall not be greater than five (5) feet in height. No permit is required, and the sign shall be removed upon sale, lease or renting of the use advertised.
 - iii. Nonresidential use properties are allowed one (1) temporary sale, lease, or rent sign, which may be single- or double-faced and shall not exceed thirty-two (32) square feet in area. Freestanding signs shall not be greater than five (5) feet in height. A permit is required for each sign in excess of six (6) square feet. Each sign shall be removed upon sale, lease, or renting of the use advertised, except as stated in Section 13.21(12)(d)(4). The notice to remove noncomplying signs shall be in accordance with the procedures outlined in Section 13.21(6).
 - iv. For new nonresidential developments, a temporary sale, lease, or rent sign permit may be issued for one hundred eighty (180) days and may be renewed for ninety-day periods until the development's units are ninety percent (90%) occupied or when two thousand (2,000) square feet of area or less remains to be sold, leased, or rented. The notice to remove noncomplying signs shall be in accordance with the procedures outlined in Section 13.21(6).
- e. Political Signs. **[Ord. O-2010-0049, 11/16/2010]**
- i. Section 12.04 of the Wisconsin Statutes is hereby adopted and incorporated herein.
 - ii. Yard signs on property zoned residential shall not exceed twenty-four (24) square feet in area.
 - iii. No sign shall be placed such that it interferes with the vision of vehicle operators upon the highway or obstructs pedestrian travel on the public sidewalk.
 - iv. Yard signs displayed in other than residential zoning districts shall not exceed forty-eight (48) square feet in area.
 - v. Political signs may be displayed during the election campaign period and must be removed within a reasonable time after the election.
 - vi. No permit shall be required for political signs.

13. Master Sign Program.

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

- factors as it deems appropriate in evaluating a Master Sign Program.
- d. Each individual sign proposed in accordance with an approved Master Sign Program must be applied for and permitted separately in accordance with this section, and in no event shall any recommendation or approval of a Master Sign Program be deemed an approval of or a permission to construct any particular sign under that program. After review and approval by the ~~Department of Development~~ Planning and Zoning Program Staff, all applications for permits for such individual signs must be filed with the ~~Building Inspections and Zoning Code Enforcement~~ Department.
 - e. The following entities may make application for the Master Sign Program:
 - i. Multi-tenant commercial buildings (MTCBs) or centers of three (3) or more individual tenants or buildings of at least twenty-five thousand (25,000) square feet of building area.
 - ii. Commercial or industrial uses which abut 1-94 and 1-894 right-of-way.
 - f. A Master Sign Program, as presented to the Plan Commission, shall include the following components:
 - i. An aesthetically developed theme on color, size and style.
 - ii. A proposed location of all signs for the building, development or center; where possible, signs shall be centered over tenant spaces.
 - iii. The proposed size of individual signs which may be expressed in maximums and minimums for purposes of the proposed Master Sign Program, but which must be proposed in exact terms when application is made for such individual signs after approval of the program.
 - iv. Type of signage proposed, e.g., individual letters, box, etc.
 - v. Blueprints, drawings and written policies governing the color, size, style, location and other features of the proposed signs.
 - g. Freestanding signage (Master Sign Program).
 - i. Multi-tenant commercial buildings, or buildings/centers greater than twenty-five thousand (25,000) and less than fifty thousand (50,000) square feet of building area may be permitted one (1) freestanding sign of no more than seventy-five (75) square feet in area, ten (10) feet in height, and subject to Plan Commission approval.
 - ii. Buildings/centers greater than fifty thousand (50,000) and less than one hundred thousand (100,000) square feet of building area may be permitted one (1) sign per building/center of one hundred fifty (150) square feet in area, not to exceed twelve (12) feet in height, subject to Plan Commission approval.
 - iii. Buildings/centers greater than one hundred thousand (100,000) and less than three hundred thousand (300,000) square feet of building area may be permitted one (1) freestanding sign per arterial street of one hundred fifty (150) square feet in area each, or one (1) sign per building/center of two hundred twenty-five (225) square feet in area, neither to exceed fifteen (15) feet in height, subject to Plan Commission approval.
 - iv. Determination of signage area for buildings or centers greater than three hundred thousand (300,000) square feet of building area shall be determined by the Plan Commission.
 - v. Where changeable copy or electronic message center signage is permitted pursuant to Section 13.21(19), the area of the changeable copy sign must be included in the total computation of allowable signage and subject to Plan Commission review.
 - vi. ~~The Department of Development~~ Planning and Zoning Program Staff and the Plan Commission shall not approve any Master Sign Plan greater than fifteen (15) feet in height, except for centers over three hundred thousand (300,000) square feet in building area, which height shall be subject to Plan Commission discretion.
 - vii. Freestanding signs must be architecturally integrated with the principal building on the property. The base, sides, and top of the sign shall be constructed of masonry or other approved durable materials. The tone and texture of the base, sides, and top shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of

the principal building. The base of the sign shall be a minimum of two (2) feet in height.

- viii. The color scheme of the sign shall complement the color scheme of the principal building.
- ix. Architectural features (such as sills, piers, reveals, capstones, medallions, etc.) which are part of the architectural makeup of the principal building shall be incorporated into the sign.
- x. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
- xi. The sign structure or post of a freestanding sign must be wrapped in or constructed of a material compatible with the materials utilized in the construction of the building to which the sign refers. The width of the base of the sign must be equal to or greater than the width of the sign face.
- xii. Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The Plan Commission may reduce or waive this requirement if it is determined the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

h. Wall Signage (Master Sign Program).

i. Multi-tenant commercial buildings.

- (1) Area. The maximum allowable area of wall signs for eligible multi-tenant commercial buildings shall be computed as one and five-tenths (1.5) square feet per lineal foot of each tenant's frontage.
 - (A) If applying the area formula above [Section 13.21(13)(h)(1)(a)] results in a sign area greater than two hundred (200) square feet, the individual tenant wall signs, when submitted to the ~~Department of Development~~Planning and Zoning Program Staff in conjunction with a Master Sign Program, shall be permitted an aggregate maximum area of two hundred (200) square feet, subject to Plan Commission approval.
 - (B) Where other wall-mounted signage (e.g. projecting signage) is permitted pursuant to Section 13.21(16), the area of the sign must be included in the total computation of allowable signage and subject to Plan Commission review.
- (2) Number. Total number of wall signage permitted for a building or center or multi-tenant commercial building may be apportioned over two (2) building facades, but no more than one (1) sign per facade. Wall signage must be placed on an exterior wall of the business in which the sign identifies.
- (3) Placement. A wall sign must be placed on an exterior wall of the tenant's space, which the sign identifies.
 - (A) A wall sign may not project more than twelve (12) inches from the wall surface.
 - (B) No part of a wall sign shall extend more than four (4) feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline.
 - (C) Wall signs facing an alley shall be no larger than five (5) square feet in area, shall be located on the rear entry door and shall not be illuminated. **[Ord. O-2008-0038]**
- (4) Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/offsets and unique shapes are encouraged.
 - (A) The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated,

the sign face must be constructed of an opaque background.

(B) Exclusively flat wall signs shall not be acceptable. Acceptable alternatives include:

- (a) Raised/channeled letters;
- (b) Individual letters;
- (c) Oddly shaped signs; and
- (d) Two-inch thick (minimum) border around the wall sign.

ii. Buildings greater than twenty-five thousand (25,000) square feet of building area.

- (1) Area. Buildings greater than twenty-five thousand (25,000) and less than fifty thousand (50,000) square feet of building area may be permitted wall signage no greater than two hundred (200) square feet in area, and subject to Plan Commission approval.
- (2) Area. Buildings greater than fifty thousand (50,000) square feet and less than three hundred thousand (300,000) square feet of building area shall be permitted four hundred (400) square feet in wall sign area, plus additional signage area computed by the following formula: five-tenths (0.5) square foot times the setback length of the building from the street frontage.
- (3) Number. Buildings greater than twenty-five thousand (25,000) and less than one hundred thousand (100,000) square feet of building area may be permitted two (2) wall signs on an exterior wall of the business in which the sign identifies.
- (4) Number. Buildings greater than one hundred thousand (100,000) square feet and less than three hundred thousand (300,000) square feet of building area may be permitted three (3) wall signs on an exterior wall of the business in which the sign identifies.
- (5) Placement. A wall sign must be placed on an exterior wall of the tenant's space, which the sign identifies.
 - (A) A wall sign may not project more than twelve (12) inches from the wall surface.
 - (B) No part of a wall sign shall extend more than four (4) feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline.
 - (C) Wall signs facing an alley shall be no larger than five (5) square feet in area, shall be located on the rear entry door and shall not be illuminated. **[Ord. O-2008-0038]**
- (6) Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/offsets and unique shapes are encouraged.
 - (A) The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
 - (B) Exclusively flat wall signs shall not be acceptable. Acceptable alternatives include:
 - (a) Raised/channeled letters;
 - (b) Individual letters;
 - (c) Oddly shaped signs; and
 - (d) Two-inch thick (minimum) border around the wall sign.

iii. Determination of wall signage area for buildings greater than three hundred thousand (300,000) square feet of building area shall be determined by the Plan Commission.

14. Freestanding signs.

a. Architecture and Landscaping.

i. Freestanding signs must be architecturally integrated with the principal building on the

property. The base, sides, and top of the sign shall be constructed of masonry or other approved durable materials. The tone and texture of the base, sides, and top shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building. The base of the sign shall be a minimum of two (2) feet in height.

- ii. The color scheme of the sign shall compliment the color scheme of the principal building.
 - iii. Architectural features (such as sills, piers, reveals, capstones, medallions, etc.), which are part of the architectural makeup of the principal building, shall be incorporated into the sign.
 - iv. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
 - v. The sign structure or post of a freestanding sign must be wrapped in or constructed of a material compatible with the materials utilized in the construction of the building to which the sign refers. The width of the base of the sign must be equal to or greater than the width of the sign face.
 - vi. Double-faced or V-shaped signs. A freestanding sign may be double-faced or V-shaped.
 - (1) Interior angle less than or equal to sixty degrees (60°). The area of double-faced or V-shaped signs with interior angles equal to or less than sixty degrees (60°) shall be expressed as the sum of the area of one face.
 - (2) Interior angle greater than sixty degrees (60°). Double-faced or V-shaped signs with interior angles exceeding sixty degrees (60°) shall be reviewed by the Plan Commission. The Plan Commission may approve, deny or request changes to a sign, based on the architecture of that sign. The area of double-faced or V-shaped signs with interior angles greater than sixty degrees (60°) shall be expressed as the sum of the areas of all the faces.
 - vii. Landscaping Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one (1) face of the sign. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The ~~Department of Development~~Planning and Zoning Program Staff may reduce or waive this requirement if it is determined the additional landscaping would not contribute significantly to the overall aesthetic character of the project.
 - viii. The ~~Department of Development~~Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.
- b. Size Requirements and Location.
- i. Number. One (1) freestanding sign shall be permitted. Two (2) freestanding signs are permitted for qualified sites under the Master Sign Program [Section 13.21(13)].
 - ii. Area. The area of a freestanding sign shall be computed by the following formula: Either six-tenths (0.6) square foot times the lineal front foot of the lot line or eight-tenths (0.8) square foot times the building front foot, whichever is greater, to a maximum of fifty (50) square feet of area, as permitted by the ~~Department of Development~~Planning and Zoning Program Staff. Corner lots may use either the front or side dimensions. Should the ~~Department of Development~~Planning and Zoning Program Staff approve both a freestanding sign and a wall sign for a given building or center, the area permitted must be apportioned between these signs not to exceed one hundred twenty-five (125) square feet. For multi-tenant commercial buildings and buildings over twenty-five thousand (25,000) square feet in area, see Section 13.21(13).
 - iii. The sign may have multiple faces if so approved.
 - iv. Height. The maximum height of a freestanding sign may not exceed ten (10) feet. The applicant shall provide dimensions of the proposed sign. The height of a freestanding sign shall be regulated and approved by the ~~Department of Development~~Planning and Zoning Program Staff in consideration of the location of the proposed sign; the height, size, appearance, number and location of other signs in the vicinity of the proposed sign; the propriety of the proposed sign with respect to a Master Sign Plan, if any; and such other facts as the ~~Department of Development~~Planning and Zoning Program Staff deems appropriate.
 - v. Location. An offset of no less than one (1) foot from the ultimate right-of-way line should be maintained.

- (1) The sign shall be located in an area of meaningful open space, which shall be appropriately landscaped, including some year-round plantings.
- (2) Site consideration should be given to signs on corner lots, near driveways and/or alleys, etc. Signs are not to obstruct the vision triangle (see Figure 1 below). Signs proposed within the vision triangle shall require Plan Commission approval.

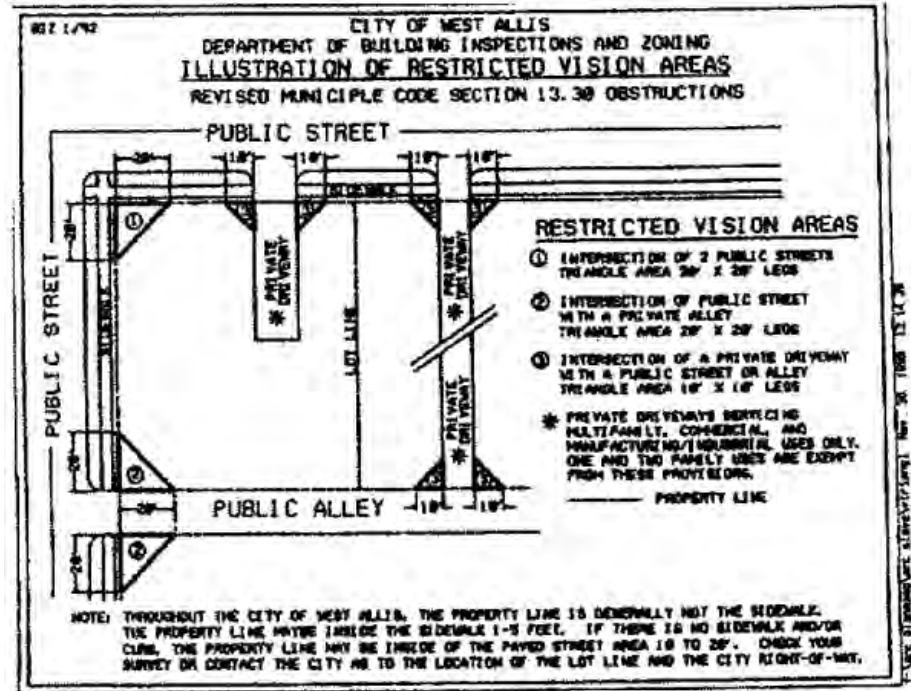


Figure 1: Vision Triangle Restrictions

15. Wall signs.

a. Architecture and Design.

- i. Architecture. Wall signs must be architecturally integrated with the principal building on the property. The tone and texture of the sign shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building.
- ii. Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/offsets and unique shapes are encouraged.
 - (1) The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
 - (2) Exclusively flat wall signs shall not be acceptable. Acceptable alternatives include:
 - (A) Raised/channeled letters;
 - (B) Individual letters;
 - (C) Oddly shaped signs; and
 - (D) Two-inch thick (minimum) border around the wall sign.

- b. Size Requirements and Location.
 - i. Placement. A wall sign must be placed on an exterior wall of the business, which the sign identifies.
 - (1) A wall sign may not project more than twelve (12) inches from the wall surface.
 - (2) No part of a wall sign shall extend more than four (4) feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline. A wall sign may be allowed on a roof surface only if the roof surface is within twenty-five degrees (25°) of vertical, such as a mansard roof.
 - ii. Number. Two (2) wall signs shall be permitted, or one (1) wall sign per street frontage, whichever is greater.
 - iii. Area. The area of a wall sign shall be regulated and approved by the ~~Department of Development~~Planning and Zoning Program Staff in consideration of the factors enumerated in this subsection and shall be computed by the following formula: Either six-tenths (0.6) square foot times the lineal front foot of the lot line or eight-tenths (0.8) square foot times the building front foot, whichever is greater, to a maximum of one hundred twenty-five (125) square feet, as permitted by the ~~Department of Development~~Planning and Zoning Program Staff. Corner lots may use either the front or side dimensions. Should the ~~Department of Development~~Planning and Zoning Program Staff approve both a freestanding sign and a wall sign (or multiple wall signs in the case of a multi-frontage lot) for a given building or center, the area permitted must be apportioned between these signs not to exceed one hundred twenty-five (125) square feet.
 - iv. Wall signs facing an alley shall be no larger than five (5) square feet in area, shall be located on the rear entry door and shall not be illuminated. **[Ord. O-2008-0038]**

16. Projecting Signs.

- a. Number. One (1) projecting sign is permitted per street frontage for each tenant. A grant of privilege will be required for signs over the right-of-way [see Section 13.21(11)].
- b. Area. The gross surface area of the sign shall be limited to a maximum of sixteen (16) square feet for single and multi-tenant buildings. Multi-story buildings are permitted an additional sixteen (16) square feet for each additional level to a maximum of one hundred (100) square feet in area.
- c. Location.
 - i. Projection. The sign shall not project more than four (4) feet from the wall to which it is attached.
 - ii. Clearance. No part of the sign shall be lower than eight (8) feet above the walk or surface below.
- d. Height.
 - i. Signs attached to a one-story building shall not exceed fifteen (15) feet above the walk or surface below, subject to all the above limitations. Signs attached to multi-story buildings shall not extend above the roof, wall or parapet of the building to which it is attached.

17. Awnings.

- a. A grant of privilege is required for awnings over the right-of-way [see Section 13.21(11)].
- b. Area. The area of sign copy shall not exceed twenty-five percent (25%) of the face of the awning/canopy to which the sign is to be affixed (see Figure 2 below).
- c. Location.
 - i. Projection. The sign may be affixed to any awning/canopy. An awning shall not project closer than two (2) feet to the edge of street curb.

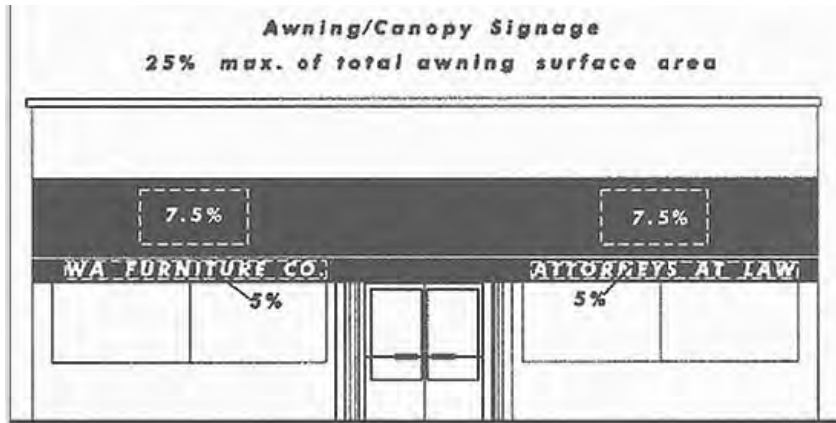


Figure 2: Awning Signage

- ii. Clearance. The lowest part of the awning structure shall not be less than seven (7) feet above the adjacent street grade or walk area below. The height of the awning fringe shall not be less than six (6) feet nine (9) inches above the adjacent grade.
 - d. Materials. Plastic/vinyl awning materials are not permitted.
 - e. Illumination: Awnings may be illuminated.
18. Window Signs.
- a. In no instance may window signs (see Figure 3 below) cover more than twenty percent (20%) of the window space. All window signs must be affixed to the interior of the window.

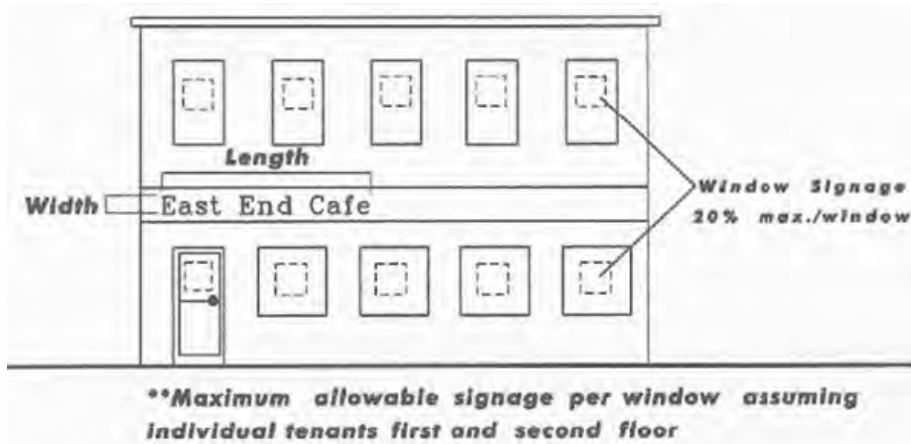


Figure 3: Maximum Window Signage

19. Changeable Copy Signs and Electronic Message Centers.
- a. Area. The computation of sign area for changeable copy signs and electronic message centers shall be included in the total permitted sign area allowed for the building or development where changeable copy signs and electronic message centers are permitted by this section and/or by the Planning and Zoning Program Staff ~~Department of Development~~.
 - i. The changeable copy portion of the sign must occupy a secondary position to the name of tenant. The area of changeable copy and electronic message centers shall not exceed thirty-five percent (35%) of the sign face, excepting gas stations for the purpose of displaying price.
 - b. Number. There shall be only one (1) changeable copy sign or electronic message

- center on each lot or parcel of land.
- c. Design. Changeable copy signs and electronic message centers must be integrated into the freestanding sign or projecting sign for such building or development.
 - i. Electronic message centers may not change a message or display by an electronic process more frequently than three-second intervals.
 - ii. The sign may be double-faced.
 - iii. Each sign shall be permanently installed or located.
 - iv. Each sign shall be placed in such a manner so as to not interfere with, confuse or present any hazard to traffic.
20. Tenant Directory Boards. Exterior tenant directory boards for the purpose of guiding pedestrians to individual businesses within a multi-tenant commercial building or center are allowed, subject to the provisions hereof. Letters on a tenant directory board, identifying occupants, may not exceed three (3) inches in height. Reorganization of a tenant directory board may be done for purposes of appearance or clarity. Changes in the structure, style or design of a tenant directory board or to add or delete the name of an occupant shall be allowed unless such tenant directory board is a legal nonconforming sign, in which case such tenant directory board must first be brought into compliance with all of the provisions of this section. Tenant directory boards shall match the color and style of the principal signage for the property and shall be located either within or outside in proximity to the main entrance area of the building. Tenant directory boards are allowed in addition to wall and freestanding signs, for a Master Sign Program. Tenant directory boards require a permit to be issued by the Building Inspections and Zoning Code Enforcement Department.
21. Directional Signs.
- a. Number. No more than one (1) single-faced, double-faced or four-sided freestanding sign shall be permitted for each driveway. No directional sign shall be greater than four (4) feet in height.
 - b. Area. The area of each side of a directional sign shall not exceed six (6) square feet. If a driveway is shared by two (2) or more businesses or premises and each such business or premises would be permitted one (1) directional sign, pursuant to this section, such signs may be incorporated into one (1) eight-square-foot directional sign no greater than four (4) feet in height. The area of a directional sign is not calculated with the total signage area permitted on a site.
 - i. Twenty-five percent (25%) of the area of each side of a directional sign may be used for the business name or logo.
 - c. Location. An offset of no less than one (1) foot from the ultimate right-of-way line should be maintained.
 - d. Design.
 - i. Directional signs, including the base, must be architecturally integrated with the principal sign on the property. The tone and texture of the sign shall reflect the principal sign construction as close as possible or shall enhance the exterior architecture of the principal sign.
 - ii. The color scheme of the sign shall complement the color scheme of the principal sign.
 - iii. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
 - iv. The Department of Development Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.
 - e. Directional signs may be approved administratively by the Department of Development Planning and Zoning Program Staff.
22. Informational Signs.
- a. Signage developed for purely informational reasons, except menu boards, shall be allowed without the necessity of obtaining a permit, unless illuminated, so long as such signs comply with all other applicable provisions of this section. Such signs must be no greater than six (6) square feet in area. Examples of informational signs are signs indicating separate buildings or services on premises, e.g., body shop, car wash, and

drive-up window.

- b. Informational signs consisting of menu boards may exceed six (6) square feet in area, provided, however, that no menu board, regardless of size, may be erected unless first reviewed by the ~~Department of Development~~Planning and Zoning Program Staff and a permit is obtained by the ~~Building Inspections and Zoning Code Enforcement~~ Department.
 - i. Informational signs, including the base, must be architecturally integrated with the principal sign on the property. The tone and texture of the sign shall reflect the principal sign construction as close as possible or shall enhance the exterior architecture of the principal sign.
 - ii. The color scheme of the sign shall complement the color scheme of the principal sign.
 - iii. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
 - iv. The ~~Department of Development~~Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.

23. Sandwich Board Signs.

- a. All applications for sandwich board signs shall be filed with the ~~Department of Development~~Planning and Zoning Program Staff for consideration. Applications shall include renderings of the sign and a scaled site plan delineating sign location. Permits, when approved, are valid for one (1) year and may be applied for through the ~~Building Inspections and Zoning Code Enforcement~~ Department.
- b. The City of West Allis reserves the right to restrict placement of signs during inclement weather, when a snow emergency has been declared, and special events, including, but not limited to, parades.
- c. General Requirements.
 - i. Sandwich board signs shall only be permitted for commercially used buildings with a zero- to five-foot front yard setback off of the property line.
 - ii. Sandwich board signs shall not be illuminated or have reflective surfaces. No additional items shall be affixed to the signs (i.e., balloons, streamers, flags, etc.).
 - iii. Sandwich board signs shall not be displayed overnight and/or when the business is closed.
 - iv. Number. One (1) sandwich board sign is allowed per business.
 - (1) When there is one (1) entrance for multiple tenants, only one (1) sandwich board sign shall be permitted on that property.
 - v. Area. The maximum sign face size shall be ten (10) square feet, with a base not exceeding two and five-tenths (2.5) feet in width. Two (2) sign faces are permitted. The total height of the sign shall not exceed four (4) feet.
 - vi. Materials. Durable approved materials shall be used such as wood or metal, which are rigid, and make the sign self-supporting. No cardboard, plastic, or PVC pipe materials are permitted.
- d. Location—Right-of-Way. Sign placement conditions are as follows:
 - i. If the sign will be located in the public right-of-way, then a grant of privilege is required pursuant to Section 13.21(11) and the applicant shall comply with any applicable special conditions in the grant of privilege, and the applicant shall provide an insurance certificate in a form approved by the City Attorney, in the amount of one million dollars (\$1,000,000.), naming the City of West Allis as an insured party in connection with each sign.
 - ii. Signs shall not be located less than six (6) inches from the face of the curb (unless located on premises).
 - iii. Signs shall not be located within ten (10) feet of a fire hydrant or a building fire department connection.
 - iv. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants.

- v. Signs must not interfere with the vision clearance at corners and must be placed at least fifteen (15) feet from the corner (measured from street curb).
 - vi. Signs shall not be placed more than ten (10) feet from the business entrance in which the sign advertises, at ground level.
 - vii. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.
 - viii. ~~The City of West Allis Building Inspections and Zoning Code Enforcement~~ Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.
- e. Location—Private Property. Sign placement conditions are as follows:
- i. Signs shall not be located within ten (10) feet of a fire hydrant or a building fire department connection.
 - ii. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants.
 - iii. Signs must not interfere with the vision clearance at corners and must be placed at least fifteen (15) feet from the corner (measured from street curb).
 - iv. Signs shall not be placed more than ten (10) feet from the business entrance in which the sign advertises, at ground level.
 - v. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.
 - vi. ~~The City of West Allis Building Inspections and Zoning Code Enforcement~~ Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.
- f. Any business that fails to comply with the provisions of this Code, after receiving one (1) written notification from the City of West Allis will lose its privilege to display a sandwich board sign for a one-year period.

24. Creative Signs.

- a. Purpose. The purpose of the creative sign subsection is to establish standards and procedures for the design, review and approval of creative signs, such that consideration may be obtained from the Plan Commission to:
 - i. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit; and
 - ii. Provide a process for the application of sign regulations in ways that will allow for creatively designed signs that make a positive visual contribution to the overall image of the City, and in certain instances, a creatively designed sign may be permitted even though it is larger or unusual in design.
- b. Applicability. An applicant may request approval of a sign permit under Section 13.21(6) to authorize on-site signs that employ standards that differ from the other provisions of this section but comply with the provisions of this subsection.
- c. Design criteria. An application for a creative sign must first be filed with the ~~Department of Development~~Planning and Zoning Program Staff. The Plan Commission shall review all creative sign applications and proposals. The Plan Commission may approve, deny or request changes to a sign, based on design criteria of that sign. In approving an application for a creative sign, the Plan Commission shall ensure that a proposed sign meets the following design criteria:
 - i. Design quality. The sign shall:
 - (1) Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area.
 - (2) Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit.
 - (3) Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
 - ii. Contextual criteria. The sign shall contain at least one (1) of the following elements:
 - (1) Classic historic design style;
 - (2) Creative image reflecting current or historic character of the City;
 - (3) Symbols or imagery relating to the entertainment or design industry;
 - or
 - (4) Inventive representation of the use, name or logo of the structure or

business.

iii. Architectural criteria. The sign shall:

- (1) Utilize and/or enhance the architectural elements of the building.
- (2) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features/details of the facade.

25. (Reserved)

Editor's Note: Former Subsection (25), Violation, Penalties and Injunctive Action, was repealed by Ord. O-2014-0002, 2/4/2014. For current penalty provisions, see Section 13.26.

26. Severability. If any provision, clause, sentence, paragraph, subsection of part of this code, or application thereof to any person, firm, corporation or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. It is the intent of the Common Council that this code would have been adopted had any such invalid provision or provisions not been included.

[Ord. 6552, 12/19/2000; Ord. 6560, 2/20/2001; Ord. O-2005-0031, 9/6/2005; Ord. O-2007-0006, 4/17/2007]

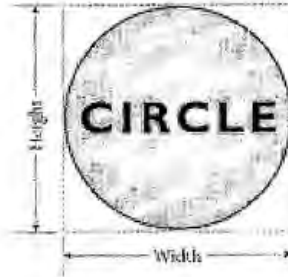
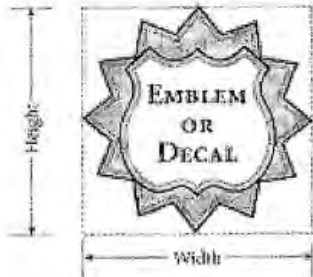
SECTION 28: AMENDMENT “13.215 Central Business District (Downtown) Sign Code” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.215 Central Business District (Downtown) Sign Code

1. Purpose. It is declared that the regulation of signs within the Central Business District (Downtown) is necessary and in the public interest to:
 - a. Preserve the unique and historic character of the Downtown and protect property values within the City.
 - b. Reduce visual clutter, establish and promote a clean and attractive environment and stimulate economic growth and stability.
 - c. Promote a healthy and properly designed business environment by aesthetically complementing the development, which a sign identifies.
 - d. Provide for the expression of both commercial and noncommercial speech.
 - e. Provide for the identification and advertising needs of businesses.
 - f. Safeguard the general public from damage and injury, which may be caused by the faulty and uncontrolled construction of signs within the City.
 - g. Protect against hazards to vehicular traffic movement through improper placement of signs.

MEASUREMENT OF DISPLAY AREA



- h. Promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City.
- i. No regulation of sign content is intended to result from the application of this sign code.

2. Definitions. As used in this section:

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

"Area of sign" means that area enclosed by one (1) continuous line, connecting the extreme limits or edges of writing, representation or similar figures or characters together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed on a sign. The area shall be determined using the largest sign area or silhouette visible at any one (1) time from any point. This area does not include the main supporting sign structure, but other ornamental attachments are to be included in determining area of sign. As shown:

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

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

"Banner" means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, fabric or similar

flexible material of any kind. A flag shall not be considered a banner.

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

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

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

"Central Business District" means Downtown West Allis more specifically described as the C-1 Zoning District W. Greenfield Avenue between S. 70th Street and S. 76th Street.

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

"Changeable copy sign" A sign or portion thereof on which the copy or display changes either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system, or via an electronic digital display using incandescent lamps, LEDs, LCDs or a flipper matrix or similar display.

"City" means the City of West Allis.

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

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

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

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

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

"Facade" means the exterior face of a building.

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

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

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

"Flashing sign" A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. For the purposes of this sign ordinance display at intervals three (3) seconds or more shall not be considered flashing.

"Freestanding sign" means any sign which is supported by structures or supports in or upon the

ground; and that is independent and detached from any building or other structure.

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

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

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

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

A sign allowed by this section and not requiring a permit.

A sign allowed by this section carrying a valid permit.

A legal nonconforming sign.

"Illuminated sign" means a type of sign in which the source of illumination is an integral part of the sign, either internally or externally.

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

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

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

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

"Mobile sign" means a sign mounted on a frame or chassis designed to be easily relocated or portable. This definition does not apply to signs mounted on trucks, taxicabs or other motor vehicles as an incidental use of such motor vehicles.

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

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

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

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

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

"Political sign" means a sign supporting a candidate for office or urging action on any other

matter or social issue.

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

"Projecting sign" means a sign attached to a wall and projecting away (generally perpendicular) from a wall.

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

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

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

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

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

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

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

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

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

Storefront: The exterior facade of a building for a commercial use, visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

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

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

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

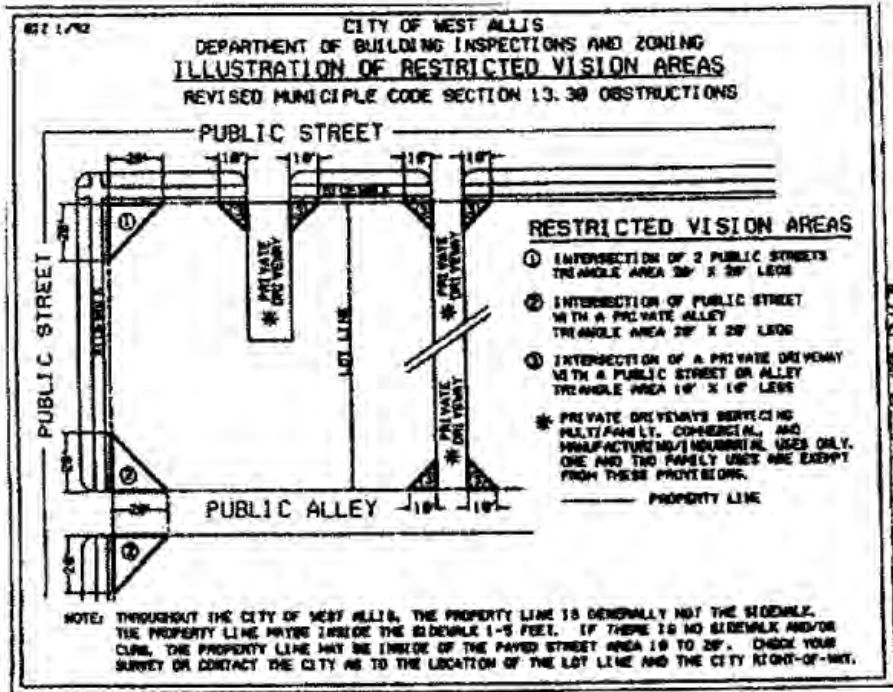
"Tenant directory board" means any sign on which the names of occupants or the uses of a building is given, including, but not limited to, those utilized at office buildings, retail centers and other multi-tenant commercial buildings.

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

"Traffic directional sign" means a sign designed and located solely for the purpose of relieving

traffic congestion and directing and promoting the safe flow of traffic.

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



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

"Window" means an opening in the wall of a building for admission of light and air that is usually framed by casements or sashes containing transparent material (usually glass).

"Window area" means the transparent portion of a window within a frame. The area of transparent glazing (glass), within the frame of a single window unit, section or bay. The window area is calculated by measuring the width of window glazing set within vertical dividers, or a buildings structural materials (ie. brick columns), by the window height. Non-transparent glass is not considered a window.

"Window display" means any merchandise, pictures, artwork or models of products or services viewable in a window or door in such a manner as to permit viewing from the exterior of the building or structure.

"Window sign" Any sign that is applied, painted, or affixed to a window, or placed inside a window area, within two (2) feet of the glass, facing the outside of the building as to be seen from the outside.

3. Requirement of Conformity. It shall be illegal for a sign to be erected, constructed, repaired, altered, located or maintained in the City, except as provided in this section.
 - a. All signs constructed or maintained contrary to the provisions of this section are declared to be illegal.
 - b. Any person or entity violating any provisions of this section or failing to comply with any orders or regulations made hereunder shall be subject to the penalties hereof and those otherwise provided by law.
 - c. This section of the ordinance shall apply to signs located in the C-1. Central Business District of the City.
4. Conformity of Nonconforming Signs.

- a. Any and all signs on a parcel which are nonconforming as of the date of the adoption of this Code (April 17, 2007) nonconforming being defined in Section 13.215(2) of this chapter and sec. 62.23(7)(h), shall conform to this section:
 - i. When there is any alteration to a sign that requires a permit;
 - ii. When an electrical permit for a sign is required;
 - iii. When there is any alteration to a building or site or structure that requires Plan Commission review;
 - iv. When the total structural repairs or alterations in a nonconforming building, premises, structure, or fixture exceeds fifty percent (50%) of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use; or
 - v. When the nonconforming use of the building, premises, structure, or fixture is discontinued for a period of twelve (12) months.
- b. All signs subject to the conformity requirements of this section will have twelve (12) months from issuance of permit for an exterior alteration to a building or site or structure to meet the requirements. An extension of this time limitation may be granted by the Plan Commission in accordance with the following criteria:
 - i. The applicant requesting the extension shall complete a signage application available from the ~~Department of Development~~Planning and Zoning Program Staff and shall submit a ~~two hundred fifty dollar (\$250.) extension fee~~fee in the amount listed on the Fee Schedule.
 - ii. A written explanation for the extension of time shall accompany the signage application along with a timeline/schedule for obtaining necessary permits and a target date for construction start.
 - iii. The request for extension shall be submitted within sixty (60) days of the expiration of the conformity requirements.
 - iv. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the extension of time grant shall become null and void.

5. Procedures.

- a. Sign Application Review and Permitting Process.
 - i. Sign review applications are available through the ~~Department of Development~~Planning and Zoning Program Staff. All signs will be reviewed for approval pursuant to the administrative procedures as set by the ~~Department of Development~~Planning and Zoning Program Staff except for signs which do not require a permit under Section 13.215(6) of this section, and temporary signs as described in Section 13.215(12). Permits are granted from the ~~Building Inspections and Zoning Code Enforcement~~ Department and will only be granted after approval from the ~~Department of Development~~Planning and Zoning Program Staff or Plan Commission.
 - ii. All signs for which a permit must be obtained are subject to review and approval by the West Allis Business Improvement District Design Review Committee. Recommendations of the Committee will be forwarded to the ~~Department of Development~~Planning and Zoning Program Staff.
 - iii. The ~~Department of Development~~Planning and Zoning Program Staff decision on an application shall be issued within thirty (30) days of filing of the application with the office of the City Planner unless the applicant has agreed in writing to an extension.
 - iv. Permits are granted from the ~~Building Inspections and Zoning Code Enforcement~~ Department and will only be granted after approval from the ~~Department of Development~~Planning and Zoning Program Staff or Plan Commission.
 - v. All applicants must submit five (5) color copies of sign proposals along with a signage review fee (see Chapter 12 of the Revised Municipal Code) to the ~~Department of Development~~Planning and Zoning Program Staff. Such submissions shall detail the size of the sign, the method of attachment or support, the location(s) of the proposed sign(s), any other sign(s) located on

the premises, the materials to be used, and any other information deemed necessary to properly review the proposal.

- vi. Guidelines for Approval.
 - (1) The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of the area.
 - (2) The proposed sign conforms to the location, size and style and other requirements set forth in this section.
 - (3) The proposed sign conforms to the City's long-range planning for the area as set forth in the City's Master Plan as that term is defined in Chapter 62.23(3), Wisconsin Statutes, or relevant portions thereof.
 - (4) The proposed sign shares similar architectural or building material features of the principal building.
- vii. The Business Improvement District in cooperation with the ~~Department of Development~~Planning and Zoning Program Staff may establish guidelines, which further define and interpret this section. Those guidelines, if any, shall be made available to all sign applicants.
- viii. Any signage proposals that are denied by the ~~Department of Development~~Planning and Zoning Program Staff may be appealed to the Plan Commission in accordance with the variance procedure as stated in Section 13.215(9).

6. Permits, Inspections and Revocations.

- a. A permit shall not be required for the following signs or activities; provided, however, that such signs or activities shall be subject to any and all applicable provisions of this section:
 - i. One (1) nonilluminated sign six (6) square feet or less in area unless otherwise specifically required by this section;
 - ii. Maintenance, including repainting or replacing faces of signs, or minor nonstructural repairs of signs (except electrical repair);
 - iii. Political signs;
 - iv. Window signs only as permitted under Section 13.215(16);
 - v. Rental, sale and lease signs six (6) square feet or less in area; and
 - vi. Address markers/signs; and
 - vii. Flags.
- b. A permit shall not be required for the erection, construction, alteration, placement, maintenance or location of official traffic, fire and police signs, signals, devices and markings of the state and the City or other public authorities, or the posting of notices required by law or for other signs as approved by the Board of Public Works. See Section 13.215(11).
- c. No person, firm or corporation shall erect, replace, construct, enlarge, alter, move, relocate or maintain any sign as governed by this section without first obtaining a sign permit from the ~~Building Inspections and Zoning Code Enforcement~~ Department, except as said forth in Section 13.215(6)(a) and (b) above. Before a sign permit may be issued, it shall first be approved by the ~~Department of Development~~Planning and Zoning Program Staff in accordance with the procedure in Section 13.215(5), and conform to the requirements of this code, and the applicant shall pay the required fees. See Chapters 12 and 13 of the Revised Municipal Code for a fee schedule.
 - i. Any owner of a premises or agent for the owner shall file an application for a sign permit on a form furnished for such purpose. Each application shall additionally include sufficient information to issue a permit to include plans and drawings detailing sign location information and sign construction information that indicates conformance with the construction standards of Section 13.215(7).
 - ii. In addition to a sign permit, an electrical permit is also required for electrically operated signs.
 - iii. As a condition of the issuance of a sign permit, the sign owner and owner of

the premises upon which the sign is located agree to allow inspectors on the property for inspection of the installation and maintenance and further agree to promptly remove the sign should it become unsafe, inadequately maintained, dilapidated, abandoned, in nonconformance with this section, or if prescribed fees are not paid.

- d. Unless waived by the ~~Building Inspections and Zoning Code Enforcement~~ Department, all signs for which a permit is required shall be subject to the following inspections:
- i. Electrical inspection on all electrically operated signs.
 - ii. Site inspection to insure that the sign has been constructed according to an approved application and a valid sign permit.
 - iii. Inspection on a yearly basis to insure that the sign continues to conform to the permit and has been adequately and properly maintained.
- e. Permit Revocation and Sign Removal.
- i. The ~~Building Inspections and Zoning Code Enforcement~~ Department shall have the authority to revoke any sign permit upon determination that the sign authorized by the permit has been constructed or is being maintained in violation of the permit or the provisions of this section.
 - ii. In revoking any sign permit and requiring the removal of any illegal sign, the ~~Building Inspections and Zoning Code Enforcement~~ Department shall give a written compliance order to the owner(s) of the premises on which such sign is located and/or to the occupant(s) of the premises to which such sign pertains. The order shall state the reasons and grounds for removal, specifying the deficiencies or defects in such sign, and the violations charged, if any. Such order shall specify what repairs, if any, will make the sign conform to the requirements of this section, specify that the sign must be removed or made to conform with the provisions of this section within the compliance period provided below and further state the appeals process provided below. A sign with an expired permit is an illegal sign and therefore does not require revocation of the permit.
 - iii. Compliance Period for Removal.
 - (1) The compliance period for removal for permanent signs shall be thirty (30) days.
 - (2) The compliance period for removal of temporary signs shall be forty-eight (48) hours.
 - iv. The decision of the ~~Building Inspections and Zoning Code Enforcement~~ Department to revoke the permit may be appealed to the Plan Commission. A written appeal must be filed within thirty (30) days from the date when the order was served. The Plan Commission shall consider this appeal at its next regularly scheduled meeting. The decision of the Plan Commission shall be the final determination as set forth in sec. 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to sec. 68.13 of the Wisconsin Statutes and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.
 - v. If no appeal has been filed within the thirty-day appeal period, or if the Plan Commission has upheld the decision of the ~~Building Inspections and Zoning Code Enforcement~~ Department on appeal, the permit is deemed revoked and the sign is deemed illegal. The ~~Building Inspections and Zoning Code Enforcement~~ Department then shall initiate the procedure for the removal of the illegal sign.
 - vi. If after service of order the owner(s) and/or occupant(s) of the premises upon which the sign is located have not removed the sign or brought the sign into compliance with the provisions of the section by the end of the compliance period, the ~~Building Inspections and Zoning Code Enforcement~~ Department shall take such legal action as deemed appropriate.
 - vii. Removal. The ~~Building Inspections and Zoning Code Enforcement~~ Department is authorized to cause the removal of any sign adjudged to be illegal by a court of competent jurisdiction if the court so orders. The actual

cost and expense of any such removal by the ~~Building Inspections and Zoning Code Enforcement~~ Department shall be charged against the owner of the property and may be entered as a special assessment against such premises to be collected in all respects like other taxes upon the real estate, as provided in Chapter 66.615(3)(f) of the Wisconsin Statutes, except in the case of snipe signage in the public right-of-way.

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

7. Sign Construction Standards. All signs shall be designed and constructed to comply with the provision of this code for use of materials, loads and stress as required by the International Building Code (IBC), in the most current edition as published by the International Code Council, Inc.
- a. Signs shall be designed and constructed to withstand wind pressure as provided in IBC Chapter 16.
 - b. Signs shall be designed and constructed with the allowable working stress conforming to IBC Chapter 16. The working stress of wire rope and its fastening shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners. Exceptions:
 - i. The allowable working stress for steel and wood shall be in accordance with IBC Chapters 22 and 23.
 - ii. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth (1/5) of the ultimate strength of such chains, cables, guys or steel.
 - c. Signs attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. All ferrous chain, wire ropes, guy rods and their fastenings and anchor bolts shall be galvanized or be of other approved equivalent protection. Wood blocks shall not be used for anchorage, except in the case of signs attached to buildings with wood walls. Signs shall not be supported by anchors secured to an unbraced parapet wall. Minimum anchorage for wall signs is 3/8-inch diameter embedded at least five (5) inches. Minimum anchorage for projecting signs is 5/8-inch and turnbuckles shall be placed in chains, guys or steel rods supporting projecting signs.
 - d. All ferrous parts of signs subject to corrosion shall be protected and maintained free of corrosion.
 - e. Wood, approved plastic or other materials of combustible characteristic used as facings or in molding, cappings, nailing blocks, letters and latticing shall comply with Paragraphs 1 through 4 below, and shall not be used for other ornamental features of signs, unless approved.
 - i. All signs greater than forty (40) square feet shall be constructed of metal or other approved noncombustible materials.
 - ii. Plastic and other materials which burn at a rate no faster than 2.5 inches per minute when tested in accordance with ASTM D 635 shall be deemed approved plastic and can be used as the display surface material and for letters, decorations and facings on signs and outdoor display structures.
 - iii. The area of individual plastic facings of electric signs is limited by the area allowed for that type of sign but shall not exceed two hundred (200) square feet. If the total area of display surfaces exceeds two hundred (200) square feet, the area occupied or covered by approved plastics shall be limited to two hundred (200) square feet plus fifty percent (50%) of the difference between two hundred (200) square feet and the area of the display surface. The area of plastic on the display surface shall not exceed one thousand one hundred (1,100) square feet.
 - iv. Letters and decorations mounted on approved plastic facing or display surface can be made of approved plastics.
 - f. No sign shall be illuminated by other than electrical means. Any open spark or flame design is not permitted unless specifically approved.
 - g. Signs that require electrical service shall comply with Chapter 14, Electrical Code.
 - h. All internally illuminated signs shall bear the label of the manufacturer and approved

testing agency, and the listing number shall be reported on the sign permit application.

- i. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door. A sign shall not be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

8. Maintenance.

- a. All signs and sign support structures, together with all parts, to include, but not limited to, sign faces, supports, braces, base, guys and anchors, shall be kept in good repair and in proper state of preservation. Painted surfaces shall be maintained free of peeling, chipping paint. All metal parts and supports thereof shall be maintained free of corrosion.
- b. The ~~Building Inspections and Zoning Code Enforcement~~ Department shall have the authority at all reasonable times to inspect and order the painting, repair, alteration, maintenance or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. The ~~Building Inspections and Zoning Code Enforcement~~ Department shall follow the procedure of notification concerning such maintenance or removal as outlined in Section 13.215(6).
- c. When any sign, advertising structure or device, or a major part thereof, is blown down, destroyed, taken down or removed for any purpose, such structure shall not be re-erected, reconstructed, rebuilt, or relocated, except in conformity with the regulations of this section. Additionally, any existing sign, sign structure, awning, canopy, or other advertising structure requiring repairs at any one time in excess of fifty percent (50%) of the sign's original value shall not be repaired unless made to conform to the requirements of this section.
- d. An abandoned sign is prohibited and shall be made to conform to this code or removed by the owner of the sign or owner of the premises. See Paragraph (2), "Abandoned sign."
- e. Any sign which is located on a premises which becomes vacant or unoccupied for a period of six (6) months or more is considered abandoned and shall be removed.
- f. If a business on a property is suspended because of business or property ownership or management change, for more than six (6) months, any signage associated is considered abandoned and shall be removed.
- g. The Building Inspector may grant up to a six-month extension of time for the removal or intended compliance of a sign, to the sign owner, under the provisions of this subsection. A written request for an extension of time shall be submitted to the ~~Building Inspections and Zoning Code Enforcement~~ Department.
- h. All signs, awnings, canopies, and other advertising structures projecting into the City right-of-way may be inspected yearly for maintenance and conformance with this Code. An annual maintenance inspection fee shall be charged to the sign owner or property owner of each sign in place on January 1st and is due and shall be paid by March 15th of each year following original installation. The fee shall be in accordance with the fee schedule.
- i. All signs, as designated in the ~~Building Inspections and Zoning Code Enforcement~~ Department fee schedule, may be inspected yearly for maintenance and conformance with the code. An annual maintenance inspection fee shall be charged to the sign owner of each sign and is due and shall be paid by March 15th of each year the sign exists. The fee shall be in accordance with the fee schedule.

9. Variance to Sign Code.

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

- b. Procedure.
 - i. Any person may request a variance from any provision or requirement of Section 13.21 of the Revised Municipal Code, by submitting a written request to the ~~Department of Development~~Planning and Zoning Program Staff not less than twenty (20) days before the next regularly scheduled Plan Commission meeting. A fee shall be required of the applicant at the time that a request for a hearing is made in accordance with Development Review Fees in Chapter 12 of the Revised Municipal Code.
 - ii. The Plan Commission shall review such requests for variances using the following criteria:
 - (1) The sign as proposed will not result in an undue concentration of signage, which renders it difficult or confusing to read existing signs.
 - (2) The proposed sign is unique and of exceptional design or style so as to enhance the area.
 - (3) Site Difficulties: unusual site factors preclude the construction of a sign in accordance with this section, which would be visible to the roadway adjacent to the site frontage.
 - iii. Should the Plan Commission find that a variance should be granted, the application will be forwarded to the ~~Building Inspections and Zoning Code Enforcement~~ Department with directions to issue a permit in accordance with its decision. If the Plan Commission finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision, in writing within thirty (30) days of the date of such decision. The decision of the Plan Commission shall be the final determination as set forth in sec. 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to sec. 68.13 of the Wisconsin Statutes and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.

10. Prohibited Signs, Lighting and Movement.

- a. Lighting. Unless otherwise noted in the specific subsection, no flashing lights shall be permitted for either permanent or temporary signs. Illumination shall be so installed to avoid any glare or reflection into any adjacent property, or onto a street or alley to create a traffic hazard as determined by the ~~Building Inspections and Neighborhood Services Code Enforcement~~ Department.
- b. Prohibited Signs, Lighting and Movement. It is unlawful to erect or maintain the following:
 - i. Flashing signs.
 - ii. Portable signs.
 - iii. Pennants or streamers.
 - iv. Abandoned signs/structures.
 - v. Snipe signs—signs in, on or over public property; excluding those regulated in Section 13.215(11).
 - vi. Signs that interfere with traffic.
 - vii. Strobe lights, laser lights, mobile or ground mounted search lights.
 - viii. Lighting which is used to outline a building, structure, or window (examples include but not limited to rope, LED, and fluorescent tube lighting).
 - ix. All prohibited signs not mentioned in this section.

11. Signs in the Public Right of Way.

- a. No sign, pennant, flag or banner shall be erected, placed, located or maintained within the limits of any street or highway unless allowed as hereafter stated. Street or highway limits include all the dedicated rights-of-way, encompassing the traveled portion of the highway, shoulders, sidewalks, ditches and adjacent dedicated areas. This prohibition applies to freestanding signs and those placed on trees, utility poles, fence post stakes and all other structures within the highway limits.
 - i. Failure to comply with the provisions of this section shall be a violation of sec. 86.19, Wisconsin Statutes, which is hereby adopted, as well as this section.
 - ii. Any sign in violation of this section shall be removed without notice by the ~~Building Inspections and Zoning Code Enforcement~~ Department, the Police Department, or the Public Works Department.
 - iii. This prohibition shall not apply to signs placed within the limits of streets or

highways by duly constituted municipal, county or state authorities for the guidance or warning of traffic, as provided in sec. 86.19(1) and (4), Wisconsin Statutes, or to mail boxes and paper boxes, bus shelters, or to banners, signs, pennants, flags or other related decorations hung over streets attached to public property as authorized by the Board of Public Works in which case these will not require a permit under this section.

iv. No sign shall be erected, placed, located or maintained at or near the intersection of any streets so as to obstruct free and clear vision or at any location where, by reason of position, shape and color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "look," "danger" or other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

b. Signs on Public Property. No person shall erect, place or locate any sign in or on public property, with the exception of awning, projecting and sandwich board signs, which are only allowed in the public right-of-way with a grant of privilege from the Board of Public Works.

12. Temporary Signs.

a. Permit, Maintenance and Removal.

- i. The ~~Building Inspections and Zoning Code Enforcement~~ Department may issue a temporary sign permit as stated in this subsection. After permit application, a temporary sign permit may be issued for a time period specified unless as otherwise noted in this subsection.
- ii. Any temporary sign erected without a permit or for which the permit has expired may be removed by the Building Inspector with or without notice.
- iii. All temporary signs shall be maintained in good condition and removed promptly upon expiration of the permit or as ordered by the Building Inspector.

b. Banners.

- i. Application for a banner sign shall include information and/or plans indicating the size of the sign, the advertising or copy on the sign, the location of the sign on the property, sign material type, and information regarding installation (attachment and/or support).
- ii. Each banner allowed may not exceed fifteen (15) square feet in area.
- iii. No more than one (1) banner may be erected per business or occupant per calendar year, with each permit issued allowing a maximum of sixty (60) days for the banner to be posted on the property.
- iv. A grand opening banner sign not exceeding twenty (20) square feet may be allowed for a new business for a period of thirty (30) days in addition to other banners allowed.
- v. Seasonal signs may be posted for the term of the season as stated on the issued permit.
- vi. The ~~Code Enforcement Director of the Building Inspections and Zoning Department~~ may allow a temporary sign to remain in place for up to ninety (90) days with one (1) ninety-day extension of time, while a business or property owner pursues a permanent sign.

c. Construction and Development Signs.

- i. Construction and development signs are allowed to indicate the new business, development, contractor, subcontractor, architect or lending institution.
- ii. Application for each construction or development sign shall include information and/or plans indicating the size of the sign, copy on the sign, sign material type, the location of the sign on the property, whether single- or double-faced, and sign attachment and/or support information.
- iii. One (1) development sign is allowed per street frontage and may not exceed thirty-two (32) square feet in area.
- iv. Two (2) construction signs are allowed per street frontage and each sign may not exceed thirty-two (32) square feet in area.
- v. Construction and development sign permits shall expire ten (10) days after the

first occupancy and shall be removed promptly upon expiration.

d. Sale, Lease and Rent Signs.

- i. Vacant land and land being developed may have a temporary sale, lease, and rent sign posted on each street which the land abuts. The sign shall be placed on the property being sold, leased or rented in accordance with this subsection.
- ii. Residential use properties are allowed a sale, lease, or rent sign, not greater than six (6) square feet in area and may be double-faced. Freestanding signs shall not be greater than five (5) feet in height. No permit is required and the sign shall be removed upon sale, lease or renting of the use advertised.
- iii. Nonresidential use properties are allowed one (1) temporary sale, lease, or rent sign, which may be single- or double-faced and shall not exceed twelve (12) square feet in area. Freestanding signs shall not be greater than five (5) feet in height. A permit is required for each sign in excess of six (6) square feet. Each sign shall be removed upon sale, lease, or renting of the use advertised, except as stated in Section 13.215(12)(d)(4). The notice to remove noncomplying signs shall be in accordance with the procedures outlined in Section 13.215(6).
- iv. For new nonresidential developments, a temporary sale, lease, or rent sign permit may be issued for one hundred eighty (180) days and may be renewed for ninety-day periods until the development's units are ninety percent (90%) occupied or when two thousand (2,000) square feet of area or less remains to be sold, leased, or rented. The notice to remove noncomplying signs shall be in accordance with the procedures outlined in Section 13.215(6).

e. Political Signs.

- i. The sign area of a political campaign sign displayed in other than residential zoning districts shall not exceed twenty (20) square feet in area. The sign area of such signs displayed in residential zoning districts shall not exceed six (6) square feet in area. In any zoning district, such signs may be freestanding and shall not exceed six (6) feet in height.
- ii. No permit shall be required for political signs.

13. Awnings. Awning signs are permitted subject to the following regulations:

- a. A grant of privilege is required for awnings over the right-of-way [see Section 13.215(11)].
- b. Area. The area of sign copy shall not exceed twenty-five percent (25%) of the face of the awning/canopy to which the sign is to be affixed (see Figure 2 below).
- c. Location.
 - i. Projection. The sign may be affixed to any awning/canopy. An awning shall not project closer than two (2) feet to the edge of street curb.

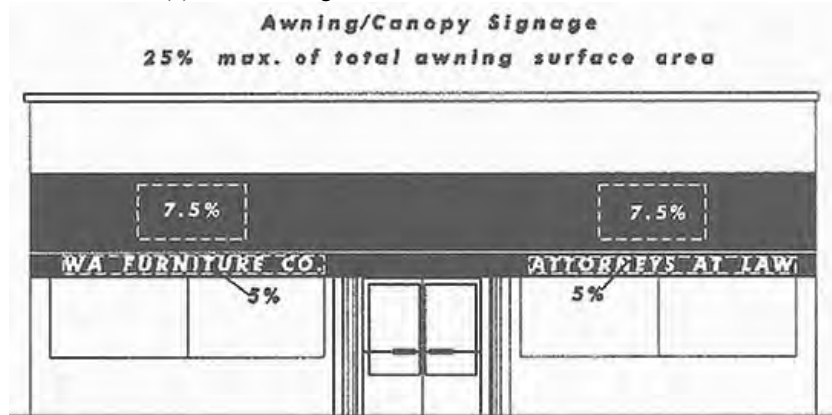


Figure 2: Awning Signage

- ii. Clearance. The lowest part of the awning structure shall not be less than seven (7) feet above the adjacent street grade or walk area below. The height of the awning fringe shall not be less than six (6) feet nine (9) inches above the adjacent grade.
- d. Materials. Plastic/vinyl awning materials are not permitted.

- e. Illumination: Awnings may be illuminated.
14. Projecting Signs. Projecting signs are permitted subject to the following regulations:
- a. Architecture and Design.
 - i. Architecture. Projecting signs must be architecturally integrated with the principal building on the property. The tone and texture of the sign shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building.
 - ii. Design. Projecting signs shall be a minimum of one (1) inch in thickness. Decorative noncorrosive metal, or other approved durable material support arms are required. Signs with borders shall be constructed with a two-inch minimum border thickness. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/off-sets and unique shapes are required.
 - b. Materials.
 - i. Acceptable materials. Wood, aluminum, masonry, or similar product or polycarbonate or other approved durable materials. Painted wood relief letters, acrylic plastics, noncorrosive prefinished metals, painted laminated wood products clad in approved materials (clear acrylic), approved synthetic materials (fypon, synthetic wood products, foam plastics).
 - ii. Nonacceptable materials. Exclusively painted flat laminated wood products (plywood, MDO, OSB, particle board or wood chip panels).
 - c. Review. Any signage requests are subject to review and approval of the Downtown West Allis Business Improvement District Design Review Committee. The ~~Department of Development~~ Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.
 - d. Size Requirements and Location.
 - i. Number. One projecting sign is permitted per street frontage for each tenant. A grant of privilege will be required for signs over the right-of-way [see Section 13.215(11)].
 - ii. Area. The gross surface area of the sign shall be limited to a maximum of sixteen (16) square feet for single and multi-tenant buildings. Buildings over one-story are permitted an additional sixteen (16) square feet for each additional level to a maximum of one hundred (100) square feet in area.
 - iii. Projection. The sign shall not project more than four (4) feet from the wall to which it is attached.
 - iv. Clearance. No part of the sign shall be lower than eight (8) feet above the walk or surface below.
 - v. Height. Projecting signs height shall not exceed a height, or encroach, within four (4) feet of the top of the parapet wall or roofline. No sign shall extend above the roof, wall or parapet of the building to which it is attached.
15. Wall Signs. Wall signs are permitted subject to the following regulations:
- a. Architecture and Design.
 - i. Architecture. Wall signs must be architecturally integrated with the principal building on the property. The tone and texture of the sign shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building.
 - ii. Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/off-sets and unique shapes are required. Surface mounted signs shall be a minimum of one (1) inch in thickness and installed with a one-inch minimum off-set from the building facade. Signs with borders shall be constructed with a two-inch minimum border thickness.
 - b. Materials.
 - i. Acceptable materials. Wood, aluminum, masonry, or similar product or polycarbonate or other approved durable materials. Painted wood relief letters, acrylic plastics, noncorrosive prefinished metals, painted laminated wood products clad in approved materials (clear acrylic), approved synthetic materials (fypon, synthetic wood products, foam plastics).
 - ii. Nonacceptable materials. Exclusively painted flat laminated wood products

(plywood, MDO, OSB, particle board or wood chip panels).

- c. Review. Any signage requests are subject to review and approval of the Downtown West Allis Business Improvement District Design Review Committee and the Department of Development Planning and Zoning Program Staff. The Department of Development Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.
- d. Size Requirements and Location.
 - i. Number. One (1) wall sign for each business facade that abuts a street or open space greater than ten (10) feet in width.
 - ii. Area. The maximum sign area of each wall sign on a building's facade(s) (excluding alley elevations) shall be computed as one and five-tenths (1.5) square feet times the lineal front foot of the facade, to a maximum of fifty (50) square feet, whichever is less.
 - iii. Location. No wall sign shall project more than twelve (12) inches from the wall to which it is attached, nor shall it extend beyond the ends of the wall to which it is attached. A wall sign must be placed on an exterior wall of the business, which the sign identifies.
 - iv. Height. Wall signage height shall not exceed a height, or encroach, within four (4) feet of the top of the parapet wall or roofline. No sign shall extend above the roof, wall or parapet of the building to which it is attached. Signage may be allowed on canted roof surfaces, but only if the roof surface is within twenty-five degrees (25°) of vertical, such as a mansard roof.
 - v. Alley Entrances. Single or multi-tenant business establishments with alley entrances for customers shall be permitted one (1) shared wall sign to be located over or adjacent to such entrance. Such sign shall be limited to fifteen (15) square feet and shall not encroach into the right-of-way.

16. Window Signs. Window signs are permitted subject to the following regulations:

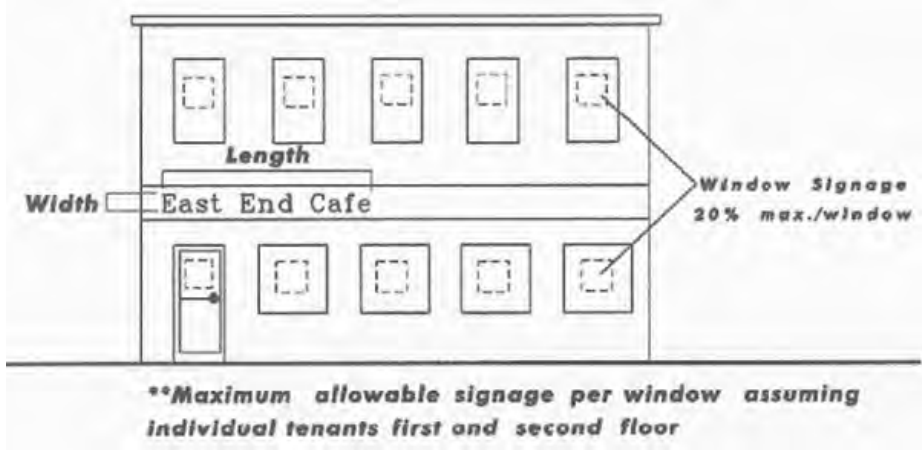


Figure 3: Maximum Window Signage

- a. Area. In no instance may window signs (see Figure 3 below) cover more than twenty percent (20%) of the window space. All window signs must be affixed to the interior of the window.
17. Sandwich Board Signs.
- a. All applications for sandwich board signs shall be filed with the Department of Development Planning and Zoning Program Staff for consideration. Applications shall include renderings of the sign and a scaled site plan delineating sign location. Permits, when approved, are valid for one (1) year and may be applied for through the Building Inspections and Zoning-Code Enforcement Department.
 - b. The City of West Allis reserves the right to restrict placement of signs during inclement weather, when a snow emergency has been declared, and special events, including, but not limited to, parades.
 - c. General Requirements.
 - i. Sandwich board signs shall not be illuminated or have reflective surfaces. No

additional items shall be affixed to the signs (i.e., balloons, streamers, flags, etc.). Signs shall not be located within City planting beds or against street trees and at least fifteen (15) feet from a street or alley corner.

- ii. Sandwich board signs shall not be displayed overnight and/or when the business is closed.
 - iii. Number. Due to the unique nature of the downtown with many businesses in close proximity to each other, no more than twelve (12) signs shall be permitted within the District.
 - (1) When there is one (1) entrance for multiple tenants, only one (1) sandwich board sign shall be permitted on that property.
 - iv. Area. The maximum sign face shall not exceed ten (10) square feet, with a base not to exceed two and five-tenths (2.5) feet wide. Two (2) sign faces are permitted. The total height of the sign shall not exceed four (4) feet.
 - v. Term. Signs must be stored inside overnight or when the business is closed. Signs shall not be displayed during snow emergencies.
 - vi. Materials. Durable approved materials shall be used such as wood or metal, which are rigid, and make the sign self-supporting. No cardboard, plastic, or PVC pipe materials are permitted.
- d. Location — Right-of-Way. Sandwich board signs may be located in the City's right-of-way. Sign placement conditions are as follows:
- i. If the sign will be located in the public right-of-way, then a Grant of Privilege is required pursuant to Section 13.215(11). The applicant shall provide an insurance certificate in a form approved by the City Attorney, in the amount of one million dollars (\$1,000,000.), naming the City of West Allis as an insured party in connection with each sign. Furthermore the applicant shall comply with any applicable special conditions in the grant of privilege.
 - ii. Signs shall not be located less than six (6) inches from the face of the curb, (unless located on premises). An unobstructed width of four (4) feet shall be provided for pedestrian traffic. Signs shall not be located within City planting beds or against street trees and at least fifteen (15) feet from a street or alley corner.
 - iii. Signs shall not be located within ten (10) feet of a fire hydrant nor a building fire department connection.
 - iv. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.
 - v. Signs must not interfere with the vision clearance at corners and must be placed at least fifteen (15) feet from the corner (measured from street curb).
 - vi. Signs shall not be placed more than ten (10) feet from the business entrance in which the sign advertises, at ground level.
 - vii. The ~~City of West Allis Building Inspections and Zoning Code Enforcement~~ Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.
- e. Location — Private Property. Sandwich board signs may also be permitted on commercially used private property. Sign placement conditions are as follows:
- i. Signs shall not be located within ten (10) feet of a fire hydrant nor a building fire department connection.
 - ii. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.
 - iii. Signs must not interfere with the vision clearance at corners and must be placed at least fifteen (15) feet from the corner (measured from street curb).
 - iv. Signs shall not be placed more than ten (10) feet from the business entrance in which the sign advertises, at ground level.
 - v. The ~~City of West Allis Building Inspections and Zoning Code Enforcement~~ Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.
- f. Any business that fails to comply with the provisions of this Code, after receiving one

- (1) written notification from the City of West Allis will lose its privilege to display a sandwich board sign for a one-year period.
- g. Indemnification. The West Allis Business Improvement District shall indemnify and hold the City of West Allis harmless from and against any and all liability, loss, cost, damage or expense including reasonable attorney fees arising out of, or incurred in connection with each sign and/or damage to any buildings, properties, vehicles or persons injured from any action or inaction by the Downtown Business Improvement District.
 - h. Fee. A permit is required for each sign term.
18. Illuminated Signs. Illuminated signs are permitted subject to the following regulations:
- a. Internal Illumination. Signage background, copy and logos may be translucent.
 - b. External Illumination. Signs may be indirectly lit by separate clearly articulated architectural lamps mounted to the exterior of the building, above and/or below the sign.
 - c. Neon. The use of neon is permitted, provided the signage display and use of color is designed to complement the architectural character of the building to which the sign is affixed.
 - d. Glare. All sign lighting shall be designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent streets or properties.
 - e. Prohibitions. Flashing light is prohibited. Display at intervals three (3) seconds or more shall not be considered flashing.
 - f. Changeable copy signage Brightness/Lighting limits. The night-time illumination of an EMC shall conform with the criteria set forth in this section.
 - i. Measurement Criteria. The illuminance of a changeable copy sign shall not exceed 0.3 foot candles above ambient lighting levels as measured by an illuminance light meter set to measure foot candles accurate to at least two decimals. Illuminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the sign as set forth in the accompanying sign area versus measurement distance formula as follows: In feet, measurement distance equals the square root of the sum of the sign square footage multiplied by one hundred (100).

$$\text{Measurement Distance} = \text{Square Root} (\text{Area of Sign Sq. Ft.} \times 100)$$
 - ii. Dimming Capabilities: All permitted changeable copy signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
19. Changeable Copy Signs. Changeable copy signs are permitted subject to the following regulations:
- a. Sign Type. Changeable Copy Signs are permitted as an accessory to certain types of signage including freestanding, projecting or window signage.
 - b. Area.
 - i. Freestanding or projecting changeable copy signage. When used as part of a freestanding or a projecting sign, a changeable copy signage shall not exceed 35% of the sign's area.
 - ii. Window changeable copy signage. When used in a window, changeable copy signage shall not exceed 20% of the window area.
 - c. Number.
 - i. Freestanding or projecting changeable copy signage. When used as part of a freestanding or a projecting sign, one (1) changeable copy sign is allowed per property.
 - ii. Window sign. When used in a window, a maximum of one changeable copy sign is allowed per storefront. In the case of a corner or double street frontage, only one changeable copy sign shall be allowed.
 - d. Design.

- i. Freestanding sign. When used in the form of a freestanding sign refer to the specific requirements in section 13.215(23) additionally:
 - (1) The sign may be double-faced.
 - (2) Each sign shall be permanently installed or located.
 - (3) Each sign shall be placed outside vision angles and in such a manner so as to not interfere with, confuse or present any hazard to pedestrians or vehicle traffic.
 - (4) Changeable copy signage shall not be allowed along the alley frontage.
 - ii. Projecting or window sign. When used as part of a projecting or as part of a window refer to the specific requirements in sections 13.215(14) and 13.215(16) relative to projecting and window signage, additionally. :
 - (1) The sign may be double-faced.
 - (2) Each sign shall be permanently installed or located.
 - (3) Illuminated sign standards subject to 13.215(18)
 - (4) Window signage shall be located on the interior side of storefront glass.
 - (5) Changeable copy signage shall not be allowed along the alley frontage.
20. Tenant Directory Boards. Tenant directory board signs are permitted subject to the following regulations: Exterior tenant directory boards for the purpose of guiding pedestrians to individual businesses within a multi-tenant commercial building or center are allowed, subject to the provisions hereof. Letters on a tenant directory board, identifying occupants, may not exceed three (3) inches in height. Reorganization of a tenant directory board may be done for purposes of appearance or clarity. Changes in the structure, style or design of a tenant directory board or to add or delete the name of an occupant shall be allowed unless such tenant directory board is a legal nonconforming sign, in which case such tenant directory board must first be brought into compliance with all of the provisions of this section. Tenant directory boards shall match the color and style of the principal signage for the property and shall be located either within or outside in proximity to the main entrance area of the building. Tenant directory board signs shall be attached to the building. Tenant directory boards are allowed in addition to awning, wall and projecting signs. Tenant directory boards require a permit to be issued by the Building Inspections and Zoning Code Enforcement Department.
21. Directional Signs.
- a. Number. No more than one (1) single-faced, double-faced or four-sided freestanding sign shall be permitted for each driveway. No directional sign shall be greater than four (4) feet in height.
 - b. Area. The area of each side of a directional sign shall not exceed six (6) square feet. If a driveway is shared by two (2) or more businesses or premises and each such business or premises would be permitted one (1) directional sign, pursuant to this section, such signs may be incorporated into one (1) eight-square-foot directional sign no greater than four (4) feet in height. The area of a directional sign is not calculated with the total signage area permitted on a site.
 - i. Twenty-five percent (25%) of the area of each side of a directional sign may be used for the business name or logo.
 - c. Location. An offset of no less than one (1) foot from the ultimate right-of-way line should be maintained.
 - d. Design.
 - i. Directional signs, including the base, must be architecturally integrated with the principal sign on the property. The tone and texture of the sign shall reflect the principal sign construction as close as possible or shall enhance the exterior architecture of the principal sign.
 - ii. The color scheme of the sign shall complement the color scheme of the principal sign.
 - iii. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.

- iv. Any signage requests are subject to review and approval of the Downtown West Allis Business Improvement District Design Review Committee. The ~~Department of Development~~Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.
 - e. Directional signs may be approved administratively by the ~~Department of Development~~Planning and Zoning Program Staff.
22. Creative Signs. Creative signs are permitted subject to the following regulations:
- a. Purpose. The purpose of the creative sign subsection is to establish standards and procedures for the design, review and approval of creative signs, such that consideration may be obtained from the Plan Commission to:
 - i. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit; and
 - ii. Provide a process for the application of sign regulations in ways that will allow for creatively designed signs that make a positive visual contribution to the overall image of the City, and in certain instances, a creatively designed sign may be permitted even though it is larger or unusual in design.
 - b. Applicability. An applicant may request approval of a sign permit under Section 13.215(6) to authorize on-site signs that employ standards that differ from the other provisions of this section but comply with the provisions of this subsection.
 - c. Design criteria. An application for a creative sign must first be filed with the ~~Department of Development~~Planning and Zoning Program Staff. The Plan Commission shall review all creative sign applications and proposals. The Plan Commission may approve, deny or request changes to a sign, based on design criteria of that sign. In approving an application for a creative sign, the Plan Commission shall ensure that a proposed sign meets the following design criteria:
 - i. Design quality. The sign shall:
 - (1) Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area.
 - (2) Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit.
 - (3) Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
 - ii. Contextual criteria. The sign shall contain at least one of the following elements:
 - (1) Classic historic design style;
 - (2) Creative image reflecting current or historic character of the City;
 - (3) Public art, symbols or imagery relating to the entertainment or design industry; or
 - (4) Inventive representation of the use, name or logo of the structure or business.
 - iii. Architectural criteria. The sign shall:
 - (1) Utilize and/or enhance the architectural elements of the building.
 - (2) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features/details of the facade.
23. Freestanding Signs. **[Ord. O-2009-0028, 10/20/2009]**
- a. Architecture and Landscaping.
 - i. Freestanding signs must be architecturally integrated with the principal building on the property. The base, sides, and top of the sign shall be constructed of masonry or other approved durable materials. The tone and texture of the base, sides, and top shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building. The base of the sign shall be a minimum of two feet in height.
 - ii. The color scheme of the sign shall complement the color scheme of the principal building.
 - iii. Architectural features (such as sills, piers, reveals, capstones, medallions, etc.), which are part of the architectural makeup of the principal building, shall be incorporated into the sign.

- iv. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
 - v. The sign structure or post of a freestanding sign must be wrapped in or constructed of a material compatible with the materials utilized in the construction of the building to which the sign refers. The width of the base of the sign must be equal to or greater than the width of the sign face.
 - vi. Landscaping Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Department of Development Planning and Zoning Program Staff may reduce or waive this requirement if it is determined the additional landscaping would not contribute significantly to the overall aesthetic character of the project.
 - vii. The Department of Development Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.
- b. Size Requirements and Location.
- i. Number. One freestanding sign shall be permitted on each lot or parcel of land.
 - ii. Area. The maximum area of a freestanding sign shall not exceed 25 square feet in area.
 - iii. The sign may have multiple faces if so approved.
 - iv. Height. The maximum height of a freestanding sign may not exceed eight (8) feet. The applicant shall provide dimensions of the proposed sign. The height of a freestanding sign shall be regulated and approved by the Department of Development Planning and Zoning Program Staff in consideration of the location of the proposed sign; the height, size, appearance, number and location of other signs in the vicinity of the proposed sign; the propriety of the proposed sign with respect to a master sign plan, if any; and such other facts as the Department of Development Planning and Zoning Program Staff deems appropriate.
 - v. Location. An offset of no less than one (1) foot from the ultimate right-of-way line should be maintained.
 - (1) The sign shall be located in an area of meaningful open space, which shall be appropriately landscaped, including some year-round plantings.
 - (2) Site consideration should be given to signs on corner lots, near driveways and/or alleys, etc. Signs are not to obstruct the vision triangle. (See Figure 1 below.) Signs proposed within the vision triangle shall require Plan Commission approval.

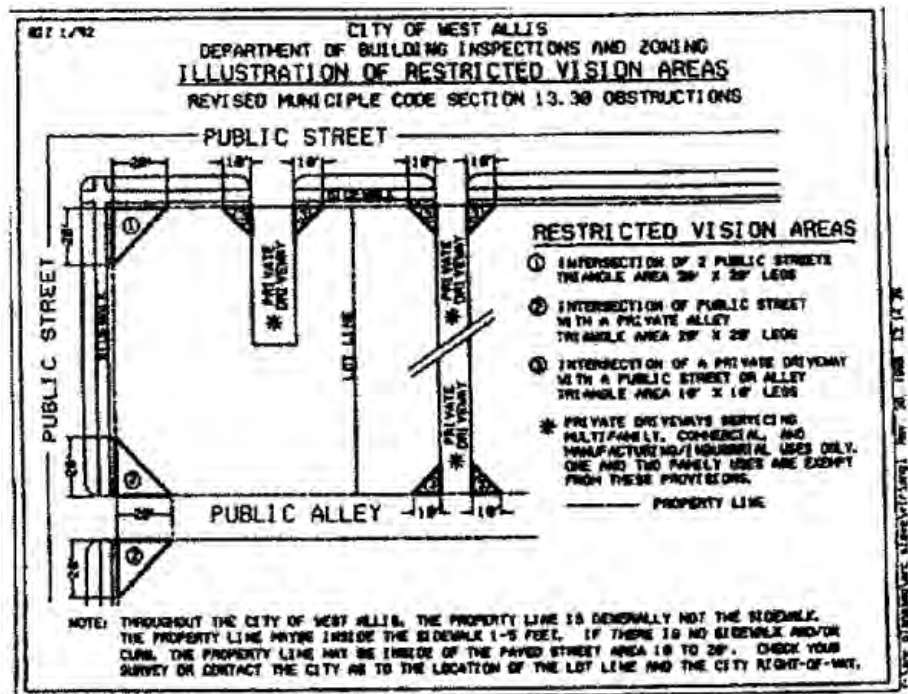


Figure 1: Vision Triangle Restrictions

24. (Reserved)

Editor's Note: Former Subsection (24), Violation, Penalties and Injunctive Action, as amended by Ord. O-2009-0028, 10/20/2009, was repealed by Ord. O-2014-0002, 2/4/2014. For current penalty provisions, see Section 13.26

25. Severability. If any provision, clause, sentence, paragraph, subsection of part of this code, or application thereof to any person, firm, corporation of circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. It is the intent of the Common Council that this code would have been adopted had any such invalid provision or provisions not been included. **[Ord. O-2009-0028, 10/20/2009]**

[Ord. 6552, 12/19/2000; Ord. O-2007-0007, 4/17/2007]

SECTION 29: AMENDMENT "13.22 Razing Of Buildings And Structures" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.22 Razing Of Buildings And Structures

1. Scope. Buildings and structures shall be razed in accordance with this code section. For the purpose of this code section, "raze" means to demolish and remove a building or structure and all components thereof, to include, but not limited to, roofs, exterior and interior walls, foundations, footings and slab floors and restore the site to a dust-free and erosion-free condition.
2. Accessory Buildings. A building or structure that is accessory to the building or structure that is being razed shall also be razed unless approved by the Building Inspector.
3. Site Improvements. Unless approved by the Building Inspector or in accordance with an approved site plan, when a building or structure is razed, all site improvements shall also be demolished, to include, but not limited to removal of sheds, fences, slabs, stairs, walks, driveways, concrete and asphalt parking surfaces and other site improvements.
4. Backfill. Fill materials may include stone, earth or other commonly accepted nonorganic fill material. Concrete or masonry building materials may be used for fill if reduced to aggregate of less than three (3) inches in size. Fill materials shall be placed or compacted in such a manner as to minimize settling.
5. Site Restoration. After a building or structure is razed, the project site shall be restored to a dust-free, erosion-free condition in accordance with an approved site plan. In the absence of an approved site plan, the site shall be graded to prevent ponding and/or runoff. Topsoil shall be uniformly distributed to a minimum depth of four (4) inches and shall be seeded with perennial grass suitable for the local climate. Mulching, matting, netting or similar topsoil/seed stabilization methods shall be in place until grass is established.
6. Site Maintenance. The owner shall be responsible for post-demolition property maintenance as required under Section 13.28(10) of this Code.
7. Party Walls. When a building shares a party wall with an adjacent property, the owner of the property that is being razed shall be responsible for restoration of the exposed party wall in accordance with architectural plans approved by the Plan Commission.
8. Acknowledgement Required in lieu of Bond. Prior to razing any building or structure or any portion thereof, the owner or agent for the owner shall acknowledge that if any permitted work is left incomplete or in an unworkmanlike manner, the City may cause that work to be corrected or completed and impose a special charge against the property for current services rendered by allocating all or part of the cost of the service

to the property served. This acknowledgement is proper notice of a special charge pursuant to Wis. Stat. 66.0627(3)(a). To the extent the director deems it practicable, the Code Enforcement Department of Building Inspection and Neighborhood Services City will attempt to provide notice to the owner or agent and reasonable opportunity to correct or complete the work before causing that work to be completed or corrected.

9. Zoning. Except for one- or two-family dwellings and their respective accessory structures, the Building Inspector shall not issue a raze permit until the owner or agent of the owner has submitted architectural plans and/or landscape/screening plans and obtained approval for said plans in accordance with Section 12.13 of the Code.
10. Historical Commission. The Building Inspector shall not issue a raze permit without notification to the Historical Commission.
11. Rodent Abatement. The Building Inspector shall not issue a raze permit without a written report from a state licensed pest control company certifying that the property is free from rodent activity and/or infestations.
 - a. This requirement may be waived by the Health Department for demolition of small structures or buildings in areas of little or no rat activity.
 - b. If demolition activity stops for a period of more than thirty (30) days, a new written report is required prior to continuing demolition activities.
 - c. If rats or rodent infestations are found on-site, a state licensed exterminator, hired at the property owner's expense, shall eliminate the rodent infestation before demolition can begin. Rodent bait stations shall be placed around the perimeter of the property and alongside all buildings/structures on the property to be demolished. The bait stations shall be serviced and/or monitored for a minimum of two (2) weeks before an exterminator can declare the property rodent-free. A copy of the exterminator's service invoice(s), listing all dates of service, shall be sent to the Health Department accompanied by a letter from the exterminator declaring the property and all buildings/structures to be rodent-free.
 - d. The permittee shall maintain the demolition site, so as to not allow rat harborage areas or rat feeding places.
12. Notification. The owner or agent for the owner shall be responsible for notifying City and state departments and utilities as follows.
 - a. The Water Department shall be notified regarding removal of the water meter. The meter shall be removed prior to razing.
 - b. The Engineering Department shall be notified for occupying the City right-of-way during demolition and for traffic and pedestrian protection requirements in accordance with Chapter 11 of the Code.
 - c. The Fire Department shall be notified regarding cutting, welding, fire extinguisher placement, permits and other requirements.
 - d. Utility companies (gas, electric, cable, phone, etc.) shall be notified to terminate service and remove all connections and meters from the property.
 - e. In accordance with Wisconsin Administrative Code, Sections NR406, NR410 and NR447, the Department of Natural Resources shall be notified regarding asbestos abatement prior to disturbing any site.
13. Site Safety and Security. The project site shall be maintained safe and secured from public entry once a permit is obtained and shall remain until the site is restored to a dust-free and erosion-free condition.
 - a. Vacant buildings that are to be razed shall have doors, windows and other openings secured to prevent public access during the permit application process and during the demolition. Perimeter fencing may serve in lieu of secured openings.
 - b. Properties shall be protected at the property lines with fencing at least six (6) feet in height and lockable gates. Fencing shall remain in place during the demolition process. The requirement for fencing may be waived at the discretion of the Building Inspector.
14. Hazardous and Nuisance Conditions.
 - a. Special demolition procedures requiring the use of explosives, toppling large

structures en masse or other special procedure shall not be conducted without the approval of the Building Inspector and the Fire Department.

- b. Multi-story buildings. No roof, wall or floor shall remain unsupported at the end of each workday during demolition of a multi-story building.
- c. Demolition activities shall not cause debris to fall or be projected onto the public way.
- d. The Building Inspector may require that the site be watered to prevent wind blown dust from causing a public nuisance.
- e. The demolition contractor shall be responsible for controlling and preventing wind blown debris from the demolition site.
- f. The public way shall be cleaned of tracked or strewn debris before the end of each workday.
- g. The Building Inspector may require more immediate corrective measures when deemed necessary to eliminate a public nuisance.

[Ord. O-2016-0016, 3/15/2016]

Editor's Note: Former Section 13.22, Awnings and Hoods, was repealed 9-6-2005 by Ord. O-2005-0031.

SECTION 30:**AMENDMENT** "13.28 Property Maintenance Code" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.28 Property Maintenance Code

1. Title. Section 13.28 shall be known and cited as the Property Maintenance Code of the City of West Allis (hereinafter Code).
2. Legislative Intent.
 - a. Purpose. It is hereby declared that in order to arrest or prevent the deterioration of properties which can spread to surrounding properties and result in the depreciation of property values, and in order to protect the environment and preserve the aesthetic character of neighborhoods and the health, safety and welfare of the public, the City of West Allis adopts this Code.
 - b. Scope. The provisions of this Code shall apply to all buildings in the City, including the premises on which they are located, together with all accessory buildings or structures, except as otherwise provided. **[Ord. O-2016-0038, 8/2/2016]**
3. Definitions. Where terms are not defined in this section and are defined in those Building, Zoning, Health and Fire Department Codes presently in force in the City, they shall have the meaning ascribed to them as in such codes. When terms are not defined under the provisions of this or any other City code, they shall have ascribed to them their ordinary accepted meanings or such as the context herein may imply.
 - a. "City" shall mean the City of West Allis.
 - b. Meaning of certain words. Whenever the words "building" or "premises" are used in this section, they shall be construed as though they were followed by the phrase "or any part thereof."
 - c. "State Fair Parking District" shall mean an area bound by the north City limits to the north, 92nd Street to the west, the Union Pacific Railroad tracks to the south, and 70th Street to the east. **[Ord. O-2018-0042, 11/5/2018]**
4. Inspection of Premises.
 - a. ~~The Code Enforcement Director of the Department of Building Inspections and Zoning~~ is authorized to assign persons to administer this Code and directed to make inspections to determine the condition of buildings and premises in the City, as regulated by the Code.
 - b. Inspections shall be made only under the following circumstances:

- i. When the Building Inspector finds that there are reasonable grounds to believe that there are violations of the provisions of this Code which affect the health, safety or welfare of the public or as directed by the Common Council or District Alderperson.
 - ii. Upon a complaint in writing being made about the building or premises.
 - iii. It shall be the responsibility of the Building Inspector, whenever possible, to coordinate his inspections with those of other City Departments so as to minimize inconvenience to tenants and owners of properties.
 - c. In the event that the Building Inspector is denied voluntary access during a reasonable hour to any premises covered by this Code for the purpose of determining conditions that may be adverse to public health, safety and welfare, he may order an inspection in writing or secure a warrant under the terms of sec. 66.0119 of the Wisconsin Statutes.
 - d. Every occupant of a building shall give the owner or his agent access to the unit or premises at all reasonable times for the purposes of making such repairs as might be necessary to gain compliance with any provisions of this Code.
5. Service of Notices and Orders.
- a. Violations of this Code, as determined by the Building Inspector, shall be outlined in written form and shall be served upon all affected occupants or owners or their agents. Such notice and order shall be served by the Building Inspector, or by such employee of the City designated by him, or by mail to the last known address of the person to be notified.
 - b. Such notices and orders shall include:
 - i. An adequate description of the real estate so affected.
 - ii. A statement of the alleged violation, including the corresponding reference to the Code requirement.
 - iii. An order for remedial action to correct such violation.
 - iv. A reasonable time for compliance to the Code requirements.
 - c. The time period for compliance may be extended only at the discretion of the Building Inspector who shall base his decision on the seriousness of the problem and the time required to remedy it.
6. Emergency Orders. If the Building Inspector determines that a building or premises is in such condition that it constitutes a public nuisance or that there is great and immediate danger to public health, safety and welfare; or, that the building is unsanitary or unfit for human habitation, occupancy or use, he may post a notice on the premises to that effect, in accordance with the terms of sec. 66.0413 of the Wisconsin Statutes, in the same manner as described therein. In addition to posting such property as unfit, unsafe and/or unsanitary, he shall order the building or that portion of it so affected to be vacated in the manner prescribed by the applicable provisions of sec. 66.0413 of the Wisconsin Statutes. No person shall remove or deface any placard placed by the Building Inspector on any building which has been declared unfit or unsafe for human habitation or use.
7. Maintenance, Workmanship, Codes Referenced.
- a. Maintenance. Buildings and Structures, and parts thereof, shall be maintained in a safe and sanitary condition in accordance with Section 13.01(6).
 - b. Workmanship. Installations, alterations, repairs and maintenance work shall be in accordance with Section 13.06(7).
 - c. Codes Referenced. The Health and Sanitation Codes as in Chapter 7, the Zoning Codes as in Chapter 12, the Building and Heating/Ventilation Codes as in Chapter 13, the Electrical Codes as in Chapter 14, and the Plumbing Codes as in Chapter 14 of the City of West Allis Revised Municipal Code are hereby incorporated into this Code.
8. Responsibility of Property Owner and Tenant.
- a. Owner Responsibility. Property owners shall maintain their properties in a clean, safe, and sanitary condition to include, but not limited to; buildings, structures, and lot maintenance in accordance with this Code.
 - b. Tenant Responsibilities. All tenants, occupants, renters or similar users of

properties shall maintain their property use areas, to include their personal property located thereon, in accordance with this Code and in a clean, safe and sanitary condition and shall notify the property owner of any unsafe or unsanitary condition found in a building, structure or common area on the subject property.

- c. All other requirements of this code are the joint responsibility of the owner and occupant(s).
 - d. Extermination of Pests; Responsibilities. Whenever insect or rodent infestation occurs in a single unit of the building, the occupant(s) of such unit shall be responsible for the extermination. Whenever insect or rodent infestation occurs in more than one (1) unit in a building or in shared or common areas of a building containing two (2) or more units, the owner of the building shall be responsible for the extermination.
9. Minimum Standards for Buildings and Structures. All buildings and structures and appurtenances shall be maintained in good repair as to prevent deterioration and infestation by rodents and insects. The exterior of all buildings and structures shall be maintained and not permitted to be a blighting influence to the surrounding properties, the neighborhood or the City in general.
- a. Roofs, Walls, Foundations, Floors, Etc.
 - i. All roofs, walls (including siding), and/or floor systems shall be weathertight and rodentproof, capable of affording privacy and maintained in good repair.
 - ii. Exterior surfaces, to include, but not limited to, roofs, walls, siding, flooring and appurtenances to include, but not limited to, eaves, soffits, chimneys, porches, decks, guardrails and handrails, shall be weathertight and painted or provided with a comparable finish in order to prevent deterioration, exclude insects and rodents and preserve the visual aesthetic character of the neighborhood.
 - iii. Chipping, flaking or peeling paint on any exterior surface is prohibited.
 - b. Windows, Doors and Other Openings.
 - i. All windows and doors, to include storms and screens to windows and doors, and all other openings shall be weathertight, rodent- and insect-resistant and maintained in good repair.
 - ii. Exterior openings, to include but not limited to, windows, doors, storms, etc., shall be painted or provided with comparable finish in order to prevent deterioration and preserve the visual aesthetic character of the neighborhood.
 - c. Porches, Decks, Stoops, Stairs, Etc.
 - i. Every porch, deck, stoop, and all appurtenances thereto, to include, but not limited to, guardrails, handrails and steps shall be maintained in good repair.
 - ii. Stairways shall be maintained with uniform risers and proper guardrails and handrails.
 - d. Gutters, Downspouts and Extensions.
 - i. Habitable buildings of one- and two-family properties shall have gutters and downspouts with extensions to carry stormwaters away from such buildings.
 - ii. All buildings on commercial properties are to direct downspouts and extensions directly into on-site storm systems, when available, or surfaced drained away from buildings in accordance with the Plumbing Code.
 - iii. Gutters, downspouts, extensions and parts thereof shall be maintained in good repair and in working order.
 - e. Accessory Buildings and Structures. **[Ord. O-2016-0038, 8/2/2016]**
 - i. Every accessory building or structure shall be maintained as stated in Subsections (a) through (d).
 - ii. Accessory structures shall be maintained in accordance with Chapter 12 and Section 13.23 of this Code.

- iii. Accessory buildings and structures shall have weather-tight, secure and properly operating overhead, service and other access doors.
 - f. Infill of Exterior Openings and Other Exterior Building Changes.
 - i. Infill of openings, such as windows, and other exterior changes to any building or structure shall be made with the use of approved materials.
 - ii. For multi-family, commercial, manufacturing, institutional and two-family (original construction after February 15, 2000), changes to exterior openings and other exterior building changes shall be approved in accordance with section 12.13, Architectural and Site Plan Review and Procedures. Building permits are required for exterior changes.
 - g. Corrosion of Metal.
 - i. All ferrous (metal) equipment, trim, metal parts or other shall be protected and maintained free of rust or corrosion.
 - ii. Rusted/corroded metal equipment, trim or metal parts are not permitted.
 - h. Address of Property To Be Posted.
 - i. The assigned address of each property shall be posted in a conspicuous place on the front of each main building so as to be easily seen and read from the public street.
 - ii. Each property abutting an alley shall post the assigned address as to be readily visible from the alley.
 - i. Building Permits Required. Building permits for additions, alterations, structural changes and repairs are required in accordance with section 13.05.
- 10. Outdoor Areas to be Maintained. Outdoor areas shall be maintained in a clean and sanitary condition and shall not be permitted to be a blighting influence to the surrounding properties, the neighborhood or the City in general.
 - a. Vacant Lots. The provisions of this Code, to the extent practical, shall also apply to vacant lots.
 - b. Lawn Areas. **[Ord. O-2012-0022, 7/3/2012; Ord. O-2018-0025, 6/5/2018]**
 - i. Grass shall not exceed six (6) inches in height.
 - ii. Noxious weeds are not permitted and shall be destroyed, as provided in § 66.0407 of the Wisconsin Statutes.
 - iii. Lawn areas shall be graded properly to allow for maintenance. This section shall include any damaged or unimproved areas, whether caused by people, vehicles, or naturally, which create a condition that allows for eroded dust, soil, dirt, or mud from the property to become deposited on adjacent private or public property.
 - iv. If the property owner fails or refuses to maintain lawn areas as provided in this subsection, the ~~Code Enforcement Director of Building Inspection and Neighborhood Services~~ or his or her designated agent is authorized to perform the required maintenance after providing written notice to the property owner and/or posting notice on the property at least three business days prior to performing the maintenance. The cost of such maintenance shall be charged against the owner of the property as provided in §§ 66.0627 and 66.0703 of the Wisconsin Statutes.
 - c. Public Property Abutting Private Property. The public areas between the property line and the paved street shall be maintained by the abutting property owner in accordance with Section 11.13.
 - d. Sidewalks, Driveways and Other Improvements.
 - i. Sidewalks, walks, driveways, open parking areas, retaining walls and other concrete, asphalt, brick, gravel, stone or similar areas shall be maintained in sound condition and in good repair.
 - ii. Property conditions resulting in dust, dirt, loose stones or other aggregate being deposited on public property is prohibited.
 - e. Trees and Debris.
 - i. Properties shall be kept free of diseased or fallen trees, branches or

- bushes.
- ii. Trees shall not be allowed to grow near the foundations of buildings and structures so as to damage the building or structure.
- f. Fences. Every fence shall be maintained in a state of good repair.
- g. Drainage of Premises.
 - i. Every premises shall be properly drained as to prevent stagnant water from accumulating thereon.
 - ii. Discharge of stormwater from sump pumps, gutter extensions and surface drainage shall be directed to drain away from habitable buildings and shall not cause a nuisance to the public streets, alleys or sidewalks.
- h. Refuse Storage.
 - i. See Section 7.05 for specific refuse requirements.
 - ii. Refuse containers shall have tight-fitting covers, be maintained in good repair and shall be rodent- and water-proof.
 - iii. Refuse and rubbish shall be stored within proper containers excepting as permitted for recyclables and bulk refuse.
 - iv. Refuse containers shall not be stored in the front yard.
- i. One- and Two-Family Off-Street Parking Areas. [**Ord. O-2010-0021, 6/1/2010; Ord. O-2018-0042, 11/5/2018**]
 - i. Off-street parking areas, including driveways access areas, shall be maintained in accordance with the Code in effect at the establishment of a parking area. Expanded parking areas shall conform to the Code in effect at the time of the expansion.
 - ii. Parking shall not be permitted on lawns or unimproved surfaces, except as permitted in Subsection (i)2a below.
 - (1) Parking on lawns or unimproved surfaces on private property is allowed in the State Fair Parking District only when all of the following requirements are met:
 - (A) Parking is allowed from one day prior to the start of the Wisconsin State Fair until one day after the end of the Wisconsin State Fair in the same calendar year.
 - (B) The owner of the property where the vehicles will be parked is not delinquent on payment of any taxes, fees or other monies to the City.
 - (C) The property where the vehicles will be parked does not currently have any outstanding property maintenance orders on it.
 - (D) The parked vehicles are entirely on private property; do not extend over sidewalks, streets or alleys; and do not interfere with the vision of vehicles or pedestrians at corners or intersections.
 - (E) If the property owner does not reside at the premises, the owner has registered their property in compliance with RMC 9.34.
 - (F) Parking of wagons, trailers, or any vehicles used to transport livestock is prohibited.
 - iii. Parking surfaces legally established as unimproved prior to February 26, 1956, and all other parking surfaces shall not be allowed to erode or otherwise deposit gravel or aggregate materials on adjacent private or public property.
 - iv. Parking areas shall be maintained to support the weight of vehicles using the area.
- j. Multifamily and Commercial Off-Street Parking Areas. [**Ord. O-2018-0042, 11/5/2018**]
 - i. All off-street parking areas shall be improved and maintained in accordance with an approved site and landscaping plan approved by the Plan Commission in accordance with the Zoning Code.
 - ii. Parking shall not be permitted on unimproved surfaces or lawn areas.

- iii. Parking areas shall be maintained to support the weight of vehicles using the area.
 - iv. Parking areas shall not be allowed to erode or otherwise allow dust, dirt, loose stones or aggregate to be deposited onto adjacent public and private properties.
 - k. Outside Storage of Materials.
 - i. All outdoor premises shall be kept free and clear of and shall not be used for the outdoor storage of materials, to include, but not limited to, lumber, metal scraps, motor vehicle parts, abandoned vehicles, discarded or nonfunctional household appliances or accessories, furniture and other articles which from its worn condition renders it practically useless for the purpose for which it was made. Private possessions stored inside a building, the outdoor storage of building materials while permitted construction or alterations are taking place on the site, recreational equipment useable and in good repair and all yard obstructions permitted by the Zoning Code are not applicable to this subsection.
 - ii. Outdoor storage of firewood shall be neatly stored in the rear yard of the property. The firewood must be cut to lengths of four (4) feet or less and measure less than two (2) feet in diameter. Outdoor storage of firewood shall not exceed four (4) cords. Firewood storage shall not include any chemically treated or painted wood.
 - iii. Commercial properties may also have materials stored outdoors consistent with the Zoning Code and the permitted use of the property.
 - iv. Use of industrial buckets or containers, whether the buckets or containers are used for the manufactured purpose or an alternate use, shall be limited to twenty-five (25) industrial buckets or containers per parcel. This prohibition pertains to residential properties consisting of four-unit multifamily dwellings and smaller. **[Ord. O-2016-0034, 9/6/2016]**
 - l. Prohibited Parking on Private Property. **[Ord. O-2017-0046, 11/7/2017]**
 - i. It is prohibited for vehicle owners or persons having custody of a vehicle to:
 - (1) Park or store any private passenger vehicle, truck, boat, camper, snowmobile, recreational vehicle, mobile home, trailer, or any similar vehicle on an unpaved surface or lawn.
 - (2) Park or store any vehicle not in accordance with the Zoning Code.
 - (3) Park, store, or advertise any vehicle that is for sale on a commercial parcel which is not licensed and permitted for vehicle sales.
 - (4) Park or store any vehicle on property with a principal use that is vacant.
 - (5) Park or store any abandoned vehicle, as defined in Section 6.015.
 - (6) Park or store any vehicle on property that has no principal use or does not have a commercial parking lot occupancy permit.
 - ii. It is prohibited for any person to permit or allow to remain the parking, storage, or advertising for sale of any vehicle that is prohibited in Subsection (l)1 of this section, on property that the person controls or owns.
11. Major Repairs — Demolition Ordered.
- a. The Building Inspector may order the owner of premises upon which is located any building or part thereof which, in his judgment, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such

building or part thereof, or, if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove, at the owner's option.

- b. Major Alterations and/or Repairs. If alterations and/or repairs in excess of fifty percent (50%) of the value of an existing building or structure are made to any existing building or structure within any period of twelve (12) months, the entire building or structure shall be made to conform with the requirements given herein for new construction; provided, however, that any existing building or structure which, for any reason, requires repairs at any one time in excess of fifty percent (50%) of the value thereof, not deducting from such value any loss caused by fire or any other reason, shall be made to conform to the requirements of this Code for new buildings or structures or shall be entirely demolished. "Value" shall mean the full assessed value as determined by the last value placed upon the building as published by the City at the adoption of the assessment role.

12. Failure to Comply with Order. The Code Enforcement Director of Building Inspections and Zoning and his and any designees are authorized to issue citations to enforce the provisions of this Code or may refer the matter to the City Attorney to commence legal action to effectuate the purpose of this Code.

Editor's Note: Former Subsection (13), Penalties for Violations, which immediately followed this subsection, was repealed 2/4/2014 by Ord. O-2014-0002. For current penalty provisions, see Section 13.26. Former Subsection (14), Property Maintenance Code Appeals Board, as amended, was repealed 8/2/2016 by Ord. O-2016-0037.

[Ord. 6311, 5/6/1997; Ord. 6579, 7/2/2001; Ord. O-2003-0076, 12/2/2003]

SECTION 31: AMENDMENT "13.33 Certificates Of Occupancy" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.33 Certificates Of Occupancy

1. Residential. No building, lot or premises may be occupied until a certificate of occupancy shall have been issued, unless as otherwise provided under this section.
 - a. Certificate of Occupancy Required. No dwelling unit or accessory residential building hereafter erected, altered or residential use lot shall be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Occupancy shall have been issued by the Code Enforcement Director of the Department of Building Inspections and Zoning or designee stating that the building complies with all zoning, building, fire and health laws and ordinances and with the provisions of these regulations.
 - b. Change of Use. No change of use shall be made in any dwelling or part thereof now or hereafter erected or altered without a building permit having been issued by the Building Inspector, and no permit shall be issued to make such changes unless it is in conformity with the provisions of this Chapter or amendments thereto hereafter duly enacted. Nothing herein shall prevent the continuance of the present occupancy or use of any existing dwelling except as may be necessary for safety of life and property.
 - c. Application and Issuance. Certificate of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration is completed. A record of all certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the property affected. The fee shall be as set forth in Section 13.255.
2. Nonresidential. No building, structure, lot or premises may be occupied until a

Business Occupancy Permit shall have been issued, unless as otherwise provided under this section.

- a. Business Occupancy Permit Required. No building, structure, lot or premise shall be occupied or used in whole or in part for any commercial, industrial, or other nonresidential purpose without first applying for and obtaining from the Code Enforcement Director of the Department of Building Inspections and Zoning or designee a Business Occupancy Permit. The Business Occupancy Permit is nontransferable and shall be valid only for the business, person, building, premises and structure named therein.
 - b. Initial Occupancy or Change of Occupancy. No person shall enter upon or engage in any commercial, industrial or other nonresidential activity in or upon any existing building, structure or premises without first applying and being issued a Business Occupancy Permit. A "change" in occupancy shall be deemed to take place and require a new permit whenever the type of usage changes or whenever the occupant changes. An occupant will not be deemed to have changed if the change is in name only; however, the occupant is required to submit to the Director information to support that the change is in fact limited to the name and does not otherwise affect the occupancy or use of the premises. The Director is authorized to approve any change in name of any occupant.
 - c. Application and Issuance. The application for a Business Occupancy Permit shall set forth the applicant's name, address, position or capacity in the business and the exact location of the building or premises wherein the business is to be carried on. The application shall state with particularity the scope, nature, type and extent of the business activity that the permit holder will engage in. No permit shall be issued to any person for any business operation which would violate the building, zoning, fire, health codes or other ordinances of the City, or which would violate any state statute or regulation promulgated pursuant thereto. The permit fee shall be as set forth in Section 13.255. The occupancy permit shall be posted in a conspicuous place in the building, structure or premises and shall not be removed, except by permission from the Director. Upon the cessation of business activities by the holder of any occupancy permit, the person shall immediately notify the Director of such fact.
 - d. A permit fee may be forfeited if the appointment is not canceled 24 hours prior to the scheduled inspection appointment time, if the applicant or their representative is not present at the inspection, or if the building is not open for inspection. The applicant may be required to reapply and a new application fee may be assessed. **[Ord. O-2016-0058, 12/6/2016]**
3. Home Business Occupancy Permits. Home Businesses are permitted in accordance with the zoning code. A Business Occupancy Permit shall be required for that portion of the residential property used as a business pursuant to Subsection 13.33(2). A Residential Occupancy Permit shall be required for the portion of the property used as residential premises pursuant to Subsection 13.33(1).
 4. Temporary Occupancy. The Director or designee may issue a temporary occupancy permit or business occupancy permit for the temporary occupancy and use of any building, structure or premises, or part thereof, prior to the completion of the same and issuance of an occupancy permit, provided that such occupancy or use does not create a life or safety concern. A temporary occupancy permit shall be valid for a period of up to six (6) months and may be extended for up to one (1) additional six (6) month period. Upon expiration of a temporary occupancy permit where an occupancy permit is not issued, the Director shall order the occupancy or use to cease and shall take legal measures to ensure that said order is complied with.
 5. Flood Districts. No vacant land in the floodplain shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until the applicant obtains a certificate of compliance from the Code Enforcement Director of Building Inspections and Zoning, as provided in Section 12.70 of the Zoning Chapter.

~~[Ord 6149, 2/7/1995; Ord., O-2004-0042, 10/19/2004]~~

SECTION 32:**AMENDMENT** “13.34 Numbering Of Houses” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.34 Numbering Of Houses

1. Uniform System. A uniform system of numbering all dwellings and buildings fronting on all streets or alleys in the City is herewith established.
2. Base Lines.
 - a. All dwellings and buildings shall be assigned an address by the Code Enforcement Department of Building Inspection and Neighborhood Services (BINS) based upon the address numbering system established in Milwaukee County.
 - b. All even numbers shall be assigned to the dwellings and buildings on the east and north side of the street; and all odd numbers shall be assigned to the dwellings and buildings on the west and south side of the street.
 - c. Starting with consecutive hundreds at each intersection, or as otherwise previously established, every fifteen (15) feet of property frontage shall constitute another potential address number.
3. Assigning and Placing Address Numbers.
 - a. New Construction. ~~BINS~~ The Code Enforcement Department shall assign each dwelling or building an address based on the uniform system provided for in subsection (2). The address numbers shall be provided to the building permit holder or owner by ~~BINS~~ the Code Enforcement Department at a cost established in the fee schedule. The owner of the property shall install the address numbers on the building within fifteen (15) days of occupancy of the dwelling or building.
 - b. Existing Dwellings or Buildings. ~~BINS~~ The Code Enforcement Department shall assign additional addresses or eliminate existing addresses required by alterations or additions to existing dwellings or buildings based on the uniform system provided for in subsection (2). The address numbers shall be provided to the building permit holder or owner by ~~BINS~~ the Code Enforcement Department at a cost established in the fee schedule. The owner of the property shall install the additional address numbers, or remove eliminated address numbers, on the building within fifteen (15) days of occupancy of the portion of the dwelling or building.
 - c. Multiple Tenants at Same Location. ~~BINS~~ The Code Enforcement Department shall assign an address to every tenant that has its own entrance door on the exterior of a dwelling or building. Where one entrance door is used by multiple tenants in any dwelling or building, the property owner may use letters or suite numbers per an internal numbering system to distinguish individual tenant spaces at their discretion.
 - d. Vacant Parcels and Parks. ~~BINS~~ The Code Enforcement Department may assign addresses to vacant parcels and parks for purposes of identifying them. In this case, the address is not required to be posted on the property.
4. Existing Address Numbers. It shall be the duty of the property owner building to maintain the address numbers and mounting bracket in good condition at all times. If the address numbers are damaged or missing, it shall be the property owner’s responsibility to replace them within five (5) days.
5. Size and Location of Numbers. All address numbers placed on dwellings and buildings shall be distinctly legible and shall be posted in a conspicuous place on each dwelling or building so as to be visible from the street and alley. Address characters shall not be less than two (2) inches in height, and shall be placed on a contrasting background.
6. Erroneous Numbers.
 - a. ~~BINS~~ The Code Enforcement Department shall notify the owner of any

dwelling or building for which an address number is required and which is not numbered in conformity with this section.

- b. Duty of Owner. The owner shall replace any erroneous address numbers on the premises with the correct number assigned within five (5) days after receiving written notice.

SECTION 33: AMENDMENT “13.35 Swimming And Wading Pools” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.35 Swimming And Wading Pools

- 1. Location Regulated.
 - a. No pool or appurtenances or fence required to isolate such pool shall be located in a required front yard.
 - b. No pool shall be located, constructed, or maintained closer to any side line than three (3) feet.
 - c. No pool shall be located, constructed, or maintained closer to any rear lot or parcel line than five (5) feet.
 - d. No pool shall be located, constructed or maintained closer to a perpendicular line extending from the ground to the outermost projection of the roof of any house or building, detached garages excluded, than as follows:
 - i. If the house or building is not in excess of thirty (30) feet in height, then the minimum distance from said perpendicular line shall be one-fourth (1/4) of the height of the house or building, but in no event less than six (6) feet.
 - ii. If the house or building is greater than thirty (30), but not in excess of forty-five (45) feet in height, then the minimum distance from said perpendicular line shall be twenty-eight (28) feet.
 - iii. If the house or building is greater than forty-five (45), but not in excess of sixty (60) feet in height, then the minimum distance from said perpendicular line shall be forty-eight (48) feet.
- 2. Height Regulated. Height of the house or building, for purposes of this section, shall be defined as follows: The vertical distance measured from the finished grade line of such house or building to:
 - a. The highest point of the coping of fascia of flat roofs; or,
 - b. The highest point of the eaves line on the side of the building facing the pool for gable, gambrel or hip roofs.
- 3. Fences Required.
 - a. Every permanent or temporary swimming or wading pool which is not enclosed in a permanent building or like structure shall have erected around it a fence of a height not less than four (4) feet above the grade level and shall be so constructed so as to have no voids, holes or openings larger than five (5) inches in width or diameter. All points of entry into the pool area enclosure shall be equipped with gates. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. The wall of a dwelling or building faced to a pool may be incorporated as a portion of the fence.
 - b. An above ground pool where the top of the pool is more than four (4) feet above the grade at any point around its perimeter is permitted without separate additional fencing; provided, however, that permanent access from grade to above ground pools having stationary ladders, stairs and ramps shall have safeguard fencing of minimum height and design as specified in (a) above.
- 4. Location of Fences. Location of the fence required in subsection (3) above, shall be subject to any other ordinances regulating the location, construction, and maintenance of fences in the City, in addition to one or more of the following:
 - a. No fence shall be located, constructed, or maintained closer to said pool than

- three (3) feet.
- b. No fence shall be located, constructed or maintained closer to any house or building, detached garages excluded, than as follows:
- i. Any wall of the house or building may be incorporated as a portion of such fence.
 - ii. If any wall of the house or building is not incorporated as a portion of such fence, then any fence located, constructed or maintained between said pool and any house or building shall not be closer to a perpendicular line of such house or building (section (1)(e)) than as follows:
 - (1) If the house or building is fifteen (15) feet in height or less, then the minimum distance from said perpendicular line shall be ten (10) feet.
 - (2) If the house or building is greater than fifteen (15), but not in excess of thirty (30) feet in height, then the minimum distance from said perpendicular line shall be fifteen (15) feet.
 - (3) If the house or building is greater than thirty (30) feet, but not in excess of forty-five (45) feet in height, then the minimum distance from said perpendicular line shall be twenty-five (25) feet.
 - (4) If the house or building is greater than forty-five (45) feet, but is not in excess of sixty (60) feet in height, then the minimum distance from said perpendicular line shall be forty-five (45) feet.
5. Unobstructed Area. Every permanent or temporary swimming or wading pool, which is greater in area than seventy-five (75) square feet and which is not enclosed in a permanent building or like structure, shall have a continuous unobstructed areaway around ninety percent (90%) of the pool of not less than three (3) feet in width.
6. Flood Lights. If overhead flood or other artificial lights are used to illuminate the pool at night, none of the lights shall be used after 10:00 P.M., if said pool is located within two hundred (200) feet of any building used for dwelling purposes. Such lights shall further be shielded to direct light only on the pool.
7. Permit Required. No pool, as contemplated by this section, in excess of seventy-five (75) square feet in area, shall be constructed or established unless a permit to do so is first obtained from the Building Inspector.
8. Plans to be Submitted. Any person, firm or corporation desiring to locate, construct or maintain any pool, as contemplated by this section, shall first submit plans to the Building Inspector, showing the size, depth and type of construction, a drawing to scale showing the location of the barrier and gates and location of the pool with reference to any house or building situated on the lot or parcel of land. If the plans and location of the contemplated pool conform to the requirements of this section, and all other regulations of the City, the Building Inspector shall issue a permit upon the payment of the fee provided in subsection (7).
9. Inspection. The Code Enforcement Director ~~of Building Inspections and Zoning~~ shall periodically inspect all swimming and wading pools in the City to determine whether or not the provisions of this section are being complied with.
10. Nuisance.
- a. Every swimming and wading pool shall be designed, constructed, installed and maintained waterproof and leakproof. Swimming and wading pool water discharging on the premises on which the pool is located and flowing onto adjoining properties is a nuisance and shall not be permitted.
 - b. Swimming and wading pools that are not watertight and leak water shall be drained in accordance with subsection 12.50(10)(c); thereafter, the cause of the leak shall be corrected to make the pool watertight before refilling the pool to prevent the surface and underground water nuisance.
 - c. Water drained from every swimming and wading pool shall be conducted through a hose or pipe and discharged into the public street right of way curb or storm water drain system, surface storm water drain easements, catch basins, sumps or other open receptacles connected directly to the storm sewer.

Swimming and wading pool water shall not be discharged in or on the ground surface, except as specified herein, nor shall water be discharged in the public sanitary sewer.

- d. Water distributed outside the pool caused by splashing, throwing, spouting or other means during activity in and around swimming and wading pools by persons shall be contained within the lot lines on which the swimming and wading pool is located. Such water entering on adjoining property shall be considered a nuisance and is prohibited.
11. For purposes of this section, "pool" means the structure, basin, chamber or tank used primarily for the purpose of swimming or wading which is greater in area than seventy five (75) square feet and has a depth at any point of more than (2) feet.

[Ord. 6149, 2/7/1995]

SECTION 34:**AMENDMENT** "13.36 Manufactured And Mobile Homes And Manufactured And Mobile Home Community Standards" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.36 Manufactured And Mobile Homes And Manufactured And Mobile Home Community Standards

1. Definitions.
 - a. "Noncombustible Material" means a material that, in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat. Materials that are reported as passing ASTM E 136, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750 Degrees C, shall be considered noncombustible materials.
 - b. "Storage Building" means a building of noncombustible walls and roof of prefabricated construction allowing for convenient disassembly and removal that is used as an accessory building to a manufactured home, located on the same space, but not attached to the manufactured home.
 - c. "Storage Container" means an object built of noncombustible material for outside manufactured home storage.
2. State Laws Adopted. Except as otherwise provided herein, Wisconsin Statute Sections 66.0435 and 101.935, Safety and Professional Services (hereinafter "SPS") Chapter 326, SPS Section 321.40, and SPS Section 302.33, of the Wisconsin Administrative Code, as related to manufactured and mobile homes, as they are from time to time amended, are hereby adopted and by reference made part of this section as if fully set forth herein.
3. Parking of Manufactured and Mobile Homes Restricted. Except as provided in this section, no person shall park any manufactured or mobile home anywhere in the City other than in a licensed manufactured and mobile home community, except for sales display by manufactured and mobile home dealers that are validly licensed pursuant to Wis. Stat. Sec. 101.951. This section shall not apply to the parking of one (1) unoccupied manufactured or mobile home not to exceed thirty-five (35) feet in length per residential rear yard, which manufactured or mobile home shall not be connected with water, electrical, fuel supply, or sanitary facilities.
4. Permits for Change in Community. No alteration, extension, addition, modification, or change shall be made in the manufactured and mobile home community, its facilities, spaces, electric service, water supply, plumbing and sanitary facilities, buildings, or structures without first securing a permit from the Code Enforcement Director of Building Inspection and Neighborhood Services (hereinafter "Director"). Application for a permit shall be accompanied by scale drawings and such other information as the Director may require. Permits shall be issued only where the requirements and

- conditions of this section and other ordinances of the City and Wisconsin State Statutes are met. Permit fees shall be the same as listed in Section 13.255 of this Code.
5. Permit Required for Manufactured and Mobile Homes. Each licensee shall, within seventy-two (72) hours of the occupancy of a newly parked manufactured or mobile home, file a report with the ~~Code Enforcement Department of Building Inspection and Neighborhood Services~~ and office of the City Clerk that such manufactured or mobile home located in said community is occupied and specifying the name of the owner and principal occupant of the manufactured or mobile home, the trade name and size of the manufactured or mobile home, the date when first occupied, the number of persons occupying such manufactured or mobile home, and further specifying the space in the community upon which said manufactured or mobile home is placed. Upon inspection of said manufactured or mobile home and its connections to the utility services, if so connected, the Director or his/her designee shall, if the requirements of this section and other applicable ordinances of the City and laws of Wisconsin have been complied with, issue a permit permitting occupancy of such manufactured or mobile home, which permit shall be filed with the licensee of the community and retained by him or her until said manufactured or mobile home is moved from the space on which it is parked. The moving of said manufactured or mobile home from the space designated on the permit shall immediately void the permit so issued, and the licensee shall, within forty-eight (48) hours after the manufactured or mobile home has been so moved, return the permit to the ~~Code Enforcement Department of Building Inspection and Neighborhood Services~~ for cancellation. Should the Director or designee, upon inspection of a manufactured or mobile home, refuse to issue a permit because of its failure to comply with applicable City ordinances or state laws, the licensee and/or manufactured or mobile home occupant shall be given thirty (30) days to correct or change such items of non-compliance designated by the Director or designee. If the Director or his/her designee determines that occupancy would be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy, or use, the home occupant shall cease occupancy immediately until the Director or designee issues an occupancy permit. If not corrected, the licensee, upon notice from the Director or designee to remove such manufactured or mobile home, shall proceed within the time specified in the order, not to exceed five (5) days, to cause such manufactured or mobile home to be removed from such community.
 6. Compliance with Code. All manufactured and mobile home owners and occupants of manufactured and mobile homes in a manufactured and mobile community shall comply with SPS Section 326.19, Wisconsin Administrative Code, as amended, including, but not limited to, registration and maintenance of their sites and units. In addition, owners and occupants of manufactured and mobile homes in a manufactured and mobile home community shall obey all orders from the City and comply with all federal, local, and state health and safety laws and regulations.
 7. Requirements for All Manufactured and Mobile Home Communities.
 - a. Community Map and Directory to be Posted. Each manufactured and mobile home community shall have a directory and map posted in a conspicuous place, designated by the Fire Chief or his/her designee, numbering the spaces within the community by lot and block designated, and a duplicate thereof shall be filed with the Director, the Fire Chief, Police Chief, Health Commissioner, and the City Clerk. The space number shall be a standard City building number available for purchase in the ~~Code Enforcement Department of Building Inspection and Neighborhood Services~~. Such number shall be attached to the wall of the manufactured and mobile home parallel to and visible from the fronting street or lane.
 - b. Number of Occupants. Only one (1) person for each four hundred fifty (450) cubic feet of interior space of a manufactured or mobile home shall be permitted to occupy a manufactured or mobile home in any licensed community of West Allis.
 - c. Visitor automobile parking may be allowed on one (1) side of roadways and lanes of twenty (20) or more feet in width; both sides of roadways and lanes of thirty (30) or more feet in width. No parking shall be allowed on said roadways and lanes within thirty (30) feet of all intersections and corners

- within a manufactured and mobile home community.
- d. Visitor parking restrictions shall be posted on the roadways and lanes by the manufactured and mobile home community licensee.
 - e. Permits for Storage Buildings.
 - i. Licensees shall file an application for a building permit accompanied by a sketch of the unit space showing the dimensions of the space, location, and dimensions of the manufactured or mobile home on the space, and proposed location and dimensions of the storage building. The building permit fee schedule in Section 13.255(1)(c) shall apply.
 - ii. Each building permit for the construction of a storage building shall be limited to the construction and maintenance of such storage building in conjunction with the manufactured or mobile home then on the space; in the event of the replacement of such manufactured or mobile home, the permit shall terminate. An expired permit may be reinstated if the storage building complies with all of the provisions of this section and the replacement manufactured or mobile home.
 - f. Number of Spaces. No community shall contain more than one hundred twenty-five (125) spaces, except communities that contained more than one hundred twenty-five (125) spaces as of January 1, 1972. Such nonconforming communities shall be limited to the number of spaces contained therein on January 1, 1972.
 - g. No manufactured and mobile home community shall be laid out, constructed or operated without City water and sanitary sewer facilities. No wastewater shall be thrown or discharged upon the surface of the ground.
 - h. Subject to Section 12.17 of the Revised Municipal Code, no business shall be conducted in any unit.
8. Zoning. No manufactured and mobile home community shall be constructed except in conformity with the zoning laws of the City. All manufactured and mobile home communities constructed prior to March 1, 2016 are considered nonconforming.
9. Minimum Standards.
- a. For all manufactured and mobile home communities hereafter constructed, the following minimal standards shall be applicable:
 - i. It shall be permissible to remove the wheels and/or hitch of manufactured or mobile homes in manufactured and mobile home communities. It shall not be permissible to construct or cause to be constructed any permanent pier, post, or other structure to support the unit. Nothing herein contained shall prohibit the use of stabilizing equipment; nor shall this paragraph prohibit the skirting of any manufactured or mobile home. Skirting must be made of noncombustible material and commercially manufactured specifically for skirting purposes.
 - ii. Shelter roofs hereafter erected shall be of metal or other noncombustible material, securely anchored to the ground, and shall have no side walls or side enclosures of any kind. The shelter roofs shall be limited in length to the length of the manufactured or mobile home, but no greater in length than thirty-five (35) feet, nor greater in width than ten (10) feet, and shall not be less than six (6) feet to the lot line adjacent to the shelter roof or nearest manufactured or mobile home, and shall not be less than six (6) feet above the grade immediately beneath any point of such roof section.
 - iii. No licensee or manufactured or mobile home occupant shall erect upon any space or any place within the community, any tent, sectional, or prefabricated cabin or cottage or any other structures intended to be used for dwelling purposes, or to be used in connection with or added to any manufactured or mobile home legally located on a space in such manufactured or mobile home community, except as otherwise provided in this section.
 - iv. All manufactured and mobile homes shall have a toilet and bath or shower facilities that are in good working order.

- v. All plumbing installations shall comply with the Municipal Plumbing Code for manufactured and mobile homes.
- vi. Subject to Section 12.17 of the Revised Municipal Code, no business shall be conducted in any manufactured or mobile home, manufactured and mobile home community, or manufactured or mobile home lot except those necessary for the operation of such community.
- vii. All manufactured and mobile home communities shall be maintained in a clean, orderly, and sanitary condition at all times.
- viii. Where fuel oil tanks are utilized they shall be placed at the rear or side of the unit in as close proximity to the rear of the unit as possible. The capacity of a fuel oil tank is limited to two hundred seventy-five (275) gallons. The supporting structure for the fuel tank must be of metal construction.
- ix. Supplemental spaces for parking of automobiles, boats, camping trailers, utility trailers, and other vehicles which are the property of the occupants of the community may be provided for in the community in an area other than on the lot space provided or allocated for parking of the manufactured or mobile home, and parking of such equipment on any manufactured or mobile home space is prohibited.
- x. All driveways or lanes in any manufactured and mobile home community shall have a minimum width of twenty (20) feet and shall be surfaced with bituminous concrete or similar material; shall at all times be maintained in good and dustproof conditions; shall be artificially lighted at night with at least an average of 0.5 FTC; and shall be kept unobstructed.
- xi. Parking.
 - (1) No manufactured or mobile home shall be parked or placed on a space which is not equal to twice the floor area of the manufactured or mobile home being placed thereon; nor shall said manufactured or mobile home infringe upon any adjoining space or roadway, but shall be wholly contained within its space.
 - (2) Floor area shall be measured by the outside dimensions of the manufactured or mobile home, including all expandable floor area both horizontally and vertically where such expandable floor area is actually being used in connection with such manufactured or mobile home when situated on such space, plus floor area measured on the exterior or any storage building located on said lot space.
 - (3) One automobile will be permitted to be parked on a manufactured or mobile home space if the floor area of the manufactured or mobile home parked thereon measured as provided in Subsection (9)(a)11b covers no more than forty percent (40%) of the lot area, and then only if a parking area equal to the automobile size is provided of cement or bituminous material and connected by a driveway made of cement or bituminous material to a street.
 - (4) Supplemental spaces for parking for automobiles, boats, camping trailers, utility trailers, and other vehicles that are the property of the occupants may be provided for in the community in an area other than the driveways, lanes, or lot space allocated for parking of the manufactured or mobile home, and parking of such equipment shall not be permitted by the licensee on any manufactured or mobile home space.
- xii. Decks and Porches.
 - (1) A single deck or porch may be attached or adjacent to each manufactured or mobile home entrance. The manufactured or

mobile home occupant and the licensee shall be responsible for maintaining the installation.

- (2) Wall facing material for the deck or porch shall be metal or other noncombustible material. Decks or porches shall be limited to twenty-five (25) square feet in size.
- (3) Stairs utilized in connection with a deck or porch having three (3) or more risers shall be provided with hand rails on both sides of such stairs.

xiii. Storage.

- (1) No space may have more than one (1) storage container or storage building; no space shall contain a storage container and a storage building.
- (2) No storage building one hundred fifty (150) square feet or larger shall be erected without a permit.
- (3) No storage building or storage container shall be constructed of combustible materials.
- (4) No storage building shall exceed two percent (2%) of the area of the lot.
- (5) No storage container shall exceed twenty (20) square feet, limited in height to a maximum of five (5) feet.
- (6) Each storage building or storage container shall have a rodent-proof floor constructed of metal, Portland cement, concrete, bituminous concrete, or masonry mortar jointed.
- (7) Each storage building or storage container shall be located only within the rear one-fourth (1/4) of space area with a minimum setback to rear and side boundaries of unit space of five (5) feet.
- (8) An open space of not less than one (1) foot shall be provided between the storage building or storage container and the nearest wall of the manufactured or mobile home on the space.

xiv. No accessory structure, as defined in Section 12.06 of this Code, shall be located on a space unless specifically allowed under this section.

10. Inspections. All manufactured and mobile home communities and units shall be subject to inspection by the Code Enforcement Department of Building Inspection and Neighborhood Services, Health Department, and Fire Department during reasonable hours and with reasonable advanced notice, emergencies expected.

11. Variances. The Board of Appeals shall have jurisdiction over any request for a variance of a requirement under this section.

~~{Ord. O-2016-0009, 3/15/2016}~~

SECTION 35: AMENDMENT “14.20 Electrical Inspections, Division Of Department Of Building Inspections And Zoning” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

14.20 Electrical Inspections, Division Of ~~Department Of Building Inspections And Zoning~~Code Enforcement Department

Electrical Inspections shall be under the supervision of the Code Enforcement Director~~of the Department of Building Inspections and Zoning~~. The Director may employ qualified persons who shall bear the title of Electrical Inspector and shall hold office for an indeterminate term, subject to removal only for cause. The Director shall have, except where otherwise provided in this Code, the general management and control of all matters pertaining to electrical inspections and shall enforce all State laws and City ordinances.

SECTION 36: AMENDMENT “14.21 Electrical Inspector” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

14.21 Electrical Inspector

1. Duties. The Electrical Inspector shall perform inspections as the Code Enforcement Director of Building Inspections and Zoning may direct and shall perform other duties as assigned from time to time.
2. Authority. The Electrical Inspector is authorized, directed and empowered to inspect any and all buildings, structures and premises, public and private, and to, as herein provided, condemn and order removed or remodeled and put into proper and safe condition for the prevention of fire and for safety of life and property, all electrical equipment installations and connections to electrical current for light, heat, power and/or communications purposes and to control the disposition and arrangement of the same so that persons and property shall not be in danger therefrom.

SECTION 37: AMENDMENT “14.75 Electrical Permit” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

14.75 Electrical Permit

1. Permit Required. No building structure or premise shall be wired for electric lights, meters, heating units, signs, refrigeration or other electrical wiring, nor shall any electrical equipment be installed, nor shall any alteration or change be made, in any wiring system, nor shall electric current be supplied to any new electrical system before notifying the Electrical Inspector and securing a permit and/or authority to proceed with the work.
2. Permit Not Required. No electrical permit shall be required for the following. Although exempted from permit requirements, all installations shall conform to current electrical code requirements. **[Ord. O-2016-0013, 3/1/2016]**
 - a. One- or Two-Family Use Properties.
 - i. A homeowner, who resides at the same single-family dwelling, may replace lights, switches, receptacles and fixtures in the same location. The homeowner is responsible to install code compliant devices per the Wisconsin Electrical Code, including, but not limited to, tamper-resistant, GFCI or weather-resistant receptacles where required.
 - ii. Replacement equipment and appliances having a proper factory supplied flexible cord.
 - iii. Installation of a paddle fan fixture or replacement paddle fan fixture where the existing supporting wiring and supporting electrical box is listed/labeled to support the fixture.
3. To Obtain a Permit. Except as in Paragraph (a) below, a licensed contractor shall first file, with the Electrical Inspector, an application for an electrical permit. The application shall state the name of the owner of the property, the address of the premise where the work is proposed, a description of all work proposed and other information as the Electrical Inspector may request. Required fees, as prescribed by this Code, shall accompany the application. **[Ord. O-2016-0013, 3/1/2016]**
 - a. The requirement for a licensed contractor to file the permit application may be waived by the Code Enforcement Director of Building Inspection and Neighborhood Services, or designee, for a State of Wisconsin licensed Master Electrician doing work on his or her own single-family home, in which he or

she resides and for which he or she is listed as an owner on the title. The Master Electrician homeowner is still required to obtain a permit and pay the same required permit fees, as prescribed by this Code.

4. Temporary Work. On applying for a permit for temporary work, a specified period of time for which such wiring is to remain in service shall be stated. Service shall be disconnected at the end of this period and shall not again be connected without written permission from the Electrical Inspector. For buildings where conduit wiring is required, special permits for temporary work may be granted by the Inspector for the installation of exposed wiring of lights and power for building operations, display, decorative lighting, etc., for use for a limited period, subject to discontinuance and complete removal at expiration, and to condemnation and revocation within such period.
5. Emergency Work. In the case of emergency work, the electrical contractor doing or causing such work to be done shall report the same to the Electrical Inspector immediately after beginning work; and, such work shall be done in accordance with the provisions of this Code.
6. Issuance of Permit.
 - a. No electrical work shall be performed until an electrical permit has been issued by the validation of the permit by the Electrical Inspector and proper fees have been paid for in the amount required by the fee schedule.
 - b. If upon examination it is found that the information on the application is complete, the Electrical Inspector shall issue an electrical permit, provided that the permit holder agrees and expressly states that (s)he has been employed to perform the installation, is fully capable and in possession of knowledge and ability to design, lay out, install, alter or replace the work designated in the application, in accordance with the regulations of this Code, and with all other ordinances and laws pertinent thereto, and will install electrical equipment as described in the application for an electrical permit in a safe, legal and workmanlike manner.
 - c. The Electrical Inspector may require the applicant to submit plans, drawings, specifications, schedules, literature or other materials, such as samples or test reports, as may be necessary to determine the compliance of equipment for safe installation and use.
 - d. A fee may be assessed for plan review in accordance with the fee schedule.
 - e. No other electrical work shall be done except work as described in the application for permit. Additional work not listed on the original permit shall require a new electrical permit to be secured prior to starting the new work.

SECTION 38: **AMENDMENT** “14.81 Inspections” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

14.81 Inspections

1. Inspections. Upon completion of any installation, alteration or replacement of electrical equipment which requires a permit, it shall be the duty of the electrical contractor making the installation, alteration or replacement to notify the Electrical Inspector, who may inspect the installation, alteration or replacement as soon thereafter as practicable. When any electrical equipment requiring a permit is to be concealed by the permanent placement of parts of the building, the electrical contractor installing the electrical equipment shall notify the Electrical Inspector to that effect, and such equipment shall not be concealed by the person installing such parts of the building until after it has been inspected and approved by the Electrical Inspector. On installations where the concealment of electrical equipment proceeds continuously, the electrical contractor installing the electrical equipment shall give the Electrical Inspector due notice and inspection shall be made periodically during the progress of the work as directed by

- the Electrical Inspector.
2. Notification and Inspection of Work. The licensee shall notify the Electrical Inspector when work is ready to be inspected. The request shall include the contractor's name, the permit number, the location of the work to be inspected and other pertinent information necessary to allow for the inspection.
 3. Inspection of Work. The Electrical Inspector shall perform the requested inspection within two (2) business days, exclusive of Saturdays, Sundays and holidays, after receiving notification. If, after two (2) business days, an inspection has not been made, the contractor shall inform the Electrical Inspector of his or her intention to proceed with the work.
 4. Inspection Types. Inspection types for an issued electrical permit:
 - a. A rough-in inspection before concealment of electrical wiring or raceway piping;
 - b. Final inspection for releasing the installation for its intended use; and
 - c. Reinspections, as necessary, to confirm compliance and satisfactory completion of the electrical work.
 5. Access. The electrical contractor shall provide access for any inspection that is not readily accessible for an inspection such as, but not limited to, rooftops, tunnels, etc.
 6. Approval. If it is found that the installation complies with this code, the Electrical Inspector shall document approval of same and authorize concealment of the electrical wiring, connection of electrical service or final inspection approval of the installation for its intended use.
 7. Certificate of Inspection. For connection of a new or replacement electrical service to any building, structure or premises, the Electrical Inspector shall issue a certificate of inspection to the electric company furnishing electrical power, and the power company shall not energize said service until receiving approval from the Electrical Inspector.
 8. Disapproval. If the installation for which a permit has been issued is incomplete or not strictly in accordance with the code, the Electrical Inspector shall post a rejection notice. The notice shall not be removed until approved by the Electrical Inspector. The electrical contractor installing the faulty installation shall remove all hazards and make necessary changes or additions to comply with the code within ten (10) days and call for a reinspection. A reinspection fee may be assessed for reinspection and failure to adhere to the ten (10) day notice. The electrical contractor may extend the ten (10) day notice when approved by the Electrical Inspector, except for emergencies or other conditions involving public safety.
 9. Authority to Remove. The Electrical Inspector shall have authority to cause the removal of any obstruction which may prevent the proper inspection of any electrical equipment. Concealment of electrical work before inspection by any person is a violation of this code.
 10. Final Inspection. The electrical contractor shall promptly call for a final inspection when work is completed and before the electrical installation is used for its intended purpose. It is the responsibility of the electrical contractor to insure the electrical installation is safeguarded until approved by the Electrical Inspector. A penalty fee may assessed for failure of the electrical contractor to promptly request a final inspection.
 11. Residential Affidavit Permit and Inspection. **[Ord. O-2007-0018, 5/15/2007]**
 - a. A residential electrical affidavit permit may be issued to an electrical contractor to perform electrical work as limited within this subsection. The permit is limited to single- or two-family use properties only. The permit will not require an inspection, but the Electrical Inspector may review contractor work for a permit issued under this section. The permit shall contain the signature of the supervising electrician certifying that the covered repair, replacement, fished or exposed installation of electrical equipment conforms to all local and state laws and that all work described on the application will be, during installation and when completed, performed in a safe, legal and workmanlike manner.
 - b. The residential affidavit permit shall allow the licensed electrical contractor to perform any two (2) of the following repairs, replacements, or installations, or any combination of two (2) items at any one (1) residential unit. An electrical contractor may only be issued one (1) affidavit permit per year. The residential

unit may only be allowed one (1) affidavit permit per year unless authorized by the Electrical Inspector.

- i. Outlet for fixture, lamp, switch or receptacle
- ii. Fixture replacement [total maximum five (5)]
- iii. Motor, including disconnecting means (furnace, exhaust fan, etc.)
- iv. Water heater
- v. Dryer or dryer outlet
- vi. Air-conditioner, including disconnecting means or air conditioner outlet
- vii. Range or range outlet
- viii. Garbage disposal, including disconnecting means
- ix. Dishwasher, including disconnecting means

12. Stop-Work Order.

- a. When it is found that any electrical installation is being made, or that any electrical device, equipment or fixture is being installed contrary to the provisions of this code, or that such electrical installation, device, equipment or fixture is dangerous or unsafe, the Electrical Inspector may issue or cause to be issued a stop-work order. Any person violating this regulation shall be subject to penalty pursuant to Section 14.99 of this chapter.
- b. Such stop-work order shall be in writing and shall be served upon the owner of such property, a duly authorized agent or the person responsible for such work. The stop-work order shall set forth the reasons why such work is being stopped and the provisions of the code being violated.
- c. A stop-work order shall be posted in a conspicuous place upon the premises and it shall be unlawful for any person to remove such order or to perform any work on the electrical installation, device, equipment or fixtures so long as the stop-work order shall remain.

13. Unsafe Conditions, Owner Responsibility.

- a. The Electrical Inspector is authorized to inspect any building, structure, dwelling unit or equipment thereon which is reported or found to have electrical systems or parts thereof that are in violation of the electrical code or that are damaged, dangerous, unsafe, unsanitary or unfit for human habitation. The Electrical Inspector, upon presentation of proper credentials, may enter at any reasonable time any building, structure or premises to enforce this code. The Electrical Inspector is authorized to issue a notice or order upon the property owner to correct any violation of the electrical code observed by such Inspector. The property owner shall promptly authorize correction of code violations.
- b. The Electrical Inspector is authorized to order the discontinued occupancy or use of a building, structure, dwelling or equipment if, in the Inspector's judgment, the building, structure, dwelling or equipment is unsafe, dangerous, unsanitary or unfit for human habitation. An order is to be issued upon the owner and persons occupying or using the building, structure, dwelling unit or equipment. An order to discontinue occupancy or use shall identify the code violation that causes the building, structure, dwelling unit or equipment to be unsafe, dangerous, unsanitary or unfit for human habitation. The Code Enforcement Director of the Department of Building Inspections may also order the installation of temporary safeguards, and upon installation of such safeguards, may permit the occupancy or use to continue or resume on a limited basis until code violations have been corrected. If the building, structure, dwelling unit or equipment can be made safe or fit for human habitation by repairs, the order shall specify a time to make repairs.
- c. The owner of the property is responsible for correction of violations issued by the Electrical Inspector in a Notice or Order. The Electrical Inspector is authorized and may commence and prosecute legal action in municipal or circuit court.

[Ord. O-2005-0001, 1/4/2005]

SECTION 39: AMENDMENT "16.20 Administration" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.20 Administration

The Plumbing Inspection Division of the ~~Code Enforcement Department of Building Inspections and Zoning~~ shall be under the Supervision of the Code Enforcement Director; ~~Department of Building Inspections and Zoning~~. The Director may employ qualified persons who shall bear the title of Plumbing Inspector and shall hold office for an indeterminate term subject to removal only for cause. The Director shall have, except where otherwise provided in this Code, the general management and control of all matters pertaining to plumbing inspections and shall enforce all State laws and City ordinances.

SECTION 40: AMENDMENT "16.60 Issuance Of Permit To Licensed Plumber" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.60 Issuance Of Permit To Licensed Plumber

To obtain a plumbing permit, a State of Wisconsin Licensed Master Plumber shall first file an application for permit with the Plumbing Inspector. The application form shall be provided by the Code Enforcement Department of Building Inspections. The application shall state the name of the owner of the property, the address of the premises where the work is proposed, a description of all work proposed and other information as may be requested by the Plumbing Inspector. Required fees, as prescribed by the Code, shall accompany the applications.

SECTION 41: AMENDMENT "17.01 Definitions And Rules For Construction" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

17.01 Definitions And Rules For Construction

The following definitions and rules of construction shall be observed in interpretation of this Revised Municipal Code, unless otherwise expressly provided in any section hereof or unless the context of any section clearly requires otherwise.

1. Revised Municipal Code. The term "Revised Municipal Code," or the work "Code," unless context otherwise requires, shall be deemed to mean the same as "Revised Municipal Code of the City of West Allis, Wisconsin."
2. City. The word "City" shall be deemed to mean the City of West Allis, a municipal corporation in the State of Wisconsin.
3. Council and City Council. The word "Council" and the terms "City Council" or "Common Council" shall be deemed to mean the Common Council of the City of West Allis, a legislative branch of the City of West Allis.
4. Gender. When any subject matter, party or person is described or referred to by words importing the masculine, females, as well as males, firms, associations and corporate organizations, as well as individuals, shall be deemed to be included.
5. Number. When any subject matter, party or person is described or referred to by words importing the singular number, the plural and persons and bodies corporate shall be deemed to be included.

6. Person. The word "person shall include a firm, corporation, association or other organization acting as a group or unit, as well as an individual. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this Revised Municipal Code prescribing a penalty or fine, as to firms, associations and other organizations, the words shall include the partners, members or agents who are responsible for any violation of said section thereof and, as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of said section.
7. Evidence. Any printed copy of the Revised Municipal Code or any printed supplement thereto, containing a printed certificate of the City Clerk as to correctness, shall be received in evidence in any court for the purpose of proving any charter and ordinances therein contained with like effect and for the same purpose as the original ordinances, minutes or journals would be received.
8. Reference to Wisconsin Statutes. All references in this Code to any sections of the Wisconsin Statutes shall be taken to mean the most recently revised and published edition of the Wisconsin Statutes, as from time to time amended, modified, repealed or otherwise altered by the State Legislature.
9. Health Commissioner. Whenever the title "Health Officer" is used in this Code it shall be taken to mean "Health Commissioner." From time to time hereafter, as pages from this Code are reprinted, the City Clerk shall substitute the title of "Health Commissioner" for the title "Health Officer."
10. Wards and Aldermanic Districts. Wherever the word "Ward" is used in this Code it shall be taken to mean "Aldermanic District," until such time as the page where such reference is contained is reprinted. Following such new printing of a Code page, the word "Ward" shall mean that which was formerly denominated "Precinct," as used in this Code, it shall be taken to mean "Ward." From time to time hereafter, as pages from this Code are reprinted, the City Clerk shall substitute "Aldermanic District" or "Aldermanic Districts" for "Wards," and "Ward" or "Wards" for "Precinct" or "Precincts."
11. License and Health Committee. Whenever the term "Public Welfare Committee" is used in this Code, it shall be taken to mean "License and Health Committee." From time to time hereafter, as pages from this Code are reprinted, the City Clerk shall substitute the term "License and Health Committee" for "Public Welfare Committee."
12. Administration and Finance Committee. Whenever the term "Public Administration Committee" is used in this Code, it shall be taken to mean "Administration and Finance Committee." From time to time hereafter, as pages from this Code are reprinted, the City Clerk shall substitute the term "Administration and Finance Committee" for "Public Administration Committee."
13. Director of Planning & Housing. Whenever the title "City Planner" is used in this Code, it shall be taken to mean "Director of Planning & Housing." From time to time hereafter, as pages of this Code are reprinted, the City Clerk shall substitute the title of "Director of Planning & Housing" for the title "City Planner."
14. ~~Director of Building Inspections & Zoning. Whenever the title "Director of Building Inspection" is used in this Code, it shall be taken to mean "Director of Building Inspections & Zoning." From time to time hereafter, as pages of this Code are reprinted, the City Clerk shall substitute the title of "Director of Building Inspections & Zoning" for the title "Director of Building Inspection."(Reserved.)~~
15. Safety and Development Committee. Whenever the term "Public Safety Committee" is used in this Code, it shall be taken to mean "Safety and Development Committee." From time to time hereafter, as pages from this Code are reprinted, the City Clerk shall substitute the term "Safety and Development Committee" for "Public Safety Committee."
16. Alderpersons. Whenever the term "Alderman" is used in this Code, it shall be taken to mean "Aldersperson." From time to time hereafter, as pages of this Code are reprinted, the City Clerk ~~Treasurer~~ shall substitute the term "Aldersperson" for "Alderman."
[Ord. O-2003-0075, 11/18/2003]
17. ~~Department of Building Inspections & Neighborhood Services. Whenever the terms "Department of Building Inspections & Zoning" and "Director of Building Inspections & Zoning" are used in this code, it shall be taken to mean "Department of Building~~

Inspections & Neighborhood Services" and "Director of Building Inspections & Neighborhood Services." From time to time hereafter, as pages of this Code are reprinted, the City Clerk/Treasurer shall substitute these new terms for the Department and its Director. ~~{Ord. O-2008-0053, 12/2/2008}~~{Reserved.}

18. City Clerk or City Treasurer. Wherever the term "Clerk/Treasurer" is used in this Code, it shall be taken to mean the City Clerk or the City Treasurer as the context and the operation of Section 2.10 determine is appropriate. From time to time hereafter, as pages of this code are reprinted, the City Clerk shall substitute these new terms. ~~{Ord. O-2014-0024, 5/20/2014}~~{Reserved.}

SECTION 42: **AMENDMENT** "17.10 Citation Authority" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

17.10 Citation Authority

~~The Code Enforcement Director of the Department of Building Inspection and Neighborhood Services, the Health Commissioner, the Director of Public Works, and the Director of Development, or their designees, shall have the authority, pursuant to Section 66.0113(2), Wis. Stat., to issue citations for violations of this Municipal Code. Such authority to issue citations is limited to the code or codes that such respective department is charged with enforcing. In addition, all sworn law enforcement officers of the West Allis Police Department are authorized to issue a citation for any violation of this Code. Community service officers, as designated by the West Allis Police Chief, have the authority to issue citations, pursuant to Wis. Stat. Section 66.0113(2), for any violation of Chapters 6, 7, 9, 10, or 11 of this Municipal Code. Parking control officers, as designated by the West Allis Police Chief, have the authority to issue citations, pursuant to Wis. Stat. Section 66.0113(2), for any violation related to parking, stopping, or standing of vehicular traffic contained within this Municipal Code or state statute related to parking, stopping, or standing of vehicular traffic and adopted by this Municipal Code.~~

~~{Ord. O-2013-0052, 11/19/2013; Ord. O-2014-0003, 2/4/2014; Ord. O-2017-0024, 6/6/2017}~~

SECTION 43: **AMENDMENT** "18.09 Nuisance Abandoned Buildings" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

18.09 Nuisance Abandoned Buildings

1. Legislative Findings.
 - a. That there are a large number of vacant buildings scattered throughout the City that are not properly maintained.
 - b. That such vacant buildings have reached a stage of disrepair and deterioration with the yards of said buildings having become untended and filled with junk so as to constitute a blighting influence.
 - c. That such vacant buildings are subject to exterior vandalism and are broken into and subject to vandalism of the interior, are used for unsanitary or immoral purpose, and are potential fire hazards.
 - d. That the state of disrepair and deterioration of such vacant buildings creates a public nuisance, constitutes a hazard to the health, safety and welfare of the public, and creates a blighting influence on the surrounding neighborhood.
2. Definitions.

- a. "Abandoned building" means a building or structure, as defined in Section 12.06 of the Revised Municipal Code, that is vacant or not occupied by a rightful owner or tenant and also has one or more of the following characteristics:
 - i. Is in violation of the lawn regulations set forth in Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
 - ii. Is in violation of the minimum standards for buildings and structures set forth in Section 13.28(9) of the Revised Municipal Code.
 - iii. Has junk, refuse, rubbish, etc., strewn around or stored on the property or otherwise has unlawful outdoor storage of materials or has an abandoned vehicle or vehicles (as defined in Section 6.015 of the Revised Municipal Code) on the property.
 - iv. There are broken or open doors or windows or the exterior of a building's structure otherwise is not secured from the elements or entry by trespassers.
 - v. Graffiti has not been removed from the buildings, structures, or equipment on the property as required by Section 18.08 of the Revised Municipal Code.
 - vi. The buildings, structures or premises are otherwise dilapidated or deteriorated or create a dangerous condition.
 - vii. Snow and/or ice have been allowed to accumulate and remain on the public sidewalk abutting the property contrary to Section 11.12 of the RMC.
3. Prohibition. No owner of any real property may maintain, allow or suffer an abandoned building to exist within the City.
4. Notification to Owner. The ~~Code Enforcement Director of Building Inspections and Neighborhood Services~~, Director of Public Works, or Health Commissioner or his or her designee shall mail or cause to be mailed, by first class mail to the last known address of the owner, a written order directing the owner to abate the specified conditions that constitute an abandoned building in a timely manner. The order shall include a list or description of the factors that are causing the blight or nuisance, a date of issue, a statement of the consequences of the failure to comply, an explanation of the right to petition the Property Maintenance Code Appeals Board for a hearing within ten (10) days, a statement that any property owner who does not file a petition for a hearing waives the right to assert that the property does not meet the definition of an abandoned building, and a statement informing the property owner that the property must be brought into compliance within ten (10) days. Such order shall also be posted on the front door or other conspicuous place on the property.
5. Appeal and Hearing Procedure.
 - a. A property owner may appeal the order to the Property Maintenance Code Appeals Board, established pursuant to Section 13.28(14) of the Revised Municipal Code, by filing a written request for a hearing with the City Clerk within ten (10) days of the issuance of the abatement order.
 - b. The appeal and hearing procedure shall conform to the standard rules and procedures of the Property Maintenance Code Appeals Board.
 - c. Upon receipt of the hearing request, the ~~Code Enforcement Director of Building Inspections and Neighborhood Services~~, Director of Public Works, or Health Commissioner or his or her designee shall halt the abatement process under Subsection (6), pending decision of the Property Maintenance Code Appeals Board.
 - d. If the Property Maintenance Code Appeals Board upholds the determination that the property is an abandoned building, the owner may appeal the decision within thirty (30) days to the Circuit Court of Milwaukee County.
 - e. If a property owner does not file a timely written request for a hearing before the Property Maintenance Code Appeals Board, he or she waives the right to assert that the property is not an abandoned building and in need of abatement under this Section.
 - f. Emergency Procedure. Notwithstanding the notice provisions of Subsection

(4) and the appeal procedures of Subsection (5), the Code Enforcement Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or his or her designee may take immediate steps, including taking action through a private contractor, to abate a condition or conditions that create an immediate threat to health or safety. The owner of the property may contest the need for such action and/or the cost thereof after the abatement, following the hearing procedures set forth in Subsection (5).

6. Abatement of Nuisance. Within ten (10) days of the date of the abatement order, if the owner has not filed an appeal or abated the nuisance, the Code Enforcement Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or his or her designee, or a private contractor chosen by the Code Enforcement Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or his or her designee, may enter the property and abate the conditions that give rise to the property being an abandoned building, except that the Code Enforcement Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner, or his or her designee, or contractor may not occupy the premises or cause them to be occupied unless the City is the owner or otherwise has legal care and custody of the property. A property will be deemed abated when the criteria establishing an abandoned building have been removed, corrected or repaired.
7. Continuity of Abandoned Status. Once a property has been declared a nuisance abandoned property, the Code Enforcement Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or his or her designee shall continue to correct such deficiencies as they exist until the owner petitions the official who made the declaration and demonstrates that the owner can maintain the premises in conformance with State law and City ordinances. The petition shall be in writing to the official who made the nuisance determination. The official shall render a decision within thirty (30) days of receipt of the petition or the petition shall be deemed granted and the property will be removed from the list of nuisance abandoned properties. The determination of the declaring official may be appealed by an interested party as provided in Subsection (5).
8. Costs. The cost of abatement shall be collected as a special charge against the property pursuant to Wis. Stat. Sec. 66.0627 for the costs of the services provided. If the special charge is not paid within thirty (30) days, the special charge shall be deemed delinquent. A delinquent special charge shall be a lien against the property as of the date of delinquency and shall be included in the current or next tax roll for collection and settlement under Chapter 74, Wis. Stat.
9. Prohibition and Penalties. No person shall remove, alter, deface, damage, or tamper with any items, including signs, locks, boards, or any other materials, used by a City Building Inspector or his or her designee to post or secure any nuisance abandoned property. Any person violating this Subsection shall be required to forfeit not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00). For a second or subsequent violation, the person shall be required to forfeit not less than one thousand dollars (\$1,000.00) nor more than two thousand dollars (\$2,000.00). The person shall be required to pay the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Sec. 800.095(4) of the Wisconsin Statutes, or by suspension of the defendant's operating privilege, pursuant to Secs. 343.30 and 345.47 of the Wisconsin Statutes. Each and every day that an offense occurs or continues constitutes a separate offense.

[Ord. O-2008-0030, 8/5/2008; Ord. O-2015-0046, 9/15/2015]

SECTION 44: AMENDMENT “18.10 Registration Of Properties Pending Foreclosure” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

18.10 Registration Of Properties Pending Foreclosure

1. Findings. The Common Council finds that a significant relationship exists among properties in the foreclosure process, the prevalence of blight and abandoned buildings, increased calls for police service, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Property owners involved in foreclosure have less incentive to maintain their properties, and properties in foreclosure have a higher incidence of building code violations than properties not in foreclosure. The foreclosure process may also result in abandonment. Abandoned buildings become havens for vandalism, arson and drug crimes, draining valuable governmental resources and creating a significant reduction in quality of life for the surrounding neighborhood. Registration, inspection and aggressive monitoring of properties in the foreclosure process help to stabilize and improve affected neighborhoods and aid in code enforcement efforts, as well as public safety. A mortgagee that does not register, inspect, secure, and maintain, as required in this section, places an undue and inappropriate burden on the taxpayers of the City and poses an increased risk to public health, safety and welfare.
2. Purpose and Scope. The purpose of this section is to establish a registration program to monitor all real properties pending foreclosure to identify at-risk properties and to regulate the securing and maintenance of abandoned properties in foreclosure. This section is intended to reduce and prevent neighborhood blight; to ameliorate conditions that threaten public health, safety and welfare; to promote neighborhood stability and occupancy by preserving the condition and appearance of properties; and to maintain property values and assessments. It is declared a matter of public policy and an exercise of the City's police power that mortgagees initiating foreclosure proceedings against a property are required to register with the City of West Allis. This registration process will give City departments the means of contacting those responsible for the foreclosure proceedings and mortgages at issue, those responsible for the inspections required in this section, and those responsible for the securing and maintenance of abandoned property as required in this section. The purpose of the registration fee is to partially recover administrative costs associated with this registry. Nothing in this section shall be construed as waiving, relieving, or otherwise excusing an owner of property from complying with applicable building codes and ordinances. The owner shall at all times comply with applicable building codes and ordinances, and the owner shall at all times remain responsible and liable therefor. Nothing in this section is intended to affect the right to foreclose as provided by state law.
3. Definitions. In this section:
 - a. "Abandoned property" means any real property that is in mortgage default, bank owned (REO) and/or is vacant as a result of the relinquishment of occupancy, possession or control by a mortgagor and those claiming by, through or under the mortgagor, including tenants, whether or not the mortgagor relinquished equity and title. A property may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, which would lead a reasonable person to conclude that the property is abandoned, including:
 - i. Violation of the lawn regulations as set forth in Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
 - ii. Accumulation of newspapers, circulars, flyers, or mail.
 - iii. Past-due utility notices.
 - iv. Accumulation of junk, litter, trash, or debris.
 - v. Absence of window treatments, such as blinds, curtains, or shutters.
 - vi. Absence of furnishings and personal items.
 - vii. Statements by neighbors, delivery agents, or similarly situated persons that the property is vacant.
 - viii. Any of the items specified in Sec. 846.102(2), Wis. Stats.
 - ix. Violation of the minimum standards for buildings and structures set

forth in Section 13.28(9) of the Revised Municipal Code.

- x. Broken or open doors or windows or the exterior of a building's structure otherwise is not secured from the elements or entry by trespassers.
 - xi. Graffiti has not been removed from the buildings, structures, or equipment on the property as required by Section 18.08 of the Revised Municipal Code.
 - xii. The buildings, structures, or premises are otherwise dilapidated, deteriorated, or create a dangerous condition.
 - xiii. Snow and/or ice have been allowed to accumulate and remain on the public sidewalk abutting the property contrary to Section 11.12 of the Revised Municipal Code.
 - xiv. Any real property located in the City, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the mortgagee or trustee, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- b. "Accessible structure" means a building that is accessible through a compromised door, wall, window, or similar building feature and that is unsecured in a manner that allows access to interior space by unauthorized persons.
 - c. "Agent" means a person or entity, including a servicing company, acting on behalf of the mortgagee regarding the mortgage or mortgage loan, the foreclosure proceedings, or the mortgaged property, including the inspection, maintenance and securing duties required in this section, except that an attorney shall not be deemed to be an agent if the attorney is retained solely to represent the mortgagee or agent in connection with the foreclosure proceedings in court.
 - d. "Department" means the City of West Allis ~~Code Enforcement Department of Building Inspection and Neighborhood Services.~~
 - e. "Director" means the ~~Code Enforcement Director of the City of West Allis Department of Building Inspection and Neighborhood Services.~~
 - f. "Foreclosure" means the process prescribed by Chapter 846, Wis. Stats. and the process for nonjudicial sale authorized by a power of sale clause in a mortgage.
 - g. "Mortgage" means a written instrument creating a lien on real property whereby the property is used as security or collateral for performance of an act or payment of funds. For purposes of this section, mortgage also includes a land contract.
 - h. "Mortgagee" means the person or entity that lends money to a borrower for the purpose of purchasing a piece of real property or the person or entity to which the mortgage has been granted or assigned.
 - i. "Mortgagor" means the person or entity that obtained a mortgage to purchase or refinance a piece of real property.
 - j. "Occupied property" means a residential property with a structure on which any person, including an owner, operator, or tenant, but not a trespasser, lives, sleeps, cooks, or otherwise maintains actual possession.
 - k. "Person" means any person, firm, organization, or corporation.
 - l. "Residential property" means a property used in whole or in part for residential purposes, including single-family, two-family, and multifamily dwelling; mixed-use commercial and residential structures, but not residential condominium units.
 - m. "Servicing company" means a person or entity that provides services to the mortgagee or to an agent of a mortgagee, including debt servicing, collection of payments, administration of escrow and insurance accounts, managing loss mitigation, foreclosing, and securing and managing properties on behalf of the mortgagee or the mortgagee's agent.

4. Registration Required.
 - a. Within five (5) working days of filing with the court of the foreclosure proceedings against a residential property, the mortgagee or agent shall register the property in the name of the mortgagee with the Department on a form or by an electronic process prescribed by the Director. This form shall include all of the following:
 - i. Information identifying the property by address and tax key number.
 - ii. The mortgagor of record and the mortgagee of record.
 - iii. The Register of Deeds recording document number for the mortgage being foreclosed and the date of recording.
 - iv. The current owner of the note or instrument secured by the mortgage, and the registered agent and registered office for that owner.
 - v. The date of recording of the lis pendens for commencement of the foreclosure proceedings.
 - vi. The case number of the foreclosure action and the plaintiff in the foreclosure action.
 - vii. The servicing company or other agent acting on behalf of the mortgagee, and the registered agent and registered office for that servicing company or agent.
 - viii. Contact information for a person with the mortgagee or agent who will be responsible for inspecting, securing, and maintaining the property as required under this section.
 - b. A mortgagee or agent for a residential property in foreclosure proceedings for whom the proceedings were initiated prior to the effective date of this section and who remains subject to the foreclosure proceedings shall register with the City within thirty (30) days of the effective date of this section. The mortgagee or agent shall be subject to the requirements of this section, except for the initial inspection under Subsection (7)(a).
5. Amendment. Within twenty (20) days of a change in information for the registration of a property, including a change in ownership of the mortgage or a change in agent, servicing company or contact person, the mortgagee or the mortgagee's agent shall file an amended registration with the Department on a form or by an electronic process prescribed by the Director.
6. Termination of Registration.
 - a. To terminate a registration, the mortgagee or the mortgagee's agent shall file a registration termination with the Department on a form or by an electronic process prescribed by the Director within ten (10) days of either of the following, whereupon the duties of the mortgagee or the agent under this section shall cease:
 - i. A court-confirmed sale of the property in foreclosure with the deed having been issued in the foreclosure proceedings and the deed or evidence of the deed having been recorded in the Register of Deeds office.
 - ii. A court order dismissing the foreclosure proceedings and a discharge of the lis pendens having been recorded in the Register of Deeds office.
 - b. The mortgagee or agent shall provide in the termination filing the Register of Deeds recording information for one (1) of the following:
 - i. The deed or the evidence of the deed, as provided in Subsection (6)(a)(1).
 - ii. The lis pendens discharge, as provided in Subsection (6)(a)(2).
 - c. If the court dismisses the foreclosure proceedings due to a discharge or satisfaction of the mortgage, the mortgagee or agent shall also provide with the termination filing the Register of Deeds recording information for the discharge or satisfaction of the mortgage.
7. Inspection of Abandoned Property.
 - a. Initial Inspection. Whenever a mortgagee or agent initiates foreclosure proceedings against a property, the mortgagee or agent shall cause a physical inspection to be made of the property not later than thirty (30) days from the

date of filing of the foreclosure proceedings. One (1) or more photographs shall be taken of the property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.

- b. Periodic Inspections. The mortgagee or agent shall perform a reinspection of the property subject to the foreclosure proceedings at least once every thirty (30) days following the initial inspection until a registration termination is filed. One (1) or more photographs shall be taken at each reinspection and shall be dated and preserved.
 - c. Records. A mortgagee or agent shall maintain written records, including photographs, of any inspection or reinspection required by this section, and, in the case of abandoned property, records of actions taken under Subsection (9). Written records and photographs of inspection and reinspection shall be made available to the Department upon request.
8. Notification of Abandoned Property. If inspection of the property required under Subsection (7) shows the property is abandoned, or if the mortgagee or agent otherwise becomes aware of abandonment, the mortgagee or agent shall file notification of the abandoned property within five (5) business days on a form or by an electronic process prescribed by the Director or his or her designee, that includes a description of the external condition of the property and whether there is an accessible structure on the property. The notification filing shall identify the person authorized by the mortgagee to enter upon the property and to conduct repairs or maintenance and secure access, as required in Subsection (9).
9. Duty to Secure, Maintain, and Post Abandoned Property.
- a. The property maintenance duties of a mortgagee or agent with an abandoned property shall be limited to the following:
 - i. Ensuring that there are no accessible structures on the premises.
 - ii. Ensuring that there are no conditions upon the property presenting an immediate risk to public health, safety, or welfare, including:
 - (1) Removing or abating fire hazards.
 - (2) Removing or containing potentially toxic materials and explosives.
 - (3) Securing the perimeters of swimming pools, ponds, or other bodies of water.
 - (4) Maintaining public walkways and thoroughfares free from ice, snow, mud, and other debris consistent with the requirements of Section 11.12 of the Revised Municipal Code.
 - (5) Mowing grass and eliminating weeds and other plant growth consistent with the requirements of Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
 - b. A mortgagee or agent shall include a statement in the abandonment notification identifying action taken or planned to be taken to comply with the requirements of Subsection (9)(a).
 - c. Upon filing notification of the abandoned property or at the time that notification is required to be made, and until there has been a registration termination filed regarding the abandoned property, the Director may make a finding that the condition of the property constitutes an immediate threat to public health, safety and welfare and, upon such finding, may issue a written order to the mortgagee or agent, or both, to abate the condition. Upon failure to comply with the Director's order within ten (10) days, the mortgagee or agent, or both, shall be responsible and shall be subject to a penalty in the same manner and to the same extent as the owner of the property under any of the following Revised Municipal Code sections:
 - i. Sections 7.05 and 7.051, refuse and recycling collection; littering of premises.
 - ii. Sections 11.07(7) and 11.12, sidewalks to be kept clean and unobstructed.
 - iii. Section 6.015, abandoned vehicles.

- iv. Section 18.03, public nuisances.
- v. Section 7.035, noise control.
- vi. Section 7.06, noxious chemicals.
- vii. Section 13.35, swimming pools.
- viii. Section 18.08, graffiti abatement.
- ix. Sections 13.28(9) and 13.28(10), maintenance of premises.
- x. Section 7.14(3), rat harborages.
- xi. Section 13.18, condemnation of unsafe structures.

- d. The minimum requirements of a mortgagee or agent for preservation and protection of residential property, absent a specific order of the Director to abate a condition of the premises, shall be consistent with 24 CFR 203.377 and the rules, regulations and other requirements published by the Federal Housing Administration (FHA) of the United States Department of Housing and Urban Development for the preservation and protection of single-family residential properties secured by FHA loans, as those requirements may be amended by FHA mortgagee letters or otherwise, and as applied by the FHA to the State of Wisconsin, including guidelines related to winterization and heating systems. The Director may issue a written order to the mortgagee or agent, or both jointly and severally, to abate the condition. The mortgagee or agent, or both, shall be held liable for failure to abate and for repayment to the City of the reasonable costs incurred by the City related to abatement of conditions that are subject to FHA guidelines specified in this subsection, or which are subject to an order under Subsection (9)(c) and which threaten public health, safety, and welfare.
- e. A mortgagee or agent, upon receiving information or determining that the residential property is abandoned, and until the property is no longer abandoned, shall post and maintain signs affixed or adjacent to all entrances to the building indicating:
 - i. The name, address and telephone number of the agent authorized by the mortgagee to be responsible for maintenance and management of the property, as specified under Subsection (8).
 - ii. That no trespassing is allowed upon the premises without consent of the agent.

10. Fees.

- a. The fee for registration of property pending foreclosure shall be three hundred dollars (\$300) and shall be due upon registration.
- b. The registration form and fee may be transmitted electronically or by any other means to be determined by the Director or his or her designee. The annual registration shall be valid from the date the property was initially obligated to register pursuant to the governing ordinance, the registration form is completed and filed with the Department or its designee and the registration fee is received by the Department or its designee.
- c. There shall be no fee for filing an amended registration or for filing a registration termination.

11. Penalties.

- a. Failure to Register or to File Amendment. Any mortgagee or agent that fails to register as required under Subsection (4), fails to file an amendment as required under Subsection (5), or fails to file a termination as required under Subsection (6), shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
- b. Failure to Inspect. Any mortgagee or agent that fails to inspect or reinspect a property as required under Subsection (7) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than two hundred fifty

dollars (\$250) nor more than one thousand dollars (\$1,000), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

- c. Failure to Notify about Abandoned Property. Any mortgagee or agent that fails to file notification of an abandoned property as required under Subsection (8) shall be jointly and severally responsible and, upon conviction, shall forfeit not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
- d. Failure to Secure and Maintain Abandoned Property. Any mortgagee or agent having a duty to register abandoned property that fails its duty to secure and maintain the property as required under Subsection (9) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than eight hundred dollars (\$800) nor more than two thousand five hundred dollars (\$2,500), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
- e. Failure to Maintain Records or to Post. Any mortgagee or agent that fails to maintain or provide records required in Subsection (7), or to post signage as required in Subsection (9) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

[Ord. O-2015-0042, 9/1/2015; Ord. O-2016-0018, 3-15-2016]

SECTION 45: **AMENDMENT** “Salary Schedule” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Salary Schedule

1. Establishment. City employees and officers shall receive compensation based on the salary schedule in this ordinance, the terms of an employment contract, or the terms of a collective bargaining agreement.
2. Automatic Cost of Living Adjustments. This salary schedule does not include an automatic adjustment for personnel in conformity with fluctuations upwards and downwards in the cost of living.
3. Employee and Appointed Officer Salaries. Each City employee and officer who holds a position recognized within the salary schedule below shall receive compensation within the range assigned to the salary grade for that employee's or officer's position.

[Current Salary Schedule - Effective 2/2/22TBD \(Link\)](#)

Past Salary Schedules

- [Effective 2/2/22-TBD \(Link\)](#)
- [Effective 1/11/22-2/1/22 \(Link\)](#)
- [Effective 10/3/21-1/10/21 \(Link\)](#)
- [Effective 7/13/21-10/2/21 \(Link\)](#)
- [Effective 6/15/21-7/12/21 \(Link\)](#)
- [Effective 6/1/21-6/14/21 \(Link\)](#)
- [Effective 3/2/21-5/31/21 \(Link\)](#)
- [Effective 2/2/21-3/1/21 \(Link\)](#)
- [Effective 12/15/20-2/1/21 \(Link\)](#)
- [Effective 10/18/20-12/14/20 \(Link\)](#)
- [Effective 9/1/20-10/17/20 \(Link\)](#)
- [Effective 3/17/20-8/31/20 \(Link\)](#)
- [Effective 3/3/20-3/16/20 \(Link\)](#)
- [Effective 1/7/20-3/2/20 \(Link\)](#)
- [Effective 8/6/19-1/6/20 \(Link\)](#)
- [Effective 3/19/19-8/5/19 \(Link\)](#)
- [Effective 10/16/18-3/18/19 \(Link\)](#)
- [Effective 10/2/18-10/15/18 \(Link\)](#)
- [Effective 6/19/18-10/1/18 \(Link\)](#)
- [Effective 4/17/18-6/18/18 \(Link\)](#)
- [Effective 3/6/18-4/16/18 \(Link\)](#)
- [Effective 1/14/18-3/5/18 \(Link\)](#)

4. Elected Officer Salaries. Elected officers shall receive annual salaries as indicated in this subsection. Salaries for elected officers shall be paid in biweekly payments in the same manner as employees and appointed officers.

a. Alderperson

Date	Annual Salary
Effective 4/21/2020	\$10,000
Effective 1/1/2021	\$10,200
Effective 1/1/2022	\$10,400
Effective 1/1/2023	\$10,600
Effective 1/1/2024	\$10,800

b. Mayor

Date	Annual Salary
Effective 4/21/2020	\$73,583.75
Effective 4/20/2021	\$75,791.26
Effective 4/19/2022	\$78,065.00
Effective 4/18/2023	\$80,406.95

c. Municipal Judge

Date	Annual Salary
Effective 5/1/2019	\$69,603.82

5. Hourly Employee Pay Rates. Each City employee who holds a position recognized below shall receive compensation within the range assigned. The rates assigned to any position marked with an asterisk shall increase by 3.5% if the employee is a City resident.

Position	Minimum Hourly Pay	Maximum Hourly Pay
BINS-Code Enforcement Part-Time Inspector*	\$24.51	\$29.41
Co-Facilitator (WISH)*	\$25.00	\$30.00
College Co-op/Intern	\$12.00	\$17.50
Community Service Officer*	\$11.76	\$14.71
Crossing Guard	\$11.00	\$13.00
High School Co-op	\$8.00	\$9.00
Lead Library Page*	\$10.00	\$15.00
Library Page*	\$8.33	\$10.50
Market Attendant*	\$17.56	\$24.08
Neighborhood Partnership Specialist*	\$18.00	\$23.00
Night Parker Taker*	\$7.84	\$9.80
Part-Time Cleaner*	\$12.00	\$17.00
Police Background Investigator*	\$24.51	\$29.41
Security Installers*	\$11.76	\$14.71
Special Voting Deputy*	\$9.80	\$9.80
Temporary Seasonal Laborer*	\$13.00	\$16.00
WISH Child Care Provider*	\$9.80	\$14.71

6. Election Official Pay Rates. Any person who is appointed as an election official under Wis. Stat. 7.30 or seeking that appointment shall receive compensation of:
- \$125.00 per full day of work on election day as an inspector. The city clerk may authorize up to \$50.00 in additional pay for meeting performance metrics established by the city clerk.
 - \$150.00 per full day of work on election day as an assistant chief inspector. The city clerk may authorize up to \$75.00 in additional pay for meeting performance metrics established by the city clerk.
 - \$175.00 per full day of work on election day as a chief inspector of a polling place. The city clerk may authorize up to \$100.00 in additional pay for meeting performance metrics established by the city clerk.
 - \$25.00 for attending an instructional meeting prior to election day.
 - \$15.00 per hour for any of the following:
 - training prior to election day.
 - working as a special voting deputy under Wis. Stat. 6.875.
 - \$350.00 per full day of work on election day as chief inspector of the location canvassing absentee ballots under Wis. Stat. 7.52. The city clerk may authorize up to \$100.00 in additional pay for meeting performance metrics established by the city clerk.
7. Unlisted Positions. Each City employee and officer who holds a position not recognized within this salary schedule shall receive compensation in the manner described in that employee's or officer's employment contract or collective bargaining agreement.

[Fire Department Salary Schedule - Effective 4/5/20-12/31/21 \(Link\)](#)

Wis. Stat. 7.03, 62.09(6), 66.0507, 755.04

SECTION 46: AMENDMENT “1.04 Municipal Budget” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

1.04 Municipal Budget

1. Submission of Budget Requests. On or before September 1 of each year, each office or Department of the City shall file with the City ~~Administrator~~Clerk/Treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer or Department during the preceding fiscal year and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer or Department during such year and of the condition and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year.
2. Form of Budget Requests. The budget of each officer or Department of the City shall be on forms prescribed by the ~~Finance Director/Comptroller~~Director of Administration and Finance, who shall, prior to supplying such forms to the respective officer and Departments, insert the actual revenue and expenditures for such officer or Department during the preceding fiscal year and the actual revenues and expenditures for the first six (6) months of the current year. Upon receipt of such forms from the ~~Finance Director/Comptroller~~Director of Administration and Finance, the respective officers and Departments of the City shall insert thereon the estimated revenues and expenditures for the balance of the current year; also, detailed estimates of the same matters for the ensuing fiscal year. The ~~Finance Director/Comptroller~~Director of Administration and Finance shall also, in supplying the forms to respective officers and Departments, insert the actual amount budgeted for the respective accounts of such officer or Department by the Common Council for the current fiscal year. The respective officers and Departments of the City shall insert on such forms for informational purposes for the current fiscal year the differences, if any, between amounts budgeted for receipts and disbursements and the estimated receipts and disbursements for the current year.
3. Duties of ~~Director of Administration and Finance~~Finance Director/Comptroller. On or before September 1 of each year, the ~~Finance Director/Comptroller~~Director of Administration and Finance shall file with the City ~~Administrator~~Clerk/Treasurer a statement of all existing indebtedness, together with a schedule of principal and interest maturities on such indebtedness, for the ensuing year and a statement of all anticipated revenue from sources other than officers and Departments of the City. The statement of the ~~Finance Director/Comptroller~~Director of Administration and Finance shall also list all proposed appropriations for each non-Departmental activity and reserve account for the ensuing year, together with comparisons of such proposed appropriations and anticipated revenue with those for the preceding year, actual revenues and expenditures for the first six (6) months of the current year and estimated revenues and expenditures for the balance of the current year and surplus funds anticipated at the end of the current year, if any.
4. Schedule of Departmental Hearings. The City ~~Administrator~~Clerk/Treasurer shall present the aforesaid statements and proposed budgets of the various officers and Departments of the City to the Common Council at the first meeting of the Common Council on or after September 1 of each year. The Common Council shall thereupon determine a schedule for consideration of such proposed budgets with the various officers and Departments of the City and shall thereupon meet and discuss with those officers and Departments, at the dates and times indicated, or as determined from time to time.
5. Budget Analysis. The ~~Finance Director/Comptroller~~Director of Administration and Finance shall ~~make himself~~be available, as required by the Common Council, for advice and assistance and shall, if requested by the Mayor and the Common Council, analyze the proposed budgets, present reports to the Mayor and the Common Council and assist in the preparation of an operating City budget and a determination of the

- sum to be financed in whole or in part by a general property tax, funds on hand or estimated revenues from any source. The Mayor shall take specific budget recommendations, including a proposed budget ordinance, to the Common Council by not later than October 15 of each year.
6. **Publication of Proposed Budget.** After the Common Council has formulated a proposed operating City budget, it shall determine the time and place for a public hearing thereon. A summary of such budget and notice of the place where such budget in detail is available for public inspection and notice of the time and place for holding the public hearing thereon shall be published in the official City newspaper at least ten (10) days prior to the time of such public hearing.
 7. **Public Hearing.** Not less than ten (10) days after the publication of the proposed budget and the notice of hearing thereon, a public hearing shall be held at the time and place stipulated in such notice, at which time any resident or taxpayer of the City shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.
 8. **Final Budget and Tax Levy.** Following the public hearing on the proposed budget, the Common Council shall determine what alterations therein shall be made concerning the amount of tax to be levied, the amounts of the various appropriations and the purposes for such appropriations stated in such budget. After such alterations, if any, have been made, the Common Council shall determine by ordinance the total City operating budget, the amount of the City levy for general property taxes and shall levy such tax by ordinance.
 9. **Changes in Budget.** Following the determination by ordinance of the various appropriations and the purposes of such appropriations and the amount of the tax to be levied, the budget shall not be altered thereafter unless authorized by a vote of two-thirds (2/3) of the entire membership of the Common Council by resolution. Such resolution shall thereafter, within eight (8) days, be published in the official City newspaper.
 10. **School District Budget.** This section shall, except as otherwise provided by State law, govern the procedure to be followed by the Board of Education of Joint City School District No. 1, in the preparation and submission of its proposed budgets.

SECTION 47: AMENDMENT “1.075 Stormwater Management System User Charges” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

1.075 Stormwater Management System User Charges

1. **Purpose.** It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users of the City's stormwater management system. The proceeds of such charges will be used to fund the management of the City's stormwater system, to include but not be limited to, investment and reinvestment in, and the maintenance and improvement of new and existing infrastructures, and other improvements to the system that will reduce flooding and urban non-point source pollution in stormwater run-off consistent with federal and state regulations. The stormwater management system user charge ordinance is enacted pursuant to the authority of Wis. Stat. § 66.0821(4).
2. **Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this section shall be as follows:

City means the City of West Allis.

Committee means the Board of Public Works Committee of the West Allis Common Council.

Common Council means the Common Council of the City.

Debt service means, with respect to any particular fiscal year and any particular bond series, an amount equal to the sum of (i) all interest payable on such bonds during such fiscal year, plus (ii) any principal installments of such bonds during such fiscal year.

Developed property means real property which has been altered from its natural state by the addition of any improvements, such as a building, structure or impervious surface.

Dwelling unit means a single unit or apartment providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Equivalent run-off unit (ERU) means the estimated average impervious area of a single-family home within the City on the date of adoption of this section. Impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks. One ERU is equal to one thousand eight hundred twenty-seven (1,827) square feet of impervious area.

Extension and replacement means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the system, or land acquisition for the system and any related costs thereto, or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.

Fiscal year means a twelve-month period commencing on the First day of January of any year.

Impervious area or impervious surface means a horizontal surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as streets, roofs, sidewalks, parking lots and other similar surfaces.

Mobile home means a single residential unit (mobile home) within a mobile home park.

Multifamily means a residential property with two (2) or more dwelling units.

Nonresidential means any developed property not used, primarily, as a permanent residence, such as a commercial, industrial or an institutional property (schools, churches, hospitals, fraternal organizations, municipal facilities, etc.).

Operating budget means estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service of the system for each fiscal year.

Operation and maintenance means the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, the cost of regulatory compliance, the cost of materials and supplies used for current operations and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

Qualifying receiving stream means a receiving stream within the municipal boundaries

of the City for which the City has or is expected to have little to no debt service costs or extension and replacement costs. Those portions of Honey Creek, Underwood Creek, and the Root River located within the municipal boundaries of the City are qualifying receiving streams.

Rate means the user fee charged on each ERU. The rate is determined by the Common Council for each fiscal year.

Revenues means all rates, fees, assessments, rentals, fines or other charges or other income received by the City, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account, as herein required, and any amounts contributed by the City, all as calculated in accordance with sound accounting practices.

Single-family home means a residential property with exactly one dwelling unit.

Stormwater management system, stormwater system or system means the existing stormwater collection system of the City, including but not limited to storm sewers, retention ponds, detention ponds and qualifying receiving streams, and all improvements thereto, which by this section are constituted as the responsibility of the City, to be operated as an enterprise fund, and all activities undertaken to conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

Undeveloped land means any real property with no impervious area.

User charge means the charge established by the Common Council on developed property in the City to pay operations and maintenance, extension and replacement and debt service for the stormwater management system.

3. Disposition of Revenue.

- a. The user charges hereunder shall generate adequate annual revenues to pay costs for the stormwater management system.
- b. The portion of the total user charges collected which are designated for operation and maintenance, capital improvement projects and debt service shall be deposited in a separate nonlapsing fund known as the Stormwater Management System Fund and will be kept in three (3) primary accounts as follows:
 - i. An account designated for the specific purpose of defraying operation and maintenance costs, excluding extension and replacement of the stormwater system (operation and maintenance account).
 - ii. An account designated for the specific purpose of extension and replacement of the stormwater system over the useful life of the system (extension and replacement account).
 - iii. An account designated for the specific purpose of payment of debt service (debt service account). The City may credit from this account to the general fund of the City sums to be expended for the retirement of outstanding stormwater system indebtedness of the City.
- c. Fiscal year end balances in the operation and maintenance account, the extension and replacement account and debt service account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purpose than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the operation and maintenance, extension and replacement and debt service accounts shall be returned to their respective accounts upon appropriate adjustment of the user charge rates allocation between the three Stormwater Management System Fund accounts. The user charge rates shall be adjusted such that the transferred moneys will be returned to their respective accounts

within the fiscal year following the fiscal year in which the moneys were borrowed.

4. User Charges and Rates.

- a. User Charge. The Common Council shall require that adequate revenues are generated through user charges to provide for a balanced operating budget. The Common Council hereby authorizes the imposition of user charges on all developed property in the City.
- b. Customer Classes. For purposes of the imposition of the user charge, the customer base shall be divided into five (5) user classes. ERUs shall be allocated to each customer class as follows:

Customer Class	Allocated ERUs
Single-family	1 ERU
Mobile home	0.7 ERU per dwelling unit
Multifamily	0.5 ERU per dwelling unit
Nonresidential	See Subsection (4)(c)
Undeveloped lands	No charge

- c. ERUs Allocated to Nonresidential Customer Class. The total ERUs allocated to a nonresidential property is calculated using the following formula:

ERUs	=	Total Impervious Area (sq. ft.) on the nonresidential property 1,827 Sq. Ft.
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A nonresidential property with less than 0.5 ERU will be allocated zero ERUs.

- d. Rates. The Common Council will establish a rate per ERU for each fiscal year. The rate established by the Common Council will be fair and reasonable and calculated to achieve a balanced operating budget for the system. The current rate will be on file in the office of the City Clerk/Treasurer.
- e. Calculation. User charges to a customer shall be calculated as follows:

ERUs x Rate per ERU x Adjustment Multiplier = User Charge

The adjustment multiplier for each customer shall equal 1 unless a different adjustment multiplier is approved for the customer pursuant to Subsection (7) below.

- 5. Billing and Payment. Bills for the user charge shall be rendered as part of the water bill for the property and become due and payable on the same date as the water bill. The maximum penalty permitted by law for pass-due water charges shall be added to user charges not paid by the due date.
- 6. Lien. All user charges established hereunder shall be a lien upon the property served, pursuant to Wis. Stats. § 66.0821(4)(d), and shall be collected in the manner therein provided.
- 7. Adjustments.
 - a. Intent. In certain situations, the amount of services used by and the costs of providing service to a property may be lessened due to unique characteristics of the property served. This section provides a procedure to seek adjustments of charges in those situations. In developing this process, the City recognizes that debt service costs and extension and replacement costs are incurred primarily to provide the capacity needed in the stormwater management system, and operation and maintenance costs are incurred to ensure the administration of the stormwater system, the day-to-day operation of the stormwater system and the needed capacity in the system.
 - b. Requests for Adjustment. Requests for adjustments shall be limited to the

nonresidential customer class. All such requests shall be submitted to the Director of Public Works, who is hereby given the authority to review the request and recommend to the Board of Public Works Committee of the West Allis Common Council whether an adjustment is merited based upon the guidelines established herein. The following procedure shall apply to all adjustment requests:

- i. Any nonresidential customer who believes the number of ERUs allocated to the nonresidential property to be incorrect or who believes the property is eligible for a lower adjustment multiplier as provided in Subsection (7)(c) may, subject to the limitations set forth in this section, submit an adjustment request to the Director of Public Works.
 - ii. Adjustment requests shall be in writing and set forth, in detail, the grounds upon which relief is sought.
 - iii. The nonresidential customer requesting the adjustment may be required, at his or her own expense, to provide supplemental information to the Director of Public Works, including, but not limited to, survey data approved by a registered professional land surveyor (R.P.L.S.) and engineering reports approved by a professional engineer (P.E.). Failure to provide such information may result in the denial of the adjustment request.
- c. Basis for Adjustment.
- i. The allocated ERUs may be adjusted if the ERU square footage calculation as determined in Subsection (4)(c) is incorrect.
 - ii. A customer may be eligible for a lowered adjustment multiplier under the following conditions:
 - (1) If all of the stormwater from a nonresidential property discharges directly into a qualifying receiving stream without crossing the property of another, and the discharge does not result in the exceedence of federal, state or local water quality standards, the customer is eligible for an adjustment multiplier less than one but equal to or greater than the percentage equal to the City's Operation and Maintenance cost budgeted for the current year divided by the City's User Fee Revenue budgeted for the current year.
 - (2) If all of the stormwater from a nonresidential property discharges directly into a qualifying receiving stream without crossing the property of another, and the nonresidential customer is a holder of or has filed a proper and complete application for a Municipal Stormwater Discharge Permit as provided in Wis. Stat. § 283.33 and as further defined in Department of Natural Resources ("NR") 216.01 through 216.11 of the Wisconsin Administrative Code, the customer is eligible for a lowered adjustment multiplier which may be as low as zero.
 - (3) If all the stormwater from a nonresidential property discharges directly into a stormwater collection system constructed and maintained by the Milwaukee Metropolitan Sewerage District ("MMSD") without crossing the property of another, the customer is eligible for a lowered adjustment multiplier equal to zero.
 - (4) If all the stormwater from a nonresidential property discharges directly into a storm sewer constructed and maintained by the City on the nonresidential customer's property pursuant to an easement, and if after the stormwater travels through the easement area it is discharged as provided in Subsection (7)(c)(ii)2 or 3, the customer is eligible for a lowered adjustment multiplier which may be as low as zero.
 - (5) If a retention or detention basin is located on nonresidential property, the customer may apply for a lowered adjustment

multiplier. In considering such a request, the Director of Public Works shall consider whether and to what extent the City's cost of providing service or making service available to a property has been lessened by the retention or detention basin. If the City's cost of providing service or making service available to a property has not been lessened by the retention or detention basin, the request for the lowered adjustment multiplier shall be denied. If the City's cost of providing service or making service available to a property has been lessened by the retention or detention basin, the adjustment multiplier shall be reduced to reflect the approximate reduction in the City's costs. The City's debt service costs and extension and replacement costs shall not be considered to be reduced unless the existence of a retention or detention basin results in a reduction of the size or scope of the City's stormwater collection system.

- (6) If a nonresidential municipal property receives stormwater discharge directly from a public storm sewer and/or provides a benefit that exceeds the adverse impact to the public storm sewer system, the customer's adjustment multiplier shall be zero and no charge shall be billed. [Ord. O-2013-0037, 10-1-2013]
- iii. In considering a request for an adjustment, the Public Works Director may, in his or her discretion, separately examine multiple drainage areas on one piece of property and may recommend allowing an adjustment multiplier for a portion of the property if the characteristics of one or more drainage areas meets the criteria set forth in Subsection (7)(c)(ii).
- iv. The Director of Public Works, in his or her discretion, may recommend allowing a lowered adjustment multiplier which may be as low as zero for a nonresidential property for reasons other than as specifically set forth in this Subsection (7)(c), provided that the adjustment is reasonable and not unjustly discriminatory.
- d. Director of Public Works' Recommendation and Review Procedure.
 - i. The Director of Public Works shall issue a written recommendation as to whether the request for adjustment should be granted, denied, or granted in part and denied in part. The written recommendation shall also set forth the reason or reasons for such recommendation. The recommendation shall be sent to the nonresidential customer by certified mail, and shall be provided to the Board of Public Works Committee of the West Allis Common Council.
 - ii. Within thirty (30) days of receipt of the written recommendation from the Director of Public Works, the Committee shall determine whether to review the recommendation. If the Committee determines to review the recommendation, the nonresidential customer shall be notified of such intent to review by certified mail.
 - iii. As an alternative to review under Subsection (7)(d)(ii), a nonresidential customer may, within thirty (30) days of receipt of the written recommendation from the Director of Public Works, submit a written request to the Committee asking the Committee to review the recommendation. If the Committee receives a timely written request for review, the Committee shall review the recommendation.
 - iv. If no timely notice of intent to review is sent to the nonresidential customer pursuant to Subsection (7)(d)(ii) and no timely written request for review is received pursuant to Subsection (7)(d)(iii), the recommendation of the Public Works Director shall be final.
 - v. Committee review of the Public Works Director's recommendation shall be completed within forty-five (45) days of the date the notice of intent to review is sent to the nonresidential customer, or the date the

written request for review is received, whichever is earlier. The Committee shall review the recommendation and determine whether the recommendation should be approved, rejected, or modified. The determination of the Committee shall be in writing and set forth, in detail, the reason or reasons for its decision and shall inform the nonresidential customer by certified mail.

- vi. In reviewing a recommendation, the Committee shall apply the standard and review criteria contained in Subsection (7)(c) and the considerations set forth in Wis. Stat. § 660.0821(4)(c).
- e. Application of Adjustments. Any ERU adjustment or adjustment multiplier granted shall thereafter be used to calculate the customer's user charges. The reduction shall only apply for the period of time subsequent to the filing of the request for adjustment. There shall be no retroactive adjustment for user charges imposed prior to the filing of the request.
- 8. Public Service Commission Complaint. Notwithstanding Subsection (7), any user may file a complaint with the Public Service Commission claiming that the rates, rules and practices herein are unreasonable or unjustly discriminatory pursuant to Wis. Stat. § 66.0821(5).
- 9. Severability. If any provision or part of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

[Ord. 6271, 12/3/1996; 6299, 3/18/1997; Ord. 6409, 12/1/1998; Ord. 6589, 10/2/2001]

SECTION 48: AMENDMENT "1.085 Tax Exemption Reports" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

1.085 Tax Exemption Reports

Pursuant to Sec. 70.337 of the Wisconsin Statutes, property owners located within the City of West Allis that are exempt under Sec. 70.11 of the Wisconsin Statutes, shall file, by ~~January~~ March 31 of each even numbered year, a tax exemption report with the City Clerk/~~Treasurer~~. The property owner shall use the form that is prescribed by the Department of Revenue.

SECTION 49: AMENDMENT "2.105 Copies Of City Records" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.105 Copies Of City Records

- 1. Charges and Fees. The City Clerk/~~Treasurer~~ is hereby authorized and directed to charge such charges and fees as outlined in the officially approved Common Council Notice of Public Access to Information and Records. [Ord. 6056, 12/7/1993; Ord. O-2006-0072, 11/21/2006]
- 2. Not to Apply to City Departments. Nothing contained in subsection (1) shall be construed as allowing the City Clerk to charge any fee for furnishing copies to any other officer or Department of the City; nor as limiting the authority of any Board or Commission authorized by law to make provision for charges and fees for the same or similar service covered by this section.
- 3. Fees Collected by City Clerk. The fees collected by the City Clerk, as provided in subsection (1), shall be accounted for and paid over to the City Treasurer.

SECTION 50:**AMENDMENT** “2.54 Legislative Committee” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

2.54 Legislative Committee

1. Purposes. The Committee shall have the following purposes:
 - a. To review and prepare recommendations relative to the City's official position on state and federal legislation, as well as state and federal administrative rules and policies.
 - b. To coordinate and monitor all City Department activities with respect to state and federal legislation, as well as administrative rules and regulations.
2. How Constituted. The Committee shall consist of five (5) members as follows: **[Ord. O-2005-0010, 2/1/2005]**
 - a. The Mayor, who shall serve as Chair.
 - b. The Chairperson of the Advisory Committee, or his/her designee of another member of the Advisory Committee, who shall serve as Vice Chairperson. **[Ord. O-2012-0018, 6/5/2012]**
 - c. The City ~~Administrative Officer, Clerk/Treasurer~~Administrator.
 - d. The City Attorney.
 - e. The Finance Director/Comptroller.
3. Appointments and Terms of Office. Appointments and terms of office are indefinite and follow the incumbency for the positions.
4. Organization and Procedure.
 - a. The City Administrative Officer shall serve as Secretary to the Committee, being responsible for minutes, referrals, and communications.
 - b. The meetings shall be held regularly during State legislative sessions, at the call of the Chair or majority of the Committee.
 - c. A quorum shall consist of three (3) members and all official actions shall require a majority vote.
 - d. The Mayor, as Chair, shall be the official spokesperson on all state and federal legislation and rulemaking. The Mayor is authorized to testify and send written communications on behalf of the City, consistent with the official position of the Legislative Committee and/or Common Council.
 - e. Only upon specific delegation of such authority by the Mayor, Departments and Divisions of the City may testify and send written communications on behalf of the City, consistent with the official position of the Legislative Committee and/or the Common Council.
 - f. The Legislative Committee, in the conduct of its routine review of legislative and rulemaking matters, shall concentrate its focus on those items that are of significance to City policy and operations. **[Ord. O-2015-0024, 4/7/2015]**
 - g. When the City has no official position, when the City's official position is unclear, or when time is of the essence, the Mayor shall confer with the Common Council President, or President's designee, and the Chair of the appropriate Common Council policy committee, and then testify and send written communications on legislation and rulemaking. The Mayor shall file a report with the Common Council monthly on such activity.
 - h. The City Administrator shall provide a copy of the minutes of each Legislative Committee session to each Alderperson, but the minutes shall not be referred to the Common Council for action. Any Alderperson who wishes to take a stance differing from that taken by the Legislative Committee may do so. **[Ord. O-2015-0024, 4/7/2015]**
 - i. The Committee may adopt additional rules, not inconsistent herewith, for the transaction of its business.

[Ord. 6277, 12/3/1996]

SECTION 51:**AMENDMENT** “2.56 Youth Commission” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

2.56 Youth Commission

1. How Constituted. The Youth Commission shall consist of up to thirty (30) members appointed by the Mayor, subject to confirmation by the Common Council. Members shall be from the three (3) WAWM School District high schools. Additionally, members may be appointed to the Commission from any other high schools located in West Allis or students living in West Allis and attending private high schools outside West Allis, up to the full thirty (30) member Youth Commission.

Current members of the Youth Commission may continue to serve through their senior graduation and the appointment process for new members will begin in September of each year, or as time allows.

In addition to the regular members of the Youth Commission, seven (7) adult advisors to the Youth Commission shall serve as ex officio members. Said members shall be the following individuals, or their designees: Mayor, Common Council President, School Board President, School Superintendent, Police Chief, and two (2) citizens at large.

2. Terms. Initial appointments for the Youth Commission members shall be for the period of one (1) year. Thereafter, members may be reappointed through senior graduation. Appointments of the adult advisors shall be for an indefinite term, except for the two (2) citizen members. Initial appointments of the two (2) citizen members shall be one (1) for two (2) years and one (1) for four (4) years. Thereafter, citizen appointments shall be for four (4) years.
3. Time and Place of Meeting. The Youth Commission shall meet at least once a month, but may meet more frequently as necessary. Meetings shall generally be held at City Hall but may, with sufficient advance announcement and reason, be held at another suitable place within the City in order to do its work.
4. Organization and Procedure.
 - a. Upon the completing of appointments to the Youth Commission, a date will be set for nomination and election of a youth Chairperson and a youth Recording Secretary. The youth Recording Secretary will be responsible for taking the minutes. These officers shall serve annual terms.
 - b. A quorum shall be a majority of youth members.
 - c. Written minutes shall be kept, showing all actions taken and recommendations made. A copy of such minutes shall be filed with the City Clerk/~~Treasurer~~.
 - d. The Youth Commission may adopt rules, not inconsistent herewith, for the transaction of its business.
 - e. All official actions shall be made by a majority vote of those present constituting a quorum.
5. Functions and Duties. The purpose of the Youth Commission is to involve the youth of the City of West Allis in public decisions affecting them and to encourage them to take an active role in local government. The Youth Commission may develop community youth programs that promote said purpose, including, but not limited to, the following:
 - a. Advise the Common Council annually of its activities, make recommendations to the Common Council in areas affecting the welfare of youth, either upon its own initiative or upon referral of matters to it by the Common Council.
 - b. Respond, as necessary, to the needs of youth within the City.
 - c. Recommend to appropriate agencies those community resources that should be instituted, improved, or enlarged in order to meet the needs of youth.
 - d. Perform such other duties as may from time to time be assigned to it by the Common Council.

- e. Cooperate with other Boards, Commissions, and Committees of the City where matters affecting youth are involved.

[Ord. 6555, 1/2/2001]

SECTION 52: **AMENDMENT** “2.57 Requiring Attendance Of Board, Commission And Committee Members” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

2.57 Requiring Attendance Of Board, Commission And Committee Members

1. The Chair of each board, commission, or committee shall report to the Mayor each instance in which a member is absent from three (3) consecutive meetings or five (5) meetings out of twelve (12). This provision shall not apply to the Medical Advisor serving on the Board of Health. The Mayor shall take appropriate action to secure the attendance of such members, including but not limited to, in the Mayor’s discretion, requesting their resignation or that the Common Council remove the person from the board or commission or committee.
2. This section shall not apply to Alderpersons serving on committees of the Common Council.

~~{Ord. O-2013-0003, 2/19/2013} Editor’s Note: This ordinance also stated that the City Clerk/Treasurer is to provide a copy of Section 2.57 to all current members of all boards, commissions and applicable committees and to all subsequent new members of such bodies.~~

SECTION 53: **AMENDMENT** “3.01 Council Meetings” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.01 Council Meetings

1. Regular Meetings. Regular meetings of the Common Council of the City of West Allis shall be held at the Council Chambers in the City Hall or such other place as the Common Council may designate on the first and third Tuesdays of each month or such other days that the Common Council may agree upon. The time of the Common Council meeting shall be established by the Common Council at its convenience. Public hearings may be taken up out of the regular order of business. Following a regular City election, the new Council shall first meet on the third Tuesday of April.
2. Special Meetings. Special meetings of the Common Council may be called by the Mayor (or in his/her absence, by the President of the Council), at such time as he/she may appoint, by written notice of the purpose and time thereof, to each member delivered to him/her personally or left at his/her usual abode, at least six (6) hours before the meeting. Upon petition of five (5) or more members of the Council, the Mayor (or in his/her absence, the President of the Council) shall call a special meeting of the Common Council. No other business shall be considered or transacted at any special meeting other than that for which the special meeting was called.
3. Adjournments. Any regular or special meeting may be adjourned by a majority of the members present.
4. Meetings Shall Be Public. All meetings of the Council shall be open and public and all of its procedure shall be recorded by the City Clerk/Treasurer, or under his/her authorization, in record books kept for that purpose.
5. Call To Order. "The Mayor or President or Acting President of the Council (as the

case may be) shall promptly call each meeting of the Council to order at the hour fixed for the holding of such meeting."

The direct line of succession and order shall be as follows: Chairpersons of the Administration & Finance Committee Chairpersons of the Board of Public Works Chairpersons of the Safety & Development Committee Chairpersons of the License & Health Committee Chairpersons of the Advisory Committee

6. Roll Calls And Quorum. Before proceeding to business, the roll of the members of the Council shall be called alphabetically, and the names of those present and those absent shall be recorded in the proceedings of the Council. Seven (7) members of the Council, or any greater number, shall constitute a quorum for transaction of business; but, a lesser number can adjourn and shall have the power to compel the attendance of absent members. The Mayor shall not be counted in determining whether a quorum is present.
7. Attendance; Leave Of Absence. No member of the Council, the City Clerk/~~Treasurer~~ or his/her designee, or other City official, Chief of Police or police officer, whose duty it shall be to attend, shall absent himself/herself from the meetings of the Council, unless for illness or other good cause.
8. Committee Members To Remain At Meeting. No members of any Committee shall, during a meeting of the Council, have the privilege of absenting themselves from such meeting by reason of membership in such Committee, except by special leave then given.
9. Disturbance; How Suppressed. Whenever any disturbance or disorderly conduct shall occur in the Council Chambers or rooms or halls adjacent thereto, the Mayor or other presiding officer of the Council shall have power and authority, with the aid of the Chief of Police, or other police officer in attendance upon the meeting of the Council, to cause the same to be cleared of those persons, as required or authorized by law.
10. Notice Of Meetings. Notice of meetings of the Common Council shall be given in accordance with the Open Meetings Law, Subchapter V, Chapter 19, Wisconsin Statutes.

[Ord. 6386, 2/17/1998; Ord. 6527, 8/1/2000; Ord. O-2003-0039, 6/3/2003; Ord. O-2003-0071, 11/18/2003]

SECTION 54: **AMENDMENT** "3.05 Rules Of Procedure For Common Council" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.05 Rules Of Procedure For Common Council

1. Standing Committees. [Ord. O-2006-0009, 2/7/2006; Ord. O-2007-0019, 6/5/2007; Ord. O-2013-0029, 6/18/2013; Ord. O-2014-0025, 5/20/2014; Ord. O-2018-0019, 5/15/2018]
 - a. Standing Committees of the Common Council, and the number of Alderpersons assigned to each Committee shall be as follows:
 - i. Public Works: five (5) members.
 - ii. Safety and Development: five (5) members.
 - iii. License and Health Committee: five (5) members.
 - iv. Administration and Finance Committee: five (5) members.
 - v. Advisory: five (5) members.
 - b. Appointments to Standing Committees. Appointments shall be made according to City of West Allis Policies and Procedures Policy No. 301, Committees of the Common Council.
 - c. Functional Responsibilities. Functional responsibilities are contained in City of West Allis Policies and Procedures Policy No. 301, Committees of the Common Council.

2. Committee Of The Whole. Any member of the Council may move to go into a Committee of the Whole to consider and report on any matter pending before the Council. A majority vote of the Council shall be required to convene a Committee of the Whole. The President of the Common Council shall preside as Chair of the Committee. The Committee shall consider any matter referred to it and make written report and recommendations thereon to the Council.
3. Select Or Special Committees. Select or Special Committees may be provided for on motion or by resolution, designating the number and object and, unless otherwise ordered, shall be appointed by the Mayor or other presiding officer of the Council.
4. Decorum and Points of Order. **[Ord. O-2011-0010, 3/15/2011]**
 - a. The Mayor or other presiding officer shall preserve order and decorum, decide all questions of order and shall inform the Council, when necessary, on any point of order or practice. He/she may speak to points of order in preference to others and seek the advice of the City Attorney on such points of order or practice.
 - b. The Mayor or other presiding officer shall ensure that no signs, placards, banners, or other similar items are displayed in the Council chambers during a Council meeting. Any person failing to remove such items shall be considered to have caused a disturbance under Subsection 3.01(9) of the West Allis Revised Municipal Code.
5. Cameras, Sound Equipment And Lighting. Cameras and sound recording devices may be used in the Council Chambers, but only in such a manner as will cause a minimum of interference with or disturbance of the proceedings of the Common Council. Supplemental lighting for television, cable or video shall be used only with the exercise of extreme discretion in regard to the intensity and duration of such lighting with a view to creating the least amount of disturbance to the proceedings of the Council and the least amount of discomfort to members of the public in attendance.
6. Appealing Decisions Of Chair. Any member shall have the right to appeal from the decision of a presiding officer. No appeal shall be debatable and the appeal shall be sustained by a majority vote of the members present, exclusive of the presiding officer.
7. Introduction Of Matters To Council.
 - a. Alderpersons To Present. No business shall be considered by the Council unless presented by a member of the Council, a Standing Committee of Council or by a City Board, Commission or Committee. All matters shall be introduced in a manner consistent with this chapter.
 - b. Privilege Of Council Floor. The privilege of the floor of the Council shall be limited to members of the Council, except for public hearings and statements of citizens authorized in the order of Council business. Any member of the Council may yield the privilege of the floor to a City officer or employee or to a member of a City Board, Commission or Committee. The privilege of the floor may be granted to other persons upon approval of the Council.
 - c. New Matters. All communications, petitions, proposed resolutions, proposed ordinances and other papers addressed to or intended for the Council shall be sent to the Clerk/~~Treasurer~~ who shall prepare and note on the file a brief statement of their contents.
8. Reference Of Ordinances, Resolutions, Communications, Etc.
 - a. All communications and petitions directed to the Common Council shall be referred to the appropriate Standing Committee. However, any unsigned or anonymous correspondence or any communication that does not concern the City as a municipal corporation or the operation of the City shall not be introduced and referred. When a question arises as to whether a communication should be introduced, the Clerk, in consultation with the Council president and the City Attorney, shall determine whether a matter shall be introduced. **[Ord. O-2014-0076, 11/18/2014]**
 - b. Every ordinance, resolution, communication and every matter appropriating money or creating a charge against any City funds (excepting motions approving claims duly audited by the Comptroller) shall be referred to an appropriate Committee or Committees by the presiding officer and shall not be acted upon by the Council until reported back from the Committee. Such

referral and report back may be conducted at the same Council meeting. Legal claims and process shall be referred directly to the City Attorney pursuant to Policy No. 801.

- c. **Objections To Reference.** Whenever any matter is referred by the presiding officer to any Committee, any member of the Council may object to its being so referred and may make a motion for some other proper disposition thereof. Whenever any matter is referred to any Committee which required reference, any member, at the time it is so referred, may move to have such matter referred to a different Committee than the one named.
9. **Reports Of Committees; Second Reading.**
- a. **Written Report.** The Committee to whom a matter has been referred shall consider the same and submit a written report and recommendations thereon to the Council when it has completed its consideration or when requested by the Council. Upon the submission of the Committee report to the Council, the ordinance, resolution or other matter reported on by the Committee shall be read at length, if requested by any member of the Council.
 - b. **Time For Report.** If the matter referred is not disposed of by the Committee within a reasonable length of time, the Council may fix a time within which the committee shall make its report thereon to the Council. The City Clerk/~~Treasurer~~ shall make a quarterly report of all matters pending before each Committee at the second regular Council meeting in January, April, July and October of each year for the preceding three (3) months.
 - c. **Recall To Full Council.** Whenever, in the judgment of the Council, the Committee having a matter in charge has failed to report thereon with due diligence, the Council may at any meeting recall any matter referred to such Committee and refer the same to another or Special Committee or take other appropriate action. The Council may designate a time within which any Committee having a matter in charge shall report thereon and may, if the circumstances warrant such action, extend such time.
10. **Procedure On Veto.** Objections of the Mayor to any act (ordinance, resolution, motion) of the Council shall be presented to the Council attached, in the case of an ordinance or resolution, to the act of the Council to which objection is made. The written objections of the Mayor shall be treated as a communication. For the act of the Council to which such objections have been made to become effective, a vote by seven (7) members of the Council shall be required in favor of a motion that the act be made effective, notwithstanding the objections of the Mayor.
11. **Council Agenda.**
- a. **Regular Agenda.** The City Clerk/~~Treasurer~~ shall prepare a written agenda in advance of each meeting of the Common Council. This regular agenda shall contain an itemized listing, in the form provided herein, of all new matters to be introduced and all Committee reports to be acted upon by the Common Council. The regular agenda for each scheduled meeting of the Common Council shall be closed at 5:00 p.m. on the third working day prior to the day of the meeting. The agenda shall be available to the entire Council, staff, the press and the public forty-eight (48) hours in advance of each Council meeting.
 - b. **Supplemental Agenda.** Following preparation of the regular agenda, additions to it may be prepared as a supplemental agenda. No supplemental agenda for any meeting of the Common Council shall be prepared by the City Clerk/~~Treasurer~~ unless authorized by the Mayor or an Alderperson. The supplemental agenda, when authorized, shall be in the form of the original Council agenda. A twenty-four-hour notice shall be given for supplemental agendas. However, if twenty-four (24) hours is impossible due to an emergency situation or impractical due to some overwhelming consideration, a minimum of at least two (2) hours must be given. Proper notice of all supplemental agendas must be provided to the City's official newspaper and any news media requesting it, as well as Alderpersons and appropriate City officials.
 - c. **New Matters.**

- i. New matters shall be placed on the agenda by listing the summary statements attached to each item with notations for the proposed reference thereof. All or any of such items may, upon adoption of a motion to approve the proposed reference or upon order of the presiding officer in the absence of such motion, be referred as indicated upon such agenda without separate reading of each item, in full or by summary, by the Clerk/~~Treasurer~~.
 - ii. Any member of the Common Council, upon request and without motion, shall obtain separate consideration of one or more new items upon such agenda for the purpose of having such items read at length by the City Clerk/~~Treasurer~~ or his/her designee or to request or move for a different referral or to put any motion relating thereto authorized by the rules of the Council.
- d. Committee Reports.
- i. The reports and recommendations of each Committee on all items upon which it has completed its consideration, and which are to be included on the agenda, shall be prepared in cumulative written form and submitted to the Clerk/~~Treasurer~~ in advance of the next succeeding meeting of the Council. All such written reports shall contain an itemized summary of each matter to be reported on, shall contain the Committee's recommendation thereon and shall show, for each matter, the Committee vote thereon. Reports and recommendations of the Committees shall be signed by the Chair on behalf of the Committee's action or, in the absence of the Chair, the Vice Chair or Acting Chair shall sign. Official voting shall be recorded.
 - ii. The Council may act upon the entire Committee report upon motion to adopt, or at the request of any member, without motion, shall separately consider any item. Upon consideration of such written committee report by the Council, a motion to adopt any or all of the items upon such report within the scope of the motion, including the passage of an ordinance or the adoption of a resolution, and also including any amendments or substitutions to such ordinance or resolution recommended by the committee and contained upon such report.
 - iii. No Committee shall be precluded from orally presenting any or all of its report and recommendations to the Council on any matters.
 - iv. The Committee may act on any of the Council agenda items during the recess meetings and report them out as a recess meeting Standing Committee report.
- e. Items on the regular and supplemental agenda may be deleted or corrected upon motion and action by the Council prior to and/or as a part of the approval to establish the agenda for that meeting.
12. Comments From Members Of Committees. In case all the members of any Committee required or entitled to report on any subject referred to them cannot agree upon a report, any member of the Committee may express his/her views accordingly.
13. Roll Call Vote.
- a. On Ordinances And Appropriations. On adoption of all ordinances and those resolutions, reports of Committees, regulations or other matters, appropriating moneys or creating any charge against any of the funds of the City, renewing taxes, renewing the appropriation of moneys or releasing, discharging or commuting a claim or demand of the City, the question shall be taken by call of the roll and shall be passed or adopted by a majority vote of all members of the Council.
 - b. On City Officers. When voting for any City officer or on the confirmation of an appointment, the voting shall be by call of the roll.
 - c. On Other Matters. On any other matter, it shall be in order to call for the ayes and noes, unless a roll call be requested by a member of the Council.

- d. Vote To Be Recorded. All roll call votes shall be duly entered in the journal by the Clerk/~~Treasurer~~ or his/her designee.
 - e. Call Of The Vote. The Clerk/~~Treasurer~~ or his/her designee shall call the roll at each meeting in a descending alphabetical sequence commencing in order and continuing at each subsequent meeting with the next name in such order and ending with the name of the member who voted first at the preceding meeting.
14. Members Who Shall Vote. Every member, when a question is put, shall vote, unless the Council shall, for special cause, excuse him/her; but, it shall not be in order for a member to be excused after the Council has commenced voting.
 15. Tie Vote; Mayor To Vote. The Mayor shall not vote, except in the case of a tie vote in the Council, when he/she shall cast the deciding vote.
 16. Stating Of Motions Before Debate. When a motion is made, it shall be stated by the presiding officer or read by the Clerk/~~Treasurer~~ or his/her designee, previous to debate, upon request of any member.
 17. Recognition For Debate. Whenever a member is to speak in debate or deliver any matter to the Council, he/she shall address himself/herself to the presiding officer and confine his/her remarks to the question under debate and avoid personalities.
 18. Presiding Officer To Name First To Speak. When two (2) or more members seek recognition at the same time, the presiding officer shall name the member who is first to speak.
 19. Member May Speak Twice. No member shall speak more than twice on any question, except by leave of the Council.
 20. Motions In Order During Debate. When a question is under debate, no motion shall be received except:
 - a. To adjourn.
 - b. To lay on the table.
 - c. For the previous question.
 - d. To postpone to a certain day.
 - e. To commit to a Standing Committee.
 - f. To commit to Select Committee.
 - g. To amend.
 - h. To postpone indefinitely.

These several motions shall have precedence in the order in which they stand in this rule.

21. Motions To Adjourn; Lay On Table. A motion to adjourn shall always be in order; and, a motion to adjourn, to lay on the table and call for the previous question shall be decided without debate.
22. Motion For Reconsideration. It shall be in order for any member voting in the majority to move for a reconsideration of the vote on any question at the same or next succeeding meeting. A motion to reconsider being put and lost shall not be renewed.
23. Division Of The Question. Any member may call for a division of the question when the same can be separated into two (2) or more distinct propositions.
24. Moving Previous Question. Any member desirous of terminating the debate may call the previous question, when the question to be announced by the presiding officer shall be: "Shall the main question now be put?" Such motion shall be decided without debate. If a majority of the members present vote in the affirmative, the main question shall be taken without further debate and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment, if any, and then upon the main question.
25. Accounts To Be Audited And Verified. Every account presented to the Council to be audited shall be verified, as provided by law, and shall not be allowed or directed to be passed until it shall have been examined and certified as correct by the Committee on Administration & Finance, which shall be composed of five (5) members, and reported and audited by the Council.
26. Call Of The House.
 - a. When Made. Any three (3) members of the Common Council may make a

- call of the house and require absent members to be sent for. A call of the house may only be used to establish a quorum.
- b. Putting Question On Call Of House. On a call of the house being moved, the presiding officer shall say: "It requires three (3) members to order the call of the house," and if three (3) or more shall agree, the call shall thereby be ordered.
 - c. Doors To Be Closed. The officer acting as sergeant-at-arms shall close the doors and no member shall be allowed to leave the room.
 - d. Absentees, How Brought In. The Clerk/~~Treasurer~~ or his/her designee shall immediately call the roll and shall furnish a list of the absentees without leave to the sergeant-at-arms, who shall forthwith proceed to find and bring in such absentees.
 - e. Procedure While Under Call. While the Council is under call, no business shall be transacted except to receive and act on the report of the sergeant-at-arms, and no other motion shall be in order except to adjourn and motion to suspend further proceedings under the call, which motions shall be determined by ayes and noes and the motion to suspend further proceedings under the call shall not be adopted unless a majority of the members elect to vote in favor thereof, but a majority of those present may adjourn.
 - f. Call Raised When Absentees Present. When the sergeant-at-arms shall report that all who were absent without leave are present, the call shall be at an end and the business or motion pending at the time the call was made shall be proceeded with.
27. Quorum. The quorum for the Council shall be seven (7) Alderpersons.
 28. Voting. A simple majority of those present constituting a quorum shall be necessary to take action. A minimum of seven (7) members voting aye or nay is required for official action. A member voting present on any action shall not be included when counting a quorum for that item.
 29. Suspension Of Rules. These rules may be suspended by a vote of not less than seven (7) members of the Council. Unless unanimous consent is given, the vote on suspension shall be by vote on call of the roll.
 30. Robert's Rules Of Order. The rules of parliamentary practice set forth in Robert's Rules of Order Newly Revised shall be the standard in all cases, to which they are applicable, and in which they are not inconsistent with these rules.
 31. Motion to Place on File. Such a motion shall mean to take no action on the matter (other than that which may be appended to the motion) and to remove the matter from the Common Council agenda permanently. **[Ord. O-2016-0015, 3/1/2016]**
 32. Exclusion of Certain Members from Certain Closed Session Committee Meetings. Pursuant to the authority set forth in Section 19.89, Wis. Stat., no member who has a claim or pending/threatened litigation against the City, or a pending quasi-judicial matter to be decided by the City may appear at a closed session of the Standing Committee, Committee of the Whole, or other select or special committee where the member's claim, pending/threatened litigation, or matter will be discussed. If more than one matter is being discussed during a closed session, this exclusion applies only to the portion of the closed session related to the discussion of the member's claim, pending/threatened litigation, or matter. '
 33. Appearing Remotely. With the consent of the presiding officer of any governmental body subject to open meetings laws, an official may attend a meeting of that governmental body using telephonic or video conferencing. The type of technology used shall display or project the official's voice and image, if any, so any person who wishes to observe the proceedings is reasonably able to do so. The official appearing under this provision may participate to the same extent as though the official was appearing in person.

SECTION 55: **AMENDMENT** "6.035 Fair Housing" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

6.035 Fair Housing

1. Intent. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this City that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry. The Common Council hereby extends this ordinance governing equal housing opportunities to cover single-family residences, which are owner-occupied. The Common Council finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this City and should be regulated. This section shall be deemed an exercise of the police powers of the City for the protection of the welfare, health, peace, dignity and human rights of the people of this City.
2. Definitions. In this section:
 - a. "Advertise" means to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing or rental of housing.
 - b. "Age," in reference to a member of a protected class, means at least 18 years of age.
 - c. "Aggrieved person" means a person who claims to have been injured by discrimination in housing or believes that he or she will be injured by discrimination in housing that is about to occur.
 - d. "Complainant" means a person who files a complaint alleging discrimination in housing.
 - e. "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the complainant, the respondent and the City department in charge of handling Fair Housing Complaints.
 - f. "Condominium" has the meaning given in Wisconsin Statute sec. 703.02(4).
 - g. "Condominium Association" means an association, as defined in Wisconsin Statute sec. 703.02(1m).
 - h. "Disability" means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in Wisconsin Statute sec. 961.01(4), or a controlled substance analog, as defined in Wisconsin Statute sec. 961.01(4m), unless the individual is participating in a supervised drug rehabilitation program.
 - i. "Discriminate" means to segregate, separate, exclude or treat a person or class of persons unequally in a manner described in subsections (3), (4) or (5) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.
 - j. "Dwelling unit" means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons who are maintaining a common household, to the exclusion of all others.
 - k. "Family" includes one natural person.
 - l. "Family status" means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:
 - i. A person is pregnant.
 - ii. A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
 - iii. A person's household includes one or more minor or adult relatives.
 - iv. A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.

- v. A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.
 - m. "Hardship condition" means a situation under which a tenant in housing for older persons has legal custody or physical placement of a minor child or a minor child is placed in the tenant's care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the minor child.
 - n. "Housing" means any improved property, or any portion thereof, including a mobile home as defined in Wisconsin Statute sec. 66.0435(1)(d) or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. "Housing" includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.
 - o. "Housing for older persons" means any of the following:
 - i. Housing provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.
 - ii. Housing solely intended for, and solely occupied by, persons 62 years of age or older.
 - iii. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit.
 - p. "Interested person" means an adult relative or friend of a member of a protected class, or an official or representative of a private agency, corporation or association concerned with the welfare of a member of a protected class.
 - q. "Member of a protected class" means a group of natural persons, or a natural person, who may be categorized based on one or more of the following characteristics: sex, race, color, disability, sexual orientation as defined in Wisconsin Statute sec. 111.32(13m), religion, national origin, marital status, family status, lawful source of income, age or ancestry.
 - r. "Relative" means a parent, grandparent, great-grandparent, stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step grandchild, great-grandchild, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepbrother, stepsister, half brother or half sister or any other person related by blood, marriage or adoption.
 - s. "Rent" means to lease, to sublease, to let or to otherwise grant for a consideration the right of a tenant to occupy housing not owned by the tenant.
 - t. "Respondent" means the person, including natural and otherwise, accused in a complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing.
 - u. "Sexual orientation" has the meaning given in Wisconsin Statute sec. 111.32(13m).
3. Discrimination Prohibited. It is unlawful for any person to discriminate:
- a. By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.
 - b. By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.
 - c. By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.
 - d. By advertising in a manner that indicates discrimination by a preference or limitation.
 - e. For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.
 - f. By refusing to renew a lease, causing the eviction of a tenant from rental

- housing or engaging in the harassment of a tenant.
 - g. In providing the privileges, services or facilities that are available in connection with housing.
 - h. By falsely representing that housing is unavailable for inspection, rental or sale.
 - i. By denying access to, or membership or participation in, a multiple listing service or other real estate service.
 - j. By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.
 - k. In making available any of the following transactions, or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:
 - i. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.
 - ii. Selling, brokering or appraising residential real property.
 - l. By otherwise making unavailable or denying housing.
4. Representations Designed to Induce Panic Sales. No person may induce or attempt to induce a person to sell or rent housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class, or by representations to the effect that such present or prospective entry will or may result in any of the following:
- a. The lowering of real estate values in the area concerned.
 - b. A deterioration in the character of the area concerned.
 - c. An increase in criminal or antisocial behavior in the area concerned.
 - d. A decline in the quality of the schools or other public facilities serving the area.
5. Discrimination Against Persons with Disabilities Prohibited.
- a. Types of discrimination prohibited. In addition to discrimination prohibited under subsections (3) and (4), no person may do any of the following:
 - i. Segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.
 - ii. Segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.
 - iii. Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay

into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.

- iv. Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.
- b. Animals assisting persons with disabilities.
 - i. If an individual's vision, hearing or mobility is impaired, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from an individual as a condition of continued residence in housing or engage in the harassment of the individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the following apply:
 - (1) Upon request, the individual shows to the lessor, seller or representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.
 - (2) The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.
 - ii. This subsection (Animals assisting persons with disabilities) does not apply in the case of the rental of owner-occupied housing if the owner or a member of his or her immediate family occupying the housing possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

6. Exemptions and Exclusions.

- a. Nothing in this section prohibits discrimination based on age or family status with respect to housing for older persons.
- b. Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.
- c. Nothing in this section shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.
- d. Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual that caused harm or damage, that directly threatened harm or damage, or that caused a reasonable fear of harm or damage to other tenants, persons employed on the property, or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the fact that a tenant has been or may be the victim of domestic abuse, as defined in Wisconsin Statute sec. 813.12(1)(am).
- e. It is not discrimination based on family status to comply with any reasonable federal, state or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.

7. Board Created; Membership Terms; Qualifications. There is hereby created a Fair Housing Board, consisting of five (5) members, residents of the City, who shall serve a three (3) year term, except that for the original appointment, two (2) shall be designated as having a three (3) year term, two (2) as having a two (2) year term, and one (1) as having a one (1) year term. The Board shall annually designate one (1) of its members as Chairman and one (1) as Secretary.
8. Appointment of the Board. The members of the Fair Housing Board shall be appointed by the Mayor, subject to the approval of the Common Council.
9. Authority of Board to Adopt Regulations. The Fair Housing Board shall adopt such rules and regulations as may be desirable to carry out the purposes and provisions of this section.
10. Annual Reports of the Board. The Fair Housing Board shall submit an annual report to the Mayor and Common Council concerning the enforcement of this section, including its recommendations relating thereto.
11. Administration.
 - a. Authority and responsibility. The authority and responsibility for administering this section shall be in the Fair Housing Board of the City of West Allis, Wisconsin.
 - b. Cooperation of Board and executive departments and agencies in administration of housing and urban development programs and activities to further fair housing purposes. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this section and shall cooperate with the Board to further such purposes.
 - c. Functions of Board. The Fair Housing Board may:
 - i. Make studies with respect to the nature and extent of discriminatory housing practices in the City of West Allis;
 - ii. Publish and disseminate reports, recommendations, and information derived from such studies;
 - iii. Cooperate with and render any technical assistance requested by federal, state, local and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;
 - iv. Cooperate with and render such technical and other assistance to the community relations service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices, and
 - v. Administer the programs and activities under its authority in a manner affirmatively to further the policies of this chapter.
12. Education and Conciliation; Conferences and Consultations; Reports. Immediately after the enactment of this section, the Fair Housing Board may commence such educational and conciliatory activities as in its judgment will further the purposes of this chapter. The Board may call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this section and suggest means of implementing it, and may endeavor with their advice to work out programs of voluntary compliance and of enforcement. The Board may consult with federal, state and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their locality, and whether and how enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Board's enforcement of this section. The Board shall issue reports on such conferences and consultations as it deems appropriate.
13. Fair Housing Administrative Enforcement.
 - a. Person aggrieved; complaint; copy; investigation; informal proceedings; violations of secrecy; penalties. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the City of West Allis Clerk/Treasurer's Office. Complaints shall be in writing and shall contain such information and be in such form as outlined in this section and as required by

the Board. If the claim alleges that the City is the discriminatory party, the complaint will be received, but referred to the proper state or federal agency and notice of the same will be provided to the complainant by the City in writing. The Clerk shall refer the complaint to the Community Development Division. Within five (5) days of receipt of the referral of such a complaint, the Manager of the Community Development Division shall furnish a copy of the complaint to each member of the Board, as well as, the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice and inform said person or persons of his/her right to file an answer to said complaint within twenty (20) days of receipt of the same. Within ten (10) days after receiving a complaint, the Chairman of the Board shall make a determination as to whether or not to convene the Board for the purpose of discussing what action, if any, to take on the complaint. In the event the Chairman convenes the Board, said meeting shall take place no later than forty-five (45) days after the Chairman's receipt of the complaint. In the event the Board determines at a meeting to conduct a formal investigation of the complaint, it shall direct the Manager of the Community Development Division, or his/her designee, to investigate the complaint and report back to the Board within a specified amount of time not to exceed ninety (90) days from said directive of the Board. All other administrative departments of the City shall cooperate as needed in the investigation of the complaint. Within a reasonable time as indicated by the Board, after the completion of the investigation and report to the Board, or after a decision by the Board that no action will be taken on the complaint, the Board shall give notice in writing to the person aggrieved as to whether the Board intends to resolve the complaint. If the Board decides to resolve the complaint, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be used as evidence in a subsequent proceeding under this section without the written consent of the person concerned. The Board may extend the timeframes as outlined in this subsection only at the discretion of the Board.

- b. Complaint; limitations; answers; amendments; verification. A complaint under Subsection (13)(a) shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him/her and with the leave of the Board, which shall be granted whenever it would be reasonable and fair to do so, may amend his/her answer at any time. Both complaints and answers shall be sworn to before a notary public.
- c. Burden of proof. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
- d. Other remedies available; private civil actions. Nothing in this section shall be construed as prohibiting or in any way limiting the right of complainants to pursue in any appropriate court, any remedy or cause of action available to him/her under state or federal law.
- e. Trial of action; termination of voluntary compliance efforts. Whenever an action filed by an individual, in either federal or state court, pursuant to applicable federal or state laws shall come to trial, the Board shall immediately terminate all efforts to obtain voluntary compliance.

14. Evidence.

- a. Investigations; access to records, documents, and other evidence; copying; searches and seizures; subpoenas; interrogatories; administration of oaths. Subject to the provisions of the Fourth Amendment to the United States Constitution relating to unreasonable searches and seizures, the Community Development Division, when conducting an investigation authorized by this section, shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence

and may examine, record, and copy such materials and take the record of the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The Board may issue subpoenas to compel its access to or the production of such materials, or the appearance of such person, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the courts of Wisconsin. The Board may administer oaths.

- b. Compensation and mileage fees of witnesses. Witnesses summoned by subpoena of the Board shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the Circuit Courts in the State of Wisconsin. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by the respondent.
 - c. Enforcement of subpoena. In case of contumacy or refusal to obey a subpoena, the Board or other person at whose request it was issued may petition for its enforcement in the Circuit Court of Milwaukee County.
 - d. Violations; penalties. Any person who willfully fails or neglects to attend and testify or to answer to any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Board, shall forfeit not more than five hundred dollars (\$500.00) as in the discretion of the Board. Any person who, with intent thereby to mislead the Board, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Board pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by other means falsify any documentary evidence, shall forfeit not more than five hundred dollars (\$500.00) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense.
 - e. City Attorney to conduct litigation. The City Attorney shall represent the Board in all litigation that the Board participates as a party or as amicus pursuant to this section.
15. Hearing Procedures. If the Board finds probable cause to believe that any discrimination has been or is being committed in violation of this section and that such discrimination cannot be eliminated by means of conference, conciliation and/or persuasion, the Board shall issue and serve a written notice of hearing specifying the nature and acts of discrimination of the complaint and/or those found during the investigation which appear to have been committed and requiring the person named, hereinafter called the "respondent," to answer the complaint in a hearing before the Board. The notice shall specify a time of hearing and place of hearing, not less than ten (10) days after service of the complaint. The testimony at the hearing shall be recorded by the Board. If, after the hearing, the Board finds upon majority vote and by a fair preponderance of the evidence that the respondent has engaged in discrimination in violation of this section, the Board shall make written findings and recommend such action by the respondent as will effectuate the purpose of this section and shall serve a certified copy of its findings and recommendations on the respondent and complainant together with an order requiring the respondent to comply with the recommendations. Failure to comply with such order shall be a violation of this section and shall subject the respondent to a forfeiture, as hereafter provided. If the Board finds that the respondent has not engaged in discrimination as alleged in the complaint, it shall serve a certified copy of its findings on the complainant and the respondent, together with an order dismissing the complaint. Where the complaint is dismissed, costs in an amount not to exceed one hundred dollars (\$100), plus actual disbursements for the attendance of witnesses, may be recommended by the Board to be assessed against the City and may be paid in the discretion of the Common Council, where proper claim therefore is made by the respondent.
16. Judicial Review. Within thirty (30) days after service upon all parties of an order or determination of the Fair Housing Board under this section, the respondent, the

complainant or the aggrieved party may appeal the order or the determination to the Circuit Court for Milwaukee County by the filing of a Petition for Review. The Circuit Court shall review the order or determination of the Fair Housing Board as provided in Wisconsin Statutes secs. 227.52 through 227.58.

17. Damages and Penalties.

- a. Any respondent who willfully violates this section, or any lawful order issued hereunder shall, for each such violation, forfeit not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense. In addition to the monetary penalty heretofore stated, the Fair Housing Board may order relief of an injunctive or other equitable manner. The Fair Housing Board may not order punitive damages. Any respondent adjudged to have violated this section within five (5) years after having been adjudged to have violated this section, for every violation committed within five (5) years, shall forfeit not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense.
 - b. In addition to any damages ordered under Subdivision (17)(a), any respondent who is not a natural person adjudged to have willfully violated this section, or any lawful order issued hereunder shall, for each such violation, forfeit not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense. Any respondent who is not a natural person adjudged to have violated this section within five (5) years after having been adjudged to have violated this section, for every violation committed within five (5) years, shall forfeit not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense.
 - c. In the event that any person, natural or otherwise, fails to abide by an Order of Relief or Determination issued by the Fair Housing Board, the City Attorney, on behalf of the Fair Housing Board, may petition to the Circuit Court for Milwaukee County to enforce the Order or Determination of the Fair Housing Board.
18. Cooperation with Federal, State and Local Agencies Administering Fair Housing Laws; Utilization of Services and Personnel; Reimbursement; Written Agreements. The Board may cooperate with federal, state and local agencies charged with the administration of fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees. In furtherance of such cooperative efforts, the Board may enter into written agreements with such state or local agencies. All agreements and terminations thereof shall be published according to law.
19. Interference, Coercion, or Intimidation; Enforcement by Civil Action. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Subsections (3), (4) and (5) of this section. This section may be enforced by appropriate civil action.
20. Discrimination by Licensed or Permitted Persons. If the Board finds probable cause to believe that an act of discrimination has been or is being committed in violation of this section by a person taking an action enumerated under Subsections (3), (4) and/or (5) for which the person is licensed or permitted under City ordinances, the Fair Housing Board shall notify the licensing or permitting body of its findings and shall file a complaint with such body, together with a request that the body initiate proceedings to suspend or revoke the license or permit of such person, or take other less restrictive disciplinary action. Upon filing a complaint hereunder, the Fair Housing Board shall make available to the appropriate licensing or permitting body all pertinent documents and files in its custody and shall cooperate fully with such body in the proceedings.
21. Separability of Provisions. If any provision of this section or the application thereof to

any person or circumstances is held invalid, the remainder of the section and the application of the provisions to other persons, not similarly situated or to other circumstances, shall not be affected thereby.

[Ord. O-2006-0006, 2/7/2006]

SECTION 56: **AMENDMENT** “7.035 Noise Control Regulations” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.035 Noise Control Regulations

1. Statement of Purpose. The City of West Allis recognizes that excessive noise and vibration are serious threats to the public health and welfare, public safety, quality of life and property values. Current science and technology permit abatement of noise and vibration sources which were not available in the past. Therefore, it is the policy of the City to prevent and abate excessive noise and vibration which may jeopardize the public health, safety or welfare or which would cause harm to property values or which would impair the quality of life within the City.
2. Definitions. All terminology used in this section, not defined below or elsewhere within the West Allis Revised Municipal Code, shall be given the definitions provided by applicable publications of the American National Standards Institute (hereinafter "ANSI") or its successor body.
 - a. "A-Weighted Sound Level" means the sound pressure level in decibels as measured on a sound level meter using the "A" weighting network. The level so read is designated as db(A) or dB(A).
 - b. "Ambient Noise" means the sound level of the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources from near and far.
 - c. "Authorized Emergency Vehicle" means the definition of this term as set forth in Sec. 340.01(3), Wis. Stats., and any subsequent modification, revision, or amendment of that term as set forth in that section of the Wisconsin Statutes.
 - d. "Commercial District" means any area of the City designated on the official West Allis Zoning Map, pursuant to Chapter 12 of this Code, as C-1, C-2, C-3, C-4, or PDD-2.
 - e. "Construction" means any activity necessary or incidental to the erection, demolition, assembling, altering, installing, repairing or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling.
 - f. "Day" means the hours between 7:00 a.m. and 9:59 p.m.
 - g. "dB(A)" means the symbol designation of a noise level, reported in decibels, using the A-weighting network of a sound level meter, as defined in ANSI S1.4, Specification for Sound Level Meters. For example, noise will be reported as seventy-two (72) dB(A). For purposes of this section, the noise shall be measured using the slow exponential time weighting characteristic of the sound level meter unless otherwise noted.
 - h. "Decibel" means a unit of measure of the volume of a sound.
 - i. "Emergency Work" means short-term operations which are necessary to protect the public health, safety and welfare of the citizens, including emergency utility and public works operations.
 - j. "Impulse Noise" means any sound of short duration, usually less than one (1) second, with an abrupt increase, rapid decay, and a peak value that exceeds the ambient noise level by more than ten (10) dB(A). Examples of sources of impulse noise include explosions, drop forge impacts, and the discharge of firearms.
 - k. "Manufacturing District" means any area of the City designated on the official

West Allis Zoning Map, pursuant to Chapter 12 of this Code, as M-1.

- l. "Maximum Sound Level" (hereinafter "Lmax") means the maximum sound level over a measurement interval determined by using a sound level meter set to "fast" response time.
- m. "Motor Vehicle" means any vehicle, including a combination of two (2) or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail.
- n. "Night" means the hours between 10:00 p.m. and 6:59 a.m.
- o. "Noise Disturbance" means any sound or vibration which:
 - i. May disturb or annoy reasonable persons of normal sensitivities; or
 - ii. Causes, or tends to cause, an adverse effect on the public health and welfare; or
 - iii. Endangers or injures people; or
 - iv. Endangers or injures personal or real property.
- p. "Person" means any individual, association, partnership, joint venture, company, or corporation.
- q. "Place of Public Entertainment" means any building that is open to the public for entertainment purposes.
- r. "Plainly Audible Sound" means any sound for which the information content is unambiguously communicated to the listener, such as, but not limited to, understandable speech, comprehension of whether a voice is raised or normal, repetitive bass sounds, or comprehension of musical rhythms, without the aid of any listening device.
- s. "Power Tool" means any device powered mechanically, by electricity, by gasoline, by diesel fuel, or by any other fuel, which is intended to be used, or is actually used for, but shall not be limited to, the performance of such functions as cutting, nailing, stapling, sawing, vacuuming or drilling.
- t. "Real Property Boundary" means an imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
- u. "Residential District" means any area of the City, designated on the official West Allis Zoning Map, pursuant to Chapter 12 of this Code, as RE, RA-1, RA-2, RA-3, RA-4, RB-1, RB-2, RC-1, RC-2, or PDD-1.
- v. "Root Mean Square" (hereinafter "RMS") means the square root of the mean-square value of an oscillating waveform, where the mean-square value is obtained by squaring the value of amplitudes at each instant of time and then averaging these values over the sample time.
- w. "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium resulting in compression and rarefaction of that medium and which propagates at finite speed to distant locations. The description of sound may include any characteristics of such sound, including duration, intensity, and frequency.
- x. "Sound Level Meter" means an instrument, either Type I or Type II, as defined by the most current ANSI specifications. A sound level meter for purposes of this section shall contain at least an A-scale and both fast and slow response.
- y. "Sound Pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.
- z. "Sound Reproduction Device" means any device, instrument, mechanism, equipment or apparatus for the amplification of any sounds from any radio, computer, stereo, CD player, musical instrument, television, loudspeaker or other sound-making or sound-producing device or any device or apparatus for the reproduction or amplification of the human voice or other sound.
- aa. "Stationary Noise" means noise the source of which is either affixed to or operated upon a fixed point of land, building, or other real property.
- ab. "VdB" means the vibration level as measured in decibels. The reference velocity in the United States is one (1) micro-inch per second. It is calculated

as $V_{dB} = 20 \times \log_{10}(v / (1 \times 10^{-6} \text{ in./sec.}))$, where "v" is the RMS velocity amplitude, calculated as the average of the squared amplitude of the vibration, measured in inches per second.

- ac. "Vibration" means a temporal and spatial oscillation of displacement, velocity, and acceleration in a solid material.
 - ad. "Vibration Velocity Level" (hereinafter "Lv") means ten (10) times the common logarithm of the ratio of the square of the amplitude of the RMS vibration velocity to the square of the amplitude of the reference RMS vibration velocity.
3. Scope and Enforcement. This section, in addition to other ordinances and statutes, shall apply to the control of noise and vibration originating within the City of West Allis. The West Allis Health Department is the primary agency responsible for the enforcement of this section, and the West Allis Police Department may also enforce the provisions of this section. The City of West Allis's policy is to comply with this section in its own operations and in the operations of its contractors and subcontractors.
4. Determining Sound Levels. Sound levels shall be measured using the following procedures:
- a. All persons conducting sound measurements to assess compliance with this section must be trained in the current techniques and principles of sound measurement equipment and instrumentation.
 - b. Sound level shall be measured with a Type 1 or Type 2 sound level meter that shall, as a minimum standard, conform to the specifications of ANSI S1.4-1983 (Revised 2001) with Amendments S1.4A-1995 for Type 1 or Type 2 sound level meters and be capable of both fast and slow meter response.
 - c. The following steps must be followed when preparing to take sound level measurements:
 - i. The sound level meter manufacturer's specific instructions for preparation and use of the sound level meter shall be followed.
 - ii. The sound level meter shall be calibrated periodically, in accordance with the manufacturer's instructions.
 - iii. When outdoor measurements are taken, a windscreen shall be placed over the microphone of the sound level meter in accordance with the manufacturer's instructions.
 - iv. The sound level meter shall be placed at an angle to the sound source, as specified by the manufacturer's instructions, and placed at least four (4) feet above the ground. The meter shall be placed so as not to be interfered with during the taking of sound measurements.
 - v. Impulsive noise shall be measured with the sound level meter set for fast meter response; all other noise shall be measured with the sound level meter set for slow meter response.
 - vi. All sound level measurements shall be made using an "A" weighted network of the sound level meter.
5. Determining Vibration Levels. Vibration levels shall be measured using the following procedures:
- a. All persons conducting vibration measurements to assess compliance with this section must be trained in the current techniques and principles of vibration measurement equipment and instrumentation.
 - b. The instrument manufacturer's specific instructions for preparation and use of the instrument shall be followed.
6. Maximum Permissible Sound Levels.
- a. General Limitations. Except as enumerated in Subsection (8) of this section below, in the following zoning districts, the noise emitted from any source of stationary noise shall not exceed the following dB(A) limits at any point beyond one hundred twenty-five (125) feet outside of the real property boundary of the source of the stationary noise or beyond one hundred twenty-five (125) feet of the noise source on public property:

Sound Pressure Level		
Zone	Time	Decibel (dB(A) Level
Residential, Park District	10:00 p.m. to 6:59 a.m.	55 dB(A)
	7:00 a.m. to 9:59 p.m.	65 dB(A)
Commercial, Manufacturing	10:00 p.m. to 6:59 a.m.	60 dB(A)
	7:00 a.m. to 9:59 p.m.	70 dB(A)

- b. A reduction of five (5) dB(A) will apply to each of the limitations set forth under Subsection (6)(a) for all impulse noises.
 - c. When the ambient level is two (2) dB(A) or more above a noise limitation, a source may add no more than three (3) dB(A) to the ambient level.
7. Public Nuisance. Excessive noise and vibration, as defined in this section, is hereby deemed and declared to be a public nuisance and may be subject to summary abatement procedures, as provided in Section 7.03(3) and Section 18.04 of this Code. Such abatement shall be in addition to administrative proceedings, forfeitures, and penalties provided in this section.
8. Noise Disturbance Prohibited. No person shall make, continue, or cause to be made or continued, any noise disturbance. No person shall make, continue, or cause to be made or continued any noise which exceeds the noise limitations as set forth in this section.

Unamplified, noncommercial public speaking and public assembly activities conducted at conversational voice levels on any public property or public right-of-way shall be exempt from the operation of this article if such sound is not plainly audible beyond one hundred fifty (150) feet or does not infringe on the legitimate rights of others.

- a. Sound Reproduction Devices. No person shall operate, play, or permit the operation of or playing of any sound reproduction device at night that is plainly audible across a real property boundary. No person shall operate, play, or permit the operation of or playing of any sound reproduction device during the day that is plainly audible from one hundred fifty (150) feet beyond the real property line of the premises from which it emanates or from the source if located in a public street, public park, or other public place.
- b. Sound Amplification Device. No person shall use or operate any sound amplification device, loudspeaker, public address system, or similar device at night that is plainly audible across a real property boundary. No person shall use or operate any sound amplification device, loudspeaker, public address system, or similar device during the day that is plainly audible at a distance of one hundred fifty (150) feet.
- c. Loading and Unloading. No person shall load, unload, open, close, or otherwise handle boxes, crates, containers, building materials, garbage cans, or similar objects at night, in a manner that is plainly audible across a real property boundary.
- d. Domestic Power Tools. No person shall operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, leaf blower, or similar device at night.
 - i. This subsection does not apply to snowblowers being used to remove snow that has fallen within the past twenty-four (24) hours.
- e. Tampering. No person shall remove or render inoperative any noise control device, element of design, or noise label of any product other than for the purpose of maintenance, repair, or replacement; no person shall modify or replace any noise control device to increase the sound pressure level of the device.
- f. Multifamily dwellings. No person shall make, continue, or cause to be made or continued any noise disturbance at night that is plainly audible in another

occupied space within any multifamily dwelling within the real property boundary.

- g. Places of Public Entertainment. No person shall operate, play or permit the operation or playing of any sound reproduction device, sound amplifier, or similar device, or any combination thereof, which produces, reproduces, or amplifies sound in any place of public entertainment at a sound level greater than one hundred (100) dB(A), as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign which is at least two hundred twenty-five (225) square inches in area is placed outside such place, near each public entrance, stating: "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT."
- h. Train Warning Devices. No person owning or operating any railroad, or any of its agents and employees, shall cause the ringing of any bell or the blowing of any whistle or horn within the City limits on any locomotive under his/her control, except in the event of an emergency to avoid an impending accident or where otherwise permitted by state or federal law.
- i. Motor Vehicles.
 - i. Light Motor Vehicles. No person shall create or cause or permit noise levels from the operation of any motor vehicle of ten thousand (10,000) pounds' gross vehicle weight rating or less, including but not limited to passenger automobiles, light trucks or motorcycles, in excess of eighty (80) dB(A) at any location within the corporate limits of the City of West Allis. Measurement shall be made at a distance of fifteen (15) feet or more from the closest approach of the vehicle.
 - ii. Heavy Motor Vehicles. No person shall create or cause or permit noise levels from the operation of any motor vehicle of more than ten thousand (10,000) pounds' gross vehicle weight rating in excess of eighty-six (86) dB(A) in a zone with a speed limit of more than thirty-five (35) miles per hour. Measurement shall be made at a distance of fifty (50) feet from the closest approach of the vehicle in use.
 - iii. Stationary Testing.
 - (1) Light Motor Vehicles. Motor vehicles of ten thousand (10,000) pounds' gross vehicle weight rating or less shall not exceed ninety-five (95) dB(A) at twenty (20) inches in a stationary run-up test. Such tests shall conform to the Society of Automotive Engineers Recommended Practices SAE J1169, a copy of which is on file in the office of the Health Commissioner.
 - (2) Heavy Motor Vehicles. Motor vehicles of more than ten thousand (10,000) pounds' gross vehicle weight rating shall not exceed eighty-eight (88) dB(A) measured at fifty (50) feet in a stationary run-up test. Stationary run-up tests shall conform to the Society of Automotive Engineers SAE Standard J366b, a copy of which is on file in the office of the Health Commissioner.
- j. Refuse Collection Vehicles and Compacting Equipment.
 - i. No person shall collect refuse or permit the collection of refuse with a refuse collection truck at night.
 - ii. No person shall operate or permit the operation of the compacting equipment mechanism of any motor vehicle which compacts refuse at night.
- k. Vibration. No person shall operate or permit the operation of any device or combination of devices that creates vibration which exceeds the amounts listed in the table below, as measured at or across a real property boundary of the premises from which it emanates or from the source if located in a public street, public park, or other public place.

Event Frequency	Lv (VdB)
Frequent (more than 70 events per day)	72
Occasional	75
Infrequent (less than 30 events per day)	80

9. Exemptions. The provisions of this section shall not apply to the following:
- a. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work, or the emission of sound brought about by emergency conditions where such sound is a byproduct of activities necessary for the preservation of public safety or the protection of the health, safety and welfare of any person or property.
 - b. Warning devices necessary for the protection of public safety, the emission of any noise necessary for the protection of the health, safety, or welfare of person or property or to any noise which is either necessary or required by law.
 - c. The operation of authorized emergency vehicles.
 - d. Public works projects, at or adjacent to the construction site, as authorized by the United States government, the State of Wisconsin, and/or other political subdivisions.
 - e. Limited Exemptions for Construction Noise. The provisions of this section shall not apply to equipment used in commercial construction activities when such equipment has sound control devices no less effective than those provided in the original equipment, a muffled exhaust, and are in compliance with the pertinent standards of the United States Environmental Protection Agency.
 - i. No person shall operate or permit the operation of any equipment used in construction work at night or on Sunday.
 - (1) Emergency Work. The hour limitations in this subsection shall not apply to emergency work.
 - f. Special events permitted under section 6.032 of this Code.
 - g. Aircraft operations.
 - h. Any fireworks display permitted under and operated in compliance with Wis. Stat. Section 167.10.
 - i. Any bells or chimes of any building clock, public or private school building, church, synagogue, or other place of religious worship.
10. Notice of Violation.
- a. When the ambient noise or vibration level of a noise producing device equals or exceeds the decibel limits provided in this section, the Health Commissioner or his/her designee shall serve a notice, by first-class mail, on the owner and occupant of the premises that is creating or maintaining the noise. The notice shall be dated, contain a description of the violation, require the person to remove or abate the condition described in the order within the time specified therein, and advise such person of the right to apply for a variance permit and the office or person to whom the variance permit application shall be filed.
 - b. For violations of Subsection (8)(a) through (g), officers of the West Allis Police Department may issue a citation without prior notice of the violation.
11. Variance.
- a. Application for Variance Permit. The owner or occupant of the premises may seek a variance from the noise and/or vibration limitations herein. A new or renewal application for a variance from the noise and/or vibration limitations

in a zoning district shall be made to the City Clerk. The proper filing of an application shall toll all penalties provided in this section for any such violation until a final decision has been issued on the merits of such application. Such application shall specify the grounds upon which the variance permit is sought and the date by which the source of any excess noise or vibration for which the variance is sought shall be brought into compliance with this section.

- b. Hearing on Variance Permit. Within sixty (60) days of receiving the application for a variance permit, the License and Health Committee shall hold a public hearing. The City Clerk shall serve the variance applicant with notice of such hearing by mail or personal service at least ten (10) days before such hearing. Additionally, the City Clerk shall mail notice of the hearing to property owners within two hundred (200) feet of the affected property at least ten (10) days before such hearing. **[Ord. O-2015-0018, 3/3/2015]**
- c. Procedure at Hearing. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
 - i. The variance applicant shall first present evidence in support of the variance.
 - ii. After the variance applicant rests, any person(s) who claims to be adversely affected by allowance of the variance permit may present evidence in opposition to the variance.
 - iii. After the variance applicant and any person(s) who claims to be adversely affected by allowance of the variance permit rest, the Health Commissioner may present evidence in regard to the variance application.
 - iv. The variance applicant, Health Commissioner, and any person(s) who claims to be adversely affected by allowance of the variance permit may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross examination.
 - v. The variance applicant, Health Commissioner, and any person(s) who claims to be adversely affected by allowance of the variance permit shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.
 - vi. Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
 - vii. At the close of testimony, the variance applicant, Health Commissioner, and any person(s) who claim to be adversely affected by allowance of the variance permit shall be given a reasonable time to make arguments upon the evidence produced at hearing.
- d. Miscellaneous Procedural Matters.
 - i. At all stages of the proceedings, the variance applicant and any person(s) who claim to be adversely affected by allowance of the variance permit shall be entitled to appear in person or by an attorney of his or her own expense.
 - ii. The Health Commissioner may be represented by a City Attorney.
 - iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the City Attorney representing the Health Commissioner.
 - iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be administered and subpoenas issued upon request of each person. The Chair shall ensure that an orderly hearing is conducted in accordance with the provisions of this section. The Chair shall rule on objections to the admissibility of evidence. Any ruling of the Chair shall be final unless appealed to the Committee and a majority vote of those members present and voting reverses such ruling.

- v. An audio recording or stenographic record shall be made of all proceedings at the hearing, and the Clerk shall mark and preserve all exhibits and testimony. Any interested party may obtain a copy of the recording or transcript at his or her own expense.
- e. Recommendation to the Common Council.
- i. After the close of the hearing, the Committee shall deliberate and reach a decision. Based on the evidence presented at the hearing, the Committee shall recommend to the Common Council whether a variance permit should be issued and under what conditions the Committee finds necessary to protect the public health, safety and welfare, including a schedule for achieving compliance with noise and vibration limitations. In deciding whether to recommend granting the permit, the Committee shall balance the hardship to the applicant, the community, and other persons; the impact on the health, safety, and welfare of the community; the effect on the property in the area; and any other impact that the granting of the variance may have. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk/~~Treasurer~~ within twenty (20) days, and the Clerk shall mail a copy of the report to the last-known address of the variance applicant, Health Commissioner, and any person(s) who claim to be adversely affected by the allowance of the variance permit. The findings and recommendations shall be distributed to each member of the Common Council.
 - ii. The variance applicant, Health Commissioner, and any person(s) who claim to be adversely affected by the allowance of the variance permit may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk/~~Treasurer~~ before the close of business on a day that is at least three working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.
- f. Common Council Determination.
- i. Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk/~~Treasurer~~ shall notify the variance applicant and any person(s) who claim to be adversely affected by the allowance of the variance permit by United States first-class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.
 - ii. Unless an Alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the variance applicant nor any person(s) who claim to be adversely affected by the allowance of the variance permit shall be permitted to make oral arguments.
 - iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote, and such hearing shall constitute the final determination of the matter. The Clerk/~~Treasurer~~ shall notify the variance applicant and any person(s) who claim to be adversely affected by the allowance of the variance permit by United States first-class mail, postage prepaid, sent to the last known address, of the Common Council's decision.
- g. The permit, if granted, shall contain a time limit for such activity. Variances

exceeding two (2) years may be granted only in exceptional cases, including those for which, in the opinion of the Committee, control technology is unavailable or available only at a prohibitive cost. Noncompliance with any conditions imposed on the variance shall terminate the variance and subject the person or corporation holding it to those provisions of this section for which the variance permit was granted.

- h. Extension and Modification. Application for extension of time limits or modification of other conditions specified in the variance permit shall be treated like applications for an initial variance, except that the Common Council must find that the need for such extension or modification clearly outweighs any adverse impacts of granting the extension or modification.
- i. Judicial Review. Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within thirty (30) days of receipt of the final determination.
 - i. If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense.

12. Penalties. Any person violating any provision of this section shall, upon conviction, be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense, together with the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each day that any violation continues shall be considered a separate offense.

13. Severability. If any provision, clause, sentence, paragraph, or phrase of this section or the application thereof to any person or circumstances is held, for any reason, by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

[Ord. 6225, 4-11-1996; Ord. O-2006-0030, 6-6-2006; Ord. O-2013-0047, 11-19-2013]

SECTION 57: **AMENDMENT** “7.154 Public Physical Conditioning Establishments” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.154 Public Physical Conditioning Establishments

- 1. Definitions. The following definitions shall apply in the interpretation and the enforcement of this section:

HEALTH COMMISSIONER

The term "Health Commissioner" shall mean the Health Commissioner of the City or designee.

PERSON

The term "person" shall mean any person, firm, organization, or corporation.

PUBLIC PHYSICAL CONDITIONING ESTABLISHMENT

The term "public physical conditioning establishment" shall mean any premises or facilities used by customers, members, students, or the general public for conditioning

- or training activities, swimming, jogging, martial arts instruction or training, weightlifting, gymnastics, aerobic exercise, tanning, or similar or related activities.
2. State Regulations. Except as otherwise provided herein, the provisions of Wisconsin Statutes Section 100.178 as related to fitness centers, as they are from time to time amended, are hereby adopted by reference. All fitness centers shall comply with all applicable provisions of these regulations.
 3. License Application. A written application for the license required by this section shall be filed with the Health Commissioner upon forms provided by the Health Commissioner. The annual license fee shall be twenty-five dollars (\$25.) and shall be paid at the time the initial application is filed or, for license renewals, prior to the expiration of a license. Any renewal license fee paid on July 1 or later shall be subject to a late fee of fifteen dollars (\$15.). No person shall operate any public physical conditioning establishment until all license fees have been paid. A licensee or applicant shall notify the Health Commissioner in writing if any information listed in the application form has changed within ten (10) days of such change. **[Ord. O-2017-0018, 4/18/2017]**
 4. License Required. No person shall operate a public physical conditioning establishment in the City without a license from the Health Commissioner. Only a person who complies with the requirements of this section shall be entitled to receive and retain a license. Licenses shall not be transferable as to persons or premises.
 5. Posting License; Fee for Duplicate License. Every public physical conditioning establishment shall display its license at all times in plain view of the public. Duplicate licenses shall be issued to replace licenses which are misplaced or damaged so as to be illegible. The fee for a duplicate license shall be fifteen dollars (\$15.). **[Ord. O-2017-0018, 4/18/2017]**
 6. License Year. The license year for the public physical conditioning establishment license shall be from July 1 to June 30 annually.
 7. Inspection of Establishments.
 - a. Frequency of Inspections. The Health Commissioner or his/her designee shall inspect public physical conditioning establishments at least once during the license year. If the Health Commissioner or his/her designee discovers any violation that is potentially hazardous to the health and welfare of patrons or employees of the public physical conditioning establishment or to the public health, he/she may make a reinspection after a lapse of five (5) business days or such time as he/she deems reasonably necessary for the violations to be corrected. Failure to correct a violation within the scheduled time shall result in additional reinspections and may result in further legal action, including the issuance of citations. The first reinspection of a violation shall result in the Health Department assessing a reinspection fee of twenty-five dollars (\$25.) to the public physical conditioning establishment applicant or licensee. The second or subsequent reinspection of a violation shall result in the Health Department assessing a reinspection fee of fifty dollars (\$50.) to the public physical conditioning establishment applicant or licensee. **[Ord. O-2017-0018, 4/18/2017]**
 - b. Inspection Report. One (1) copy of the inspection report shall be given to the person in charge of the establishment and another copy shall be kept with the records of the Health Department.
 - c. Access to Establishments and Records Required. The person operating a public physical conditioning establishment shall, upon the request of the Health Commissioner or his/her designee, permit access to all parts of the establishment and shall permit the copying of any records necessary for a health investigation.
 - d. Inspection After Complaint. Upon a complaint or report of a violation of this section, the Health Commissioner or his/her designee shall inspect the establishment to determine if a violation exists. If the Health Commissioner or his/her designee confirms a violation to exist, the Health Department shall assess an inspection fee of twenty-five dollars (\$25.) to the public physical conditioning establishment licensee.
 8. Establishments Which May Operate. No public physical conditioning establishment

- shall operate within the City unless it conforms to the requirements of this section.
9. Summary Suspension and Reinstatement of License.
 - a. Whenever the Health Commissioner or his/her designee finds unsanitary or other conditions in the operation of a public physical conditioning establishment, which in his/her opinion constitutes a substantial hazard to the public health, he/she may without warning, notice, or hearing issue a written notice to the licensee citing the condition, specifying the corrective action to be taken, and specifying the time period within which the action shall be taken; and, if deemed necessary, the order shall state that the license is immediately suspended and all public physical conditioning operations are to be immediately discontinued. The Health Commissioner or his/her designee shall promptly notify the City Clerk of any suspension. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the City Clerk, shall be afforded a hearing before the License and Health Committee. The procedure for such hearing shall be the applicable provisions of Subsections (13)(c) through (f) of this section. Such hearing shall be scheduled within ten (10) days of the appellant filing the petition with the City Clerk.
 - b. The license holder whose license has been suspended by the Health Commissioner or his/her designee may, at any time, make application for reinstatement of the license. The Health Commissioner or his/her designee shall make a reinspection and thereafter as many additional reinspections as he/she deems necessary to ensure that the applicant is complying with the requirements; and, in the event the findings indicate compliance, shall reinstate or reissue the license.
 10. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to any license issued under this section shall be true.
 11. Conditions of License.
 - a. Every applicant procuring a license thereby consents to the entry of the Health Department, police, or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or state laws.
 - b. The licensee and/or employees and agents of the licensee shall cooperate with Health Department and police investigations. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police and Health Department inquiries. A licensee shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
 - c. Each licensed premises shall be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises.
 - d. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.
 12. Minimum Requirements. All public physical conditioning establishments shall comply with the following minimum requirements:
 - a. Equipment.
 - i. Conditioning equipment, exercise devices, tanning beds, and similar and related equipment shall be operated and maintained in compliance with recommendations and requirements of the manufacturer and all applicable regulations.
 - ii. Equipment that is subject to bodily contact by users shall be washed or rinsed with a bactericidal solution, as frequently as necessary to insure adequate hygiene. Such bactericidal solutions and single-use towels shall be available for optional use by patrons at all times. Specific cleaning frequency requirements may be made a condition of the license for a public physical conditioning establishment.

- b. Locker Room Requirements.
 - i. Separate locker room facilities shall be present and accessible for men and women.
 - ii. Hot and cold running water, under pressure, shall be supplied at all times to all sinks, lavatories, tubs, showers, and other bathing facilities. At least one (1) wash sink and one (1) toilet shall be available for use at any public locker room.
 - iii. When towels or towel service are provided, clean towels shall be kept dry until used and shall not be used by more than one (1) patron. Used towels shall be kept separate from clean towels and shall be laundered or removed from the facility after use. Laundering of towels shall be done in a manner which provides complete bactericidal treatment.
 - iv. Shower curtains, when used, shall be of plastic or similar material and shall be kept clean and in good repair. Worn, ripped, or uncleanable shower curtains shall be removed. Cloth or absorbent shower curtains and curtain liners are prohibited.
 - v. Public locker room floors, walls, and ceilings, as well as benches, chairs, and other furniture shall be clean, water-resistant, and in good repair. All room surfaces subject to moisture and bacterial contamination shall be washed or wet mopped with an appropriate bactericide as frequently as necessary to prevent odors or disease. Areas in which moisture or other conditions create slipping or sliding hazards shall be equipped with handrails or other anti-slip devices or treatments.
 - vi. All public locker room patrons shall have available for their optional use a clothes locker constructed of substantial material, provided with an interior hook for hanging items of clothing and with a means for locking to provide security for patrons' items and property. Lockers shall be arranged, designed, and located so that they are not subject to spray or other water damage.

13. Suspension, Revocation, and Nonrenewal.

- a. Causes. Any license issued under this section may be suspended, revoked, or not renewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or not renewed for the following causes:
 - i. The making of any material false statement in any application for a license.
 - ii. The violation of any of the applicable provisions of Section 7.154.
 - iii. The violation of any of the applicable provisions of Wisconsin Statutes Section 100.177 or 100.178.
 - iv. The failure to conduct its licensed business at the authorized location for a period of thirty (30) consecutive days, unless such thirty-day period shall, for good cause shown, be extended by the Common Council.
 - v. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience or prosperity of the immediate neighborhood.
 - vi. The failure to pay any tax or forfeiture as provided in Section 1.08(9) (a) and (b).
- b. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion or upon sworn written charges made and filed with the Clerk/~~Treasurer~~ by the Health Commissioner.
- c. Procedure.
 - i. Upon receipt of a sworn complaint, either from the Health

Commissioner or upon directive of the Committee, the License and Health Committee shall direct the City Attorney to prepare a summons and have the summons and complaint served upon the licensee pursuant to Section 801.11 of the Wisconsin Statutes.

- ii. The summons and complaint shall contain: the date and time for appearance by the licensee; a statement of the Common Council's intention to suspend, revoke, or not renew the license in the event any of the allegations are found to be true; a statement of the reasons for suspension, revocation, or nonrenewal; notification to the licensee of an opportunity to be heard, respond to and challenge the reasons for suspension, revocation, or nonrenewal and to present and cross-examine witnesses under oath; notification to the licensee of the right to be represented by counsel of the licensee's choice and at the licensee's expense.
 - iii. If the licensee fails to appear on the date and time designated in the summons, the License and Health Committee may enter a default judgment and take the allegations of the complaint to be true. The License and Health Committee shall then deliberate on what sanction, if any, to impose.
 - iv. If the licensee appears before the License and Health Committee at the date and time designated in the summons and denies the material charges contained in the complaint, an evidentiary hearing shall be scheduled. If the licensee does not appear or appears, but does not deny the material charges contained in the complaint, the complaint may be taken as true and the Committee shall hear the arguments of the complainant and, if applicable, the licensee in connection with whether to not renew, revoke or suspend the license and the length of the suspension.
 - v. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
 - (1) The complainant shall first present evidence in support of the complaint.
 - (2) After the complainant rests, the licensee may present evidence in opposition to the charges.
 - (3) The complainant and licensee may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross-examination.
 - (4) The complainant and licensee shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.
 - (5) Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
 - (6) At the close of testimony, the complainant and licensee shall be given a reasonable time to make arguments upon the evidence produced at hearing.
- d. Miscellaneous Procedural Matters.
- i. At all stages of the proceedings, the licensee shall be entitled to appear in person or by an attorney of his or her own expense.
 - ii. If the complaint is in the name of the Committee or is brought by a City official in his/her official capacity, the complainant shall be represented by a prosecuting City Attorney.
 - iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the prosecuting City Attorney.
 - iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be administered and subpoenas issued upon request of either side. The

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

- v. An audio recording or stenographic record shall be made of all proceedings at the hearing. Any interested party may obtain a copy of the recording or transcript at his or her own expense.
- e. Findings and Recommendations.
 - i. After the close of the hearing, the Committee shall deliberate and reach a decision. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk/~~Treasurer~~ with a copy to the licensee and complainant. The findings and recommendations shall be distributed to each member of the Common Council.
 - ii. The licensee and complainant may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk/~~Treasurer~~ before the close of business on a day that is at least three (3) working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.
- f. Common Council Action.
 - i. Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk/~~Treasurer~~ shall notify the licensee and complainant by U.S. first class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.
 - ii. Unless an Alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the complainant nor the licensee shall be permitted to make oral arguments.
 - iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote. Upon an affirmative vote suspending, revoking, or not renewing the license(s), the Clerk/~~Treasurer~~ shall give notice to the person whose license is affected. If the Common Council finds the complaint to be untrue or unsupported by sufficient evidence, the proceedings shall be dismissed without cost to the accused.
- g. Surrender of License.
 - i. A licensee may, at any time during the license year surrender a license to the Health Department, along with a statement, in writing, that the licensee no longer wishes to conduct the licensed activity at the licensed premises.
 - ii. Except as set forth in Subsection (h)3 below, the surrender shall operate to extinguish any right the licensee had to the license or to conduct licensed activity at the premises listed in the license.
 - iii. If a summons and complaint has been issued against the licensee seeking suspension, revocation, or nonrenewal of the license, the surrender of the license shall be deemed a request and the matter shall be referred to the License and Health Committee. The Committee may approve the request or deny the request and proceed to hearing.
 - iv. Any request to have a surrendered license returned shall be treated as

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

- h. Prohibition on Future Issuance. If a license is revoked or not renewed due to action by the License and Health Committee, at least two (2) years shall elapse before another license may be given to the same licensee.
14. Nuisance Enforcement. In addition to the penalties listed within this section, the City Attorney or his/her designee or the Health Commissioner or his/her designee may pursue a nuisance enforcement action against a public physical conditioning establishment under Chapter 18 of this Code.

[Ord. O-2014-0008, 2/4/2014]

SECTION 58: **AMENDMENT** “10.065 Loading And Special Parking Zones” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.065 Loading And Special Parking Zones

1. Definitions.
 - a. Loading Zone. For the purpose of this section, a loading zone is defined as that portion of a public street adjacent to a curb or property line reserved for the exclusive use of vehicles loading or unloading passengers or material.
 - b. Special Parking Zone. For the purpose of this section, a special parking zone is defined as that portion of a public street adjacent to a curb or property line where parking is limited to thirty (30) minutes or less.
2. Prior Permits Revoked. No loading zone or special parking zone permits shall be valid, except as authorized by Subsection (3). All permits for loading zones or special parking zones granted before the effective date of this section are hereby revoked and may be reissued only in accordance with the provisions of Subsection (3).
3. Permit Required. Loading and special parking zone permits shall be issued by the Director of Public Works after review and approval of the City Engineer. Application for such permit shall be made by the owner or lessee of property abutting the loading or special parking zone areas, shall be made in writing on forms provided and shall be issued upon payment of the fees hereinafter specified. If the application for a permit is denied by the Director of Public Works, an appeal from such decision may be made to the Board of Public Works. The decision of the Board shall be final. All permits shall be for a period of one (1) year or less and shall expire on the first day of May, unless sooner revoked by the Board of Public Works.
4. Fee Required. No permit shall be issued unless there is paid to the City Clerk/Treasurer a fee in accordance with the following Fee Schedule: ~~{Ord. 6546, 11/21/2000; Ord. 6608, 2/19/2002}~~
 - a. Initial Application. Three dollars (\$3.) for each linear foot of loading or special parking zone in an unmetered area with a minimum fee of seventy-five dollars (\$75.); and, four dollars (\$4.) for each linear foot of loading or special parking zone in a metered area with a minimum fee of one hundred twenty dollars (\$120.). Annual Renewals. Two dollars and fifty cents (\$2.50) for each linear foot of loading or special parking zone in an unmetered area with a minimum of sixty dollars (\$60.); and, three dollars (\$3.) for each linear foot of loading or special parking zone in a metered area with a minimum fee of ninety dollars (\$90.).
5. Authority of Director. The Director of Public Works or the Board of Public Works may grant a permit with limitations as to the amount of curb space to be utilized or restrictions as to the time of operation of any loading or special parking zone. The Director of Public Works is authorized and directed, upon issuance of a permit, to furnish and erect appropriate signs designating the loading or special parking zone

established by the permit. The Director of Public Works is further authorized and directed to remove summarily all loading or special parking zone signs erected without permit.

6. Bus Loading Zones.

- a. As an accommodation to motor buses engaged in urban transportation service over fixed routes, the Director of Public Works is hereby authorized to designate, by appropriate signs, loading zones for the reception and discharge of passengers by such motor buses. No permits or fees provided for in this section shall be required, but the Director of Public Works shall maintain a list of approved motor bus loading zones. Where possible, the length of such motor bus loading zones shall be eighty (80) feet, provided that where more than one motor bus may load or unload at the same time in the same loading zone, the Director of Public Works may add an extra forty (40) feet for each additional vehicle permitted to use the area to avoid traffic hazards or excessive delay. When a motor bus loading zone is established in mid-block, or where the rear limit of the zone is at or near the corner, an additional twenty-five (25) feet of no-parking space shall be provided ahead of the regular loading zone for pullout purposes.
- b. The operator of any motor bus shall not stop at any place other than an approved loading zone to receive or discharge passengers, unless prevented therefrom by street construction or illegally parked vehicles, and any such operator making use of a motor bus loading zone shall stop in such a manner that any person alighting therefrom or boarding thereon shall be able to board or alight from said motor bus directly from the sidewalk or curbline without entering on or upon the public highway, provided that the latter is free from obstructions which prevent proper approach and that the normal angle of approach is not disturbed by other street obstructions such as double parked vehicles or street constructions.

7. Restricted Parking Zones for Physically Disabled Persons. **[Ord. 5988, 1/19/1993]**

a. Residential Disabled Parking Zones.

- i. Where access to a motor vehicle used by a physically disabled person, as defined in § 346.503 of the Wisconsin Statutes, in front of his residence is rendered difficult by reason of existing parking conditions, the City Engineer is authorized to designate, by appropriate signs, a restricted parking zone in the street in front of such physically disabled person's residence. Such zone shall permit parking therein only for vehicles used by a physically disabled person, shall be limited in size to provide parking and maneuvering space for one (1) vehicle only and shall be subject to all applicable parking regulations otherwise in force on such street.
- ii. Persons desiring such a zone may make application to the City Engineer and, the City Engineer, if satisfied that the conditions for establishing such a zone have been met, shall issue a permit to the applicant establishing the disabled parking zone and the location thereof for vehicles used by physically disabled persons. A copy of the permit shall be sent to the Chief of Police. All permits shall be valid for a period of one (1) year or less and shall expire on May 1 of each year. Permits may be renewed where the conditions for establishing a disabled parking zone still exist. The City Engineer may revoke any permit when the conditions for the disabled parking zone are eliminated or where an abuse of the permit is found to exist.

b. Commercial Disabled Parking Zones.

- i. Where access to a motor vehicle used by a physically disabled person in front of or adjacent to a business establishment is rendered difficult by reason of existing parking conditions, the City Engineer is authorized to designate, by appropriate signs, a restricted parking zone or zones in the street in front of or adjacent to the business establishment. Such zone shall permit parking therein only for vehicles used by a physically disabled person, shall be limited in size

- to provide parking and maneuvering space for one (1) vehicle per permit and shall be subject to all applicable parking regulations otherwise in force on such street.
- ii. The owner of a building or the tenant of a building in which there is a commercial establishment may make application to the City Engineer and, that City Engineer, if satisfied that the conditions for establishing such zone have been met and, if satisfied that there are no conditions adverse to issuing a permit such as traffic congestion or limited parking, may issue a permit to the applicant establishing the disabled parking zone and the location thereof for vehicles used by physically disabled persons. A copy of the permit shall be sent to the Chief of Police. All permits shall be valid for a period of one (1) year or less and shall expire on May 1 of each year. Permits shall be renewed where the conditions for establishing a disabled parking zone still exist. The City Engineer may revoke any permit when the conditions for the disabled zone no longer apply or where an abuse of the permit is found to exist.
 - iii. No permit shall be issued pursuant to this subsection, unless the fee set forth in Sec. 10.065(4)(a) is paid for each lineal foot of the Physically Disabled Person Parking Zone.
- c. For purposes of this section, a handicapped person is one who, because of some serious physical ailment, has extreme difficulty in moving about on foot.
 - d. Except for a motor vehicle used by a physically disabled person as defined under Sec. 346.503(1) of the Wisconsin Statutes, no person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility reserved, by official traffic signs indicating the restriction, for vehicles displaying special registration plates issued for physical disability under Wisconsin Statutes or special identification card issued under Sec. 343.51 of the Wisconsin Statutes or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person. **[Ord. O-2006-0043, 9/5/2006]**
 - e. No person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility so as to obstruct, block or otherwise limit the use of any portion of a street, highway or parking facility reserved, by official traffic signs indicating the restriction, for vehicles displaying special registration plates issued for physical disability under Wisconsin Statutes or a special identification card issued under Sec. 343.51 of the Wisconsin Statutes or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person. **[Ord. O-2006-0043, 9/5/2006]**
 - f. No person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility that is clearly marked as and intended to be an access aisle to provide entry to and exit from vehicles by persons with physical disabilities and which is immediately adjacent to any portion of a street, highway or parking facility reserved, by official traffic signs indicating the restriction, for vehicles displaying special registration plates issued for physical disability under Wisconsin Statutes or a special identification card issued under Sec. 343.51 of the Wisconsin Statutes or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a person with a physical disability. **[Ord. O-2006-0043, 9/5/2006]**
 - g. Any person violating the restrictions set forth in Section 10.065(7)(d), (e) or (f) of this ordinance shall be subject to a forfeiture of three hundred dollars (\$300). **[Ord. O-2006-0043, 9/5/2006]**

SECTION 59: AMENDMENT “15.03 Solid Waste Management Program User Fees” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.03 Solid Waste Management Program User Fees

1. Purpose. It is determined and declared to be necessary and conducive to the protection of the public health, safety and welfare and convenience of the City of West Allis to collect charges from all residential properties impacted by the City's solid waste management program. The proceeds of such charges will be used to offset the overage of costs over and above the amount reimbursed by the state for the City's implementation of the State Mandated Recycling Requirement, 287.093(1)(a)1 Wisconsin Statutes, and other costs associated with the City's solid waste management program.
2. Definitions. Unless specifically indicated, the meaning of terms used in this section shall be as follows:

CITY. Means the City of West Allis.

COMMON COUNCIL. Means the Common Council of the City.

DWELLING UNIT. Means a single living unit, providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FISCAL YEAR. Means a twelve-month period commencing on the first day of January of any year.

MOBILE HOME. Means a single dwelling unit within a mobile home park.

MULTIFAMILY. Means a residential property with two (2) or more dwelling units.

OPERATING BUDGET. Means estimated revenues and the estimated costs for operations and maintenance for each fiscal year.

OPERATION AND MAINTENANCE. Means the current expenses, paid or accrued, of operations, as calculated in accordance with sound accounting practice and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, the cost of materials and supplies used for current operations and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

RATE. The user fee charged on each dwelling unit. The rate is determined by the Common Council for each fiscal year.

RESIDENTIAL PROPERTY. A single-family home, mobile home or multifamily dwelling having between one (1) and four (4) dwelling units.

REVENUES. All rates, fees, assessments, rentals, fines or other charges or other income received by the City, in connection with the management and operation of the program, including amounts received from the investment or deposit of moneys in any fund or account, as herein required, and any amounts contributed by the City, all as calculated in accordance with sound accounting practices.

SINGLE FAMILY. Means any residential property with exactly one (1) dwelling unit.

SOLID WASTE MANAGEMENT PROGRAM or PROGRAM. Means the existing refuse collection program and the existing recycling collection program of the City which by this section is constituted as the responsibility of the City, to be operated, in part, as an enterprise fund to, among other things, collect, control, manage and submit any and all applicable commodities as mandated by state law.

USER FEE. Means the charge established by the Common Council on dwelling units in the City to pay operations and maintenance for the solid waste management program.

3. Disposition of Revenue.

- a. The user fees hereunder shall generate adequate annual revenues to pay costs for the recycling program in excess of the state reimbursement to the City for implementing the state-man dated program.
- b. The portion of the total user fees collected which are designated for operation and maintenance, shall be deposited in a separate non-lapsing fund known as the "Solid Waste Management Program Fund" and will be kept in one (1) primary account as follows: An account designated for the specific purpose of defraying operation and maintenance costs (operation and maintenance account).
- c. Fiscal year-end balances in the operation and maintenance account shall be carried over to the same account in the subsequent fiscal year and shall be used for no other purpose than those designated for this account. Moneys, which have been transferred from other sources to meet temporary shortages in the operation and maintenance account, shall be returned to their respective accounts upon appropriated adjustment of the user fee rates. The user fee rate shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

4. User Fees and Rates.

- a. User Fee. The Common Council shall require that adequate revenues be generated through user fees to provide for a balanced operating budget. The Common Council hereby authorizes the imposition of user fees on all residential properties, in the City.
- b. Rates. The Common Council will establish rates for each fiscal year. All rates established by the Common Council will be fair and reasonable and calculated to achieve a balanced operating budget for the program. The rate for each dwelling unit shall be uniform. Current rates will be on file in the office of the City Clerk/~~Treasurer~~. **[Ord. O-2014-0037, 7/1/2014]**
- c. Billing Schedule. The billing schedule is as follows: **[Ord. O-2014-0037, 7/1/2014]**

Customer Class 1	Solid Waste Management Billing Schedule
Single-family, duplexes, triplexes, and mobile homes with individual water metered activity	Quarterly on water bill
Mobile home without individual water metered activity	Monthly
Undeveloped land	No charge
Customer Class 2	
Four families charged recycling collection services only	Quarterly on water bill

5. Billing and Payment. Bills for the user fee shall be rendered as part of the water bill for the property and become due and payable on the same date as the water bill, for those

invoiced quarterly on the water bill. For those residential units billed monthly, they are due and payable on the 15th of the following month, to be collected and administered by the mobile home park owner or agent. A penalty of that equal to the rate for water, which is approved by the Public Service Commission, shall be added per month to bills not paid by the due date. **[Ord. O-2014-0052, 9/2/2014]**

6. Lien. All user fees established hereunder shall be a lien upon the property served pursuant to Secs. 66.0821(4)(d), 66.0809(1) to (4), 66.0811 and 66.0813 of the Wisconsin Statutes and shall be collected in the manner therein provided.
7. Severability. If any provision or part of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be effective thereby.

[Ord. O-2007-0004, 2/6/2007; Ord. O-2008-0055, 12/16/2008]

SECTION 60: AMENDMENT “18.04 Abatement Of Public Nuisances” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.04 Abatement Of Public Nuisances

1. Enforcement.
 - a. The Police Chief, Fire Chief, Health Commissioner, Forester, Weed Commissioner, Building Inspector or the Director of Public Works or one of their designees shall enforce those provisions of this chapter that come within the jurisdiction of their offices, or the City Attorney may represent their interests; and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the official has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself or herself that a nuisance does, in fact, exist.
 - b. Whenever the Police Chief, Fire Chief, Health Commissioner, Forester, Weed Commissioner, Building Inspector or the Director of Public Works or one of their designees identifies that three (3) or more nuisance activities have occurred at a premises on separate days during a one-hundred-eighty-day period, that individual or the City Attorney may notify the premises owner in writing that the premises has become a chronic public nuisance. This notice shall be deemed properly delivered if sent by either first class mail to the premises owner's last known address or if delivered in person to the premises owner. If the premises owner cannot be located, the notice shall be deemed to be properly delivered if a copy is left at the premises owner's usual place of abode in the presence of some competent member of the family at least fourteen (14) years of age or a competent adult currently residing there. **[Ord. O-2012-0002, 1/17/2012]**
 - c. The notice shall contain: the legal description or street address of the premises; a description of the nuisance activities that have occurred at the premises; a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises; a statement that the premises owner shall within ten (10) days respond to the appropriate office with either an appeal of the designation or to propose a written course of action to abate the nuisance activities.
 - d. Whenever the Police Chief, Fire Chief, Health Commissioner, Forester, Weed Commissioner, Building Inspector, the Director of Public Works, their designees, or the City Attorney determines that an additional nuisance activity has occurred at a premises for which notice has been issued, and either this nuisance activity has occurred not less than fourteen (14) days after notice has been issued or a course of action submitted pursuant to this section has not

been completed, the appropriate office may calculate the cost of enforcement for this and any subsequent nuisance activities and may refer such cost to the ~~Clerk~~ Treasurer. The premises owner shall be notified of the decision to refer the cost of enforcement. Delivery of this notice, along with a copy of the referral letter to the ~~Clerk~~ Treasurer, shall be made as set forth in Paragraph (a) of this section and shall contain: the street address or legal description sufficient for identification of the premises; a statement that the cost of enforcement has been referred to the ~~Clerk~~ Treasurer with concise description of the nuisance activities and the relevant sections of the code; and a notice of the premises owner's right to appeal pursuant to Section 18.04(6).

- e. Violation. Each subsequent incident of nuisance activity shall be deemed a separate violation.

2. Summary Abatement.

- a. If the inspecting official determines that a public nuisance exists within the City and that there is great and immediate danger to the public health and safety, the official may, without notice or hearing, issue an order reciting the existence of a public nuisance constituting imminent danger to the public and requiring immediate action be taken, as he deems necessary, to abate the nuisance. Notwithstanding any other provisions of this subsection, the order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately.
- b. Whenever the owner and/or occupant shall refuse or neglect to remove or abate the condition meeting the criteria set forth in subsection (2)(a), above, and described in the order, the inspecting official shall, in his discretion, enter upon the premises and cause the nuisance to be removed or abated and the City shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance by billing the owner and/or occupant and placing the expenses on the property tax roll if said expenses are not paid within thirty (30) days.

3. Abatement After Notice.

- a. If the inspecting official determines that a public nuisance exists, but that such nuisance does not threaten great and immediate danger to the public, the official shall issue an order reciting the existence of a public nuisance, and requiring the owner and/or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The order shall be served personally on the owner of the premises, as well as the occupant, or, at the option of the inspecting official, the notice may be mailed to the last known address of the owner and occupant, to be served by regular mail with return receipt. If the owner and the occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a Class 1 notice under Wisconsin Statutes Chapter 985. The time limit specified in the order runs from the date of service or publication.
- b. If the owner or occupant fails or refuses to comply within the time period prescribed, the inspecting official shall enter upon the premises and cause the nuisance to be removed or abated and the City shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

- 4. Other Methods Not Excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State or the ordinances of the City of West Allis. Where the provisions of this chapter conflict with another section of the West Allis Revised Municipal Code, the more stringent provision shall apply.

- 5. Court Order. Except when necessary under sub. (2), an official shall not use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

- 6. Appeal. Appeal of the determination of the Police Chief, Fire Chief, Health Commissioner, Forester, Weed Commissioner, Building Inspector, the Director of

- Public Works, the City Attorney or their designees that a nuisance or chronic nuisance premises exists, or the action of the ~~Clerk~~/Treasurer imposing a special charge against the premises, may be submitted to the Administrative Appeals Review Board pursuant to Section 2.48 of the Revised Municipal Code.
7. Relief from order. Any person affected by an order for Abatement After Notice as provided under this section shall, pursuant to Chapter 68 of the Wisconsin Statutes, within thirty (30) days of the date of service or publication of the order, apply to the Administrative Appeals Review Board for review of the order to abate or remove the nuisance, or be forever barred. The Board shall determine the reasonableness of the order for abatement of the nuisance. Any person aggrieved by the determination of the Administrative Appeals Review Board shall appeal to the Circuit Court as provided in Wisconsin Statutes Chapter 68.

[Ord. O-2005-0008, 2/1/2005; Ord. O-2007-0041 (repeal and recreated), 10/16/2007]

SECTION 61: **AMENDMENT** “2.55 Historical Commission” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.55 Historical Commission

1. Purpose. To preserve, safeguard and promote the historic heritage of the city and its locality; to manage publicly owned or leased historical properties; to preserve and care for all records and other articles and materials of historical interest on behalf of the city; to promote and foster the historical education, pleasure and welfare of the community; and, to otherwise promote the general health, safety and welfare of the community; for these purposes and the necessity therefore in the public interest, the provisions of this section are enacted and declared as a matter of legislative determination and intent.
2. Definitions. As used in this section:
 - a. "City" means the City of West Allis.
 - b. "Commission" means the Historical Commission of the City of West Allis.
 - c. "Common Council" means the Common Council of the City.
3. Created. There is hereby created an Historical Commission to be known as "The Historical Commission of the City of West Allis". The Commission shall have the powers and duties set forth in this section.
4. Structure. The Commission shall consist of the Mayor, or his or her designee, the President of the Municipal Library Board of the City, or his or her designee, and five (5) members appointed by the Mayor and confirmed by the Common Council appointed for staggered five (5) year terms. The Director of Development, the Library Director, and the Director of Public Works of the City, or their respective designees, shall serve as non-voting members. At least two (2) members to be appointed by the Mayor shall be persons with professional qualifications in history or a related field, including, but not limited to, architecture, art history, urban and regional planning, or law. The two (2) members required to be appointed for their professional qualifications need not be residents of the City.
5. Officers. The Mayor, or his or her designee, shall serve as Chairperson of the Commission and may appoint a member as Vice-Chairperson. The Chairperson shall preside at meetings, and the Vice-Chair shall preside in the absence of the Chairperson.
6. Meetings. All meetings of the Commission shall be open to the public; the meetings shall be noticed and conducted in compliance with state laws relating to open meetings. The Commission may adopt rules of order for the conduct of its business.
7. Volunteers. The Commission shall use volunteers to the maximum extent possible to perform the functions of the Commission.
8. Staff. The ~~Department of Development~~Planning and Zoning Program Staff shall provide staff support for the Commission.

9. Powers and Duties. The Commission shall possess the following powers and duties:
- a. Subject to approval and directive of the City, manage all lands, buildings or other property owned or leased by the City or which are otherwise under the custody and control of the City for historical purposes. Management obligations hereunder do not include maintenance of lands and buildings nor the provision of custodial services;
 - b. Serve as trustee of the City in the preservation and care of all records, articles and other materials of historic interest and significance placed in its custody by the City;
 - c. Assist in the collection and preservation of the books, documents and artifacts relating to the history of the City and its locality;
 - d. Conduct lectures, exhibits and other programs upon local historical subjects; and for this purpose, cooperate with the local school board and other educational institutions and historical societies;
 - e. Subject to approval of the City, receive, manage and dispose of gifts and donations for the benefit of the society, according to the terms of the deed of gift, devise or bequest;
 - f. No fee shall be charged for admission to any historical property under its management; except, a fee may be collected for admission to defray the cost of lecturers, special exhibits, programs or events held on such property;
 - g. Faithfully conserve, expend and apply all money received to the fulfillment of its powers and duties, consistent with its purposes as directed by the City;
 - h. Make a report of its work and a budget request annually to the Mayor and Common Council of the City; and,
 - i. Promulgate rules necessary and appropriate to the implementation of this section.
 - i. Cooperation. The Commission shall cooperate with the Municipal Library Board with respect to the management and preservation of books, periodicals, pamphlets, records, tracks, manuscripts, maps, charts and other papers, artifacts, relics, paintings, photographs and other materials illustrative of the history of West Allis and the localities that are under the custody and control of the Commission.
 - ii. Historic Preservation. The Commission shall advise the City with respect to the acquisition and disposition of historic property or the making of any grants of funds to any public or private entity for the purpose of preserving or rehabilitating historic property, pursuant to § 66.037 of the Wisconsin Statutes.
 - iii. Buildings and Grounds. Except as otherwise specifically provided by the City, the Department of Public Works shall maintain and provide custodial services for all lands and buildings owned or leased or which are otherwise under the custody and control of the City for historical purposes.

[Ord. 6395, 9/1/1998]

SECTION 62: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of West Allis

Dan Devine, Mayor City Of West Allis

**CITY OF WEST ALLIS
ORDINANCE O-2022-0064**

ORDINANCE TO REPEAL AND RECREATE THE BUSINESS LICENSING LAWS

**REPEALING AND RECREATING CHAPTER 9; REPEALING, AMENDING, AND
RENUMBERING NUMEROUS SECTIONS**

WHEREAS, the City's business licensing laws contain out-of-date licenses, inconsistent procedures for license issuance and discipline, inconsistent terminology, and provisions that are contrary to or unnecessary repetition of existing applicable state law; and

WHEREAS, certain provisions that are not related to business licensing are codified within the business licensing chapter of the code; and

WHEREAS, certain business licensing provisions are codified within chapters other than the business licensing code;

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

SECTION 1: **REPEAL** “7.04 Food Establishments” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.04 Food Establishments~~ (*Repealed*)

1. Definitions. The following definitions shall apply in the interpretation and the enforcement of this section:
 - a. Health Commissioner. The term "Health Commissioner" shall mean the Health Commissioner of the City or designee.
 - b. Permit. The document issued by the West Allis Health Department that authorizes a person to operate a retail food establishment. The term "permit" shall be used interchangeably with the term "license."
 - c. Person. The term "person" shall mean any person, firm, organization, or corporation.
 - d. State Administrative Fee. The term "State Administrative Fee" shall mean the amount of money paid annually to the Department of Agriculture, Trade and Consumer Protection (hereinafter "ATCP"), of the State of Wisconsin, pursuant to agency contracts between those agencies and the West Allis Health Department.
2. State regulations. Except as otherwise provided herein, the provisions of the Wisconsin Food Code, Chapter ATCP 75 of the Wisconsin Administrative Code and its appendices, Chapter 97 of the Wisconsin Statutes, and Wisconsin Statute Section 66.0417, as they are from time to time amended are hereby adopted by reference. All retail food establishments shall comply with all applicable provisions of these regulations.
3. Retail Food Establishment Permit Required. No person shall operate a retail food establishment in the City without a permit from the Health Commissioner. Only a

person who complies with the requirements of this section shall be entitled to receive and retain a permit. Violation of any of the requirements of this section by a holder of a license issued under Section 9.02 of this Code shall be grounds for suspension or revocation of such license, in accordance with Section 9.02(22) of this Code. Permits shall be issued only in the name of the operator. Licenses are not transferable unless the operator meets the requirements in ATCP Section 75.104(3).

4. Permit Application. A written application for the permit(s) required by this section shall be filed with the Health Commissioner upon forms provided by the Health Commissioner. Initial permit fees shall be paid at the time the application is filed. Renewal permit fees shall be paid prior to the expiration of a permit, and no person shall operate any food establishment until all renewal fees have been paid. Any renewal permit fee paid on July 1 or later shall be subject to a late fee. A permittee or applicant shall notify the Health Commissioner in writing if any information listed in the application form has changed within ten (10) days of such change.
5. Fees for Retail Food Establishments. The fees for retail food establishment permits shall be as follows:

Permit Category	Permit Total	Permit Fee	SAF 10%	Pre-Inspection Fee	1st Re-inspection	2nd and Subsequent Re-inspection Fee
Pre-packaged restaurant	\$220	\$200	\$20	\$200	\$98	\$130
Low-complexity restaurant	\$330	\$300	\$30	\$250	\$240	\$320
Moderate-complexity restaurant	\$451	\$410	\$41	\$300	\$353	\$470
High-complexity restaurant	\$718	\$653	\$65.30	\$375	\$578	\$770
Mobile restaurant	Same as restaurant depending upon complexity					
Mobile restaurant base	Same as restaurant depending upon complexity					
For Profit Organizations						
Temporary food establishment						
Annual permit	\$198	\$180	\$18	n/a	n/a	n/a
Not For Profit Organizations						
Temporary food establishment						
Serving meals by exempt group for 1 - 3 days per year	\$0	\$0	\$0	n/a	n/a	n/a

Serving retail food by exempt group 1 - 12 days per year	\$0	\$0	\$0	n/a	n/a	n/a
Serving meals by exempt group for 4+ days per year - annual permit	\$198	\$180	\$18	n/a	n/a	n/a
Serving retail food by exempt group for 13+ days per year -annual permit	\$198	\$180	\$18	n/a	n/a	n/a
Special organization serving meals (4 - 12 days per year at one location)	\$204	\$186	\$18.60	n/a	n/a	n/a
Temporary or mobile food establishment inspection fee	\$50	\$50	n/a	n/a	\$50	\$100
Additional kitchen area	\$88	\$80	\$8	n/a	n/a	n/a
DPI school - production kitchen	\$718	\$653	\$65.30	n/a	n/a	n/a
DPI school - reheat only	\$330	\$300	\$30	n/a	n/a	n/a
Retail food with annual sales						
More than \$1,000,000 processing PHF	\$1,027	\$934	\$93.40	\$375	\$450	\$450
More than \$25,000, less than \$1,000,000 processing PHF	\$396	\$360	\$36	\$412	\$190	\$190
More than \$25,000 with processing but no PHF	\$295	\$268	\$26.80	\$206	\$190	\$190
Less than \$25,000 processing PHF	\$220	\$200	\$20	\$155	\$100	\$100
Less than \$25,000 with processing but no PHF	\$159	\$117	\$11.70	\$155	\$90	\$90
Retail food without processing	\$97	\$88	\$8.80	\$103	\$90	\$90
Sanitation inspection						

for Class B and C licensees	\$50	\$50	n/a	n/a	\$25	\$25
Operating food establishment without permit (plus PI and permit fees) fixed in file	\$749	\$749	n/a	n/a	n/a	n/a
Operating without certified restaurant manager when required	\$155	\$155	n/a	n/a	n/a	n/a

6. Sanitation Inspections.

- a. The fee for a sanitation inspection shall be fifty dollars (\$50.) and each re-inspection fee shall be twenty-five dollars (\$25.). All fees shall be paid prior to inspection.
- b. If an inspection reveals the existence of a violation that is potentially hazardous to the health and welfare of the public, the Health Commissioner or his/her designee may order a reinspection of the establishment.

7. Posting Permit; Fee for Duplicate Permit. Every retail food establishment shall display its permit at all times in plain view of the public. Duplicate permits shall be issued to replace permits which are misplaced or damaged so as to be illegible. The fee for a duplicate permit shall be fifteen dollars (\$15.).

8. Unwholesome Food and Drink. Samples of food, drink, and other substances may be taken and examined by the Health Commissioner or his/her designee as often as may be necessary for the detection of unwholesomeness or adulteration. The Health Commissioner or his/her designee may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink that is found to be unwholesome or adulterated.

9. Inspection of Establishments.

- a. Frequency of inspections. The Health Commissioner or his/her designee shall inspect food establishments at least once during the license year. If the Health Commissioner or his/her designee discovers a violation of Centers for Disease Control and Prevention risk factors, priority items, priority foundation items, or any violation that is potentially hazardous to the health and welfare of patrons or employees of the retail food establishment, s/he may make a reinspection after a lapse of five (5) business days or such time as s/he deems reasonably necessary for the violations to be corrected. Failure to correct a violation within the scheduled time shall result in additional reinspections and may result in further legal action, including the issuance of citations. Any reinspection shall result in the Health Department assessing the reinspection fees listed in Subsection (5) above.
- b. Inspection Report. One copy of the inspection report shall be given to the person in charge of the establishment and another copy shall be kept at the Health Department.
- c. Access to Establishments and Records Required. The person operating a retail food establishment shall, upon the request of the Health Commissioner or his/her designee, permit access to all parts of the establishment and shall permit the copying of any records of food purchased, pest control reports, or

- other records pertinent to conducting an inspection or foodborne illness investigation.
10. Establishments Which May Operate. No retail food establishment shall operate within the City unless it conforms to the requirements of this section.
 11. Summary Suspension and Reinstatement of Permit.
 - a. Whenever the Health Commissioner or his/her designee finds unsanitary or other conditions in the operation of a retail food establishment or establishment licensed under Section 9.02 of the Code, which in his/her opinion constitutes a substantial hazard to the public health, s/he may without warning, notice, or hearing issue a written notice to the permittee citing the condition, specifying the corrective action to be taken, and specifying the time period within which the action shall be taken; and, if deemed necessary, the order shall state that the permit is immediately suspended and all food service operations are to be immediately discontinued. The Health Commissioner or his/her designee shall promptly notify the City Clerk of any suspension. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the City Clerk, shall be afforded a hearing before the License and Health Committee. The procedure for such hearing shall be the applicable provisions of Subsections (15)(c) through (f) of this section. Such hearing shall be scheduled within ten (10) days of the appellant filing the petition with the City Clerk.
 - b. The permit holder, whose permit has been suspended by the Health Commissioner or his/her designee, may, at any time, make application for reinstatement of the permit. The Health Commissioner or his/her designee shall make a reinspection and thereafter as many additional reinspections as s/he deems necessary to ensure that the applicant is complying with the requirements; and, in the event the findings indicate compliance, shall reinstate or reissue the permit.
 12. Truth of Statements. All matters submitted in writing to the City by any applicant or permittee pertaining to any permit issued under this section shall be true.
 13. Conditions of Permit.
 - a. Every applicant procuring a permit thereby consents to the entry of the Health Department, police, or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or state laws.
 - b. The permittee and/or employees and agents of the permittee shall cooperate with Health Department and police investigations. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police and Health Department inquiries. A permittee shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
 - c. Each permitted premises shall be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on any permitted premises.
 - d. The permittee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.

14. Outdoor Cooking. An operator of a licensed retail food establishment may conduct outdoor food activities as long as the operator complies with the Wisconsin Food Code interpretation titled "Definition of Premise and Outdoor Food Activities." A copy of the interpretation shall be kept on file at the Health Department and made available to anyone who requests it.
15. Revocation of Permit.
 - a. Causes. Any permit issued under this section may be suspended, revoked, or nonrenewed for cause by the Common Council after notice to the permittee and a hearing. Permits may be suspended, revoked, or not renewed for the following causes:
 - i. The making of any material false statement in any application for a permit.
 - ii. The violation of any of the applicable provisions of Section 7.04.
 - iii. The violation of any of the applicable provisions of the Wisconsin Food Code, ATCP 75 and its appendices, Wisconsin Statute Section 66.0417, and Wisconsin Statute Chapter 97.
 - iv. The failure to conduct its permitted business at the authorized location for a period of thirty (30) consecutive days, unless such thirty-day period shall, for good cause shown, be extended by the Common Council.
 - v. The permitted premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the permitted premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience or prosperity of the immediate neighborhood.
 - vi. The failure to pay any tax or forfeiture as provided in Section 1.08(9) (a) through (b).
 - b. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion or upon sworn written charges made and filed with the City Clerk by the Health Commissioner.
 - c. Procedure.
 - i. Upon receipt of a sworn complaint, either from the Health Commissioner or upon directive of the Committee, the License and Health Committee shall direct the City Attorney to prepare a summons and have the summons and complaint served upon the permittee pursuant to Section 801.11 of the Wisconsin Statutes.
 - ii. The summons and complaint shall contain: the date and time for appearance by the permittee; a statement of the Common Council's intention to suspend, revoke, or not renew the permit in the event any of the allegations are found to be true; a statement of the reasons for suspension, revocation, or nonrenewal; notification to the permittee of an opportunity to be heard, respond to and challenge the reasons for suspension, revocation, or nonrenewal and to present and cross-examine witnesses under oath; notification to the permittee of the right to be represented by counsel of the permittee's choice and at the permittee's expense.
 - iii. If the permittee fails to appear on the date and time designated in the summons, the License and Health Committee may enter a default judgment and take the allegations of the complaint to be true. The License and Health Committee shall then deliberate on what sanction,

- if any, to impose.
- iv. If the permittee appears before the License and Health Committee at the date and time designated in the summons and denies the material charges contained in the complaint, an evidentiary hearing shall be scheduled. If the permittee does not appear or appears but does not deny the material charges contained in the complaint, the complaint may be taken as true and the Committee shall hear the arguments of the complainant and, if applicable, the permittee in connection with whether to nonrenew, revoke or suspend the permit and the length of the suspension.
 - v. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
 - (1) The complainant shall first present evidence in support of the complaint.
 - (2) After the complainant rests, the permittee may present evidence in opposition to the charges.
 - (3) The complainant and permittee may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross-examination.
 - (4) The complainant and permittee shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.
 - (5) Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
 - (6) At the close of testimony, the complainant and permittee shall be given a reasonable time to make arguments upon the evidence produced at hearing.
- d. Miscellaneous Procedural Matters.
- i. At all stages of the proceedings, the permittee shall be entitled to appear in person or by an attorney of his or her own expense.
 - ii. If the complaint is in the name of the Committee or is brought by a City official in his/her official capacity, the complainant shall be represented by a prosecuting City Attorney.
 - iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the prosecuting City Attorney.
 - iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be administered and subpoenas issued upon request of either side. The Chair shall ensure that an orderly hearing is conducted in accordance with the provisions of this section. The Chair shall rule on objections to the admissibility of evidence. Any ruling of the Chair shall be final unless appealed to the Committee and a majority vote of those members present and voting reverses such ruling.
 - v. An audio recording or stenographic record shall be made of all proceedings at the hearing. Any interested party may obtain a copy of the recording or transcript at his or her own expense.
- e. Findings and Recommendations.
- i. After the close of the hearing, the Committee shall deliberate and

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

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

f. Common Council Action.

- i. Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk shall notify the permittee and complainant by United States first class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.
- ii. Unless an alderperson states that he/she has not read the findings and recommendations and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the complainant nor the permittee shall be permitted to make oral arguments.
- iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote. Upon an affirmative vote suspending, revoking, or not renewing the license(s), the Clerk shall give notice to the person whose license is affected. If the Common Council finds the complaint to be untrue or unsupported by sufficient evidence, the proceedings shall be dismissed without cost to the accused.

g. Surrender of License.

- i. A permittee may, at any time during the permit year surrender a permit to the Health Department, along with a statement, in writing, that the permittee no longer wishes to conduct permitted activity at the permitted premises.
- ii. Except as set forth in Subsection (g)3 below, the surrender shall operate to extinguish any right the permittee had to the permit or to conduct permitted activity at the premises listed in the permit.
- iii. If a summons and complaint has been issued against the permittee seeking suspension, revocation, or nonrenewal of the permit, the surrender of the permit shall be deemed a request and the matter shall be referred to the License and Health Committee. The Committee may approve the request or deny the request and proceed to hearing.
- iv. Any request to have a surrendered permit returned shall be treated as a new permit application and the requestor must fill out the required applications and pay the required fees. The request shall thereafter be treated as all other new permit applications.

- h. Prohibition on Future Issuance. If a permit is revoked or not renewed due to action by the License and Health Committee, at least two (2) years shall elapse before another permit may be given to the same permittee.
- 16. Nuisance Enforcement. In addition to the penalties listed within this section, the City Attorney or his/her designee or the Health Commissioner or his/her designee may pursue a nuisance enforcement action against a food establishment under Chapter 18 of this Code.

~~{Ord. 6433, 5/4/1999; Ord. O-2006-0020, 5/2/2006; Ord. O-2009-0013, 4/7/2009; Ord. O-2013-0056, 12/3/2013; Ord. O-2017-0014, 3/21/2017}~~

SECTION 2: REPEAL “7.041 Food Peddlers” of the City Of West Allis
Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.041 Food Peddlers (Repealed)~~

1. Definitions. The following definitions shall apply in the interpretation and enforcement of this section:
 - a. Charitable Organization. The term "charitable organization" shall mean any patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, person, partnership, association or corporation that is validly registered under Wis. Stat. § 440.42.
 - b. Health Commissioner. The term "Health Commissioner" shall mean the Health Commissioner of the City, as set forth in Section 2.24 of the Revised Municipal Code, or his/her designee.
 - c. Food. The term "food" shall mean all articles used for food, drink or condiment, including ice or water used by humans, whether simple, mixed, or compound and articles used or intended for use as ingredients in the composition or preparation thereof.
 - d. Food Peddler. The term "food peddler" shall mean any person who sells food in this City from a pushed, pedaled, pulled, motorized, or movable vehicle or cart, or from a carried container.
2. Adoption of State Code. Except as otherwise provided herein, the provisions of Department of Agriculture, Trade, and Consumer Protection Chapter 75 and the Wisconsin Department of Health Services Code Chapter 196 and its appendix, the Wisconsin Food Code, are hereby adopted by reference.
3. Permit Required. No food peddler shall engage in the sale of food without a permit. A person, on behalf of a charitable organization, selling individually wrapped, hermetically sealed, single food servings that are prepared and packaged off-premises by a licensed processor shall not require a permit; however, a person selling such food must comply with all other provisions of this section.
4. Time Restriction. No food peddler shall remain in any location for more than one hour on any one day, except as provided in Subsection **(4)(a)** of this section.
 - a. Exceptions to One-Hour Limit.
 - i. A food peddler may sell in one location in excess of the one-hour limit specified in Subsection (4) if:
 - (1) The food peddler's vehicle, cart, and/or carried container is

- located in a nonresidential zoning district; and the food peddler's vehicle is parked in a nonresidential zoning district in compliance with all posted time limits on parking and with all other applicable parking regulations; or
- (2) Whenever any street or portion thereof has been closed to traffic in connection with any civic event, and the food peddler obtains a special event direct seller's permit, under Section 9.18(4), from the City Clerk/Treasurer to park on or access such closed streets longer than the one-hour limit.
5. Exemption. The provisions of Section 7.10(3) of the Revised Municipal Code relating to merchandise display on sidewalks and zoning provisions of Chapter 12 of the Revised Municipal Code relating to outdoor merchandise sales are inapplicable to persons who possess a valid food peddler license engaging in food peddling. A person who obtains a permit under this section, except as set forth herein, shall be deemed to have a direct seller's permit under Section 9.18 of the Revised Municipal Code.
6. Permit Fees. A food peddler shall pay a fee of one hundred dollars (\$100.) for a permit. Such fee shall be paid at the time the permit application is filed with the City Clerk/Treasurer.
7. Application. Each person requiring a permit shall make a sworn application in writing on a form provided by the City Clerk/Treasurer which shall give the following information:
- a. Name, address and telephone number of the applicant.
 - b. Name, address and telephone number of the person, firm, association, or corporation that the food peddler represents or is employed by, or whose food is being sold.
 - c. A description of the food offered, including a copy of the menu.
 - d. The location from which the business will be conducted, including a proposed route, and the proposed dates and times.
 - e. Make, model and license number of any vehicle to be used by the applicant in the conduct of the business.
 - f. Last municipalities, not to exceed three (3), where the applicant conducted similar business.
 - g. Statement as to whether the applicant has been arrested or convicted of any crime or ordinance violation, together with the nature of the offense and the place of conviction.
 - h. Proof of a state certificate of examination and approval from the Sealer of Weights and Measures where the applicant's business requires use of weighing devices approved by state authorities.
 - i. Proof of a food-related permit issued by the West Allis Health Department.
8. Investigation.
- a. Upon receipt of an application and fee, the City Clerk/Treasurer may refer the application to the Chief of Police or his/her designee. The Chief of Police or his/her designee may make an investigation of the accuracy of the statements made in the application and determine whether the applicant has been convicted of a felony, misdemeanor, statutory violation punishable by forfeiture, or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor, or other offense substantially relate to the circumstances of the permitted activity and, if so, the nature and date of the offense and the penalty assessed.
 - b. If, as a result of such investigation, the Chief of Police or his/her designee discovers that any representation on the application contains a material

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

- c. Issuance. If the City Clerk/Treasurer does not send the application to the Chief of Police or his/her designee, or if the Chief of Police or his/her designee returns an application without disapproval, the City Clerk/Treasurer shall then issue a permit to the applicant. The permit shall be carried by the food peddler at all times s/he is engaged in food peddling and shall contain the name of the permittee, the date of issuance, the date of expiration, and the permit number.
9. Transfer Prohibited. No permit issued under this subsection may be transferred.
 10. Licensing Year. The licensing year for the food peddler's permit shall be from July 1 to June 30.
 11. Posting of Permit and Company Name.
 - a. Every food peddler shall display his/her permit at all times in plain view to the public on the food peddler's vehicle, cart, container, or person.
 - b. Every food peddler shall display on his/her vehicle, cart, or carrier, the name of the person to whom the permit is issued and the permittee's telephone number. Such lettering shall be not less than four (4) inches high.
 12. Permit Revocation.
 - a. The Common Council may, upon sufficient cause, suspend, revoke, or not renew a permit issued under this section. Cause for suspending, revoking, or not renewing a permit shall include, but not be limited to, the following: violations of this section; violations of the City or state's food regulations; violations of West Allis Revised Municipal Ordinance 7.05; violations of the City or state's health regulations; any fraud, misrepresentation, or false statement contained in the license application; failure to comply with the directives of the Common Council, License and Health Committee, or West Allis Health Department; disorderly conduct; or theft.
 - b. Whenever the Health Commissioner or his/her designee has reasonable cause to believe that any food, sanitary condition, equipment, premises or method of operation creates a danger to public health, the Health Commissioner may issue an order as set forth in sec. 66.0417(2), Wis. Stats. The License and Health Committee of the West Allis Common Council shall conduct the hearing required by sec. 66.0417(3), Wis. Stats. The decision of the License and Health Committee shall be final subject to appeal rights as provided by law.
 13. Prohibited and Required Acts.
 - a. A food peddler shall not:
 - i. Sell food between the hours of 9:00 p.m. and 6:00 a.m.
 - ii. Block or restrict an individual's access to a business or residential property.
 - iii. Occupy any sidewalk so as not to permit any pedestrian at any time to have a minimum five-foot clearance.
 - iv. Sell or offer for sale any food while the person is on a roadway median or safety island, unless the roadway has been closed to traffic under Subsection (3)(b) and the food peddler is otherwise in compliance with this section.
 - v. Sell or offer to sell any food while located within 10 feet of a

- crosswalk, bus stop, or fire hydrant.
 - vi. Make any comment, request, suggestion or proposal that is obscene, lewd, lascivious, profane, or indecent.
 - vii. Sell food on private property or City-owned property that is not a public right-of-way without written permission of the owner.
 - viii. Sell food within 300 feet of school grounds.
 - ix. Sell food within 100 feet of a licensed restaurant, unless such restaurant is owned by the food peddler or the food peddler has written permission from the restaurant license's owner or agent.
 - x. Sell food within 300 feet of the West Allis Farmer's Market during the hours that the market is open for business, unless the food peddler holds a valid street vendor's contract for the Market with the West Allis Health Department.
 - xi. Sell food that is unwholesome, tainted, unclean, or that has been handled in an unclean manner, or has been exposed to unclean, contaminating things or conditions, or contrary to any rules or regulations adopted by the Health Commissioner.
 - xii. Allow any person who does not possess a valid food peddler's permit to sell or assist in selling food from the food peddler permittee's vehicle, cart, or container.
- b. A food peddler shall:
- i. Possess and maintain all required food-related permits issued by the West Allis Health Department.
 - ii. Direct vending equipment and displays, including signage, away from the street.
 - iii. Display food and signage in a manner in which attention to it is not focused from the street and which does not require or encourage prospective buyers to enter or walk upon the street to examine it.
 - iv. Notify the City Clerk/Treasurer within 10 days of the event whenever anything occurs to change any fact set out in the application or information of any permit.
 - v. Comply with all inspection requests and orders from the City, including but not limited to inspections and orders from the Health Department, Building Inspection and Zoning Department, and Fire Department.
 - vi. Comply with all lawful orders or requests from an officer of the West Allis Police Department or other police agency.
 - vii. Comply with all local, state, and federal laws and regulations.

14. Penalties.

- a. Any person violating this section shall, upon conviction for a first offense, forfeit not less than fifty dollars (\$50.) nor more than five hundred dollars (\$500.), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in § 800.095(4), Wis. Stat. Each and every day during which any such violation continues shall constitute a separate violation.
- b. Any person violating this section shall, upon conviction for the second or subsequent offenses, forfeit not less than three hundred dollars (\$300.), nor more than two thousand dollars (\$2,000.), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of

Correction until such forfeiture and costs are paid, but not more than the number of days set forth in § 800.095(4), Wis. Stats. Each and every day during which any such violation continues shall constitute a separate violation.

15. Severability. If any provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the section shall not be affected thereby.
16. Distance Measurements. For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the edge of the property line when measuring from real estate or the nearest edge of an object or line when measuring from a crosswalk, bus stop, or fire hydrant, or similar object, to the nearest edge of a food peddler's cart, vehicle, or container.

~~{Ord. O-2012-0021, 6/19/2012}~~

SECTION 3: **REPEAL** “7.124 Pet Shops, Kennels And Grooming Establishments” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.124 Pet Shops, Kennels And Grooming Establishments (*Repealed*)~~

1. Definitions.
 - a. Pet Shop Defined. The term "pet shop," as used herein, shall mean any commercial establishment wherein animals or birds are kept or maintained for and prior to sale. This definition does not include establishments which are keeping or maintaining for sale only fish or other aquatic or nonmammalian amphibious species.
 - b. Kennel Defined. "Kennel" is any commercial establishment where more than two (2) cats, dogs or other animals not prohibited by sec. 7.21(1) may be kept for boarding, breeding, sale or sporting purposes.
 - c. Grooming Establishment Defined. The term "grooming establishment," as used herein, shall mean any commercial establishment at which dogs, cats or other animals are bathed, groomed, clipped, trimmed or shorn or other such treatment is administered, and where no animals are kept or maintained on the premises overnight.
2. Permit Required. The Health Commissioner may issue a pet shop, kennel or grooming establishment permit upon submission of a completed application, payment of a fee of thirty dollars (\$30.) and inspection of the premises. Each such permit shall expire one year from the date of issuance, unless revoked for cause prior to the date of expiration. Any permit fee paid on July 1 or later shall be subject to a late fee of fifteen dollars (\$15.). The cost for a duplicate permit shall be fifteen dollars (\$15.). **[Ord. O-2017-0018, 4/18/2017]**
3. Condition for Issuing and Maintaining Permit. Upon application for issuance or renewal of a pet shop, kennel or grooming establishment permit, an inspection shall be made to determine compliance with the provisions of sec. 7.123(3).
 - a. No pet shop, kennel or grooming establishment shall be located in any building wherein food products are stored, served or prepared, unless a minimum distance of fifty (50) feet is maintained between such facilities and food storage, preparation or service area or areas. For purposes of this section,

- containment of the pet shop, kennel or grooming establishment area by a floor to ceiling wall, and a self-closing door, shall constitute adequate separation.
- b. The maximum number of animals to be kept at the facility shall be determined and this number shall be recorded on the permit, if and when issued.
4. Revocation of Permit. The Health Commissioner may revoke a pet shop, kennel or grooming establishment permit for serious and/or repeated noncompliance with the provisions of the section. Appeal of revocation shall be made in writing to the Common Council and execution of the revocation shall be stayed pending action by the Council.
 5. Reinspection Fees. Any licensee or applicant that requires a reinspection during the licensing year due to the Health Department finding a violation of this section, or state statute or state regulation relating to pet shops, kennels, or grooming establishments, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a first reinspection fee of ten dollars (\$10.). Any licensee or applicant that requires a second or subsequent reinspection during the licensing year due to the Health Department finding a violation of this section, or state statute or state regulation relating to pet shops, kennels, or grooming establishments, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a second or subsequent reinspection fee of fifteen dollars (\$15.). [Ord. O-2017-0018, 4/18/2017]

SECTION 4: **REPEAL** “7.135 Public Swimming Pools” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

7.135 Public Swimming Pools (Repealed)

1. Definitions.
 - a. Public Swimming Pool. Public swimming pool shall mean any premises or place as defined or classified by Wisconsin Administrative Code, Commerce, Section 90.03.
 - b. Health Commissioner. The term Health Commissioner shall mean the Health Commissioner of the City of West Allis or an authorized agent.
2. Permit Required. No person shall own, operate or manage a public swimming pool without first obtaining a permit from the Health Department. Permits shall be posted at a conspicuous location in the pool area and conditions or restrictions applying to the operation of the pool which are deemed necessary for the protection of the public by the City Health Commissioner shall be noted thereon. Public swimming pool permits shall not be transferable.
3. Public Pool Fees. The fees for public pools and water attractions shall be as follows: [Ord. O-2017-0018, 4/18/2017]
 - a. The fees for a prelicensing inspection for public pools and water attractions shall be payable prior to issuance of a permit and shall be as follows:
 - i. Pools shall be one hundred fifty dollars (\$150.).
 - ii. Water attractions shall be one hundred seventy-five dollars (\$175.).
 - iii. Water attractions with two (2) or fewer pool slides or water slides per basin shall be two hundred fifty dollars (\$250.). Each additional pool slide or water slide per basin shall be one hundred fifty dollars

- (\$150.).
- b. The annual fees for public pools and water attraction permits shall be as follows:
 - i. Pools shall be three hundred thirty dollars (\$330.).
 - ii. Water attractions shall be two hundred twenty dollars (\$220.).
 - iii. Water attractions with two (2) or fewer pool slides or water slides per basin shall be three hundred eighty-five dollars (\$385.). Each additional pool slide or water slide per basin shall be one hundred sixty-five dollars (\$165.).
 - iv. The cost for a duplicate permit shall be fifteen dollars (\$15.).
 - c. Any public pool or water attraction that requires a reinspection due to the Health Department finding a violation of this section, or state statute or state regulation relating to public pools or water attractions, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a reinspection fee as follows:
 - i. Pools shall be one hundred fifty dollars (\$150.) for the first reinspection and three hundred dollars (\$300.) for the second or subsequent reinspection during the licensing year.
 - ii. Water attractions shall be one hundred dollars (\$100.) for the first reinspection and two hundred dollars (\$200.) for the second or subsequent reinspection during the licensing year.
 - iii. Water attractions with two (2) or fewer pool slides or water slides per basin shall be one hundred seventy-five dollars (\$175.) for the first reinspection and three hundred fifty dollars (\$350.) for the second or subsequent reinspection during the licensing year. Each additional pool slide or water slide per basin shall be seventy-five dollars (\$75.) for the first reinspection and one hundred fifty dollars (\$150.) for the second or subsequent reinspection during the licensing year.
 - iv. All reinspection fees shall be paid at the time of reinspection.
 - d. Any public pool or water attraction that operates without a permit shall be subject to a fee of seven hundred forty-nine dollars (\$749.).
4. Application for Permit. Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee.
 5. Issuance of Permit Generally. Permits required under this section, once approved by the Health Department, shall be issued by the Health Commissioner.
 6. Inspection Fee Required Prior to Granting of Permit. A permit will not be granted under this section to an operator of a new swimming pool or to a new operator of an existing public swimming pool without a preinspection.
 7. Transfer of Permit; Issuance to Agent or Employee. No permit issued under this section may be transferred unless otherwise provided by the ordinances of the City. No permit shall be issued to or used by any person acting as agent for or in the employ of another.
 8. Expiration and Renewal of Permit. Except where otherwise provided, every Health Department permit shall terminate or expire on June 30 of each year and may be renewed annually thereafter. The application for renewal shall be filed with the Health Department on or before June 30, together with payment of the required fees. If the annual renewal fee has not been paid on or before June 30, an additional late payment fee of one hundred dollars (\$100.) shall be required. No person shall operate a public swimming pool or water attraction until all renewal fees have been paid. **[Ord. O-**

2017-0018, 4/18/2017]

9. Suspension or Revocation of Permit. The Health Commissioner may suspend or revoke any permit issued pursuant to the section for serious or repeated violations of ordinances or laws regulating the licensed activity.
10. Right of Entry; Testing of Samples. The Health Commissioner may enter any establishment required to be licensed in this section at all reasonable times to inspect the premises, secure samples or specimens, examine and copy documents, obtain photographs, or take any other action he deems necessary to properly enforce the provisions of applicable laws regulating such business or activity. Samples of water from any licensed premises may be taken and examined by the Health Commissioner at such time as he deems necessary, for detection or microbiological quality, chemical disinfection, or any other enforcement purposes. Standards and definitions set forth in Wisconsin Administrative Code Health and Family Services Chapter 172, as they are from time to time amended, are hereby adopted by reference and incorporated as part of this section.
11. Corrections of Violations; Citations. Whenever the Health Commissioner finds that any establishment required to obtain a permit in this section is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Commissioner may notify, in writing, the person operating the premises, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the permit may be suspended or revoked by the Health Commissioner.
12. Emergency Powers of Health Commissioner. Whenever the Health Commissioner has reasonable or probable cause to believe that any sanitary condition, equipment, premises or method of operation thereof creates a danger to public health, the Health Commissioner may issue a temporary order prohibiting the continued operation of the premises, or any part thereof, which creates the immediate danger to health. The Health Commissioner may suspend any permit without notice whenever the licensed premises constitutes an immediate health hazard.
13. Appeals. Any person aggrieved by the denial of a permit or by suspension or revocation of a permit required under this section by the Health Commissioner or by any temporary suspension or any other order may appeal any such order to the License and Health Committee of the West Allis Common Council within thirty (30) days of suspension, revocation or issuance of the order. The License and Health Committee of the West Allis Common Council shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of the appeal. The decision of the License and Health Committee shall be final subject to appeal rights as provided by law.
14. State Sanitation Regulations Adopted. Except as otherwise provided herein, the provisions of Wisconsin Administrative Code Chapter ATCP 76, Chapter SPS 390, and the provisions of Wisconsin Statutes Chapter 97 as they relate to public pools and water attractions, as they are from time to time amended, are hereby adopted by reference. All public pools and water attractions shall comply with all applicable provisions of these regulations. **[Ord. O-2017-0018, 4/18/2017]**
15. Authority to Close Public Swimming Pools. In addition to the closing criteria set forth in Wisconsin Administrative Code Section ATCP 76.30, the Health Commissioner may order any public swimming pool closed if the following conditions exist: **[Ord. O-2017-0018, 4/18/2017]**
 - a. Bacteriological or chemical analysis of water samples exceeds those standards

listed in Wisconsin Administrative Code Section ATCP 76.16, or the presence of Pseudomonas aeruginosa, or any other microbiological pathogen capable of transmitting a communicable disease is detected; or

b. Any imminent health or safety hazard is identified.

~~{Ord. O-2006-0019, 5/2/2006}~~

SECTION 5: **REPEAL** “7.145 Hotels, Motels And Tourist Rooming Houses And Bed And Breakfast Establishments” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.145 Hotels, Motels And Tourist Rooming Houses And Bed And Breakfast Establishments
(Repealed)~~

1. Definition. For purpose of this ordinance, hotel, motel and tourist rooming house shall mean any premises defined by Wisconsin Administrative Code, HFS Section 195.03, and bed and breakfast establishment shall mean any premises defined by Wisconsin Administrative Code, HFS Section 197.03.
2. Permit and Fees Required. Before opening for business, every hotel, motel, tourist rooming house or bed-and-breakfast establishment operator shall obtain a permit from the Health Commissioner. No permit shall be granted without a precicensing inspection conducted by the Health Commissioner and completion of an application form provided by the Health Commissioner. The permit, when issued, must be conspicuously displayed on the premises for which it is issued. All permits shall expire on June 30. **[Ord. O-2017-0018, 4/18/2017]**
 - a. Hotel and Motel Annual Fees. All permittees shall pay an annual fee as follows:
 - i. Hotels or motels with five (5) to thirty (30) rooms shall pay one hundred ninety-four dollars (\$194.).
 - ii. Hotels or motels with thirty-one (31) to ninety-nine (99) rooms shall pay two hundred seventy-three dollars (\$273.).
 - iii. Hotels or motels with one hundred (100) to one hundred ninety-nine (199) rooms shall pay three hundred forty-one dollars (\$341.).
 - iv. Hotels or motels with two hundred (200) rooms or more shall pay four hundred forty dollars (\$440.).
 - v. A renewal permittee's failure to pay its annual fee before July 1 shall subject it to a late fee of one hundred dollars (\$100.).
 - vi. The cost of a duplicate permit shall be fifteen dollars (\$15.).
 - b. Hotel Motel Preinspection Fees. All permittees or permittee applicants shall pay the fee for a precicensing inspection for a new hotel or motel permit as follows:
 - i. Hotels or motels with five (5) to thirty (30) rooms shall pay four hundred ninety-four dollars (\$494.).
 - ii. Hotels or motels with thirty-one (31) to ninety-nine (99) rooms shall pay six hundred eighty-five dollars (\$685.).
 - iii. Hotels or motels with one hundred (100) to one hundred ninety-nine (199) rooms shall pay eight hundred nineteen dollars (\$819.).

- iv. Hotels or motels with two hundred (200) rooms or more shall pay one thousand two hundred twenty-one dollars (\$1,221).
- c. Hotel Motel Reinspection Fees. Any hotel or motel permittee that requires a reinspection due to the Health Department finding a violation of this section, state statute or state regulation relating to hotels or motels, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay the following fees at the time of reinspection:
 - i. Hotels or motels with five (5) to thirty (30) rooms shall pay one hundred three dollars (\$103.) for the first reinspection and two hundred six dollars (\$206.) for the second or subsequent reinspection during the licensing year.
 - ii. Hotels or motels with thirty-one (31) to ninety-nine (99) rooms shall pay two hundred six dollars (\$206.) for the first reinspection and four hundred twelve dollars (\$412.) for the second or subsequent reinspection during the licensing year.
 - iii. Hotels or motels with one hundred (100) to one hundred ninety-nine (199) rooms shall pay two hundred six dollars (\$206.) for the first reinspection and four hundred twelve dollars (\$412.) for the second or subsequent reinspection during the licensing year.
 - iv. Hotels or motels with two hundred (200) rooms or more shall pay three hundred nineteen dollars (\$319.) for the first reinspection and six hundred eighteen dollars (\$618.) for the second or subsequent reinspection during the licensing year.
- d. Operating without a permit. Any hotel or motel that operates without a permit shall be subject to a fee of seven hundred forty-nine dollars (\$749.).
- 3. Tourist Rooming House Fees. The fees for tourist rooming houses shall be as follows: **[Ord. O-2017-0018, 4/18/2017]**
 - a. The fee for a preclicensing inspection for a new tourist rooming house permit shall be one hundred dollars (\$100.).
 - b. The annual fee for a tourist rooming house permit shall be one hundred sixty-five dollars (\$165.) and shall be due before July 1. Any renewal permittee who pays its renewal fee on July 1 or later shall be subject to a late fee of one hundred dollars (\$100.). The cost for a duplicate permit shall be fifteen dollars (\$15.).
 - c. Any tourist rooming house permittee that requires a reinspection due to the Health Department finding a violation of this section, or state statute or state regulation relating to tourist rooming houses, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a reinspection fee of one hundred dollars (\$100.) for the first reinspection and two hundred dollars (\$200.) for the second or subsequent reinspection during the licensing year. All fees are due at the time of reinspection.
 - d. Any tourist rooming house that operates without a permit shall be subject to a fee of seven hundred forty-nine dollars (\$749.).
- 4. Bed-and-Breakfast Establishment Fees. The fees for bed-and-breakfast establishments shall be as follows: **[Ord. O-2017-0018, 4/18/2017]**
 - a. The fee for a preclicensing inspection for a new bed-and-breakfast establishment permit shall be three hundred dollars (\$300.).
 - b. The annual fee for a bed-and-breakfast establishment shall be one hundred sixty-five dollars (\$165.) and shall be due before July 1. Any renewal permittee who pays its renewal fee on July 1 or later shall be subject to a late fee of one hundred dollars (\$100.). The cost for a duplicate permit shall be

fifteen dollars (\$15.).

- c. Any bed-and-breakfast establishment permittee that requires a reinspection due to the Health Department finding a violation of this section, or state statute or state regulation relating to bed-and-breakfast establishments, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a reinspection fee of one hundred thirty dollars (\$130.) for the first reinspection and one hundred seventy dollars (\$170.) for the second or subsequent reinspection during the licensing year. All fees are due at the time of reinspection.
 - d. Any bed and breakfast establishment that operates without a permit shall be subject to a fee of seven hundred forty-nine dollars (\$749.).
5. (Reserved)

Editor's Note: Former Subsection (5), which required the applicant to pay state administrative fees, was repealed 4/18/2017 by Ord. O-2017-0018.

6. Except as otherwise provided herein, the provisions of Wisconsin Administrative Code Chapters ATCP 72 and 73, and the provisions of Wisconsin Statutes Chapter 97 as they relate to hotels, motels, tourist rooming houses, and/or bed-and-breakfast establishments, as they are from time to time amended, are hereby adopted by reference. All hotels, motels, tourist rooming houses, and bed-and-breakfast establishments shall comply with all applicable provisions of these regulations. [**Ord. O-2017-0018, 4/18/2017**]
7. In addition, the applicant must pay any state administrative fees, the amount of which is on file with the Department of Health.
8. All hotels, motels and tourist rooming houses and licensees under this section shall be subject to and comply with the provisions of Wisconsin Administrative Code, HFS Section 195.01 through 195.11, which are hereby adopted by reference and incorporated as part of this section, and all bed and breakfast establishment licensees under this section shall be subject to and comply with the provisions of Wisconsin Administrative Code, HFS Section 197, as they are from time to time amended, which are hereby adopted by reference and incorporated as part of this section.
9. Corrections of violations; citations. Whenever the Health Commissioner finds that any establishment required to obtain a permit in this section is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Commissioner may notify, in writing, the person operating the premises, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the permit may be suspended or revoked by the Health Commissioner.
10. Emergency Powers of Health Commissioner. Whenever the Health Commissioner has reasonable or probable cause to believe that any sanitary condition, equipment, premises or method of operation thereof creates a danger to public health, the Health Commissioner may issue a temporary order prohibiting the continued operation of the premises, or any part thereof, which creates the immediate danger to health. The Health Commissioner may suspend any permit without notice whenever the licensed premises constitute an immediate health hazard.
11. Appeals. Any person aggrieved by the denial of a permit or by suspension or revocation of a permit required under this section by the Health Commissioner or by any temporary suspension or any other order may appeal any such order to the License and Health Committee of the West Allis Common Council within thirty (30) days of

suspension, revocation or issuance of the order. The License and Health Committee of the West Allis Common Council shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of the appeal. The decision of the License and Health Committee shall be final subject to appeal rights as provided by law.

~~{Ord. O-2006-0021, 5/2/2006}~~

SECTION 6: REPEAL “7.15 Rooming Houses” of the City Of West Allis
Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.15 Rooming Houses (Repealed)~~

1. Definitions. Whenever a term hereinafter defined appears in the text of this section, its meaning shall be construed as set forth in these definitions:
 - a. Basement. Basement shall mean a portion of a building located partly underground, but having one-half (1/2) or more of its floor-to-ceiling height above the average grade of the adjoining ground.
 - b. Cellar. Cellar shall mean a portion of a building located partly or wholly underground, and having less than one-half (1/2) of its floor-to-ceiling height above the average grade of the adjoining ground.
 - c. Bath. Bath shall mean a bathtub or shower stall with both hot and cold water lines and properly connected to a waste line, and installed in accordance with the Plumbing Code, Chapter XVI, of the Code of the City of West Allis.
 - d. Commissioner of Health. The Commissioner of Health shall be the person or persons designated by the Common Council as the Commissioner of Health of the City of West Allis.
 - e. Family. Family shall mean one adult occupant plus one or more persons who are related by blood or marriage to said occupant.
 - f. Habitable Room. Habitable room shall mean a room or enclosed floor space used or intended to be used for living or sleeping, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces and stairways.
 - g. Habitable Room Area. Habitable room area shall be calculated as the area of the room having a ceiling height of at least five (5) feet and at least one-half (1/2) of the habitable room area shall have a ceiling height of seven (7) feet. However, closet area and hall area within the sleeping room, where provided, may count for not more than ten percent (10%) of the required habitable floor area.
 - h. Lavatory Basin. Lavatory basin shall mean a handwashing basin which is properly connected with both hot and cold water line and installed in accordance with the Plumbing Code, Chapter XVI, of the Code of the City of West Allis. This basin shall be separated and distinct from a kitchen sink.
 - i. Occupant. Occupant shall mean any person over one year of age, including an owner or operator, living or sleeping in, or having actual possession of a sleeping room.
 - j. Operator. Operator shall mean any person, firm or corporation in charge of a building, structure or part thereof in which rooms are left to roomers.

- k. Premises. Premises shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure.
 - l. Roomer. Roomer shall mean any person not related by blood or marriage to the operator to whom space is let for sleeping purposes.
 - m. Rooming house. A rooming house shall mean any building, structure or part thereof in which three (3) or more rooms are let to roomers, or in which more than two (2) sleeping rooms share a common bath or toilet or in which one room or sleeping room is let to three (3) or more roomers. Hotels licensed by the state are not included within this definition.
 - n. Sleeping Room. A sleeping room shall mean any room or group of rooms forming a single habitable room in a rooming house used, or intended to be used, for living and sleeping, but not for cooking or eating of meals.
 - o. Supplied. Supplied shall mean paid for, furnished, provided by or under the control of, the owner or operator.
 - p. Toilet. Toilet shall mean a water closet, with a bowl and trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl, and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rims.
2. Rooming House Permit. No person shall operate a rooming house without obtaining a rooming house permit therefor issued by the Commissioner of Health.
- a. Application for a rooming house permit shall be in the form prescribed by the Commissioner of Health. Such application shall be made by the person, firm or corporation which is owner of record of the premises including the rooming house, and the permit shall be issued in said applicant's name.
 - b. The annual permit fee for a rooming house with ten (10) rooms or fewer shall be thirty dollars (\$30.). The annual permit fee for a rooming house with more than ten (10) rooms shall be forty dollars (\$40.). All permits shall expire on December 31. An additional fee of fifteen dollars (\$15.) shall be paid whenever the annual fee for a renewal is paid after December 31. The cost of a duplicate permit shall be fifteen dollars (\$15.). **[Ord. O-2017-0018, 4/18/2017]**
 - c. The rooming house permit shall be issued to the owner of record of the rooming house and shall show on its face the name of the owner, the person designated as the operator and the address of the rooming house. The rooming house permit shall be nontransferable. The Commissioner of Health must be notified, in writing, of any change in identity of operator, and this change shall be certified on the face of the permit. Any change of ownership shall require issuance of a new rooming house permit and payment of the annual fee.
 - d. The Commissioner of Health shall cause an inspection to be made of each rooming house prior to issuing of the permit and at other times as is deemed necessary to assure compliance with the provisions of this section. If the Commissioner or his/her designee discovers a violation of this section or discovers a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, on the premises, the Commissioner or designee may order a reinspection of the premises. The fee for the first reinspection shall be ten dollars (\$10.), and the fee for any second or subsequent reinspection during the permit year shall be fifteen dollars (\$15.). All reinspection fees shall be assessed to the permittee and shall be paid upon demand from the Health Department. All reinspection fees are due at the time of reinspection. **[Ord. O-**

2017-0018, 4/18/2017]

- e. The rooming house permit shall list the number of sleeping rooms and the maximum number of persons who may occupy each sleeping unit, as determined by these regulations, and shall be conspicuously posted at all times in the office, public lobby or public corridor of the rooming house. No person shall let to, receive, harbor or lodge more persons than are specified on the permit for each room.
 - f. No rooming house permit shall be issued before an Occupancy Permit has been secured from the Building Inspector and the requirements of this section have been met. The issuance of the Rooming House permit shall not relieve the owner from complying with any other ordinances or codes which might affect the property or business.
3. Conditions of Occupancy of Sleeping Rooms. No person shall occupy or let to another for occupancy any sleeping room which does not comply with the following requirements:
- a. Every sleeping room shall contain at least seventy (70) square feet of habitable room area for the first occupant thereof and at least fifty (50) square feet of habitable room area for each additional occupant thereof; provided, however, that no more than four (4) roomers shall be permitted to occupy any one sleeping room.
 - b. Every sleeping room shall have a window opening upon a street, yard or court. The minimum window area shall be not less than ten percent (10%) of the habitable room area and shall be not less than twelve (12) square feet. Not less than forty-five percent (45%) of the total window area shall be openable. Windows shall be maintained in good repair and shall open and close easily. Windows shall be screened with 14 x 18 mesh or finer screen to prevent the entrance of flies, mosquitoes, other insects or rodents.
 - c. At least one flush toilet, lavatory basin and bathtub or shower, in good working condition, shall be supplied for each six (6) persons, including the operator's family, whenever they share the use of said facilities; provided, that in rooming houses where rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) the required number of flush toilets. All such facilities shall be so located within the dwelling to be accessible from a common hall or passageway to all persons sharing such facilities; however, no such required facilities shall be located in a basement or cellar. Every lavatory basin and bathtub or shower shall be adequately supplied with hot and cold water at all times. All such toilet rooms shall be entirely separated from sleeping rooms by a solid partition extending from floor to ceiling. Each toilet room shall be lighted with at least a 60 watt bulb, and shall be provided with a means of natural or mechanical ventilation.
 - d. Clean bedding shall be supplied at least weekly, and more frequently as required, and prior to the letting of any room to any occupant. Each roomer shall have at least one clean pillow. A moisture proof mattress cover shall be supplied to keep mattresses clean and dry. All quilts and comforters shall be kept in a clean, sanitary and odor-free condition, and replaced whenever they become worn out and unfit for further use.
 - e. All rugs, carpets, drapes, curtains and upholstered furniture and other supplied equipment shall be kept clean and free from odor and in good repair. Each sleeping room shall be kept free from filth and vermin. Walls, floors and ceilings in each sleeping room, toilet room, hallway and stairway shall be kept clean and in proper repair, and shall be painted or washed as frequently as

- may be required by the Commissioner of Health.
- f. Doors to all sleeping rooms shall be provided with facilities for locking from the inside. There shall be no ventilation openings to the corridors from any sleeping room.
 - g. Continuous illumination of not less than five (5) foot candles, measured at floors, shall be provided in corridors and stairways and at exterior entrances.
 - h. All stairways with more than three (3) steps shall have a hand rail on the left side ascending, and shall be maintained in good order.
 - i. Heat in occupied buildings shall be supplied in accordance with Section 7.07 of the Code of the City of West Allis.
 - j. Each operator of a rooming house shall report to the Commissioner of Health, within twenty-four (24) hours, the name and room number of any roomer or person residing in his rooming house suffering or reasonably believed or suspected of suffering from any communicable disease.
 - k. The owner and operator of each rooming house shall be responsible for any unsanitary condition prevailing within such rooming house, and upon the premises where such rooming house is located, and shall be responsible for the proper observance of all the provisions of this section.
4. Rules and Regulations of the Commissioner of Health. The Commissioner of Health is hereby authorized to make such rules and regulations as will reasonably insure that all rooming houses, regulated in this section, shall be maintained in a condition of proper cleanliness and sanitation, and that proper provision is made therein for water, bathing facilities, beds, bedding, mattresses and other furnishings and appurtenances.
5. Notification Requirements. Any person operating a rooming house shall: **[Ord. O-2003-0064, 10/7/2003]**
- a. Make inquiry of all new applicants to be a roomer, and annually of all roomers, whether the applicant or roomer has ever been convicted of a sexually related offense. For purposes of this section, "sexually related offense" shall mean a violation of the following sections of the Wisconsin Statutes as they may from time to time be amended:

Sec. 940.225 (Sexual assault) Sec. 944.17 (Sexual gratification) Sec. 944.20 (Lewd and lascivious behavior) Sec. 948.02 or 948.025 (Sexual assault of a child) Sec. 948.05 (Sexual exploitation of a child) Sec. 948.055 (Causing a child to view or listen to sexual activity) Sec. 948.06 (Incest) Sec. 948.07 (Child enticement) Sec. 948.075 (Computer sex crime) Sec. 948.08 (Soliciting child for prostitution) Sec. 948.09 (Sexual intercourse - child age 16 or older) Sec. 948.10 (Exposing genitals or pubic area) Sec. 948.11 (Exposing child to harmful material) Sec. 948.12 (Possession of child pornography)
 - b. Conduct or cause to be conducted a criminal history background check on each roomer applicant and annually on each roomer.
 - c. Report to the Police Chief, in writing, each roomer who has been convicted of a sexually related offense within ten (10) days of being informed by the roomer or the background check that such a conviction exists.
6. Notification to the Public. The Police Chief may notify the public that a rooming house has as a roomer a person convicted of an offense listed in section 7.15(5)(a) in the same manner and under the same guidelines and restrictions as set forth in section 301.46(2m)(c), Wisconsin Statutes, as it may be amended from time to time. **[Ord. O-2003-0064, 10/7/2003]**
7. Reimbursement. A rooming house operator may apply to the Director of Development for reimbursement of the cost of the background check required by subsection 7.15(5).

Payment, if any, shall be based upon availability of eligible community development block grant funds and shall be at the discretion of the Director of Development. [Ord. O-2003-0064, 10/7/2003]

SECTION 7: REPEAL “7.154 Public Physical Conditioning Establishments” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.154 Public Physical Conditioning Establishments~~ (*Repealed*)

1. Definitions. The following definitions shall apply in the interpretation and the enforcement of this section:

HEALTH COMMISSIONER

The term "Health Commissioner" shall mean the Health Commissioner of the City or designee.

PERSON

The term "person" shall mean any person, firm, organization, or corporation.

PUBLIC PHYSICAL CONDITIONING ESTABLISHMENT

The term "public physical conditioning establishment" shall mean any premises or facilities used by customers, members, students, or the general public for conditioning or training activities, swimming, jogging, martial arts instruction or training, weightlifting, gymnastics, aerobic exercise, tanning, or similar or related activities.

2. State Regulations. Except as otherwise provided herein, the provisions of Wisconsin Statutes Section 100.178 as related to fitness centers, as they are from time to time amended, are hereby adopted by reference. All fitness centers shall comply with all applicable provisions of these regulations.
3. License Application. A written application for the license required by this section shall be filed with the Health Commissioner upon forms provided by the Health Commissioner. The annual license fee shall be twenty-five dollars (\$25.) and shall be paid at the time the initial application is filed or, for license renewals, prior to the expiration of a license. Any renewal license fee paid on July 1 or later shall be subject to a late fee of fifteen dollars (\$15.). No person shall operate any public physical conditioning establishment until all license fees have been paid. A licensee or applicant shall notify the Health Commissioner in writing if any information listed in the application form has changed within ten (10) days of such change. [Ord. O-2017-0018, 4/18/2017]
4. License Required. No person shall operate a public physical conditioning establishment in the City without a license from the Health Commissioner. Only a person who complies with the requirements of this section shall be entitled to receive and retain a license. Licenses shall not be transferable as to persons or premises.
5. Posting License; Fee for Duplicate License. Every public physical conditioning establishment shall display its license at all times in plain view of the public. Duplicate

licenses shall be issued to replace licenses which are misplaced or damaged so as to be illegible. The fee for a duplicate license shall be fifteen dollars (\$15.). [Ord. O-2017-0018, 4/18/2017]

6. License Year. The license year for the public physical conditioning establishment license shall be from July 1 to June 30 annually.
7. Inspection of Establishments.
 - a. Frequency of Inspections. The Health Commissioner or his/her designee shall inspect public physical conditioning establishments at least once during the license year. If the Health Commissioner or his/her designee discovers any violation that is potentially hazardous to the health and welfare of patrons or employees of the public physical conditioning establishment or to the public health, he/she may make a reinspection after a lapse of five (5) business days or such time as he/she deems reasonably necessary for the violations to be corrected. Failure to correct a violation within the scheduled time shall result in additional reinspections and may result in further legal action, including the issuance of citations. The first reinspection of a violation shall result in the Health Department assessing a reinspection fee of twenty-five dollars (\$25.) to the public physical conditioning establishment applicant or licensee. The second or subsequent reinspection of a violation shall result in the Health Department assessing a reinspection fee of fifty dollars (\$50.) to the public physical conditioning establishment applicant or licensee. [Ord. O-2017-0018, 4/18/2017]
 - b. Inspection Report. One (1) copy of the inspection report shall be given to the person in charge of the establishment and another copy shall be kept with the records of the Health Department.
 - c. Access to Establishments and Records Required. The person operating a public physical conditioning establishment shall, upon the request of the Health Commissioner or his/her designee, permit access to all parts of the establishment and shall permit the copying of any records necessary for a health investigation.
 - d. Inspection After Complaint. Upon a complaint or report of a violation of this section, the Health Commissioner or his/her designee shall inspect the establishment to determine if a violation exists. If the Health Commissioner or his/her designee confirms a violation to exist, the Health Department shall assess an inspection fee of twenty-five dollars (\$25.) to the public physical conditioning establishment licensee.
8. Establishments Which May Operate. No public physical conditioning establishment shall operate within the City unless it conforms to the requirements of this section.
9. Summary Suspension and Reinstatement of License.
 - a. Whenever the Health Commissioner or his/her designee finds unsanitary or other conditions in the operation of a public physical conditioning establishment, which in his/her opinion constitutes a substantial hazard to the public health, he/she may without warning, notice, or hearing issue a written notice to the licensee citing the condition, specifying the corrective action to be taken, and specifying the time period within which the action shall be taken; and, if deemed necessary, the order shall state that the license is immediately suspended and all public physical conditioning operations are to be immediately discontinued. The Health Commissioner or his/her designee shall promptly notify the City Clerk of any suspension. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the City Clerk, shall be afforded a hearing before the License and

Health Committee. The procedure for such hearing shall be the applicable provisions of Subsections (13)(c) through (f) of this section. Such hearing shall be scheduled within ten (10) days of the appellant filing the petition with the City Clerk.

- b. The license holder whose license has been suspended by the Health Commissioner or his/her designee may, at any time, make application for reinstatement of the license. The Health Commissioner or his/her designee shall make a reinspection and thereafter as many additional reinspections as he/she deems necessary to ensure that the applicant is complying with the requirements; and, in the event the findings indicate compliance, shall reinstate or reissue the license.
10. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to any license issued under this section shall be true.
 11. Conditions of License.
 - a. Every applicant procuring a license thereby consents to the entry of the Health Department, police, or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or state laws.
 - b. The licensee and/or employees and agents of the licensee shall cooperate with Health Department and police investigations. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police and Health Department inquiries. A licensee shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
 - c. Each licensed premises shall be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises.
 - d. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.
 12. Minimum Requirements. All public physical conditioning establishments shall comply with the following minimum requirements:
 - a. Equipment.
 - i. Conditioning equipment, exercise devices, tanning beds, and similar and related equipment shall be operated and maintained in compliance with recommendations and requirements of the manufacturer and all applicable regulations.
 - ii. Equipment that is subject to bodily contact by users shall be washed or rinsed with a bactericidal solution, as frequently as necessary to insure adequate hygiene. Such bactericidal solutions and single-use towels shall be available for optional use by patrons at all times. Specific cleaning frequency requirements may be made a condition of the license for a public physical conditioning establishment.
 - b. Locker Room Requirements.
 - i. Separate locker room facilities shall be present and accessible for men and women.
 - ii. Hot and cold running water, under pressure, shall be supplied at all times to all sinks, lavatories, tubs, showers, and other bathing facilities. At least one (1) wash sink and one (1) toilet shall be

available for use at any public locker room.

- iii. When towels or towel service are provided, clean towels shall be kept dry until used and shall not be used by more than one (1) patron. Used towels shall be kept separate from clean towels and shall be laundered or removed from the facility after use. Laundering of towels shall be done in a manner which provides complete bactericidal treatment.
- iv. Shower curtains, when used, shall be of plastic or similar material and shall be kept clean and in good repair. Worn, ripped, or uncleanable shower curtains shall be removed. Cloth or absorbent shower curtains and curtain liners are prohibited.
- v. Public locker room floors, walls, and ceilings, as well as benches, chairs, and other furniture shall be clean, water-resistant, and in good repair. All room surfaces subject to moisture and bacterial contamination shall be washed or wet mopped with an appropriate bactericide as frequently as necessary to prevent odors or disease. Areas in which moisture or other conditions create slipping or sliding hazards shall be equipped with handrails or other anti-slip devices or treatments.
- vi. All public locker room patrons shall have available for their optional use a clothes locker constructed of substantial material, provided with an interior hook for hanging items of clothing and with a means for locking to provide security for patrons' items and property. Lockers shall be arranged, designed, and located so that they are not subject to spray or other water damage.

13. Suspension, Revocation, and Nonrenewal.

- a. Causes. Any license issued under this section may be suspended, revoked, or not renewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or not renewed for the following causes:
 - i. The making of any material false statement in any application for a license.
 - ii. The violation of any of the applicable provisions of Section 7.154.
 - iii. The violation of any of the applicable provisions of Wisconsin Statutes Section 100.177 or 100.178.
 - iv. The failure to conduct its licensed business at the authorized location for a period of thirty (30) consecutive days, unless such thirty-day period shall, for good cause shown, be extended by the Common Council.
 - v. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience or prosperity of the immediate neighborhood.
 - vi. The failure to pay any tax or forfeiture as provided in Section 1.08(9) (a) and (b).
- b. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion or upon sworn written charges made and filed with the Clerk/Treasurer by the Health Commissioner.
- c. Procedure.

- i. Upon receipt of a sworn complaint, either from the Health Commissioner or upon directive of the Committee, the License and Health Committee shall direct the City Attorney to prepare a summons and have the summons and complaint served upon the licensee pursuant to Section 801.11 of the Wisconsin Statutes.
 - ii. The summons and complaint shall contain: the date and time for appearance by the licensee; a statement of the Common Council's intention to suspend, revoke, or not renew the license in the event any of the allegations are found to be true; a statement of the reasons for suspension, revocation, or nonrenewal; notification to the licensee of an opportunity to be heard, respond to and challenge the reasons for suspension, revocation, or nonrenewal and to present and cross-examine witnesses under oath; notification to the licensee of the right to be represented by counsel of the licensee's choice and at the licensee's expense.
 - iii. If the licensee fails to appear on the date and time designated in the summons, the License and Health Committee may enter a default judgment and take the allegations of the complaint to be true. The License and Health Committee shall then deliberate on what sanction, if any, to impose.
 - iv. If the licensee appears before the License and Health Committee at the date and time designated in the summons and denies the material charges contained in the complaint, an evidentiary hearing shall be scheduled. If the licensee does not appear or appears, but does not deny the material charges contained in the complaint, the complaint may be taken as true and the Committee shall hear the arguments of the complainant and, if applicable, the licensee in connection with whether to not renew, revoke or suspend the license and the length of the suspension.
 - v. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
 - (1) The complainant shall first present evidence in support of the complaint.
 - (2) After the complainant rests, the licensee may present evidence in opposition to the charges.
 - (3) The complainant and licensee may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross-examination.
 - (4) The complainant and licensee shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.
 - (5) Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
 - (6) At the close of testimony, the complainant and licensee shall be given a reasonable time to make arguments upon the evidence produced at hearing.
- d. Miscellaneous Procedural Matters.
- i. At all stages of the proceedings, the licensee shall be entitled to appear in person or by an attorney of his or her own expense.

- ii. If the complaint is in the name of the Committee or is brought by a City official in his/her official capacity, the complainant shall be represented by a prosecuting City Attorney.
 - iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the prosecuting City Attorney.
 - iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be administered and subpoenas issued upon request of either side. The Chair shall ensure that an orderly hearing is conducted in accordance with the provisions of this section. The Chair shall rule on objections to the admissibility of evidence. Any ruling of the Chair shall be final unless appealed to the Committee and a majority vote of those members present and voting reverses such ruling.
 - v. An audio recording or stenographic record shall be made of all proceedings at the hearing. Any interested party may obtain a copy of the recording or transcript at his or her own expense.
- e. Findings and Recommendations.
 - i. After the close of the hearing, the Committee shall deliberate and reach a decision. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk/Treasurer with a copy to the licensee and complainant. The findings and recommendations shall be distributed to each member of the Common Council.
 - ii. The licensee and complainant may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk/Treasurer before the close of business on a day that is at least three (3) working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.
- f. Common Council Action.
 - i. Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk/Treasurer shall notify the licensee and complainant by U.S. first class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.
 - ii. Unless an Alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the complainant nor the licensee shall be permitted to make oral arguments.
 - iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote. Upon an affirmative vote suspending, revoking, or not renewing the license(s), the Clerk/Treasurer shall

give notice to the person whose license is affected. If the Common Council finds the complaint to be untrue or unsupported by sufficient evidence, the proceedings shall be dismissed without cost to the accused.

g. Surrender of License.

- i. A licensee may, at any time during the license year surrender a license to the Health Department, along with a statement, in writing, that the licensee no longer wishes to conduct the licensed activity at the licensed premises.
- ii. Except as set forth in Subsection (h)3 below, the surrender shall operate to extinguish any right the licensee had to the license or to conduct licensed activity at the premises listed in the license.
- iii. If a summons and complaint has been issued against the licensee seeking suspension, revocation, or nonrenewal of the license, the surrender of the license shall be deemed a request and the matter shall be referred to the License and Health Committee. The Committee may approve the request or deny the request and proceed to hearing.
- iv. Any request to have a surrendered license returned shall be treated as a new license application and the requestor must fill out the required applications and pay the required fees. The request shall thereafter be treated as all other new license applications.

h. Prohibition on Future Issuance. If a license is revoked or not renewed due to action by the License and Health Committee, at least two (2) years shall elapse before another license may be given to the same licensee.

14. Nuisance Enforcement. In addition to the penalties listed within this section, the City Attorney or his/her designee or the Health Commissioner or his/her designee may pursue a nuisance enforcement action against a public physical conditioning establishment under Chapter 18 of this Code.

~~{Ord. O-2014-0008, 2/4/2014}~~

SECTION 8: **REPEAL** “7.155 (Reserved)” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.155 (Reserved) (Repealed)~~

~~{Ord. 6636, 11/4/2002}~~

SECTION 9: **REPEAL** “7.17 Conditions Of Licenses/Permits; Control Of Premises; Lapse Of License/Permit; Procedure For Suspension Or Revocation” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.17 Conditions Of Licenses/Permits; Control Of Premises; Lapse Of License/Permit; Procedure For Suspension Or Revocation (Repealed)~~

1. Control of Premises. No applicant will be considered for any license or permit issued under this chapter unless the applicant has the right to possession of the premises described in the application for the license. The applicant shall present documentation, in a form acceptable to the City Attorney, of proof of right to possession for the license/permit period. Loss of the right to the premises subjects the license or permit to immediate revocation. Only one (1) license or permit for the same activity may be issued per premise at one time.
2. Lapse of License/Permit. Whenever any licensee or permittee under this chapter shall not conduct the licensed or permitted business at the authorized location for a period of thirty (30) consecutive days, the license or permit shall become subject to revocation, unless such thirty-day period is, for good cause, extended by the License and Health Committee. This subsection shall not apply to licensees or permittees who operate seasonally.
3. Procedure for Suspension, Revocation, or Nonrenewal. The procedures for suspension, revocation, and nonrenewal of licenses set forth in Subsection 7.04(16)(b) through (h) of the Revised Municipal Code shall apply to all licenses and permits issued under this chapter.
4. Applicability. The provisions of Subsection (1) shall not apply where the licensed or permitted activity is, by its nature, not conducted at a particular premises. Where there is a specific requirement or procedure set out in this chapter for a particular license or permit, the more specific procedure or requirement shall govern.
5. Truth of Statements. All matters submitted in writing to the City by any applicant, licensee, or permittee pertaining to any license or permit issued under this chapter shall be true.
6. Conditions of Licenses/Permits.
 - a. Every applicant procuring a license/permit thereby consents to the entry of the Health Department, police, or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or state laws.
 - b. The licensee/permittee and/or employees and agents of the licensee/permittee shall cooperate with Health Department and police investigations.
"Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police and Health Department inquiries. A licensee/permittee shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
 - c. Each licensed/permitted premises shall be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed/permitted premises.
 - d. The licensee/permittee shall comply with all other provisions of this chapter and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.

~~{Ord. O-2015-0023, 4/7/2015}~~

SECTION 10: **REPEAL** “Chapter 9 Business And Occupations” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

9.015 License Year

1. Duration of License Year. The "License Year" in the City shall begin on July 1 in each year and terminate on June 30 in the next year, unless otherwise specifically provided.
2. Exceptions. Where other provisions have been made for expiration of any license, such date shall apply unless a license shall be previously revoked for cause.

9.02 Alcoholic Beverages

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

1m. Pursuant to Wis. Stat. § 125.51(3)(b), a retail “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold.

2. License Required. No person, firm, partnership, corporation or association shall, within the City, sell, barter, exchange, offer for sale or have in possession with intent to sell, deal or traffic in fermented malt beverages or intoxicating liquor, in any quantity whatsoever, or cause the same to be done without having procured a license.
3. Applications for Class "A" and "B" Retail License.

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

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

- b. Original Applications. Applicants seeking to establish a new licensed premise shall, upon application, pay a two hundred dollar (\$200) fee to defray a portion of the costs of building, plumbing, electrical, health and fire inspections. The fee shall be nonrefundable, but shall be applied to the license fee.
- c. Publication. The application shall be published at least once in the official City newspaper, and the costs of publication shall be paid by the applicant.
- d. Notice of Change In Application. If a licensee files with the clerk a written description of a change in fact pursuant to Wis. Stat. 125.04(3)(h)(h), the clerk shall update the city's records to reflect that change, unless the change is an extension of premises. No extension of premises is valid unless approved by

the common council in accordance with WAMC 9.02(24).

- e. Late Application. The Common Council may meet to consider and act upon any application for a Combination Class B or Combination Class A license, which has not been timely filed so that the Common Council may act upon the application at its regular meeting prior to the commencement of the license year, provided that any such application has been filed with the City Clerk at least fifteen (15) days prior to the special meeting of the Common Council. A late filing fee of one thousand dollars (\$1,000) shall accompany each such application to defray administrative expenses. The late filing fee shall be nonrefundable unless a quorum of the Common Council is not able to meet and shall be in addition to the license fee. **[Ord. O-2005-0033, 6/21/2005]**

- f. Provisional Retail License. Pursuant to Wisconsin Statutes Section 125.185, the City Clerk is authorized to issue provisional retail licenses to applicants who have possessed the same retail license for the sale of alcoholic beverages within the past year. If a new license applicant is approved by the License & Health Committee but pending before the common council, the City Clerk is also authorized to issue a provisional retail license to that applicant only if the applicant has obtained all health, occupancy, or other licenses and permits required by the committee. The fee for such license shall be fifteen dollars (\$15) and shall be paid to the Clerk before issuance.

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

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

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

- ii. Publication. The application shall be published at least once in the official City newspaper and the costs of publication shall be paid by the applicant.
- iii. Granting of License. A Class "C" license may be granted to an applicant only if the applicant meets the qualifications set forth in sec. 125.04(5) of the Wisconsin Statutes; the premises to be licensed is a restaurant in which the sale of alcohol beverages accounts for or will account for less than fifty percent (50%) of gross receipts; and the restaurant does not contain a barroom.

- (1) In addition to the restrictions on location of a "Class A" and "Class B" premises under Wis. Stat. 125.68(3), no "Class C" license may be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any public or parochial school, hospital or church, except that this prohibition may be waived by a majority vote of Common

Council. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license or permit. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, or hospital to the main entrance of the premises covered by the license. The prohibition in this subsection does not apply to any premises covered by a "Class C" license on the date this ordinance is published or premises covered by a "Class C" license prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

iv. (Reserved)

4. Floor Plan and Plan of Operation.

a. (Reserved).

- b. In any application for an alcohol beverage retail establishment license, excepting special Class B Beer and Wine Licenses, the applicant shall file a detailed floor plan on an 8 1/2-inch by 11-inch sized sheet of paper for each floor of the licensed premises. The floor plan shall include:
- i. Area in square feet and dimensions of the licensed premises.
 - ii. all entrances and exits to the premises together with a description of how patrons will enter the premises, the proposed location of the waiting line, and the location where security searches or identification verification will occur.
 - iii. Locations of all seating areas, bars, and, if applicable, food preparation areas.
 - iv. Locations and dimensions of any alcohol beverage storage and display areas.
 - v. Locations and dimensions of any outdoor areas available at the premises for the sale, service or consumption of alcohol beverages.
 - vi. North point and date.
 - vii. Any other reasonable and pertinent information the License and Health Committee may require either for all applicants or in a particular case.

- c. Plan of Operation. A completed plan of operation on forms provided therefor by the Clerk. The plan of operation shall require: **[Ord. O-2014-0019, 4/1/2014; Ord. O-2018-0037, 9/18/2018]**

- i. The current or planned hours of operation for the premises.
- ii. The legal occupancy capacity of the premises.
- iii. What plans the applicant has to insure the orderly appearance and operation of the premises with respect to noise and litter. This shall include a description of designated or likely outdoor smoking areas, the number and location of exterior and interior trash receptacles.
- iv. What other types of business enterprises, if any, are planned or currently conducted at the premises.
- v. What other licenses and permits, if any, are planned or currently issued for the premises.
- vi. For applications for premises in locations that have not been licensed previously or within the past year under Section 9.02, whether the premises is less than three hundred (300) feet from any school, hospital, or church, pursuant to Section 9.02(4)(c)1 and Section

125.68(3) of the Wisconsin Statutes.

- vii. The number of security personnel expected to be on the premises, their responsibilities, and the equipment they will use in carrying out their duties.
 - viii. Any other reasonable information the License and Health Committee may require either for all applicants or in a particular case.
- d. Renewals. For any renewal application for an alcohol beverage retail establishment license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application, the licensee may re-file the previous documents. The License and Health Committee may require changes to a floor plan or plan of operation based on the licensee's past operation.
- e. Alterations/Amendments. The floor plan and plan of operation are subject to approval by the License and Health Committee prior to the granting of the license and may be subject to the issuance of any building, zoning, or other permits. Applicants seeking such alterations or amendments shall submit a written notice of such changes to the City Clerk. The Common Council may approve or disapprove the change in the floor plan or plan of operation under the same standard as the review of a new license application. The License and Health Committee may change all or part of the plan of operation or may impose additional requirements to address problems created by the licensee's operation. Applicants seeking an alteration or amendment to the floor plan or plan of operation shall pay a fee as specified in the most recent Schedule of Fees resolution and upon application.

4m. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to an alcohol beverage license shall be true. Any person who submits in writing any untrue statement to the City in connection with any such license or application shall forfeit not more than five hundred dollars (\$500) together with the costs of prosecution, and in default shall be imprisoned in the Milwaukee County House of Correction for the maximum number of days set forth in Section 800.095(1)(b) of the Wisconsin Statutes. In addition, any license granted shall be subject to revocation and no alcohol beverage license of any kind whatsoever shall thereafter be granted to such person for a period of one year from the date of such revocation. **[Ord. O-2013-0014, 4/2/2013]**

5. Outdoor Premises

- a. Definitions
 - i. "Indoor premises" means any part of the premises that is an enclosed place as that term is defined in Wis. Stat. 101.123(1)(ak).
 - ii. "Outdoor premises" means any part of the premises that is not an indoor premises.
- b. Regulations. All outdoor premises shall comply with the following regulations:
 - i. Containers. No licensee may allow glass beverage containers in an outdoor premises.
 - ii. Noise Limit. No outdoor premises may be the source of sound that measures over 100 decibels (A-weighted) within 100 feet from the outdoor premises. The common council may set different noise limits for a particular outdoor premises if the licensee agrees to those

alternate noise limits.

- iii. **Bordering.** The border of any outdoor premises shall be physically marked with fencing, vegetation, barriers, or other objects or markings accurately indicating the limits of the outdoor premises.
 - iv. **Lighting.** Any lighting for an outdoor premises may not project directly to an area beyond the indoor and outdoor premises.
 - v. **Closing Hours.** No outdoor premises may remain open between the hours of 10 p.m. and 10 a.m. The common council may set different closing hours for a particular outdoor premises if the licensee agrees to those alternate closing hours.
6. **Investigation.** The City Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department and Building Inspector of each application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.
7. **Qualifications.** In addition to the qualifications under § 125.04(5) of the Wisconsin Statutes, no license related to alcohol beverages may be issued to any person who has had any license denied within prior 6 months.
8. **Granting of License**
- a. Upon the approval of an application by the Common Council, the City Clerk shall issue to the applicant a license, subject to the provisions of this code.
 - b. In lieu of Common Council approval, the City Clerk is authorized to issue temporary Class "B" licenses and permit underage persons to be on the premises as provided in Wis. Stat. § 125.26(6), issue temporary "Class B" licenses and permit underage persons to be on the premises for the purpose of acting as designated drivers as provided in Wis. Stat. 125.51(10), and issue operator's licenses as provided in Wis. Stat. § 125.17(1) to any of the following applicants:
 - i. A person who is not a reviewable applicant.
 - ii. A reviewable applicant who has been granted an operator's license by the common council on a prior date and has no arrest or conviction record since the prior license was granted.
 - c. Under this paragraph, "reviewable applicant" means any person who has any of the following:
 - i. A pending criminal charge for any offense under Wis. Stat. § 111.335(4)(a);
 - ii. A conviction for an offense counted under Wis. Stat. § 343.307 within two years of the application date;
 - iii. A second or subsequent conviction for an offense counted under Wis. Stat. § 343.307 within five years of the application date;
 - iv. Convictions for three or more violations of Wis. Stat. § 343.44 within two years of the application date;
 - v. A conviction for any offense under Wis. Stat. Ch. 125 or any offense for which the consumption, possession, or sale of alcohol is an

element within ten years of the application date, except no violation of Wis. Stat. § 125.07 may be considered unless the applicant has committed two or more violations within one year;

- vi. A conviction for a felony offense where the sentence for confinement, extended supervision, or probation has ended within five years of the application date; or
 - vii. Convictions for three or more misdemeanors within five years of the application date.
- d. For any temporary Class B license, the clerk shall notify the Alderpersons of the district in which the event is to be held that a license has been issued.
- e. Applications for a temporary license must be received in the Clerk's Office at least five (5) business days prior to the event. An application for a temporary license received in the Clerk's Office five (5) business days prior to the event without approval of the Common Council must be accompanied by a late fee of fifteen dollars (\$15) in addition to the temporary licensee fee to defray administrative costs. An application filed less than five (5) business days prior to the event must be accompanied by a late fee of twenty-five dollars (\$25) in addition to the temporary license fee to defray administrative costs.
9. Transfer and Lapse of License.
- a. A license shall be transferable from one premises to another, if such transfer is first approved by the Common Council. No licensee shall be entitled to more than one (1) transfer in any one license year. Application for transfer shall be made on a form furnished by the City Clerk at least fifteen (15) days prior to the next available meeting of the License and Health Committee. Proceedings for such transfer shall be had in the same form and manner as the original application. Whenever a license is transferred, the City Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. The licensee shall pay a fee as specified in the most recent Schedule of Fees resolution.
[Ord. O-2018-0037, 9/18/2018]
 - b. A license shall be transferable from one person to another, as set forth in Sec. 125.04(12)(b) of the Wisconsin Statutes. If licensed premises are transferred to a new owner or tenant, the new occupant must apply for and receive, prior to commencing operations, a Class "B" retailer's license. This section shall apply to licenses held by corporations which transfer same to another corporate entity with or without changing agents to the agent or to other persons. The prospective licensee shall file a new application and pay the required fee, as if it were making an original application. If the applicant is a tenant or subtenant, he shall first secure and present to the Common Council written approval of such tenancy from the owner of such premises.

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

period.

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

10. Numbering, Expiration, and Posting of Licenses. **[Ord. O-2006-0016, 4/18/2006; Ord. O-2013-0014, 4/2/2013]**

- a. Each license holder shall be assigned a number which shall remain the same for that license holder annually except that the year when the license year commences shall change each license year, shall state clearly the specific premises for which granted, the date of issuance, the fee paid, the name of the licensee, and a statement that the license shall expire on the 30th day of June thereafter, unless revoked by state law or City ordinance.
- b. Every person licensed under this section shall post the license and maintain it posted while in force in a conspicuous place in the room or place where alcohol beverages are drawn or removed for service or sale. It shall be unlawful for any person to post the license upon premises other than those identified in the application and grant, or to knowingly deface or destroy the license.

11. Lost Licenses. Whenever a license issued under this section or under Section 9.03 shall be lost or destroyed without fault on the part of the holder or his agent or employee, a duplicate license in lieu thereof under the original application shall be issued by the City Clerk upon payment of the fee and satisfying himself as to the facts.

12. General Conditions upon all Licenses. All retail Class A and B licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto:

- a. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or State laws.
- b. The license holder, and/or the employees and agents of the license holder, shall cooperate with police investigations of disturbances, intoxicated persons, underage persons and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee. **[Ord. O-2008-0047, 10/7/2008]**
- c. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- d. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.

12m. Conditions upon Specific Licenses. The common council may impose any of the following conditions specifically upon a new Class A or Class B

license at the time the license is granted. The council may impose any of the following conditions specifically upon an existing licensee only with the licensee's consent.

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

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

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

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

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

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

13. Restrictions.

- a. In General. The following restrictions shall apply to the granting of licenses:
 - i. A retail Class "B" fermented malt beverage or intoxicating liquor license shall be issued only for that portion of the premises located on the street level, unless specifically extended by the authority of the Council. This subsection shall not apply to a bona fide club, hotel, bowling alley, lodge room, labor union or ex-servicemen's post.
 - ii. No retail Class B fermented malt beverage or intoxicating liquor license or Class C license shall be issued unless the premises is conformed to the sanitary, safety and health requirements of the State Building Code, and the licensee satisfactorily demonstrates compliance with the rules promulgated by the Department of Agriculture, Trade, and Consumer Protection in regard to restaurant sanitation during a sanitation inspection from the West Allis Health Department as set forth in Wis. Stat. Sec. 125.68(5) and West Allis Revised Municipal Code Section 7.04(6). [**Ord. O-2017-0013, 3/21/2017**]
 - iii. No retail alcohol license shall be issued if the premises is not contiguous.
- b. It shall be unlawful for any person to sell, dispense or serve alcohol beverages by means of a drive-through facility. In this section, "drive-through facility"

means any vehicle related commercial facility in which a service is provided or goods, food or beverages are sold, served or dispensed to an operator or passengers of a vehicle without the necessity of the operator or passengers disembarking from the vehicle. **[Ord. 6110, 7/19/1994]**

- c. No "Class A" license may be granted for any premises where gasoline or diesel fuel is sold at retail in connection with the premises, except that this restriction does not apply if:
 - i. The "Class A" license contains the condition that retail sales of intoxicating liquor are limited to cider; or
 - ii. The premises for which the "Class A" license is issued is connected to premises where gasoline or diesel fuel is sold at retail by a secondary doorway that serves as a safety exit and is not the primary entrance to the "Class A" premises.

14. Health Rules. Each premises shall be maintained in a sanitary manner and shall be a safe and proper place for the purpose for which used. The Health Commissioner of the City may make reasonable and general rules for the sanitation of all places of business possessing licenses under this section. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations and infractions thereof may be punished as a violation of this section.

15. Closing Hours. **[Ord. O-2018-0037, 9/18/2018]**

- a. No premises for which a Class "B," "Class B," or a Class C license or permit is issued may remain open between the hours of 2:00 a.m. and 6:00 a.m. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. except that, on the Sunday that daylight saving time begins as specified in Sec. 175.095(2) of the Wisconsin Statutes, the closing hours shall be between 3:30 a.m. and 6:00 a.m. On January 1 premises operating under a Class "B" or "Class B" license are not required to close.
- b. Between 9:00 p.m. and 8:00 a.m. no person may sell fermented malt beverages or intoxicating liquor on Class B or Class C licensed premises in an original unopened packages, container or bottle or for consumption away from the premises.
- c. Class "A" and "Class A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 9:00 p.m. and 8:00 a.m. Section 9.02(18)(a) of this Code does not apply to Class "A" premises between 9:00 p.m. and 8:00 a.m. or at any other time during which the sale of fermented malt beverages or intoxicating liquor is prohibited.
- d. Hotels and restaurants, the principal business of which is the furnishing of food and lodging to patrons, bowling centers, movie theaters, painting studios, indoor golf and baseball facilities, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified in paragraph (a) of this subsection.
- e. No person shall enter or remain upon licensed premises while such premises are closed, pursuant to statute or ordinance. This section shall not apply to the license holder or agents and employees of the license holder who are performing bona fide services related to the licensed business.

16. Operator's Licenses. **[Ord. O-2003-0038, 6/3/2003; Ord. O-2013-0014, 4/2/2013]**

- a. Operator's License. An operator's license shall entitle the holder thereof to work as an operator upon premises licensed under a retail Class "A" intoxicating liquor or fermented malt beverage license, a retail Class "B"

intoxicating liquor or fermented malt beverage license, or a retail Class "C" wine license. Such licenses will be issued by the Common Council only to persons meeting the requirements set forth in Sections 125.04(5) and 125.17(6) of the Wisconsin Statutes. The license shall be valid for a period of two (2) years, except that it shall be deemed to have been issued July 1 and shall expire on June 30 of the second year.

- b. Provisional Operator's License. **[Ord. O-2018-0037, 9/18/2018]**
 - i. The City Clerk is the official charged with issuing and revoking a provisional operator's license. A provisional license requires an additional fee as specified in the most recent Schedule of Fees resolution.
 - ii. Standards for a provisional license, unless the applicant has a certified copy of a license issued by another municipality, are as follows:
 - (1) The applicant has applied for an operator's license;
 - (2) The applicant for a provisional operator's license shall complete an application attesting he/she has not been convicted of any crime against life and bodily injury, against children, or a violent crime against a child, as set forth in Sec. 111.335 (4) of the Wisconsin Statutes, or crime that substantially relates to the licensing activity. Any false statements made by the licensee on the application may result in revocation of the license by the City Clerk.
 - (3) No provisional operator's license may be issued to a person who has been previously denied an operator's license by the Council.
 - (4) The applicant must provide evidence of completion or enrollment in a responsible beverage server course.
 - iii. Such provisional license shall be valid for not to exceed sixty (60) days or until action of the Common Council, whichever first occurs.
- c. Temporary License. The City Clerk is authorized to issue a temporary operator's license to applicants meeting the qualifications of Subsection (a) if the applicant will be employed by or donating his services to nonprofit corporations and has not held another temporary license during the license year. The temporary license shall be valid for up to fourteen (14) days and the period for which it is valid shall be stated on the license.
- d. Application. A written application shall be filed biennially with the City Clerk, stating the name, residence, age and sex of the applicant. The application shall be referred to the Chief of Police for a report. A license fee and record check fee must accompany the application. There will be no refund of the fees if the license is not subsequently granted.
- e. Possession. Each person who holds an operator's license shall carry that license on his person while engaged in serving alcoholic beverages.

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

- a. No underage person shall enter, remain or loiter in any public or private place with the knowledge that any fermented malt beverage or other alcohol beverage is being sold, dispensed, served, given away or made available to underage persons.
- b. This subsection shall not apply to underage persons who are accompanied by a spouse who has attained the legal drinking age or a parent or guardian.
- c. No adult may knowingly suffer or permit any underage person to enter,

remain or loiter in any premises, public or private, where alcohol beverages are served, sold, dispensed, given away or made available to underage persons, unless such underage person is accompanied by a spouse who has attained the legal drinking age, a parent or guardian.

18. List of Employees and Performers.

- a. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License shall maintain a current list of all persons employed to work in the premises. The list shall also include those persons employed to work after closing hours for the purposes of cleaning the premises.
- b. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License who affords patrons entertainment by, or performance of, any act, stunt, music, song or dance by performers under his auspices, whether such performances are paid or not, shall maintain a current list of all performers who perform in the licensed premises.
- c. The lists required above shall contain the name or names (legal, trade and alias), current address and date of birth of each employee or performer and shall be provided to any police officer upon request.

19. Entertainment Standards.

- a. No person shall, on a licensed Class "B" fermented malt beverages or intoxicating liquor premises, perform acts of or acts which constitute or simulate:
 - i. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; or,
 - ii. The touching, caressing or fondling of the breast, buttocks, anus or genitals; or,
 - iii. The displaying of human genitals, buttocks or pubic area or the female breast below the top of the areola.
- b. No person shall, on a licensed premises, use artificial devices or inanimate objects to perform, simulate or depict any of the prohibited conduct or activities described in subsection (a).
- c. It shall be unlawful for any person to show, display or exhibit on a licensed premises, any film, video, still picture, electronic reproduction or any other visual reproduction or image of any act, other visual reproduction or image of any act or conduct described in subsections (a) and (b).
- d. No person holding a Class "B" fermented malt beverage or intoxicating liquor license, nor his agents or employees, shall allow or permit in or upon the licensed premises any act or conduct described in subsections (a), (b) and (c).

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

- a. Causes. Any license issued under this section may be suspended, revoked, or non-renewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or not renewed for the following causes:
 - i. The making of any material false statement in any application for a license.
 - ii. The conviction of the licensee, his agent, manager, operator, or any other employee for keeping a gambling house or a house of prostitution or any felony related to the licensed operation.
 - iii. A showing that the licensee has violated any state law or City ordinance prohibiting the sale of intoxicating liquors or fermented malt beverages to underage persons or to any person who is

- intoxicated or bordering on intoxication.
- iv. The violation of any of the applicable provisions of Section 9.02.
 - v. The violation of any of the excise laws of this state, or failure to provide proof that the licensee is in good standing as required by Sections 77.61(1) and 125.04(5)(a) of the Wisconsin Statutes.
 - vi. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience or prosperity of the immediate neighborhood.
 - vii. Failure of the licensee to operate the premises in accordance with the floor plan or plan of operation submitted pursuant to Section 9.02(5).
 - viii. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholders holding twenty percent (20%) or more of the corporation's total or voting stock, or proxies for that amount of stock, or any of the offenses enumerated in Section 125.12(2)(ag) of the Wisconsin Statutes.
 - ix. Any of the grounds set forth in Section 125.12(2)(ag) of the Wisconsin Statutes.
 - x. The licensee is a habitual law offender as set forth in 125.04(5)(b) of the Wisconsin Statutes.
 - xi. The failure to pay any tax or forfeiture as provided in Section 1.08(a).
 - xii. The City has been notified pursuant to Section 125.33(7)(b) and 125.69(4)(b) of the Wisconsin Statutes, that the licensee has failed to pay for alcohol beverages.
- b. State Law Applicable. Except as otherwise provided herein, the provisions of Section 125.12(2)(ag) to (c) and 125.12(3) of the Wisconsin Statutes, shall be applicable to proceedings for the suspension, revocation, and nonrenewal of all licenses granted under this section.
- c. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion, upon sworn written charges made and filed with the Clerk/Treasurer by the Chief of Police, or upon a sworn written complaint filed with the Clerk/Treasurer by any City resident.
- d. Procedure.
- i. Upon receipt of a sworn complaint, either from the Chief of Police, a resident of the City, or upon directive of the Committee, the License and Health Committee shall direct the City Attorney to prepare a summons and have the summons and complaint served upon the licensee pursuant to Section 125.12(2)(ar) of the Wisconsin Statutes.
 - ii. The summons and complaint shall contain: the date and time for appearance by the licensee; a statement of the Common Council's intention to suspend, revoke, or not renew the license in the event any of the allegations are found to be true; a statement of the reasons for suspension, revocation, or nonrenewal; notification to the licensee of an opportunity to be heard, respond to and challenge the reasons for suspension, revocation, or nonrenewal and to present and cross examine witnesses under oath; notification to the licensee of the right to be represented by counsel of the licensee's choice and at the

- licensee's expense.
- iii. If the licensee fails to appear on the date and time designated in the summons, the License and Health Committee may enter a default judgment and take the allegations of the complaint to be true. The License and Health Committee shall then deliberate on what sanction, if any, to impose consistent with Section 125.12 of the Wisconsin Statutes.
 - iv. If the licensee appears before the License and Health Committee at the date and time designated in the summons and denies the material charges contained in the complaint, an evidentiary hearing shall be scheduled. If the licensee does not appear or appears but does not deny the material charges contained in the complaint, the complaint may be taken as true and the Committee shall hear the arguments of the complainant and, if applicable, the licensee in connection with whether to non-renew, revoke or suspend the license and the length of the suspension.
 - v. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
 - (1) The complainant shall first present evidence in support of the complaint.
 - (2) After the complainant rests, the licensee may present evidence in opposition to the charges.
 - (3) The complainant and licensee may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross examination.
 - (4) The complainant and licensee shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.
 - (5) Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
 - (6) At the close of testimony, the complainant and licensee shall be given a reasonable time to make arguments upon the evidence produced at hearing.
- e. Miscellaneous Procedural Matters.
- i. At all stages of the proceedings, the licensee shall be entitled to appear in person or by an attorney of his own expense.
 - ii. If the complaint is in the name of the Committee or is brought by a City official in his/her official capacity, the complainant shall be represented by a prosecuting City Attorney.
 - iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the prosecuting City Attorney.
 - iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be administered and subpoenas issued upon request of either side. The Chair shall ensure that an orderly hearing is conducted in accordance with the provisions of this section. The Chair shall rule on objections to the admissibility of evidence. Any ruling of the Chair shall be final

- unless appealed to the Committee and a majority vote of those members present and voting reverses such ruling.
- v. An audio recording or stenographic record shall be made of all proceedings at the hearing. Any interested party may obtain a copy of the recording or transcript at his or her own expense.
- f. Findings and Recommendations.
- i. After the close of the hearing, the Committee shall deliberate and reach a decision. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk/Treasurer with a copy to the licensee and complainant. The findings and recommendations shall be distributed to each member of the Common Council.
 - ii. The licensee and complainant may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk/Treasurer before the close of business on a day that is at least three (3) working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.
- g. Common Council Action.
- i. Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk/Treasurer shall notify the licensee and complainant by U.S. first class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.
 - ii. Unless an alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the complainant nor the licensee shall be permitted to make oral arguments.
 - iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote. Upon an affirmative vote suspending, revoking, or not renewing the license(s), the Clerk/Treasurer shall give notice to the person whose license is affected. If the Common Council finds the complaint to be untrue or unsupported by sufficient evidence, the proceedings shall be dismissed without cost to the accused.
- h. Surrender of License.
- i. A licensee may, at any time during the license year surrender a license to the City Clerk/Treasurer, along with a statement, in writing, that the licensee no longer wishes to conduct licensed activity at the licensed premises.
 - ii. The Clerk/Treasurer shall notify the License and Health Committee of the surrender. Except as set forth in Subsection (h)3. below, the surrender shall operate to extinguish any right the licensee had to the

license or to conduct licensed activity at the premises listed in the license.

- iii. If a summons and complaint has been issued against the licensee seeking suspension, revocation, or nonrenewal of the license, the surrender of the license shall be deemed a request and the matter shall be referred to the License and Health Committee. The Committee may approve the request or deny the request and proceed to hearing.
- iv. Any request to have a surrendered license returned shall be treated as a new license application and the requestor must fill out the required applications and pay the required fees. The request shall thereafter be treated as all other new license applications.

21. Fees.

See Fee Schedule.

22. Presence of Underage Persons On Specified Dates When No Alcohol Beverages Are Sold. [Ord. O-2012-0020, 6/19/2012]

- a. Underage persons may enter or remain on a Class "B" or "Class B" licensed premises, as set forth in Wisconsin Statutes § 125.07(3)(a)(10), under the following conditions:
 - i. Notification of Dates. The licensee or agent shall notify the Police Chief at least seven (7) days prior to any date on which underage persons will be permitted to enter and remain on the premises. The time period may be waived by the Police Chief or a designee upon determination of good cause or special circumstances.
 - (1) Each event shall require separate notification. Notification shall be in writing and contain the following information: dates and times of the event; specific nature of the event, including description of entertainment; number of persons expected on the premises.
 - ii. Regulations. The operation of a licensed premises during those times when underage persons are on the premises under this section shall be subject to the following regulations:
 - (1) There shall be at least a one-hour period between the serving of the last alcohol beverage and the commencement of operations under this section.
 - (2) No alcohol beverages may be consumed, sold or given away in any part of the licensed premises.
 - (3) All alcoholic beverages on tables shall be removed.
 - (4) The licensee, the agent named in the license if the licensee is a corporation, or a person who has an operator's license shall be on the premises during the event unless all alcohol beverages are stored in a locked portion of the premises.
 - (5) The licensee shall be responsible for the adequate supervision of the premises, and such supervision shall consist of adult persons twenty-one (21) years of age or older.
 - (6) Closing hours shall be no later than 1:00 a.m. on weekdays and 1:30 a.m. on Saturdays and Sundays.
 - (7) No persons under age seventeen (17) shall be allowed on the premises, unless accompanied by a parent.
 - (8) All underage persons must be off the licensed premises at

least thirty (30) minutes prior to the resumption of alcohol beverage sales.

23. Late Fees.

See Fee Schedule.

24. Extension of Premises

a. Temporary Extension

- i. A licensee may apply for a temporary extension of premises by submitting a request to the city clerk in a form approved by the clerk and paying the fee listed on the Fee Schedule.
- ii. Each licensee shall provide a description of the temporary premises and any other information required by the city clerk. The request shall list specific dates for which the licensee requests an extension of premises or list a range of dates not to exceed 6 months for which the licensee requests an extension of premises.
- iii. Upon receiving a request under this paragraph, the city clerk shall notify the Planning Department, Building Inspection and Neighborhood Services Department, Health Department, and Police Department of the request, and the departments may provide information regarding the request to the common council.
- iv. The common council shall determine whether to grant a request for temporary extension of premises under the same standards as a new license application. A temporary extension of premises creates a property interest only for the dates and times approved by the common council. Upon expiration of a temporary extension of premises, the temporary premises ceases to exist. Approval of a temporary extension of premises does not create a right to future approval.

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

9.025 Public Hearings For Licenses

1. Applicability. Except where prohibited by law, the common council may hold a public hearing on any license or permit application prior to granting or denying that application.
2. Public Hearing. If the common council orders a public hearing under this section, the city clerk shall schedule the hearing to occur no sooner than 7 days after the date upon which the council ordered the public hearing. During the public hearing, the common council may receive comments from any person regarding the license application that is the subject of the hearing.
3. Notice. If the common council directs the city clerk to send notice under this section, the clerk shall send notice as follows, unless otherwise directed by the common

council:

- a. The notice shall go to occupants of property located within 250 feet of the tax parcel upon which the proposed licensed premises is located.
- b. The method of notice shall be by mail, email, physical delivery, or any other method of direct notice, at the clerk's discretion.
- c. The content of theThe shall include a copy of the license application, the date, time, and location of the public hearing, a statement that any person may appear at the public hearing to comment on the application, and any other information the clerk deems relevant.

9.035 (Reserved)

Editor's Note: Former Section 9.035, Massage parlors, as amended, was repealed 3-20-2018 by Ord. No. O-2018-0010.

9.036 Practice Of Massage Or Bodywork Therapy Requiring State Licensing

1. No person who is required to hold a license, certificate of registration or other credential pursuant to Chapter 460, Wis. Stats., shall practice that profession within the corporate limits of the City unless that person holds a valid, unexpired license, certificate of registration or credential issued by the State of Wisconsin.
2. No person who is required to hold a license, certificate of registration or other credential pursuant to Chapter 460, Wis. Stats., shall advertise the availability of services to be performed within the corporate limits of the City unless he or she holds a valid, unexpired license, certificate of registration or credential issued by the State of Wisconsin.
3. No business whose employees are required to hold a license, certificate of registration or other credential pursuant to Chapter 460, Wis. Stats., shall allow employees to practice that profession within the corporate limits of the City unless the employees hold a valid, unexpired license, certificate of registration or credential issued by the State of Wisconsin.
4. No business whose employees are required to hold a license, certificate of registration or other credential pursuant to Chapter 460, Wis. Stats., shall advertise the availability of services to be performed within the corporate limits of the City unless the employees of the business hold a valid, unexpired license, certificate of registration or credential issued by the State of Wisconsin.

[Ord. O-2017-0033, 9/5/2017]

9.037 Public Entertainment License

1. Definitions
 - a. "Premises" means the area described within a license issued under this section.
 - b. "Public entertainment" means any activity or equipment made available with or without fee to the general public for amusement including, but not limited to: bowling centers, dance halls, roadhouses, billiard and pool tables, amusement devices, theater, live or pre-recorded music, movies, and other places of amusement. This definition applies to any entertainment provided commercially for gain by membership, season ticket, invitation, or other system open or offered to the public generally.
2. License Required. Except as stated in sub. 3, no person may provide public entertainment without a license issued under this section.

3. Exceptions. No license is required under this section for any of the following activities:
 - a. Public entertainment provided by a charitable, nonprofit, or educational institution, religious organization, or governmental entity upon land owned and exclusively occupied by that entity.
 - b. Public entertainment provided by an organization formed for the purpose of ballet performance and instruction and which has received tax exempt status from the United States Internal Revenue Service.
 - c. Billiard tables provided on the premises of bona fide clubs or social organizations not operating for private profit which provide other membership privileges and activities, even though there is a charge for playing billiards.
 - d. Dancing instruction for compensation without any performance for the general public.
 - e. Television or music intended to entertain only employees and not customers.
 - f. Public entertainment provided on the grounds of and during a special event permitted under WAMC 6.032.
4. Application
 - a. Any person seeking a public entertainment license shall file a complete application with the city clerk in a form approved by the clerk.
 - b. At the time of filing an application, the applicant shall submit:
 - i. A nonrefundable license fee in the amount stated on the Fee Schedule at the time of application.
 - ii. A plan of operation with a floor plan of the premises
 - c. The clerk shall notify the Fire, Health, Building Inspection and Neighborhood Services, Planning, and Police Departments of each application received. Each department shall report to the common council any information that may disqualify the applicant.
5. Disqualifications. Any applicant may be disqualified for a license if any of the following applies to the applicant or to any members, shareholder, and officers of any applicant that is not an individual:
 - a. The applicant has an arrest or conviction record, subject to Wis. Stat. 111.335(4).
 - b. The applicant made false statements on the application or to the common council or a committee thereof.
 - c. The applicant violated the license regulations in this section.
 - d. The applicant has been denied a license or had a license revoked in the 12 months preceding the application date.
 - e. The activities on the premises will cause or have caused a nuisance.
6. Term, Issuance, and Renewal
 - a. Regular License
 - i. For a new application, the common council may grant a license to any applicant who is not disqualified.
 - ii. A license shall be valid on the date of issuance and expire on June 30 of each year.
 - iii. For a renewal application, the common council shall grant the license unless the applicant is disqualified.
 - b. Temporary License
 - i. The common council may grant a temporary license to any applicant who is not disqualified.
 - ii. A license shall be valid only on the dates approved by the common

council.

- c. The city clerk shall issue any license granted by the common council. Licenses are non-transferable.
- d. The city clerk shall notify any applicant whose application was denied of the applicant's appeal rights under WAMC 2.48(5).

7. Regulations. Licenses granted under this section are subject to the following regulations:

- a. The licensee shall display a copy of the license prominently on the premises.
- b. The licensee shall file updated information with the city clerk within 10 days after any information on a license changes.
- c. No person may refuse the entry of police officers, health officers, building inspectors, or zoning inspectors on to the premises at all reasonable hours.
- d. No person may permit disorderly, riotous, or indecent conduct at any time on any premises.
- e. No premises may remain open between the hours of 11:00 p.m. and 9:00 a.m. of any day, unless the common council expands the open hours for the premises. No premises may remain open outside of the hours set forth by the common council.
- f. The premises may not violate a health, zoning, or building code provision.
- g. No person under the age of 18 may be permitted on a premises where amusement devices are offered to the public before the hour of 3:00 P.M. on any day that the West Allis - West Milwaukee public schools are in session, unless accompanied by their legal parent or guardian.
- h. Any amusement device on a premises shall be arranged so that persons using the amusement device will not obstruct a path at least 3 feet wide on the side of the user opposite of the amusement device.
- i. No licensee may transfer a license to another person.
- j. No person may violate any conditions imposed upon a specific license at the time the license was granted or imposed on an existing licensee with the licensee's consent.

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

8. Suspension, Revocation, and Non-Renewal

- a. Authority. The common council may suspend, revoke, or refuse to renew a public entertainment license if the applicant becomes disqualified.
- b. Commencement. Based on allegations submitted to the license and health committee, an alderperson may approve the issuance of a summons and complaint against a license. The complaint shall contain the allegations. The summons shall state the date on which and location where the licensee must appear. The summons and complaint shall be signed by a member of the committee or an attorney therefore. Service shall be in the manner provided under Wis. Stat. Ch. 801 for service in civil actions in circuit court
- c. Procedure.
 - i. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.
 - ii. If the licensee appears as required by the summons and denies the

complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the municipal governing body and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked.

- iii. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both. If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked.
 - iv. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
 - v. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused.
- d. Judicial Review. The suspension, revocation, or nonrenewal of any license may be reviewed by writ of certiorari to the Milwaukee County Circuit Court.

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

9.04 Cigarette And Tobacco Product Sales

1. State Statute Adopted. Except as otherwise provided herein, § 134.65 Wis. Stats., as it is from time to time amended, is hereby adopted by reference.
2. License Required. 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, as defined in §§ 139.30(3m) and 139.75(12) Wis. Stats., to any person not holding a license under Chapter 134 of the Wisconsin Statutes or a permit under §§ 139.30 to 139.41 or 139.79 Wis. Stats., without first obtaining a license from the City.
3. License Requirements. The City Clerk may not issue a license under Subsection (2) unless the applicant specifies in the license application whether the applicant will sell, exchange, barter, dispose of or give away the cigarette or tobacco products over the counter or in a vending machine, or both.
4. License Issuance. Upon filing of a proper written application and payment of the license fee of one hundred dollars (\$100), 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. Each license shall name the licensee and specifically describe the premises where such business is to be conducted.
5. License Transfer Prohibited. A license shall not be transferable from one person to another nor from one premises to another.

6. Recordkeeping. 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 two (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.
7. Revocation of License. The City may revoke, suspend or refuse to renew any license issued under this section.
 - a. Causes. Any duly authorized City employee may file a sworn written complaint, supported by report from a law enforcement agency, with the City Clerk, alleging at least two (2) separate instances of one (1) or more of the following about a person holding a license issued under this section:
 - i. The person has violated § 134.66(2)(a), (am), (cm), or (e), Wis. Stats., or Section 6.02(19) of the West Allis Revised Municipal Code.
 - ii. The person's premises are disorderly, riotous, indecent, or improper.
 - iii. The person has knowingly permitted criminal behavior, including prostitution and loitering, to occur on the licensed premises.
 - iv. The person has been convicted of any of the following:
 - (1) Manufacturing, distributing, or delivering a controlled substance or controlled substance analog under § 961.41(1), Wis. Stats.
 - (2) Possessing with intent to manufacture, distribute or deliver a controlled substance or controlled substance analog under § 961.41(1m), Wis. Stats.
 - (3) Possessing with intent to manufacture, distribute, or deliver, or manufacturing, distributing, or delivering a controlled substance or controlled substance analog under a substantially similar federal law or substantially similar law of another state.
 - (4) Possessing any of the materials listed in § 961.65 Wis. Stats., with intent to manufacture methamphetamine under that section or under a federal law or a law of another state that is substantially similar to § 961.65 Wis. Stats.
 - (5) The person knowingly allows another person who is on the licensed premises to do any of the actions described in Subsection (7)(a)4a through d.
 - b. Procedure. 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 City. The summons shall command the person complained of to appear before the Common Council on a day and place named in the summons, not less than three (3) days and not more than ten (10) days from the date of issuance, and show cause why his or her license should not be revoked, suspended, or not renewed. The summons and a copy of the complaint shall be served on the person complained of at least three (3) days before the date on which the person is commanded to appear. Service shall be in the manner provided in Chapter 801 Wis. Stats., for service in civil actions in Circuit Court.
 - c. Hearing.
 - i. If the person does not appear as required by the summons, the allegations of the complaint shall be taken as true, and if the City governing body finds the allegations to be sufficient grounds for revocation or nonrenewal, the license shall be revoked or not

- renewed. The City Clerk shall give notice of the revocation or nonrenewal to the person whose license is revoked or not renewed.
- ii. If the person appears as required by the summons and answers the complaint, both the complainant and the person complained of may produce witnesses, cross-examine witnesses, and be represented by counsel. The person complained of shall be provided a written transcript of the hearing at his or her expense. If upon the hearing, the Common Council finds the allegations of the complaint to be true, and if the Common Council finds the allegations to be sufficient grounds for suspension, revocation, or nonrenewal, the license shall be suspended for not less than ten (10) days nor more than ninety (90) days, revoked, or not renewed.
 - iii. The City Clerk shall give notice of each suspension, revocation, or nonrenewal to the person whose license is suspended, revoked, or not renewed.
 - iv. If the Common Council finds the allegations of the complaint to be untrue, the complaint shall be dismissed without cost to the person complained of.
- d. Disqualification for License. When a license is revoked under this subsection, the revocation shall be recorded by the City Clerk and no other license may be issued under this section to the person whose license was revoked within the twelve (12) months after the date of revocation. No part of the fee paid for any license that is revoked under this subsection may be refunded.
- e. Circuit Court Review. The action of the Common Council in suspending, revoking, or not renewing any license under this subsection, or the failure of the Common Council to suspend, revoke, or not renew any license under this subsection for good cause, may be reviewed as provided in § 134.65(7)(e), Wis. Stats.
8. Penalties. Any person shall forfeit not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for the first offense and not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) for the second or subsequent offense, together with the costs of prosecution; in default of payment thereof, the person shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in § 800.095(1)(b)1, Wis. Stats. Each and every day constitutes a separate offense.

[Ord. 6216, 3/20/1996; Ord. 6391, 6/16/1998; Ord. O-2016-0036, 8/2/2016]

9.07 Misuse Of 911

1. Definitions.

"Emergency" is defined as a situation in which immediate response by public safety personnel is essential and an existing or very probable situation exists of bodily harm or life-threatening illness or condition; property damage or loss; or escape of a suspect in a criminal offense or its municipal offense counterpart.

- 2. No person shall intentionally dial the emergency telephone number 911 to report an emergency knowing that the fact situation which he or she reports does not exist.
- 3. No person shall intentionally dial the emergency telephone number 911 for any other purpose other than to report an emergency.

4. Penalties.

- a. Any person violating Subsection (2) or (3) of this ordinance shall be required to forfeit not less than two hundred fifty dollars (\$250.) nor more than five hundred dollars (\$500.). The person shall be required to pay the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes, or by suspension of the defendant's operating privilege, pursuant to secs. 343.30 and 345.47 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

[Ord. O-2010-0012, 4/6/2010]

9.08 Entertainment Device Distributor License

1. Definition. "Entertainment device" means any equipment designed to provide amusement to the user including, but not limited to: amusement devices, jukeboxes, and other similar devices.
2. License Required. No person may lease or place an entertainment device upon another person's public place within the City, or receive profits from such a lease, without first having obtained a license under this section.
3. Application
 - a. Any person seeking an entertainment device distributor license shall file a complete application with the city clerk in a form approved by the clerk.
 - b. At the time of filing an application, the applicant shall submit:
 - i. A nonrefundable license fee in the amount stated on the Fee Schedule at the time of application.
 - ii. A list of all locations within the City at which the applicant has placed entertainment devices within the past year or will place amusement devices within the next year under the terms of a contract. The list shall include the addresses of the premises where the devices were placed or are contracted to be placed, the number of machines placed or to be placed at the premises, and the legal names of the entities contracting for each entertainment device.
 - c. The clerk shall notify the Police Departments of each application received. The department shall report to the common council any information that may disqualify the applicant.
4. Disqualifications. Any applicant may be disqualified for a license if any of the following applies to the applicant or to any members, shareholder, and officers of any applicant that is not an individual:
 - a. The applicant has an arrest or conviction record, subject to Wis. Stat. 111.335(4).
 - b. The applicant made false statements on the application or to the common council or a committee thereof.
 - c. The applicant violated the license regulations in this section within 5 years of the date of application.
 - d. The applicant has been denied a license or had a license revoked in the 12 months preceding the application date.
5. Term, Issuance, and Renewal
 - a. For a new application, the common council may grant a license to any applicant who is not disqualified.
 - b. A license shall be valid on the date of issuance and expire on June 30 of each year.
 - c. For a renewal application, the common council shall grant the license unless the applicant is disqualified.
 - d. The city clerk shall issue any license granted by the common council.

- e. The city clerk shall notify any applicant whose application was denied of the applicant's appeal rights under WAMC 2.48(5).
6. Regulations. Licenses granted under this section are subject to the following regulations:
- a. The licensee shall maintain a copy of the license at the licensee's place of business and produce the license upon the request of a law enforcement officer.
 - b. The licensee shall file updated information with the city clerk within 10 days after any information on a license changes.
 - c. No licensee may transfer a license to another person.
 - d. No person may violate any conditions imposed upon a specific license at the time the license was granted or imposed on an existing licensee with the licensee's consent.
7. Penalties. Any person who violates any provision under this section shall forfeit up to \$500 for each violation. Each day that any ongoing violation continues is a separate offense.
8. Suspension, Revocation, and Non-Renewal
- a. Authority. The common council may suspend, revoke, or refuse to renew an entertainment device distributor license if the applicant becomes disqualified.
 - b. Commencement. Based on allegations submitted to the license and health committee, an alderperson may approve the issuance of a summons and complaint against a license. The complaint shall contain the allegations. The summons shall state the date on which and location where the licensee must appear. The summons and complaint shall be signed by a member of the committee or an attorney for the committee. Service shall be in the manner provided under Wis. Stat. Ch. 801 for service in civil actions in circuit court.
 - c. Procedure.
 - i. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the common council or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.
 - ii. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense.
 - iii. If the hearing is held before the common council and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked.
 - iv. If the hearing is held before a committee of a common council, the committee shall submit a report to the common council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the common council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the common council. The common council shall determine whether the arguments shall be presented orally or in writing or both. If the common council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked.
 - v. The city clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
 - vi. If the common council finds the complaint untrue, the proceeding shall be dismissed without cost to the accused.
 - d. Judicial Review. The suspension, revocation, or nonrenewal of any license may be reviewed

by writ of certiorari to the Milwaukee County Circuit Court.

9.11 (Reserved)

[Ord. 6347, 11/17/1997; Ord. 6355, 1/6/1998; Ord. 6387, 6/2/1998; Ord. 6388, 6/2/1998; Ord. 6424, 3/2/1999; Ord. O-2002-0027, 2/4/2003 repeal]

9.128 Trailer And Truck Rental

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

4. Reports Required. License applications shall be referred by the City Clerk to the Director of the Department of Building Inspections and Zoning and Fire Chief who shall inspect the premises to be licensed and shall report on same to the Common Council within fifteen (15) days after referral. The inspection shall certify that the subject premises are in conformance with all applicable codes and regulation. Where violations of existing codes and regulations exist, these must be corrected prior to the issuance of the license.
5. Common Council Action. Upon receipt of said reports and upon finding by the Common Council that the following requirements have been met and the granting of the license will not adversely affect the public health, welfare and safety, the license shall be granted by the Common Council, signed by the City Clerk and thereafter issued by the City Clerk to the licensee upon presentation of a receipt of payment of the required fees from the City Treasurer.
 - a. The premises and all structures thereon shall be so situated and constructed that the rental of such trailers and/or trucks may be conducted in a sanitary manner, shall comply with municipal and state safety fire requirements, zoning and building codes and shall be open for inspection during normal business hours by proper health, fire and police authorities.
 - b. Premises shall be kept reasonably clean and free of litter and debris. No refuse, trailer or truck parts or accessories, or junked trailers or trucks, shall be permitted on the premises unless they are stored within a structure or container approved by the Director of the Department of Building Inspections and Zoning.
 - c. Areas used for parking such trailers shall provide at least one hundred (100) square feet of space for each such trailer; areas used for parking van-type trucks and all other motor vehicles shall provide spaces of a size required in Sections 12.12(3) and 12.43(2) of this Code, whichever is applicable. Such areas shall be surfaced with bituminous asphalt or concrete, shall be provided with underground storm drains as required by Sections 16.09(21) and (22) of this Code, shall provide adequate driving lanes, entrances and exits, and all lanes, drives, entrances, exits and parking spaces shall be clearly marked.
 - d. Where a property line of a premise to be licensed abuts upon a residential zoned district as established in Chapter XII of this Code or is separated from such district by an alley, there shall be provided a solid wall, fence or hedge not less than four (4) feet high nor more than six (6) feet high along the abutting lot line and shall be installed in accordance with Section 10.035 of this Code. Where such property line abuts an alley, the Director of the Department of Building Inspections and Zoning may authorize openings in such wall, fence or hedge to permit access to the premises from such alley for entering, exiting and parking and in the interest of safety may authorize a reduction in height requirements of such wall, fence or hedge.
 - e. The licensee shall have procured all other required permits and license, including, but not limited to, an occupancy permit pursuant to Section 12.44 of this Code and, where required, an off-street parking permit pursuant to Section 10.13 of this Code.
6. Revocation of License. The license provided herein shall be revocable at any time by the Common Council after a hearing at which it has been found the licensee has failed or refused to comply with the terms and conditions of this section or lawful orders issued hereunder. A revocation hearing shall be held by the Common Council upon its

own motion or upon a complaint in writing duly signed and verified by the Director of the Department of Building Inspections and Zoning. Such complaint shall state the nature of the alleged failure to comply with this section of lawful order issued hereunder. A copy of the complaint, together with a notice of hearing, shall be served upon the licensee not less than ten (10) days prior to the date of hearing.

7. Enforcement. The Director of the Department of Building Inspections and Zoning is hereby designated as the administrator of this section. He shall cause to have inspected at the time that any application, including renewal applications for a license, is received, or upon written complaint of violations of this section, all premises covered by this section. Upon a finding that a licensee is in violation of this section, the Director shall issue a written order requiring compliance within thirty (30) days of date of order with the terms of this section. Should the licensee fail to comply with the order, the Director shall submit in writing a complaint to the Common Council which shall hold a hearing, as prescribed in section (6) above.

9.13 Salvage And Recycling Centers

1. License Required. No person or persons, association, partnership, firm or corporation shall keep, conduct or maintain with the City any building, structure, yard or place for keeping, storing or piling in commercial quantities, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper or other metal, furniture, motor vehicles or other articles, which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classed as junk or recyclable material, whether within a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided. One carrying on the aforesaid business shall be referred to herein as a "salvage dealer."
2. Every applicant for a license to engage in the business of salvage dealing shall file with the City Clerk a written application upon a form prepared and provided by the City Clerk, signed by the applicant or applicants. The application shall contain: **[Ord. O-2015-0015, 2/17/2015]**
 - a. The names and residences of the applicants, if an individual, partnership or firm, or the names of the principal officers and their residences, if the applicant is an association or corporation.
 - b. Whether the applicant or applicants or officers or managers of a corporation have committed a crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation; and, if so, what offense, when, and in what court.
 - c. Whether the applicant or applicants or officers or manager of applicant has been employed by a salvage dealer or has been a salvage dealer.
 - d. The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold or otherwise handled.
 - e. The premises where such business is to be located or carried on.
 - f. Whether the business intends to deal in, accumulate or store junked motor vehicles or parts thereof.
3. Notarization. Every application for a license to engage in the business of salvage dealer shall be signed and acknowledged before a notary public or other officer authorized to administer oaths.
4. Requirements for License.

- a. The City Clerk shall report each application to the Police Chief, Health Commissioner, Fire Chief, Director of Development, and Director of Building Inspection and Neighborhood Services, who shall inspect or cause to be inspected such premises and applicants to determine whether they comply with all laws, ordinances, rules and regulations. **[Ord. O-2015-0015, 2/17/2015]**
 - b. The premises of the salvage dealer and all structures thereon shall be so situated and constructed that the business may be carried on in a sanitary and safe manner and shall be arranged so that thorough inspections may be made at any reasonable time by the proper health, fire, building, zoning, and police authorities. **[Ord. O-2015-0015, 2/17/2015]**
 - c. Prior to the license being granted, the applicant shall submit a site and landscape/screening plan to the Plan Commission for approval. The grant of a license under this section is subject to approval of said plans by the Plan Commission and implementation of the plans by the licensee. When reviewing the plans, the Plan Commission shall include a requirement that the premises be enclosed with fencing and landscaping, which in combination, are no less than seven (7) feet in height, effectively screening the salvage business from abutting private and public properties. No junk or other materials of the salvage business shall be stored or piled so as to extend above the height of the enclosure, nor shall any such material be stored outside the enclosed area.
 - d. If the salvage dealer intends to deal in, accumulate or store junked motor vehicles or parts thereof, the Common Council, under authority of § 175.25(1) of the Wisconsin Statutes, shall specify the quantity and manner of storing junked automobiles outside of building on the premises and shall establish setback requirements, pursuant to § 175.25(2) of the Wisconsin Statutes.
 - e. The burning of auto bodies, tires, furniture, paper, plastic and other material is prohibited.
5. License Fee. Every salvage dealer shall pay an annual license fee of two hundred thirty dollars (\$230.00). All licenses shall be issued as of July 1 and shall continue in force until June 30 next succeeding the date of issuance, unless sooner revoked. **[Ord. O-2009-0033, 11/3/2009]**
 6. Issuance of License. Upon the filing of an application as provided in the preceding subsection, the Clerk shall, upon approval of such application by the Common Council and the payment to the City of the license fee, issue to the applicant a license to engage in the business, as provided in Subsection (1). All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the salvage business, the date of issuance and expiration of the license and the name and address of the licensee.
 7. Posting License. Every salvage dealer licensee shall at all times keep the license posted in a conspicuous place on the premises described in the application for such license. No person shall post such license upon premises other than those mentioned in the application, or knowingly deface or destroy any such license.
 8. Change of Location. Every salvage dealer's license shall designate the place of business in or from which the salvage dealer shall be authorized to carry on such business. No licensee shall remove his or its place of business from the place designated in the license until authorization has been secured from the City, and the same shall have been endorsed upon the license.
 9. Restrictions.

- a. No salvage dealer shall carry on the business at or from any other place than the one designated in the license, nor shall the business be carried on while the license is suspended or after it has been revoked or has expired.
 - b. Hours of operation may be regulated by the License and Health Committee to such hours as reasonable, given the location of the salvage business.
- 10. Rules by Health Commissioner. The Health Commissioner shall formulate reasonable rules and regulations relating to the conduct of the business of salvage dealing, which shall protect the health of the community. No salvage dealer shall violate any such rule or regulation.
- 11. Concealing Identity of Used Cars. No person or corporation shall knowingly buy, sell, receive, dispose of, conceal, or have in his/her possession any motor vehicle, part or accessory from which the manufacturer's serial number or any other number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of such vehicle, part, or accessory. Every person to whom is offered for sale, storage, or wreckage any motor vehicle, part or accessory from which has been removed, defaced, covered, altered, or destroyed the manufacturer's serial number or any other number or identification mark shall immediately notify the West Allis Police Department of such offer. **[Ord. O-2015-0015, 2/17/2015]**
- 12. Lost or Stolen Materials. Any salvage dealer or peddler having or receiving any goods, articles, or other materials, which he or she knows or has reason to believe are lost or stolen, shall notify the Police Department of said materials and the reasons why it is believed they are lost or stolen. **[Ord. O-2015-0015, 2/17/2015]**
- 13. Suspension and Revocation of License. The procedure for the suspension, revocation, and nonrenewal of license shall be as set forth in Section 9.35(3) of this Code, except that any summons and complaint shall be served upon the licensee no less than ten (10) days prior to the hearing. **[Ord. O-2015-0015, 2/17/2015]**
- 14. Regulations. **[Ord. O-2015-0015, 2/17/2015]**
 - a. Definitions.
 - i. "Regulated property" shall mean aluminum siding, gutters, downspouts, screens, windows, window frames and doors, metal bathtubs and sinks, nonplastic pipe, copper, nonferrous metal items other than aluminum cans, batteries used in motor vehicles, telecommunication wire, sheet metal, stained glass, traffic signs, aluminum light poles, water meters, cemetery monument plaques, fixtures from houses of worship, catalytic converters, and manhole covers, including lids, grates, and frames.
 - ii. "Truckload and bulk purchases" shall mean the purchase of property by weight, or in quantity, without unloading or closely inspecting individual items of property when purchased. Truckload and bulk purchases shall be at least six (6) discrete items if purchased in quantity and not less than two hundred (200) pounds if purchased by weight.
 - b. Identification. No salvage dealer shall purchase any regulated property without first obtaining adequate identification, as defined in Section 9.15(3)(a) of this Code, from the seller.
 - c. Recordkeeping.
 - i. For each purchase, receipt, or exchange of any regulated property from a customer, every salvage dealer licensed under this section shall complete a property transaction form. Such form shall contain a

transaction number; the date of the transaction; the printed name and address of the seller; the type and weight of the property purchased, by the truckload or in bulk if a truckload or bulk purchase, along with any other additional description of the property; the amount paid for the property; and the seller's signature. The form shall be kept either as a computer file or in a written document approved by the Chief of Police or the Chief's designee. No entry on such a form may be erased, mutilated, or changed. The salvage dealer shall maintain computerized files and written property transaction forms and retain them for not less than one (1) year after the date of the transaction.

[Ord. O-2015-0027, 4/21/2015]

- ii. For each purchase, receipt, or exchange of any regulated property from a customer, every salvage dealer licensed under this section shall keep a permanent record and written inventory in such form as the Chief of Police shall prescribe, in which the dealers shall record legibly in English the name, address, and date of birth of each customer and driver's license number or number of other adequate identification presented. The dealer shall also record the date, time, and place of the transaction; the amount paid for the property; and an accurate and detailed account and description of each item being purchased, including, but not limited to, any trademark, identification number, serial number, model number, brand name, description by weight and design of such article, and other identifying marks and identifying descriptions of personal nature. The written inventory shall be kept in a computerized file or in ink, and no entry in such inventory shall be erased, mutilated, or changed. The dealer shall retain each record and inventory for not less than one (1) year after the date of transaction. **[Ord. O-2015-0027, 4/21/2015]**
- iii. Every dealer shall on a weekly basis prepare a list that contains the name and address of each customer during the week for which the list was prepared, the date, time, and place of each transaction with each of those customers, and a detailed description of the regulated property, including the serial number and model number, if any. The dealer shall retain the list for not less than one (1) year after the date on which the list was prepared.
- iv. The dealer shall also obtain a written declaration of the seller's ownership which shall state whether the regulated property is totally owned by the seller, how long the seller has owned the regulated property, whether the seller or someone else found the regulated property, and, if the regulated property was found, the details of its finding. The dealer shall retain an original and duplicate of the declaration for not less than one (1) year after the date of the transaction. The declaration shall be written on a form that the Chief of Police shall prescribe.
- v. The seller shall sign, in ink or by electronic signature, his or her name in such inventory register and on the declaration of ownership. **[Ord. O-2015-0027, 4/21/2015]**
- vi. Such inventory registers, declarations of ownership, and weekly lists shall be made available to any police officer for inspection at any time that the dealer's principal place of business is open or within one (1)

business day of an officer's request.

d. Exceptions to Recordkeeping.

- i. The description of the property purchased by salvage dealers by the truckload or in bulk shall be limited to a listing of the quantity or the weight purchased by category of regulated property purchased and shall be exempt from the property description provisions of Subsection (c)2.
- ii. Salvage dealers making truckload and bulk purchases shall include a color photograph of the truckload or bulk purchase as a whole and not of individual items purchased.

e. Electronic Reporting.

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

f. Holding Periods.

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

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

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

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

- a. No salvage dealer may engage in a transaction of purchase, receipt, or exchange of any regulated property from an unemancipated minor unless the minor is accompanied by his or her parent or guardian at the time of the transaction or the minor provides written consent from his or her parent or guardian to engage in the transaction.

16. Transaction Involving Article Not Owned. [Ord. O-2015-0015, 2/17/2015]

- a. No person shall sell, leave, or deposit any item with or to a salvage dealer if

the item of property is not owned by the person; the item of property is the property of another, regardless of whether the transaction is occurring with the permission of the owner; or another person has a security interest in the item of property.

- b. This subsection shall not apply to any person selling, leaving, or depositing any item with or to a salvage dealer if the person is any of the following: a duly executed power of attorney for the owner of the item of property; a personal representative of the estate to which the item of property belongs; or a recipient of a lawful written authorization to sell, leave, or deposit the item of property issued by the owner of the property prior to the time of the transaction.
17. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to a salvage dealer license shall be true. **[Ord. O-2015-0015, 2/17/2015]**
 18. Conditions of License. All licenses granted hereunder shall be granted subject to the following conditions and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto: **[Ord. O-2015-0015, 2/17/2015]**
 - a. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of city ordinances or state laws.
 - b. The license holder and/or the employees and agents of the license holder shall cooperate with police investigations of theft, fraud, burglary, and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a violation of the law, including, but not limited to, loitering, disturbance of the peace, or suspected stolen items occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
 - c. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.
 19. Penalties. **[Ord. O-2015-0015, 2/17/2015]**
 - a. Any person, firm or corporation violating this section shall, upon conviction for a first offense, forfeit not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Sec. 800.095(1)(b)1, Wis. Stat.
 - b. Any person, firm or corporation violating this section shall, upon conviction for the second or subsequent offenses, forfeit not less than five hundred dollars (\$500), nor more than two thousand dollars (\$2,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Sec. 800.095(1)(b)1, Wis. Stat.

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

9.14 Junkers And Junk Pickers

1. Definition. A junker is defined as any person, firm or corporation who picks up, gathers, assorts, carries away or in any manner handles or causes to be handled any material of any kind on a public or City dump for salvage, junking or scavenging.
2. Permit Required. No person, firm or corporation shall operate as a junker or junk picker on a public or City dump without first having secured a permit from the Director of Public Works to so operate.
3. Permit Fee. The fee for such permit shall be paid to the City Treasurer and shall be ten dollars (\$10) for a period of three (3) months from date of issuance.
4. Restrictions.
 - a. Each junker to whom a permit is issued under this section shall wear an appropriate badge with the words "City Junker and Permit No.," as issued by the Public Works Department with the junker's permit number impressed thereon.
 - b. Each junker shall meet, follow and obey the rules and regulations of the Director of Public Works governing the conduct of public or City dumps or junkers.
 - c. Each junker shall obey any reasonable order of any City police officer or any officer, agent or employee of the City in charge of or supervising the operations of such public or City dump.
5. Rules by Director of Public Works. The Director of Public Works may make and promulgate appropriate rules and regulations governing the physical operation of public and City dumps and junkers, and the conduct of junkers on such dumps.

9.15 Pawn Shops, Secondhand Stores, Secondhand Jewelry Dealers

1. State Regulations. Except as otherwise provided herein, the provisions of Wisconsin Statutes Sec. 134.71, relating to the regulations for pawnbrokers and secondhand article and secondhand jewelry dealers, are adopted by reference.
2. License Required.
 - a. No person shall operate any pawn shop, secondhand or junk store, or deal in secondhand precious metals, gems or jewelry in the City of West Allis without first having obtained a license from the City of West Allis therefor. No license fee shall be charged to a charitable organization registered pursuant to Sec. 440.42, Wis. Stat. [**Ord. O-2011-0006, 3/1/2011**]
 - b. Exceptions. The requirements of this section do not apply to the following:
 - i. Transactions involving occasional garage or yard sales, estate sales, coin, gem, antique or stamp shows, conventions or auctions.
 - ii. Transactions involving the purchase of grindings, filings, slag, sweeps, scraps or dust from an industrial manufacturer, dental laboratory, dentist or agent thereof.
 - iii. Transactions involving the purchase of photographic film, including lithographic and x-ray film for reprocessing.
 - iv. Transactions between dealers licensed under this section.
 - v. Any transaction between a buyer of a new article and the person who sold the article when new which involves a return of the article or jewelry or an exchange of the article for a different, new article or jewelry.
 - vi. Any transaction as a purchaser or seller of a secondhand article which

the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

- vii. Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or other valuable articles if the person has no retail operation open to the public. **[Ord. O-2011-0006, 3/1/2011]**

3. Definitions.

- a. "Adequate Identification means one of the following types of identification:

- i. A county identification card;
- ii. A state identification card;
- iii. A valid Wisconsin motor vehicle operator's license;
- iv. A valid motor vehicle operator's license, containing a picture, issued by another state;
- v. A military identification card;
- vi. A valid passport;
- vii. An alien registration card;
- viii. A senior citizen identification card containing a photograph;
- ix. Any identification document issued by a state or federal government, if the pawnbroker, secondhand jewelry dealer, or secondhand article dealer obtains a clear imprint of the customer's right index finger.

- b. "Article" means any of the following objects: **[Ord. O-2015-0004, 1/20/2015]**

- i. Audiovisual equipment.
- ii. Bicycles.
- iii. China.
- iv. Computers, printers, software, and computer supplies.
- v. Computer toys and games.
- vi. Crystal.
- vii. Electronic equipment.
- viii. Firearms, knives, and ammunition.
- ix. Fur coats and other fur clothing.
- x. Furniture.
- xi. Jewelry.
- xii. Lawn decorations.
- xiii. Lawn equipment.
- xiv. Leather coats or other leather clothing.
- xv. Microwave ovens.
- xvi. Motors.
- xvii. Office equipment.
- xviii. Paper money.
- xix. Pianos, organs, guitars, and other musical instruments.
- xx. Silverware and flatware.
- xxi. Small electrical appliances.
- xxii. Snow removal equipment.
- xxiii. Sports equipment.
- xxiv. Sports memorabilia, excluding trading cards.
- xxv. Telephones.
- xxvi. Tools.
- xxvii. Video tapes or discs, audio tapes or discs, and other optical media.

- c. "Pawnbroker" is defined as any person who engages in the business of

lending money on the deposit or pledge of any article or jewelry other than choses in action, securities or written evidences or indebtedness; or purchases any article or jewelry with an expressed or implied agreement of understanding to sell it back at a subsequent time at a stipulated price.

- d. "Secondhand Article or Junk Dealer" is defined as any person, other than an auctioneer, who engages in the business of purchasing or selling secondhand articles as defined above, who is not either a "pawnbroker" or a "secondhand jewelry dealer," as defined above. **[Ord. O-2010-0004, 1/5/2010]**
 - e. "Secondhand Jewelry Dealer" is defined as any person, other than an auctioneer, who engages in any business of any transaction consisting of purchasing, selling, receiving, or exchanging secondhand jewelry, who is not a pawnbroker within the above definition.
4. Licenses. All licenses issued under this section shall expire effective June 30 of the calendar year following issuance.
- a. Fees. **[Ord. O-2009-0033, 11/3/2009]**
 - i. The license fee for a pawnbroker's license shall be two hundred twenty-five dollars (\$225.00) per year.
 - ii. The license fee for a secondhand jewelry dealer shall be one hundred seventy-five dollars (\$175.00) per year.
 - iii. The license fee for a secondhand article dealer shall be ninety dollars (\$90) per year.
5. License Issuance and Granting.
- a. Application for licenses shall be submitted to the City Clerk who shall refer each application to the Common Council. Required license fees shall accompany any application received by the Clerk.
 - b. It is hereby deemed to be in the public interest to discourage trafficking in stolen property and to assist the police authorities in the recovery of stolen goods and the apprehension of thieves. Therefore, the Common Council may grant the license if the following apply:
 - i. The applicant, including an individual, a partner, a member of a limited liability company or an officer, director or agent of any corporate applicant, has not been convicted of a felony, misdemeanor, statutory violation punishable by forfeiture, or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor, or other offense substantially relate to the circumstances of being a pawnbroker, secondhand article dealer, or secondhand jewelry dealer.
 - ii. With respect to an applicant for a pawnbroker's license, the applicant provides to the City Clerk a bond of five hundred dollars (\$500) with not less than two (2) sureties, for the observation of all municipal ordinances relating to pawnbrokers.
 - iii. Compliance with all other applicable codes and regulations.
 - c. No license issued under this subsection may be transferred.
 - d. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
6. Investigation of License Applicant.
- a. The Chief of Police or his or her designee shall investigate each applicant for a pawnbroker's, secondhand article dealer's, or secondhand jewelry dealer's license to determine whether the applicant has been convicted of a felony,

misdemeanor, statutory violation punishable by forfeiture, or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor, or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed. The results of the investigation shall be furnished to the City Clerk in writing.

7. Records To Be Maintained.

- a. Identification of Seller. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer without securing adequate identification from the customer at the time of the transaction.
- b. Dealer to Maintain, Register, and Obtain Declaration of Seller's Ownership.
 - i. For each purchase, receipt, or exchange of any secondhand article or secondhand jewelry from a customer, every pawnbroker, secondhand article dealer, and secondhand jewelry dealer licensed under this section shall require the customer to complete and sign, in ink, a property transaction form, in compliance with Wis. Stat. Sec. 134.71(12). No entry on such a form may be erased, mutilated, or changed. The pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall retain an original and a duplicate of each form for not less than one year after the date of the transaction.
 - ii. For each purchase, receipt, or exchange of any secondhand article or secondhand jewelry from a customer, every pawnbroker, secondhand article dealer, and secondhand jewelry dealer licensed under this section shall keep a permanent record and inventory in such form as the Chief of Police shall prescribe, in which the dealers shall record legibly in English the name, address and date of birth of each customer and driver's license number or number of other adequate identification presented. The dealer shall also record the date, time, and place of the transaction and an accurate and detailed account and description of each article being purchased, including, but not limited to, any trademark, identification number, serial number, model number, brand name, description by weight and design of such article, and other identifying marks, identifying descriptions of the personal nature, and when applicable, whether the article is a male or female item. The book shall be kept in ink, and no entry in such book shall be erased, mutilated, or changed. The pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall retain an original and a duplicate of each record and inventory for not less than one year after the date of transaction.
 - iii. Every pawnbroker, secondhand article dealer, and secondhand jewelry dealer shall on a weekly basis prepare a list that contains the name and address of each customer during the week for which the list was prepared, the date, time, and place of each transaction with each of those customers, and a detailed description of the secondhand article or secondhand jewelry, including the serial number and model number, if any. The dealer or pawnbroker shall retain the list for not less than one year after the date on which the list was prepared.
 - iv. The dealer or pawnbroker shall also obtain a written declaration of the

seller's ownership which shall state whether the article or jewelry is totally owned by the seller, how long the seller has owned the article or jewelry, whether the seller or someone else found the article or jewelry and, if the article or jewelry was found, the details of its finding. The dealer or pawnbroker shall retain an original and duplicate of the declaration for not less than one year after the date of the transaction.

- v. The seller shall sign, in ink, his or her name in such inventory register and on the declaration of ownership.
 - vi. Such inventory registers, declarations of ownership, and weekly lists shall be made available to any police officer for inspection at any time that the dealer's principal place of business is open or within one business day of an officer's request.
- c. Electronic Reporting. [**Ord. O-2010-0004, 1/5/2010; Ord. O-2015-0004, 1/20/2015**]
- i. Any dealer or pawnbroker shall electronically report each article purchased or received using a computer program approved by the West Allis Police Department. Such report shall occur no more than twenty-four (24) hours after the article is purchased or received and shall contain a complete description as required in Subsection (7)(b) (2) and a clear, unaltered digital photograph of any jewelry or article without a serial or identification number.
- d. Holding. [**Ord. O-2010-0004, 1/5/2010**]
- i. Holding times.
 - (1) Any secondhand article or secondhand jewelry purchased or received by a pawnbroker shall be kept on the pawnbroker's premises or other place for safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article or secondhand jewelry recovers it. Any secondhand article or jewelry purchased by a secondhand article dealer or secondhand jewelry dealer shall be kept on the dealer's premises or other place for safekeeping for not less than 21 days after the date of purchase or receipt. Any article or jewelry shall be held separate and apart from any other transaction and shall not be changed or altered in any manner. The dealer shall permit the Chief of Police or any other police officer designated by the Chief to inspect the article or jewelry during the holding period within one business day of an officer's request.
 - (2) Subsection (7)(d)1a does not apply if the secondhand article or secondhand jewelry transaction is submitted to the police electronically as described in Subsection (7)(c)1. Any secondhand article or secondhand jewelry purchased or received by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer that is submitted to the police electronically as described in Subsection (7)(c)1 shall be kept on the pawnbroker's, secondhand article dealer's or secondhand jewelry dealer's premises or other place for safekeeping for not less than 15 days after the date the report

is electronically submitted. Any secondhand article or secondhand jewelry shall be held separate and apart from any other transaction and shall not be changed or altered in any manner. The dealer shall permit the Chief of Police or any other police officer designated by the Chief to inspect the article or jewelry during the holding period within one (1) business day of an officer's request.

- (3) Any coin or bullion purchased by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall be kept on the dealer's premises or other place for safekeeping for not less than 48 hours after the date of purchase or receipt. Any coin or bullion shall be held separate and apart from any other transaction and shall not be changed or altered in any manner. The dealer shall permit the Chief of Police or any other police officer designated by the Chief to inspect the coin or bullion during the holding period.
- (4) No holding periods apply to any secondhand articles or secondhand jewelry consigned to a pawnbroker, secondhand article dealer, or secondhand jewelry dealer.
 - ii. The Chief of Police, or any police officer designated by the Chief, may, in his or her discretion, cause any object which has been exchanged or purchased by a dealer licensed under this section, which he or she has reason to believe was not sold or exchanged by the lawful owner, to be held for the purposes of identification or investigation for such additional reasonable length of time as the Chief of Police or designee deems necessary.

8. Firearms and Jewelry Records to be Maintained.

- a. Report of Receipt. Every pawn broker, secondhand jewelry dealer, or secondhand article dealer in the City of West Allis who obtains by pawn, purchase or exchange any secondhand firearm, whether smooth bore, shotgun, rifle or handgun, shall, within one business day after receiving such firearm, report to the Chief of Police of the City of West Allis the fact that the same has been received, with the name, address, date of birth, and description of the person from whom such firearm was received, together with a description of such firearm.
- b. Every pawnbroker, secondhand article dealer, or secondhand jewelry dealer in the City of West Allis who obtains in pawn, purchase or exchange any secondhand article made in whole or in part of platinum, gold, silver, copper, brass, bronze or other precious metal, or precious or semi-precious stones or pearls, shall, within one business day after receiving such article, report to the Chief of Police of the City of West Allis the fact that same has been received, with the name, address, date of birth, and description of the person from whom such jewelry was received, together with the description of such article.

9. Transactions with Minors.

- a. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from an unemancipated minor unless the minor is accompanied by his or her parent or guardian at the time of the transaction or the minor provides written consent from his or her parent or guardian to

engage in the transaction.

10. License Revocation.

- a. The Common Council may, upon sufficient cause, suspend, revoke, or not renew a license issued under this section. Cause for suspending, revoking or not renewing such license shall include, but not be limited to, the following:
 - i. Violations of this section; violations of Secs. 134.71, 943.10 (Burglary), 943.11 (Entry into locked vehicle), 943.12 (Possession of burglarious tools), 943.20 (Theft), 943.201 (Unauthorized use of an individual's personal identifying information or documents), 943.203 (Unauthorized use of an entity's identifying information or documents), 943.34 (Receiving stolen property), 943.37 (Alteration of property identification marks), 943.38 (Forgery), 943.39 (Fraudulent writings), 943.392 (Fraudulent data alteration), 943.40 (Fraudulent destruction of certain writings), 948.62 (Receiving stolen property from a child), 948.63 (Receiving property from a child) of the Wisconsin Statutes, or local ordinances in conformity with such provisions.
 - ii. Any fraud, misrepresentation, or false statement contained in the application for a license.

11. Penalties. **[Ord. O-2014-0080, 12/2/2014]**

- a. Any person, firm or corporation violating this section shall, upon conviction for a first offense, forfeit not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), together with the costs of prosecution, and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in sec. 800.095(1)(b)1, Wis. Stats.
- b. Any person, firm or corporation violating this section shall, upon conviction for the second or subsequent offenses, forfeit not less than five hundred dollars (\$500), nor more than two thousand dollars (\$2,000), together with the costs of prosecution, and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in sec. 800.095(1)(b)1, Wis. Stats.

12. Transaction Involving Article Not Owned. **[Ord. O-2014-0080, 12/2/2014]**

- a. No person shall pawn, pledge, sell, consign, leave, or deposit any item with or to a licensed pawnbroker if the item of property is not owned by the person; the item of property is owned by another, regardless of whether the transaction is occurring with the permission of the owner; or another person has a security interest in the item of property.
- b. This subsection shall not apply to any person pledging, selling, consigning, leaving, or depositing any item with or to a licensed pawnbroker if the person is any of the following: a duly executed power of attorney for the owner of the item of property; a personal representative of the estate to which the item of property belongs; or a recipient of a lawful written authorization to pledge, sell, consign, leave, or deposit the item of property issued by the owner of the property prior to the time of the transaction.

13. Conditions of License. All pawnbroker licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto: **[Ord. O-2014-0080, 12/2/2014]**

- a. Every applicant procuring a pawnbroker license thereby consents to the entry

of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or state laws.

- b. The pawnbroker licensee and/or the employees and agents of the licensee shall cooperate with police investigations of theft, fraud, burglary, and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a violation of the law, including, but not limited to, loitering, disturbance of the peace, or suspected theft of items to be pawned or sold, occurs on the licensed premises and providing complete and truthful responses to police inquiries. A pawnbroker licensee shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
- c. The pawnbroker licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.

14. Plan of Operation and Floor Plan. **[Ord. O-2014-0080, 12/2/2014]**

- a. In any application for a pawnbroker license, the applicant shall file a detailed floor plan on an 8½-inch-by-11-inch-sized sheet of paper for each floor of the licensed premises. The floor plan shall include:
 - i. Area in square feet and dimensions of the licensed premises.
 - ii. Locations of all entrances and exits to the premises together with a description of how patrons will enter the premises.
 - iii. Locations of all public restrooms.
 - iv. Locations of all stairs and elevators.
 - v. Location of public areas and nonpublic areas in the premises.
 - vi. Location of all fire extinguishers and other safety equipment.
 - vii. Location of all refuse/recycling containers inside and outside of the premises for items that are not purchased or received by the licensee.
 - viii. The North point and date.
- b. In any application for a pawnbroker license, the applicant shall file a completed plan of operation on forms provided therefor by the City Clerk. The plan of operation shall require:
 - i. The current or planned hours of operation for the premises.
 - ii. The legal occupancy capacity of the premises.
 - iii. What plans the applicant has to insure the orderly appearance and operation of the premises with respect to noise and litter. This shall include a description of the number and location of exterior and interior trash receptacles.
 - iv. What other types of business enterprises, if any, are planned or currently conducted at the premises.
 - v. The number of security personnel expected to be on the premises, their responsibilities, and the equipment they will use in carrying out their duties.
 - vi. The number of parking spaces on the premises.
 - vii. The number and location of security cameras, if any.
 - viii. The name of the waste/recycling company that the licensee has or plans to contract with for removal of waste and recycling.
 - ix. Any other reasonable information the License and Health Committee may require either for all applicants or in a particular case.

- c. For any renewal application for a pawnbroker license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application, the licensee may refile the previous documents. The License and Health Committee may require changes to a floor plan or plan of operation based on the licensee's past operation.
 - d. The plan of operation is subject to approval by the License and Health Committee prior to the issuance of the license or any building, zoning, or other permits. Any alteration, change, or addition to the plan of operation shall be approved by the License and Health Committee. The License and Health Committee may change all or part of the plan of operation or may impose additional requirements to address problems created by the licensee's operation.
15. For all transactions where a pawnbroker licensee pays a customer for an item where payment equals or exceeds \$250, the payment shall be paid by check or prepaid debit card from the pawnbroker licensee to the customer. The pawnbroker licensee shall not thereafter cash said check and provide cash to the customer. A transaction may not be broken down in increments of less than \$250 to avoid the requirements of this provision.

[Ord. O-2004-0011, 3/16/2004; Ord. O-2007-0049, 12/18/2007; Ord. O-2009-0020, 8/4/2009]

9.16 (Reserved)

[Ord. 6187, 9/19/1995]

9.17 (Reserved)

[Ord. 6604, 2/5/2002]

9.18 Direct Sellers And Solicitors

1. Statement of Purpose.

- a. The intent of this ordinance is to assist in ascertaining that the direct seller and solicitor is fair in dealing with all persons, and to assist in the event that the seller's or solicitor's conduct may threaten the health, safety or welfare of the citizens of West Allis.
- b. Findings of Fact. It is found and declared that:
 - i. The primary purpose of the public streets and sidewalks is for use by vehicular and pedestrian traffic;
 - ii. Reasonable regulation of direct sale and solicitation is necessary to protect the public health, safety and welfare.
 - iii. The regulations contained in this ordinance do not prohibit pure speech by any person, but merely regulate the activities of any persons which is commercial in nature.

2. Definitions. In this ordinance:

- a. "Charitable Organization" shall mean any patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, person, partnership, association or corporation.
- b. "Clerk" shall mean the City Clerk/Treasurer.

- c. "Contributions" shall mean and include the words alms, food, clothing, money, property, financial assistance or other thing of value. A contribution, as defined herein, shall also include a sale or offer to sell any book, card, magazine, membership, merchandise, subscription, ticket or other thing in connection with which an appeal is made of any charitable or religious purpose.
- d. "Direct Sellers" means any individual who, for him/herself, or for a partnership, association or corporation, sells goods or services, or takes sales orders for the later delivery of goods or services, 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 or contributions, whether direct or indirect, required by the direct seller for the retention of goods by a donor or prospective customer.
- e. "Goods" shall include personal property of any kind and shall include goods provided incidental to services offered or sold.
- f. "Hawker" means any person who publicly displays, exposes for sale or offers for sale any goods or services from, upon or in any vehicle, nonpermanent structure or in the open, upon any property of which he is not the legally permitted occupant, including public property.
- g. "Permanent Merchant" means a direct seller who, for at least six (6) months prior to the consideration of the application of this ordinance to said merchant, has continuously operated an established place of business in this City with a business occupancy permit or has for six (6) months resided in this City and legally does business from said residence.
- h. "Permanent business place" shall mean and include any one or more of the following:
 - i. A fixed location for which a business occupancy permit has been issued, pursuant to the Building and Zoning Codes, and that the person operating the place of business intends to become a permanent merchant of the City, or
 - ii. A residence, located in this City, from which a business is lawfully operated, or
 - iii. A location in the Farmers Market, or
 - iv. Wisconsin agricultural producers who are selling their own products.
- i. "Person" shall mean any individual, firm, partnership, corporation, company, association, church, religious sect, religious denomination, society, organization or league, or one purporting to be.
- j. "Residential premises" shall mean a building or portion of a building used for residential purposes, including the real estate upon which any such building is located, provided that the predominant use of the real estate is for residential purposes.
- k. "Solicit" and "solicitation" shall mean and include any one or more of the following:
 - i. Selling or offering for sale or taking or attempting to take orders for the sale of goods or services of any kind, character or description, primarily for personal, family or household purposes;
 - ii. Selling or offering for sale or taking or attempting to take orders for books, magazines, periodicals, newspapers and every other type or kind of publication;
 - iii. Requesting, directly or indirectly, contributions on the plea or

representation that such contributions will be used for a charitable or religious purpose.

3. Regulation of Direct Sellers.

- a. Permit Required. No direct seller shall engage in such business within the City without first obtaining a permit from the City Clerk/Treasurer.
- b. Application. An applicant for a permit under this section shall file with the City Clerk/Treasurer a sworn application in writing on a form provided by the City Clerk/Treasurer which shall give the following information:
 - i. Name, address and telephone number of the applicant (temporary and permanent).
 - ii. Name, address and telephone number of the person, firm association or corporation that the direct seller represents or is employed by, or whose goods are being sold.
 - iii. Nature of the business to be conducted and a brief description of the goods offered and any service offered.
 - iv. The location from which the business will be conducted and the proposed dates and times.
 - v. Make, model and license number of any vehicle to be used by the applicant in the conduct of the business.
 - vi. Last municipalities, not to exceed three (3), where the applicant conducted similar business.
 - vii. Statement as to whether the applicant has been arrested or convicted of any crime or ordinance violation related to applicant's direct sellers business within the last five (5) years, together with the nature of the offense and the place of conviction.
 - viii. Proof of a state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing devices approved by state authorities.
 - ix. Proof of a retail food permit issued by the West Allis Health Department where the applicant's business involves the handling of food.
 - x. Where the sale of tangible personal property is involved, proof of a retail sales tax permit as required by § 77.52 of the Wisconsin Statutes.
- c. Permit Fee. A nonrefundable permit fee of fifty dollars (\$50.00) shall be paid to the City Clerk/Treasurer at the time of application. If the permit is granted, as set forth in Section 9.18(3)(d), it shall be valid for a period of sixty (60) days from the date of issuance unless sooner revoked, pursuant to Section 9.18(10) **[Ord. O-2009-0033, 11/3/2009]**
- d. Investigation/Disapproval.
 - i. Upon receipt of an application and fee, the City Clerk/Treasurer may refer the application to the Chief of Police. The Chief of Police may make an investigation of the statements made in the application.
 - ii. If, as a result of such investigation, the Chief of Police discovers that any representation on the application contains a material omission or inaccuracy, or the Chief is of the opinion that the applicant is not a fit person to conduct such sales, the Chief of Police shall disapprove the application and return it to the City Clerk/Treasurer along with the reason(s) for disapproval. Upon return of the disapproved application, the City Clerk/Treasurer shall notify the applicant that the permit has

been denied, along with the reasons therefor.

- iii. Issuance. If the City Clerk/Treasurer does not send the application to the Chief of Police, or if the Chief of Police returns an application without a disapproval, the City Clerk/Treasurer shall then issue a permit to the applicant. The permit shall be carried by the direct seller at all times he or she is engaged in direct selling and shall contain the name of the permittee, the date of issuance and expiration and permit number. The direct seller is required to display the permit to a police officer at all times the person is engaged in direct selling.

4. Special Event Direct Sellers.

- a. Definition. A special event direct seller means any individual who, for him/herself, or for a partnership, association or corporation, sells goods within the boundaries of a special event for which a permit has been issued, pursuant to Section 6.032.
- b. Permit required. No person may operate as a special event direct seller without first obtaining a permit badge. The permit badge shall be valid only for the duration of the special event.
- c. Application. No person may operate as a special event direct seller without first obtaining a permit badge. The permit badge shall be valid only for the duration of the special event.
- d. Fee. A fee of twenty-five dollars (\$25.00) shall be paid to the City Clerk/Treasurer at the time of application. Upon submission of a completed application and the permit fee, the City Clerk/Treasurer shall issue a permit badge. Said badge shall be individually numbered and shall identify which event the permit is valid for.
- e. Any person engaged in special event direct selling shall wear the permit badge in a conspicuous place and display it to a police officer upon request. No special event direct seller may display or sell goods upon a roadway during a special event that is a parade.

5. Regulation of Hawking.

- a. Permit required. No person may operate as a hawker without first obtaining a permit. A permit shall be valid for a sixty (60) day period from the date of issuance, unless sooner revoked pursuant to Section 9.18(a).
- b. Application. An applicant for a permit under this section shall file with the City Clerk/Treasurer a sworn application in writing on a form provided by the City Clerk/Treasurer which shall give the following information:
 - i. The information required of direct sellers in Section 9.18(3)(b).
 - ii. Proof of written permission from the owner or tenant of the property, public or private, upon which the business will be conducted, that the applicant may conduct such business on the premises. Such written permission shall include the name, address and telephone number of the owner or tenant.
 - iii. Proof that adequate toilet facilities are available to the employees and patrons of the Hawker, together with hours of accessibility. Portable or temporary toilet facilities are not adequate.
- c. Zoning. No hawker may display, offer for sale or sell any goods or services in a zoning district where such a use is not permitted.
- d. Permit Fee. A non-refundable permit fee of fifty dollars (\$50) shall be paid to

the City Clerk/Treasurer at the time of application.

- e. Investigation.
 - i. Upon receipt of an application and fee, the City Clerk/Treasurer shall refer the application to the Chief of Police and the Building Inspector. The Chief shall make an investigation of the statements made in the application. The Building Inspector shall investigate the proposed site to determine whether secs. 9.18(5)(b) and (c) have been complied with.
 - ii. If, as a result of such investigation, the Chief of Police discovers that any representation on the application contains a material omission or inaccuracy, or the Chief is of the opinion that the time and location of the sale is likely to disturb the public peace or traffic flow, or that the applicant is not a fit person to hold a permit, the Chief shall disapprove the application and return it to the City Clerk/Treasurer along with the reason(s) for disapproval.
 - iii. If the Building Inspector discovers that the provisions of secs. 9.18(5)(b) and (c) have not been complied with, he shall disapprove the application and return it to the City Clerk/Treasurer along with the reason(s) for disapproval.
 - iv. Upon return of the disapproved application, the City Clerk/Treasurer shall notify the applicant that issuance of a permit has been denied, along with the reasons therefor.
 - f. Issuance. If the investigation of the Chief of Police and Building Inspector is found to be satisfactory, the Chief of Police and Building Inspector shall approve the application and return it to the City Clerk/Treasurer. The City Clerk/Treasurer shall then issue the permit which shall contain the name of the permittee, the location of the business, the kinds of goods to be sold, the date of issuance and expiration and the permit number.
6. Appeal. Any person denied a permit may appeal the denial to the License and Health Committee of the Common Council, pursuant to Section 2.48(5) of the Revised Municipal Code.
7. Exemptions. The following are exempt from the permit and registration provisions of this ordinance:
- a. Any person renting space at the Farmers Market under Section 11.14 of the Revised Municipal Code.
 - 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 person delivering newspapers, fuel, dairy products, bakery goods or similar goods to regular customers on established routes.
 - e. Any permanent merchant engaged in a transaction initiated by the buyer specifically requesting a home visit.
 - f. Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.
 - g. 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.
 - h. 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 sec. 440.41 of the Wisconsin Statutes.
 - i. Any person exempt by sec. 440.51 of the Wisconsin Statutes.

8. Prohibited Practices.

- a. No person engaged in direct selling shall misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale or the organization he/she represents. A charitable organization direct seller shall specifically disclose, upon request, 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.
- b. 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 one hundred (100) foot radius of the source.
- c. No seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
- d. No Hawker shall conduct his business upon City property within the City without first obtaining permission to engage in such business.
- e. No Hawker shall conduct his business upon the property of another in which he is not the legally permitted occupant, without written permission from the owner of such property.
- f. No direct seller shall conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or constitute a hazard to traffic, life or property or an obstruction to adequate access by fire, police or sanitation vehicles.
- g. No direct seller shall solicit or conduct business with persons in motor vehicles.
- h. No direct seller shall solicit without first complying with the laws of this state and all other relevant provisions of the Revised Municipal Code of the City of West Allis.
- i. No Hawker may engage in displaying or selling goods or services at a location other than the location set forth in the permit.
- j. No person shall engage in direct selling at any residential premises or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning.
- k. No person shall engage in direct selling at any residential premises or upon any other premises, after having been asked by the owner or occupant thereof to leave such premises or residence.
- l. There shall be no direct selling or solicitation upon any residential or other premises between the hours of 9 p.m. and 9 a.m., except by appointment.
- m. Not more than two (2) individuals shall engage in direct selling upon any premises for the same goods or services, or for the same religious or charitable purposes. Each individual member of a group engaged in solicitation in violation of this provision shall be deemed to have violated such provision.
- n. No person shall make more than one solicitation call at the same residential premises for identical goods or services or for the same religious or charitable purposes within any consecutive thirty (30) day period, without receiving a prior invitation thereof from the occupant of any such premises. This provision shall be construed to include solicitation upon the same premises by employees, agents or representatives of any person more than once during the aforesaid period without a prior invitation as herein provided.
- o. No person engaged in solicitation shall, at the time of initial contact with a prospective customer or donor, fail to verbally identify himself and the

purpose of the solicitation.

- p. No person engaged in solicitation shall misrepresent the purpose of his solicitation or use any false, deceptive or misleading representation to induce a sale or contribution, or use any plan, scheme or use which misrepresents the status or mission of the person.
- q. No person engaged in making a solicitation shall violate any of the provisions of the Wisconsin Administrative Code, Section Ag121, concerning Referral Selling Plans, and Ag122 concerning Chain Distributor Schemes, the provisions of which are hereby adopted by reference and made a part hereof with the same force and effect as if more fully set forth herein.
- r. No person shall sell or solicit agricultural goods within a three-hundred-foot radius of the Municipal Market during the hours that said market is open for business.
- s. No solicitation shall be made at a rear door of a residence that has a usable front entrance.
- t. No person or corporation shall engage in selling or offering for resale any admission tickets to the Wisconsin State Fair for an amount greater than the face value of the ticket within 500 feet of the Wisconsin State Fairgrounds as designated on the City of West Allis Zoning Map. This prohibition includes holders of a direct seller's permit. **[Ord. No. O-2009-0018, 6/16/2009]**
 - i. Penalty. Any person or corporation in violation of this subsection shall, upon conviction, be subject to a forfeiture of not less than five hundred dollars (\$500.) and not more than one thousand dollars (\$1,000.), together with the costs of prosecution, and, in default of payment thereof, shall be confined in the House of Correction of Milwaukee County until the forfeitures and costs have been paid, but not more than the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes. Each and every day that an offense continues shall constitute a separate offense.
- u. No person, corporation, or other entity shall, during the dates established for the Wisconsin State Fair by the State Fair Park Board under Section 42.01 of the Wisconsin Statutes, engage in any direct selling under this section within an area bounded by the north City limits, the east side of South 84th Street, the north side of West Greenfield Avenue and the west side of South 77th Street. The center line of each designated street or avenue shall constitute the outer edge of the boundary. **[Ord. O-2011-0020, 6/21/2011]**

9. Disclosure Requirements.

- a. 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 at residential premises, 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 twenty-five dollars (\$25.), in accordance with the procedure as set forth in secs. 423.202 and 423.203 of the Wisconsin Statutes.
- b. If the direct seller takes a sales order at a residential premises 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.
- c. It shall be the responsibility of each solicitor to display or have available, upon

demand, evidence of compliance with any license, inspection, registration or permit requirement provided for under the laws and administrative regulations of this state and the provisions of the Revised Municipal Code of the City of West Allis. Any police officer or other authorized official of the City shall have the right to request evidence of compliance with the above provisions requiring any license, inspection, registration or permit.

10. Revocation.

- a. The permit of a hawker or direct seller, may be revoked by the License and Health Committee after notice and hearing, if the holder made any material omission or materially inaccurate statement in the application, 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 permittee's fitness to engage in direct selling.
- b. Written notice of the hearing shall be served personally on the permittee at least seventy-two (72) hours prior to the time and place of hearing and a statement of the acts upon which the hearing will be based.

11. Penalty.

- a. Any person convicted of violating any provisions of this ordinance shall forfeit not less than fifty dollars (\$50.) nor more than five hundred dollars (\$500.) for each violation, together with the costs of prosecution and, in default of payment thereof, the defendant's operating privileges shall be suspended pursuant to sec. 343.30 and 345.47 of the Wisconsin Statutes, or by imprisonment in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not in excess of the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes.

12. Severance Clause. The provisions of this ordinance are declared to be severable and, if any section, sentence, clause or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance; they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

[Ord. 6125, 9/20/1994; Ord. 6185, 9/19/1995; Ord. 6312, 5/6/1997]

9.20 Handbill Distribution

1. Definitions.

- a. "Handbill" shall mean any leaflet, dodger, poster, booklet, circular, card, pamphlet, novelty, sample, advertisement or other similar printed material that is not a bona fide newspaper;
- b. "Newspaper" shall mean a daily, weekly or other periodic publication containing recent news, useful information, editorials, feature articles and advertisements.

2. Throwing/Distributing Handbills in Public Places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City; nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall be lawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any handbill to any person willing to accept it. **[Ord. O-2006-0034, 10/3/2006]**

3. **Placing Handbills on Vehicles Prohibited Where Properly Posted.** No person shall throw, deposit or place any handbill in or upon any vehicle if notified by a person who appears to be in control of the vehicle not to do so, or if there is conspicuously placed in or upon the vehicle a sign bearing the words "No Handbills," "No Advertisements." or any similar notice on the vehicle, indicating that handbills are not to be left upon the vehicle.
4. **Depositing Handbills on Uninhabited or Vacant Premises.** No person shall throw, deposit or place any handbill in or upon any private premises, which are temporarily or continuously uninhabited or vacant.
5. **Handbill Distribution Prohibited Where Properly Posted.** No person shall throw, deposit or distribute any handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed upon said premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Peddlers or Agents," "No Advertisements," "No Trespassing" or any similar notice, indicating in any manner that the occupants do not desire to be molested or have their right to privacy disturbed or to have any such handbills left upon the premises.
6. **Distributing Handbills at Inhabited Private Premises.** No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person in or upon such private premises; provided, however, that in the case of inhabited private premises which are not posted, pursuant to Section 9.20(4), such person, unless requested by anyone upon such premises not to do so, may place or deposit any handbill in or upon such inhabited private premises if the handbill is so placed or deposited in a receptacle, clip or other device designed or intended to receive paper matter when such receptacle, clip or other device has been erected in a conspicuous place near the front door or front entrance or near the mailbox of any private property. If no such receptacle, clip or other device has been erected as hereinabove provided, then a person may hand any handbill to an occupant of the property or place any handbill upon the porch or vestibule of a house or building on the private property, provided that in the latter case, the handbill is wrapped, tied, folded or otherwise so prepared or placed so that it will not be blown or drifted about such property or sidewalks, streets or other places by the winds, and except that mailboxes may not be so used when prohibited by Federal Postal laws or regulations. The provisions of this section shall not apply to the distribution of newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place.
7. **Handbilling Hours.** No person shall distribute any handbills before 9:00 a.m. and after 9:00 p.m., of any day, except upon private premises, with prior permission or invitation from the owner of such premises.
8. **Manner of Handbill Distribution.** No person distributing handbills shall cross any lawn or go over or through any hedge or shrubbery.

[Ord. 6104 (repealed & recreated), 6/21/1994; Ord. 6582, 9/4/2001; Ord. O-2004-0031, 9/7/2004]

9.21 Manufactured And Mobile Home Community Licenses

1. **State Laws Adopted.** Except as otherwise provided herein, Wisconsin Statute Sections 66.0435 and 101.935, Safety and Professional Services (hereinafter "SPS") Chapter 326, and SPS Section 302.33 of the Wisconsin Administrative Code, as related to

manufactured and mobile homes, as they are from time to time amended, are hereby adopted and by reference made part of this section as if fully set forth herein.

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

community; that he or she shall be responsible for the proper upkeep, maintenance, and sanitary condition of the premises; and that he or she shall keep the premises, buildings, and all equipment in a state of good repair and in full compliance with all laws and applicable ordinances.

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

before the 10th day of the month following the month for which such fees are due.

10. Responsibilities of Licensee. Every person licensed to operate and manage a manufactured and mobile home community shall be responsible for:
 - a. Maintaining all records pertaining to the management, operation, and supervision of the manufactured and mobile home community for the current licensing year and previous two (2) licensing years.
 - b. The maintenance of an orderly and clean manufactured and mobile home community and the maintenance of all streets, roadways, or thoroughfares necessary as fire lanes of a manufactured and mobile home community free and clear of all refuse, rubbish, snow, ice, or other materials or objects.
 - c. The numbering of all units, which numbers shall correspond to the number shown in the registry signed by each new arrival, permitting such person to occupy a given site.
 - d. The proper illumination on the licensed premises of all streets, roadways, private driveways, and entrances and exits to and from the premises from thirty (30) minutes after sunset to thirty (30) minutes before sunrise on the succeeding day.
 - e. The prompt reporting to the Police Department of any violation of an ordinance, statute, or other law committed on the premises that the licensee knew or should have known about.
 - f. The observation of fire prevention rules and laws; the keeping of all buildings, fences, illumination, streets, roadways, water systems, sewer systems, and electric streetlighting systems in good serviceable condition, clean, sanitary, and in good repair; and the keeping of the entire premises clean and sanitary so as to minimize obnoxious odors, rodent harborage, flies, mosquitoes, vermin, or other insects.
 - g. The maintenance of a register of all owners and occupants of manufactured and mobile homes located in the manufactured and mobile home community.
11. Availability of Licensee. The licensee's registered contact person shall, during reasonable hours, be available in the community, in close proximity to the community, or via electronic or telephonic means.
12. License Condition. The licensee shall appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
13. Revocation of License.
 - a. Causes. Any license issued under this section may be suspended, revoked, or nonrenewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or nonrenewed for the following causes:
 - i. The making of any material false statement in any application for a license.
 - ii. The violation of any applicable provisions of this section.
 - iii. The violation of any of the applicable provisions of Wisconsin Statute Sections 66.0435 and 101.935, SPS Chapter 326 and SPS Section 302.33 as related to manufactured and mobile homes, as they are from time to time amended; the violation of any City building and zoning code, health code, or any other ordinance or law relating to the construction, maintenance, use, or occupancy of the premises.
 - iv. The failure to conduct the licensed activity at the authorized location

for a period of thirty (30) consecutive days, unless such thirty-day period shall, for good cause shown, be extended by the Common Council.

- v. The operation of the premises in such a manner that it constitutes a public and private nuisance, is designated a chronic nuisance premises under Section 18.04 of this Code, or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience, or prosperity of the immediate neighborhood.
 - vi. The failure to pay any tax or forfeiture as provided in Section 1.08(9)(a) and (b).
- b. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion or upon written charges made and filed with the City Clerk by the Health Commissioner, Police Chief, Director, or any resident of the City of West Allis.
- c. Procedure. The procedure shall be the same as in Section 9.02(20)(d) through (h), except that the summons and complaint shall be served on the licensee no later than ten (10) days prior to the hearing.
- d. Disqualification for License.
- i. Whenever a license is not renewed or is revoked, the City Clerk shall enter it into record, and no other license shall be granted to such person within twelve (12) months of the date of its nonrenewal or revocation, nor shall any part of the money paid for any license be refunded.
 - ii. If the license was not renewed or revoked for a reason relating to the fitness of the location, no other license for a manufactured and mobile home community at that location shall be granted within twelve (12) months from the date of the nonrenewal or revocation of the license.
- e. Appeal. Within twenty (20) days of the date of the revocation or suspension, the licensee may appeal the decision to the Circuit Court by filing a written notice of appeal with the City Clerk, together with a bond executed to the City, in the sum of five hundred dollars (\$500) with two (2) sureties or a bonding company approved by the City Clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the licensee.

14. Penalties.

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

imprisonment in the Milwaukee County House of Correction or Milwaukee County Jail until payment of such forfeiture and costs, but not in excess of the number of days set forth in Section 800.095(1)(b)(1) of the Wisconsin Statutes. Each failure to report constitutes a separate offense. Additionally, where appropriate, legal or equitable actions may be commenced to enjoin any person from violating any of the provisions of this section.

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

9.23 Quarries, Sand And Gravel Pits

1. Permit Required. No person, firm or corporation shall open or operate a quarry, sand pit, gravel pit or similar business, without first securing a permit from the Common Council.
2. Application for Permit. Application shall be on forms provided by the City Clerk. The form shall set forth the applicant's name, address, legal description of the premises for which the permit is sought, a description of the type of operation planned, the type, size and number of machines to be used in the operation, and the zoning of the premises. There shall be submitted with each application a contour map of the premises and the surrounding area to a distance of three hundred (300) feet on each side, and a contour plan for the restoration and backfilling of the premises.
3. Public Hearing. The Common Council shall set a date for a public hearing on the application, which hearing shall be held within thirty (30) days after the application is presented to the Common Council, with a notice of hearing to be published once a week for two (2) successive weeks prior to the hearing. All persons desiring to be heard shall be given an opportunity to be heard. The Common Council shall inquire into:
 - a. Population Density.
 - b. The zoning of the site for which the permit is sought, and the zoning of areas within a thousand (1,000) foot radius, measured from the approximate center of the site.
 - c. The effect of the proposed operation upon the health, safety and general welfare of the inhabitants in the immediate area.
 - d. The adequacy of existing streets and highways to accommodate the trucks and machinery incidental to the proposed operation.
4. Restoration Plan and Bond. Each application must be accompanied by a restoration plan in the form of an agreement with the City, whereby the applicant binds and obligates himself to restore the premises to a condition and within a time to be established by the Common Council which, in its judgment, is necessary to safeguard the health, safety and public welfare of the City. The agreement shall be accompanied by a bond, written by a licensed surety company, and both agreement and bond shall be approved as to form by the City Attorney. In the event of the applicant's failure to restore the premises in accordance with the agreement, the City, by action of the Common Council, may notify the applicant and his surety of its election to perform the restoration and collect the cost thereof from the applicant, or his surety.
5. Granting of Permit. The Common Council shall determine:
 - a. Whether the applicant has met applicable state and local laws, including this ordinance.
 - b. Whether zoning requirements have been met.
 - c. Whether population density tolerates the proposed operation.

- d. Whether existing streets and highways are adequate.
 - e. Whether the health, safety and public welfare of the inhabitants of the immediate area will be adequately protected.
Upon an affirmative determination, the permit shall issue.
6. Zoning. No permit shall be issued for a site in a residential zone, nor for a site which lies within one thousand (1,000) feet of a residential zone.
7. Restrictions.
- a. Fencing. A substantial fence having the minimum height of four (4) feet and the maximum height of six (6) feet shall be erected and maintained by the owner around the boundaries of all activities, including excavation, storage stockpiling, building, plant and equipment, also non-operating quarries, sand and gravel pits, except for proper gates for ingress and egress purposes, with a minimum setback of ten (10) feet from the side and rear property lines and a minimum setback of eighty-five (85) feet from the center line of any street or highway.
 - b. Cutting Operation. The top of the slope in a cut for any excavation for quarry or pit shall not be closer than twenty-five (25) feet to the tract boundaries or closer than eight-five (85) feet to the center line of any street or highway or to the centerline of any proposed street or highway as shown by the building setback base lines on the official zoning maps. Slopes in sand and gravel pits along outer edges of excavation shall not be steeper than 1-1/2 horizontal to 1 vertical.
 - c. Back-Filling Operation. Filling of the excavated quarry, hole, pit or area shall proceed simultaneously with the excavating operations or reasonably close thereafter, such filling to be done with earth, foundry sand or its equivalent to be determined by the Building Inspector. If backfilled with material other than earth, the top two (2) feet of such fill shall be of earth. Ashes, garbage, rubbish, junk, refuse, odorous or combustible material for filling purposes shall not be permitted. The backfilling shall be completed within one (1) year after the completion of the excavation of materials from the site or within the period of the agreed specified time as designated by the Building Inspector.
 - d. Stockpiling. Stockpiling of materials shall be within the fenced enclosure and shall not exceed twenty (20) feet in height above the original topography.
 - e. Trucks, etc. Trucks and other machinery operated to and from the quarry or pit shall be over a route established by the Common Council.
 - f. Dustproofing of Roadways. Roadways or areas on the site which are driven upon by vehicles and machinery shall be dustproofed in accordance with the orders of the Building Inspector.
 - g. Hours. Quarry or pit operation shall be limited to the hours between 7:30 A.M. and 6:30 P.M.

9.235 Topsoil Removal

- 1. Permit Required. No person, firm or corporation shall engage in the stock piling or commercial removal of topsoil without first securing a permit from the Commissioner of Health.
- 2. Application for Permit. The application shall be on forms provided by the Commissioner of Health. Upon application being made to him for the stockpiling or commercial removal of topsoil, the Commissioner of Health shall make an investigation to determine the effect of the proposed operation upon the health, safety and general welfare of inhabitants in the area of the proposed operation.

3. Granting of Permit. The Commissioner of Health shall evidence his approval of such application by a permit issued by him for such duration and with such conditions as he may deem necessary for the protection of health, safety and general welfare. The Commissioner of Health may require a bond, in an amount to be determined by him, with the approval of the License and Health Committee, from an applicant in order to guarantee compliance with the conditions of such permit.

9.24 Vehicle Towing Contracts

1. Declaration of Policy. The public interest requires that there be available to the City and all Departments thereof the services of a qualified and responsible towing contractor on a twenty-four (24) hour a day basis to remove from public ways and places any wrecked, disabled or abandoned vehicles or any vehicle which constitutes an obstruction or hazard to vehicular or pedestrian traffic.
 - a. Danger to the public shall be eliminated as quickly as possible.
 - b. Impediments to traffic shall be removed and normal traffic flow restored as soon as possible.
 - c. Towed vehicles shall be placed where directed by an authorized agent of the City or where they are safe and secure until the owner, his agent or representative, can determine further disposition thereof.
2. Definitions.
 - a. A vehicle is deemed to be wrecked or disabled within the meaning of this section when it cannot safely be moved under its own power.
 - b. A vehicle is deemed to be abandoned within the meaning of this section whenever it has remained standing on any highway, public place or in any building in the City more than twenty-four (24) hours.
 - c. A vehicle is deemed to constitute an obstruction or hazard to vehicular or pedestrian traffic whenever it shall, while stationary and unable to proceed, block the lane of traffic which would otherwise be open for travel by motor vehicles or pedestrians. A vehicle shall also be deemed to constitute an obstruction or hazard to vehicular traffic when it is parked in violation of the snow emergency regulations and the winter parking regulations of Section 10.11 of this Code.
3. Removal of Vehicles. Any wrecked, disabled or abandoned vehicle or any vehicle which constitutes an obstruction or hazard to vehicular or pedestrian traffic is hereby declared to be a public nuisance and may be abated or removed as provided in Section 6.015 of this Code.
4. Towing Contract Let by Bid.
 - a. The Board of Public Works shall take bids for the West Allis towing contract and submit same to the Common Council for approval.
 - b. An advertisement for bids shall be published in the official City newspaper by the Board of Public Works for two (2) successive weeks before the date established for taking of bids. Bids shall be upon forms provided by the Board.
 - c. The towing contract shall be awarded to that responsible bidder whose bid shall result in the lowest overall cost for the service provided and who, in the judgment of the Common Council, shall render the most satisfactory and dependable service to the City.
5. Minimum Qualifications for Bidders.
 - a. Bidders shall have their business locations in the City or within three (3) miles

of the City's boundaries at a place properly zoned for such purpose. No business activities pursuant to the towing contract shall be conducted from or in connection with residential property in the City or from any place not properly zoned for such purpose.

- b. Bidders may qualify for contract only by presenting evidence that they meet the following requirements:
 - i. Experience in the towing and winching of vehicles.
 - ii. Financial responsibility.
 - iii. Adequate towing equipment and storage facilities; that the bidder shall have in service at least four (4) towing vehicles, plus one (1) flatbed vehicle, and have inside storage for five (5) vehicles and outside storage for ten (10) vehicles on the same premises and shall have trained personnel available twenty-four (24) hours a day, seven (7) days a week.
 - iv. Certificate for law enforcement wrecked or disabled towing.
 - c. Bidders shall post a surety bond in the amount of five thousand dollars (\$5,000) as a guaranty of satisfactory performance of the contract; such bond to be approved by the City Attorney as to form and execution.
 - d. Bidders shall file, with the executed contract, proof of worker's compensation insurance and liability insurance in minimum amounts of \$500,000/\$1,000,000/\$500,000 covering all operations, premises, storage of vehicles and the contents thereof, and vehicles used in carrying out the work required under the contract. The liability policy shall be endorsed to name the City of West Allis as an additional insured. The insurance policies shall provide for a thirty (30) day notice to the City in the event of cancellation.
6. Contract; Terms to be Included.
- a. The contract shall be subject to approval by the Common Council and shall be executed by the Mayor and City Clerk/Treasurer on behalf of the City and shall be approved as to form by the City Attorney.
 - b. The term of the contract shall be for a period of three (3) years, except that the contract shall be terminable at will by the Common Council for such cause as shall seem sufficient to the Council.
 - c. The contractor shall bind himself as follows: within thirty (30) minutes of notification by a commanding officer of the Police Department, the Director of Public Works or other duly authorized officer or employee of the City to be on site and prepared to remove the vehicle as directed by such officer or employee of the City. Such thirty (30) minute response time shall not be applicable if the Chief of Police or Director of Public Works is satisfied that a bona fide emergency prevented the towing contractor from responding. **[Ord. 6385, 5/19/1998]**
 - d. The bidder agrees to have at least two (2) vehicles available to respond to calls from authorized City of West Allis representatives during declared snow emergencies.
 - e. The contractor's compensation for the rendition of services shall be paid by the owner of the vehicle or by his agent or representative or, where applicable, by the City according to the fee schedule submitted with the contractor's bid. In the case of abandoned or unclaimed vehicles sold by the City under secs. 68.28 or 342.40 of the Wisconsin Statutes, the City shall pay only the portion of the compensation which is in excess of the value of the vehicles obtained by the contractor or upon disposal by him. It shall be unlawful for the towing

contractor to charge in excess of the fee schedule submitted with the contractor's bid, where an authorized agent of the City has called for the contractor's services.

- f. Contractor shall notify the Chief of Police of all vehicles which have remained unclaimed in his custody for a period of thirty (30) days or, in case of abandoned vehicles, for a period of ten (10) days, including make, model, year and date of possession. If it is determined by the Chief of Police or any member of his Department designated by him that the cost of towing and storing charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination that the vehicle is not stolen or otherwise wanted for evidence or other reason.

The Chief of the Police may authorize the contractor to dispose of such vehicles and to advise the Department of Transportation of the disposition of any such vehicle according to the provisions of sec. 342.40(3)(e) of the Wisconsin Statutes. In addition, the contractor shall be responsible for complying with the provisions of sec. 342.40(3)(c) relating to notice to owners and lienholders.

- g. The contractor shall submit to the Chief of Police, on or before the tenth day of each month, a sworn statement covering all operations performed under the towing contract for the preceding month. The statement shall contain the following information:

- i. Name and address of owner of vehicle.
- ii. Date of removal of vehicle.
- iii. Make and model of the vehicle.
- iv. Location from which the vehicle was removed.
- v. Location to which the vehicle was removed.
- vi. The total charge made for such removal.

- h. The Chief of Police is hereby authorized to assign to the contractor any cause of action which may accrue to the benefit of the City, pursuant to sec. 342.40(3)(b) of the Wisconsin Statutes, for the costs of towing, impounding and disposing of an abandoned vehicle. Any vehicle not disposed of under Section (6)(e) of this contract shall be disposed of in accordance with the provisions of sec. 342.40(3)(c) of the Wisconsin Statutes.

The Chief of Police, or any member of his Department designated by him, shall dispose of any vehicle not disposed of under subsection (6)(e) of this ordinance by sealed bid or auction after the contractor has complied with the provisions of subsection (6)(e) of this ordinance. Notice of such sale shall be done by publishing it in the official City newspaper.

- i. The contractor shall agree to hold the City harmless for any and all claims and damages resulting from operations conducted under the towing contract, including damage or loss to vehicles and personal property contained in said vehicles held in storage by the contractor. The contractor further agrees to defend any claim on behalf of the City and to pay all costs, damages and attorneys fees which may result from such claims. The insurance policies required in subsection (5)(d) shall reflect the terms of this paragraph. The contractor shall agree to hold the City harmless from any and all claims and damages resulting from any and all operations conducted under the towing contract, and shall agree to defend any claims on behalf of the City,

and to pay all costs, damages and attorneys fees which may result from such claims. The certificates of insurance required by section (5)(d) shall reflect the terms of this paragraph.

- j. The bidder agrees to post a list of prices in conformity with the bid. The list of prices shall be conspicuously posted and in a form designed to give reasonable notice to a person retrieving a towed vehicle. **[Ord. 6427, 3/16/1999]**

7. Police Department Fees for Services. **[Ord. O-2007-0030, 8/7/2007 (repeal and recreate)]**

- a. Storage of Vehicles. In addition to any other fees set forth herein, the West Allis Police Department is authorized to charge ten dollars (\$10) per day for the storage of vehicles outside the West Allis Police Department and fifteen dollars (\$15) per day for the indoor storage of vehicles at the West Allis Police Department. The same rates shall apply to the storage of vehicles on any other property owned by the City of West Allis and designated by the Chief of Police for such purpose.
- b. Administrative fee. The West Allis Police Department is authorized to charge a twenty-five dollar (\$25) administrative fee for West Allis Police Department services related to the towing of vehicles. Said fees shall be collected by the City's vehicle towing contractor along with that company's regular towing charges and paid to the City on a monthly basis.

[Ord. 6377, 4/21/1998]

9.25 Racing Cars, "Go-Karts" And Similar Vehicles

- 1. Vehicles to Operate on Licensed Track. No person shall operate a racing car, "Go-Kart" or similar vehicle in the City, except upon a track constructed and licensed under the provisions of this section.
- 2. Track License Application. License application for a vehicle race-track license shall be on forms supplied by the City Clerk. Before any license is granted, the Common Council shall hold a public hearing on the application, with at least one notice thereof to be published in the official City newspaper. The license shall issue only if the Council determines that the public health, safety and welfare will not be adversely affected thereby.
- 3. Exceptions. A vehicle race track license shall be issued for a license year from July 1 to June 30, and shall be subject to the following terms and conditions:
 - a. The track must be located at least two thousand (2,000) feet from any dwellings.
 - b. The track must be covered by a public liability insurance policy with limits of \$100,000/300,000/10,000, and a certificate specifying such coverage shall be filed with the City Clerk before the license is issued.
 - c. The track must have toilet facilities approved by the Health Commissioner of the City.
 - d. All structures must comply with the Building Code and zoning regulations of the City and be approved by the Building Inspector.
 - e. The track shall be operated only between the hours of 9:00 A.M. and 10:00 P.M.
 - f. The track shall be hard surfaced with concrete, macadam or equivalent material.
 - g. The licensee shall post a bond with the City, indemnifying and holding the City harmless in the amount of one hundred thousand dollars (\$100,000) from

any and all claims and damages which might arise from the licensing or operation of the track.

4. Noise and Smoke Regulations. No vehicle shall be operated on a licensed track which is not equipped with an adequate muffler in constant operation and properly maintained to prevent the emission of any excessive or unusual noise or annoying smoke.
5. This section shall not prohibit the operation of "Go-Karts" and similar vehicles in parades conducted under a permit issued by the City, nor shall this section apply to any races or track operations conducted upon the grounds of the Wisconsin State Fair.

9.26 Coin-Operated Or Self Service Dry Cleaning Machines

1. Whenever used in this section, the following terms shall mean and include:
 - a. "Person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.
 - b. "Dry Cleaning" is the process of removing dirt, grease, paint, spots, stains or any other form of foreign matter from wearing apparel or household furnishings, by any other means than washing with soap or detergent and water.
 - c. "Plant" is any business establishment or location where wearing apparel and/or household furnishings are dry cleaned on the premises by the use of coin-operated or self-service dry cleaning machines.
 - d. "Coin-operated dry cleaning machine" is any machine used for the purpose of "dry cleaning," whose operation is actuated by the insertion of a coin in a slot or other receptacle.
 - e. "Flammable liquid" is any liquid, viscous or other compound, powder or solid product or substance, having the capacity to evaporate, generate and emit a gas or vapor propagative of flame, fire or explosion incident to evaporation.
2. It shall be unlawful for any person to establish or operate within the City of West Allis any plant containing coin-operated or self service dry cleaning machines available for use by the public without first obtaining a permit therefor in compliance with the provisions of this section.
3. Application for permit shall be on forms furnished by the Building Inspector and shall set forth information required by the terms of this section and such other information as the Building Inspector shall deem necessary to safeguard the public health and welfare.
4. Permits shall be granted by the Building Inspector only upon the applicant's compliance with the requirements of this section, and those requirements of the Building Inspector authorized by this section, and upon compliance with all applicable state and local laws, rules and regulations.
5. The permit fee shall be five dollars (\$5) per year for each machine or unit of such machine which can be independently actuated by means of the insertion of a coin, or otherwise. The permit year shall be from July 1 to June 30 of the succeeding year.
6. Every applicant procuring a permit consents to the entry of the Building Inspector, or other authorized officers of the City, at all reasonable hours for the purpose of inspection to ascertain whether there is compliance with the requirements of this section and the requirements of state and local laws, rules and regulations.
7. Each person operating a plant shall be responsible for any violation of the terms of this section, whether by himself or by an agent or an employee, and any such violation shall be grounds for the revocation of the permit.

8. In order to protect the health and safety of the citizens of the City of West Allis and other members of the public who may use coin-operated or self-service dry cleaning machines, as defined in this section, there shall be compliance with the following requirements prior to the issuance of a permit or the renewal of any permit hereunder.
 - a. No flammable solvent shall be used in any coin-operated or self-service dry cleaning machine.
 - b. No spotting operations utilizing flammable liquid or any substance which causes toxicity in the atmosphere shall be permitted, and no liquid of this nature shall be permitted on the premises.
 - c. Filters for solvent on each machine shall be removed and replaced or cleaned not less than once each day.
 - d. The contents of the sludge can of such machine shall be placed in containers provided with closely fitting lids and disposed of at regular intervals, not less than once each week.
 - e. All solvents, when used in a coin-operated or self-service dry cleaning machine, shall be contained within a liquid and vapor-tight closed system.
 - f. All electrical connections shall be in accordance with the Electrical Code of the City of West Allis and the State of Wisconsin and each machine shall be tested and listed by the Underwriters Laboratories, Inc. The main electrical switch controlling each machine or a bank of machines shall be accessible in an area removed from such machine or machines.
 - g. Each machine shall be so equipped that it cannot be opened while operating nor until after the drying cycle is completed and shall be so equipped that it cannot be opened in the event of mechanical or electrical failure, except by an attendant.
 - h. No permit shall be granted hereunder unless the plant shall operate in a single story, non-frame building with concrete or other moisture-impervious floor, containing no dwelling units in the same building. No basement installations of machines shall be allowed.
 - i. In the installation of the machines the following partitions are required so as to insure safety to the public:
 - i. The front or customer side of the machine shall be the only portion of the machine exposed in the customer area.
 - ii. The remainder of the machine shall be separated from the customer area by a solid partition.
 - iii. Access doors to the rear of the partition shall be kept closed and locked when not in use.
 - iv. Each machine or bank of machines shall be completely separated by an enclosure from other areas that contain heating devices requiring air for combustion.
 - j. An exhaust system shall be provided at each plant for the removal of toxic vapors, as follows:
 - i. An individual exhaust shall be provided on each machine.
 - ii. Scavenger ducts shall be provided for each machine or bank of two (2) machines and so designed and constructed as to pick up vapors surrounding the equipment near the floor.
 - iii. Such scavenger pipes shall be located not less than two (2) nor more than four (4) inches above the floor and not more than eighteen (18) inches from each machine.
 - iv. An exhaust fan or fans shall be provided for the enclosure behind

- each machine or machines to be utilized in the event of solvent spill.
- v. An exhaust fan or duct shall be provided at the front grill or loading door intake on each machine and so arranged and controlled that when such machine is not in operation, air is drawn through the front door or grill of the machine at a face velocity of not less than one hundred (100) feet per minute.
 - vi. The exhaust ventilation system as required shall be operated continuously while occupancy of the plant is open to the public and shall be so interlocked with each machine that such machine cannot be operated unless the exhaust system is functioning.
 - vii. The entire ventilation system shall exhaust to the outside atmosphere and terminate not less than twenty-five (25) feet from any building opening and in such a manner as to not expose the passing public; and, in such manner as to prevent injury, detriment, nuisance or annoyance, or to endanger the health or safety of any person, or to cause or have a natural tendency to cause injury or damage to business or property. The exhaust shall be located as remotely as possible from all air intakes for appliances or other purposes.
- k. Ventilation from the outside atmosphere shall be provided for the customer area equivalent to that exhausted from within such area by the ventilation requirements of this section.
 - l. No solvent contaminated air shall be allowed into the air intakes of any combustion equipment. Ventilation from the outside atmosphere shall be provided for all heating devices requiring air for combustion.
 - m. Each machine or bank of machines, together with appurtenant appliances, shall be diked with a four (4) inch floor curb suitable to contain spilled or leaking solvent. Such diked area shall be provided with an untrapped floor drain to conduct any such spilled or leaking solvent to a sealed recovery tank. No such drain shall be connected to any sewer system.
 - n. Each plant shall be provided with a portable fire extinguisher of the carbon dioxide or dry chemical type, of at least (thirty) 30 pounds capacity.
 - o. Detailed instructions for use of dry cleaning machines shall be posted in a conspicuous location near each machine in the customer area.
 - p. Each plant shall have a competent attendant on duty at all times such coin-operated or self-service dry cleaning machines are available for use by the public.
 - q. No permit shall be granted for any plant which contains coin-operated or self-service dry cleaning machines involving or requiring the handling of garments or materials to be cleaned between operations of the machine.
9. Any person violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars (\$100) or, in default thereof, by imprisonment not to exceed sixty (60) days.
10. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

9.27 Penalties

1. Every person, firm or corporation convicted of a violation of any of the provisions, or parts thereof, of this Chapter shall, for each offense, forfeit not less than twenty-five dollars (\$25), nor more than five hundred dollars (\$500), together with the costs of prosecution; and, in default of payment of such forfeiture and costs, by imprisonment in the Milwaukee County House of Correction until payment of the forfeiture and costs, but not in excess of the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes.
2. Each and every day a violation of a provision or part thereof of this Chapter continues constitutes a separate offense.

9.28 Adult Oriented Establishments

1. Definitions. For the purpose of this section, the following words and phrases shall have the following definitions:
 - a. "Adult-oriented establishment," shall include, but is not limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishments" or "adult cabarets," and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
 - b. "Adult bookstore" means a retail establishment that has: **[Ord. O-2004-0050, 12/21/2004]**
 - i. As one of its principal business purposes the sale or rental of, or a substantial or significant portion of its stock in trade for sale or rental:
 - (1) Publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this section; and/or
 - (2) Sexually oriented devices, as defined in this section.
 - ii. As used in this definition, publications include, by way of illustration, books, magazines, other periodicals, movies, videotapes, and other products offered in photographic, electronic, magnetic, digital, or other imaging medium.
 - iii. Any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of: (1) publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, and/or (2) sexually oriented devices, as defined in this section:
 - (1) The business advertises the sale or rental of adult publications including but not limited to "x-rated" movies, and/or sexually oriented devices;
 - (2) Access by persons under eighteen (18) years of age to the

- business establishment or portions of the business establishment is restricted;
- (3) Signs or notices are posted outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;
 - (4) The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental. Such indicia shall be considered along with all other factors and available information.
- iv. Notwithstanding the foregoing, a general circulation video store that does not offer for sale any sexually oriented devices shall not constitute an "adult bookstore" even though it offers for sale and/or rental videotapes which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this section, so long as:
- (1) Such described videotapes are stocked and displayed in a room separate from the area of the business establishment where general circulation videotapes are stocked and displayed;
 - (2) Access by persons under eighteen (18) years of age to the room where such described videotapes are stocked and displayed is restricted;
 - (3) The square footage of the separate room where such described videotapes are stocked and displayed in no more than ten (10) percent of the square footage of the area where general circulation videotapes are stocked and displayed; and
 - (4) The general circulation videotapes portion of the business establishment offers a quantity and selection of new release general circulation videotapes that is typical of a general circulation video store and offers a quantity and selection of other general circulation video tapes that are organized and displayed in a manner that is typical of a general circulation video store.
- c. "Adult cabaret" means an establishment where a dancer or other entertainer provides live adult entertainment, expositions, or shows, including but not limited to floor shows, exotic dancing, male or female impersonators, or similar entertainment and engages in a private performance, acts as a private model, displays or exposes any specified anatomical area(s) to a patron or customer, or wears or displays to a customer any covering, tape, pastie, or other device which simulates or gives the appearance of the display or exposure of any specified anatomical area(s). **[Ord. 6541 (amended), 2/6/2001]**
- d. "Adult entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance or is distinguished or characterized by an emphasis on, any actual or simulated performance of "specified sexual activities," or exhibition and viewing of "specified anatomical areas," as

defined below, appearing unclothed, or the removal of articles of clothing to reveal "specified anatomical areas."

- e. "Adult mini-motion picture theater" means a commercial establishment with one or more adult mini motion picture booths where: **[Ord. O-2004-0050, 12/21/2004]**
 - i. One of the principal business purposes is the presentation and viewing of still or motion pictures in the viewing booths that are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.
 - ii. A substantial or significant portion of the stock of still or motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below.
 - iii. Any of the following shall be indicia that the business establishment has as one of its principal business purposes the presentation and viewing in viewing booths still or motion pictures which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below:
 - (1) Restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under eighteen (18) years of age.
 - (2) Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive.Such indicia shall be considered along with other factors and available information.
- f. "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.
- g. "Booth," "room" or "cubicle" shall mean such enclosures as are specifically offered to the public or members of an adult-oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth," "room" or "cubicle" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, and are not open to any persons other than employees; nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Chapter 50 of the Wisconsin Statutes.
- h. "Church" means a building, whether situated within the City or not, in which

persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

- i. "Customer" means any person who:
 - i. Is allowed to enter an adult oriented business in return for the payment of an admission fee or any other form of consideration or gratuity; or,
 - ii. Enters an adult oriented business and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or,
 - iii. Is a member of and on the premises of an adult oriented business operating as a private club.
- j. "Day Care Center" means a facility licensed by the State of Wisconsin, pursuant to sec. 48.65 of the Wisconsin Statutes, whether situated within the City or not.
- k. "Residential" means pertaining to the use of land, whether situated within the City or not, for premises such as homes, townhouses, duplexes, condominiums, apartments and mobile homes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking and eating therein. A premises which is designed primarily for living, sleeping, working and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boarding houses, nursing homes and hospitals shall not be considered to be residential.
- l. "School" means a building, whether situated within the City or not, where persons regularly assemble for the purpose of instruction or education, together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:
 - i. Public and private schools used for primary or secondary education in which any regular kindergarten or grades one through twelve (1-12) classes are taught; and,
 - ii. Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one through twelve (1-12).
- m. "Common Council" means the Common Council of the City of West Allis, Wisconsin.
- n. "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.
- o. "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this ordinance, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor.
- p. "Operator" means any person, partnership or corporation operating, conducting, maintaining or owning any adult-oriented establishment.
- q. "Specified anatomical areas" means: **[Ord. O-2004-0050, 12/21/2004]**
 - i. Less than completely and opaquely covered:
 - (1) Human genitals, pubic region; or
 - (2) Showing the areola or nipple of a female breast.

- ii. Human male genitals in a discernible turgid state, even if opaquely covered.
- r. Specified sexual activities" means simulated or actual: **[Ord. O-2004-0050, 12/21/2004]**
 - i. Showing of human genitals in a state of sexual stimulation or arousal;
 - ii. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
 - iii. Fondling or erotic touching of human genitals, pubic region, or areola or nipple of a female breast.
 - iv. Excretory functions, as part of or in connection with any of the activities set forth in subsections 1 through 3 above.
- s. "Substantial," as used in various definitions shall mean fifty percent (50%) or more of a business' stock in trade, display space, floor space or retail sales in any one month during the license year.

2. License.

- a. Except as provided in subsection (e) below, from and after the effective date of this ordinance, no adult-oriented establishment shall be operated or maintained in the City of West Allis without first obtaining a license to operate issued by the City of West Allis.
- b. A license may be issued for only one (1) adult-oriented establishment located at a fixed and certain place per application filed. Any person, partnership or corporation which desires to operate more than one adult-oriented establishment must have a license for each.
- c. No license or interest in a license may be transferred to any person, partnership or corporation except as set forth in subsection (11).
- d. It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to, the operation of any adult-oriented establishment which does not have a valid license pursuant to this ordinance.
- e. Nothing in this ordinance shall be construed as to permit material or performances prohibited by sec. 944.21 of the Wisconsin Statutes.

3. Application for License.

- a. Any person, partnership or corporation desiring to secure a license shall make application to the City Clerk. The application shall be filed with and dated by the City Clerk. A copy of the application shall be distributed promptly by the City Clerk to the City of West Allis Police Department, Building Inspector and Health Department and to the applicant.
- b. The application for a license shall be upon a form provided by the City Clerk. An applicant for a license shall furnish the following information under oath:
 - i. The names (including all aliases), addresses and dates of birth of the applicant and any partner or limited partner in a partnership applicant; and any shareholder holding more than ten (10%) percent of the stock of a corporate applicant and each corporate officer and director.
 - ii. Written proof that any person required to be named under paragraph (3)(b) 1. of this section is at least eighteen (18) years of age.
 - iii. The exact nature of the adult use to be conducted and the proposed address of the adult-oriented establishment to be operated.
 - iv. Whether any person required to be named under paragraph (3)(b) 1. of this section is currently operating, or has previously operated, in

this or any other county, city or state under an adult-oriented establishment license or similar business license or permit; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

- v. If the applicant is a corporation, the application shall also specify the name of the corporation, the date and state of incorporation and the name and address of the registered agent.
 - vi. Proof of ownership or proof of a lease or other legally enforceable right to possess and use the premises where the adult-oriented business is to be located.
- c. Within sixty (60) days of receiving an application for a license, the Common Council shall grant or deny the license or hold the application for an additional thirty (30) days for further investigation. The City Clerk shall notify the applicant whether the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Common Council shall grant or deny the permit and the City Clerk shall advise the applicant in writing whether the application is granted or denied.
- d. Whenever an application is held for further investigation, the City Clerk/Treasurer shall advise the applicant in writing of the reasons for such action. If an application is denied, the City Clerk/Treasurer shall advise the applicant in writing of the reasons therefor and that the applicant has the right to request that the Common Council review said determination, pursuant to sec. 9.28(17). **[Ord. 6358, 2/3/1998]**
- e. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof.
4. Standards for Issuance of License.
- a. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:
 - i. If the applicant is an individual:
 - (1) The applicant shall be at least eighteen (18) years of age.
 - (2) The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.
 - (3) Subject to secs. 111.321, 111.322 and 111.335 of the Wisconsin Statutes, the applicant shall not have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person has been duly pardoned.
 - ii. If the applicant is a corporation: **[Ord. 6359, 2/3/1998]**
 - (1) All officers, directors, shareholders and agents required to be

- named under section (3)(b)1. of this section shall be at least eighteen (18) years of age.
- (2) Neither the corporate applicant nor any officer, director or shareholder required to be named under subsection (3)(b)1. of this ordinance shall have been found to have previously violated sec. 9.28 of the Revised Municipal Code within five (5) years immediately preceding the date of application.
 - (3) Subject to secs. 111.321, 111.322 and 111.335 of the Wisconsin Statutes, no officer, director, shareholder or agent required to be named under subsection (3)(b)1. of this ordinance, or the corporate applicant, shall have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person or applicant has been duly pardoned.
- iii. If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:
- (1) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.
 - (2) Neither the applicant nor any person having a financial interest in the organization shall have been found to have violated any provision of this section within five (5) years immediately preceding the date of application.
 - (3) Subject to secs. 111.321, 111.322 and 111.335 of the Wisconsin Statutes, no applicant or person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person or applicant has been duly pardoned.
- b. Any act or omission by any person identified in subsection (4)(a) that results in a conviction identified in subsection (4)(a) shall be deemed the act or omission of the applicant for purposes of determining whether the license shall be granted. **[Ord. 6359, 2/3/1998]**
- c. Prior to granting the license, the Common Council shall determine whether the applicant complies with sec. 9.28(13) or is exempt or excluded under sec. 9.28(18) and has substantially complied with all building, zoning, plumbing, electrical, fire and health codes. **[Ord. 6359, 2/3/1998]**
5. Permit Required. In addition to the license requirements previously set forth for owners and operators of adult-oriented establishments, no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the City Clerk under authority of the Common Council. During the pendency of an application for an annual permit, the City Clerk shall issue the applicant a temporary permit which shall be valid only until such time as the application for an annual permit is approved or denied by the Common Council pursuant to the procedures set forth herein. Under no circumstances shall any temporary permit be valid for more than ninety (90) days. Temporary permits shall be

nontransferable. [Ord. O-2006-0025, 5/16/2006]

6. Application for Permit.

- a. Any person desiring to secure a permit shall make application to the City Clerk. The application shall be filed with and dated by the City Clerk. A copy of the application shall be distributed to the West Allis Police Department and to the applicant.
- b. The application for a permit shall be upon a form provided by the City Clerk. An application shall furnish the following information under oath:
 - i. Name (including all aliases), age and address.
 - ii. Written proof that the individual is at least eighteen (18) years of age.
 - iii. Whether the applicant, while previously operating in this or any other municipality or state under an adult-oriented establishment license or similar business license or permit, has ever had such a license or permit revoked or suspended, the reason therefor, and the business entity or trade name for whom applicant was employed or associated at the time of such suspension or revocation.
- c. Within sixty (60) days of receiving an application for a permit, the Common Council shall grant or deny the permit or hold the application for an additional thirty (30) days for further investigation. The City Clerk shall notify the applicant whether the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Common Council shall grant or deny the permit and the City Clerk shall advise the applicant in writing whether the application is granted or denied.
- d. Whenever an application is denied or held for further investigation, the City Clerk shall advise the applicant in writing of the reasons for such action, and that the applicant has the right to request that the Common Council review said determination, pursuant to sec. 68.11 of the Wisconsin Statutes, and sec. 2.48(5) of the West Allis Revised Municipal Code.
- e. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof.

7. Standards for Issuance of Permit.

- a. To receive a permit as an employee for an adult-oriented establishment, an applicant must meet the following standards:
 - i. The applicant shall be at least eighteen (18) years of age.
 - ii. The applicant shall not have been found to have previously violated this section within five (5) years immediately preceding the date of the application.
 - iii. Subject to §§ 111.321, 111.322 and 111.335 of the Wisconsin Statutes, the applicant shall not have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application unless the applicant has been duly pardoned.

8. Fees. **[Ord. O-2009-0033, 11/3/2009]**

- a. A license fee of five hundred seventy-five dollars (\$575.00) shall be submitted with the application for a license.
- b. A permit fee of sixty dollars (\$60.00) shall be submitted with the application for a permit.

9. Display of License or Permit.

- a. The license shall be displayed in a conspicuous public place in the adult-oriented establishment.
- b. The permit shall be carried by an employee upon his or her person and shall be displayed upon request of any member of the West Allis Police Department or any person designated by the Common Council.

10. Renewal of License or Permit.

- a. Every license issued pursuant to this section shall terminate on June 30 pursuant to Section 9.01, unless sooner revoked, and must be renewed before operation is allowed in the following license year. Any operator desiring to renew a license shall make application to the City Clerk. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed with and dated by the City Clerk. A copy of the application for renewal shall be distributed promptly by the City Clerk to the West Allis Police Department, Building Inspector, Health Department and to the operator. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license. The application shall otherwise be considered pursuant to Section 9.28(3). It is not guaranteed that operators filing late applications will receive a decision on their application prior to expiration of the license year.

- b. A license renewal fee of five hundred seventy-five dollars (\$575.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred fifty dollars (\$150.00) shall be assessed against any applicant who filed for a renewal less than sixty (60) days before the license expires. **[Ord. O-2009-0033, 11/3/2009]**

- c. If the West Allis Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the City Clerk.

- d. Every permit issued pursuant to this section shall terminate on June 30 pursuant to Section 9.01, unless sooner revoked, and must be renewed before an employee is allowed to continue employment in an adult-oriented establishment. Any employee desiring to renew a permit shall make application to the City Clerk. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed with and dated by the City Clerk. A copy of the application shall be distributed promptly by the City Clerk to the West Allis Police Department and to the employee. The application shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for a new permit. The application shall otherwise be considered pursuant to Section 9.28(6). It is not guaranteed that employees filing late applications will receive a decision on their application prior to expiration of the permit year.

- e. A permit renewal fee of sixty dollars (\$60.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of

twenty-five dollars (\$25.00) shall be assessed against any applicant who files for a renewal less than sixty (60) days before the permit expires. [Ord. O-2009-0033, 11/3/2009]

- f. If the West Allis Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the City Clerk.

11. Transfer of License or Permit.

- a. A license is personal to the owner(s) and operator designated in the application, provided it may be transferred pursuant to this section. A transfer application must be filed by the tenth day next following any change of the owner(s) or operators designated on the application. In the event that a transfer application is not timely filed, then the license shall be invalid for any purpose relating to the operation of the adult-oriented business, and any transfer shall require the filing of an original application and be subject to the regulations applicable thereto.
- b. The Clerk shall prescribe a form on which license transfer applications shall be made. The form shall include a statement under oath that the original application remains correct as previously submitted in all respects except those that are amended by the transfer application. The transfer application shall contain a statement under oath that the individual signing the transfer application has personal knowledge of the information contained therein and that the information is true and correct and shall not be complete unless accompanied by a nonrefundable transfer fee of one hundred dollars (\$100). Transfer applications shall be filed in the same place and at the same time as original applications and the fee shall be payable in the same manner as for original applications.
- c. Transfer applications shall be reviewed, issued and subject to appeal in the same manner as original applications and they shall be issued for the remaining term of the license to be transferred.
- d. Any transfer of an adult-oriented establishment, other than as provided in this section, from the licensed premises to any other premises shall cause such license to lapse and become void. A license which has lapsed and become void shall be subject to revocation under Section 9.28(12).
- e. Permits shall not be transferrable.

12. Revocation, suspension and non-renewal of license or permit.

- a. A license or permit issued under this section may be suspended or revoked for any of the following reasons:
 - i. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
 - ii. The operator, entertainer or any employee of the operator, violates any provision of this section or any rule or regulation adopted by the Common Council pursuant to this section; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee or customer, the penalty shall not exceed a suspension of thirty (30) days if the Common Council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
 - iii. The operator or employee becomes ineligible to obtain a license or permit.

- iv. An operator employs an employee who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.
 - v. Any cost or fee required to be paid by this section is not paid.
 - vi. Any intoxicating liquor or fermented malt beverage, narcotic or controlled substance is served or consumed on the premises of the adult-oriented establishment.
 - vii. Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.
- b. The Common Council, upon receipt of information that provides a reasonable basis to believe that a violation of this section has occurred, shall serve written notice of said violation(s) on the operator or employee. Said written notice shall include specific charges and shall provide the operator or employee with notice that revocation, suspension or nonrenewal of the license or permit will occur, unless a written request for a review of the Common Council's decision is made to the Common Council within thirty (30) days after service of said notice to the operator or employee. Unless otherwise extended by an agreement with the aggrieved party, within fifteen (15) days of receipt of a request for review, the Common Council shall conduct a hearing, pursuant to sec. 9.28(17) of the Revised Municipal Code. **[Ord. 6358, 2/3/1998]**
- c. The transfer of a license or permit or any interest in a license or permit without approval of the Common Council as set forth in subsection (11) shall automatically and immediately revoke the license or permit.
- d. Any operator or employee whose license or permit is revoked and who seeks to obtain a license or permit under this section must apply for a license or permit according to the application provisions set forth in this section and must meet the standards for the issuance of a license or permit as set forth in this section. No location or premises for which a license has been revoked shall be used as an adult-oriented establishment for six (6) months from the date of revocation of the license. No employee whose permit has been revoked shall be eligible for a permit for six (6) months from the date of revocation.

13. Location.

- a. No adult-oriented establishment shall be located:
 - i. Within a residential district as defined in Chapter 12 of the West Allis Revised Municipal Code.
 - ii. Within five hundred (500) feet of an existing adult-oriented establishment.
 - iii. Within five hundred (500) feet of any residential area.
 - iv. Within five hundred (500) feet of any pre-existing school, church or day care center.
 - v. Within five hundred (500) feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor where such establishment also possesses an entertainment license under section 9.033.
- b. For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of another adult-oriented establishment, school, place of worship or residential district or

establishment selling or dispensing fermented malt beverages or intoxicating liquor and possessing an entertainment license.

14. Hours of Operation.

- a. No adult-oriented establishment shall be open between the hours of 2 a.m. and 8 a.m., Monday through Friday, between the hours of 3 a.m. and 8 a.m. on Saturdays, or between the hours of 3 a.m. and 12:00 noon on Sundays.
- b. All adult-oriented establishments shall be open to inspection at all reasonable times by the West Allis Police Department, the Building Inspector and the Health Department.

15. Physical Layout of Adult-Oriented Establishment. Any adult-oriented establishment having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

- a. Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.
- b. Construction. Every booth, room or cubicle shall meet the following construction requirements:
 - i. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall.
 - ii. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the same.
 - iii. All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured and easily cleanable.
 - iv. The floor must be light colored, non-absorbent, smooth textured and easily cleanable.
 - v. The lighting level of each booth, room or cubicle shall be a minimum of ten (10) foot candles at all times, as measured from the floor.
- c. Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

16. Responsibility of the Operator.

- a. The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, telephone numbers, date of employment and termination, and duties of each employee and such other information as may be required by the Common Council. The above information on each employee shall be maintained in the register on the premises for a period of one (1) year following termination of the employee and shall be made immediately available for inspection upon demand of a member of the West Allis Police Department at all reasonable times.
- b. Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

- c. Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's permit should be revoked, suspended or renewed. **[Ord. 6360, 2/3/1998]**
 - d. There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Said list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the West Allis Police Department at all reasonable times.
 - e. No minor shall be allowed to enter or remain inside an adult oriented establishment or be permitted to loiter on the business premises. For purposes of this section, "business premises" shall include property owned or leased by the adult oriented establishment and contiguous with the licensed premises, parking lots or sidewalk approaches. **[Ord. 6360, 2/3/1998]**
 - f. The operator shall maintain the premises in a clean and sanitary manner at all times.
 - g. The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.
 - h. The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance.
 - i. View from street. No adult-oriented establishment shall be situated in such manner as to allow public view of either its stock in trade or adult entertainment from outside of the establishment.
17. Administrative Review Procedure. Except as otherwise set forth herein, the provisions of Chapter 68 of the Wisconsin Statutes, and sec. 2.48 of the Revised Municipal Code, shall govern the administrative procedure and review concerning the granting, denial, renewal, nonrenewal, suspension or revocation of a license or permit. A decision of the Common Council may be reviewed upon the request of an aggrieved person and shall be made to the City Clerk/Treasurer within thirty (30) days of the decision. Upon such appeal, the Common Council shall afford the aggrieved person with a hearing substantially in compliance with § 68.11 of the Wisconsin Statutes, except that the Common Council shall hear and review its own decisions. The decision of the Common Council subsequent to the hearing shall be the "final determination," as set forth in § 68.12 of the Wisconsin Statutes. Any party to a proceeding resulting in a final determination may seek judicial review, pursuant to the provisions contained in § 68.13 of the Wisconsin Statutes. **[Ord. 6358, 2/3/1998]**
18. Exclusions and Exemptions.
- a. All private schools and public schools, as defined in Chapter 115 of the Wisconsin Statutes, located within the City of West Allis are exempt from obtaining a permit hereunder when instructing pupils in sex education as part of its curriculum.
 - b. Licensed medical care facilities and the West Allis Health Department are exempt from obtaining a permit, when engaged in the providing of medical

care or sex education.

c. (reserved)

19. Penalties and Prosecution.

a. Any person, partnership or corporation who is found to have violated this section shall forfeit a definite sum of not more than one thousand dollars (\$1,000), together with the costs of prosecution, and, in default of payment of such forfeiture and costs, by imprisonment in the Milwaukee County House of Correction until payment of the forfeiture and costs, but not in excess of the number of days set forth in § 800.095(4) of the Wisconsin Statutes. In addition to the monetary penalty imposed, violation of this section may further result in the suspension, revocation or nonrenewal of any license or permit issued under this section.

b. Each violation of this section shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

20. Severability. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of same. The several 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.

21. Enforcement. The City of West Allis Police Department shall have the authority to enter any adult-oriented establishment at all reasonable times to inspect the premises and enforce this section.

22. Discontinuation of Operation. Any discontinuation in the operation of the adult-oriented business for a period of twelve (12) months shall also cause the license to lapse and become void. A license holder whose license has lapsed and become void shall thereafter be subject to Paragraph 9.28(12).

23. Adult Cabaret Entertainment Standards. **[Ord. 6541 (amended) 2/6/2001]**

a. Sufficient lighting shall be provided and equally distributed throughout the premises which are open to or used by patrons so that the lighting level is a minimum of ten (10) footcandles, as measured from the floor.

b. No dances or other entertainment shall occur closer than one (1) foot to any patron.

c. No employee, dancer, or other entertainer shall, during the entertainment, allow, encourage, or knowingly permit any patron or other person to touch, caress, or fondle, directly or indirectly, the employee, dancer, or entertainer.

d. No employee, dancer, or other entertainer shall, during the entertainment, knowingly touch, caress, or fondle, directly or indirectly, any patron or any other employee, dancer, or entertainer.

e. A dancer or entertainer employed or otherwise working or performing at an adult cabaret may accept a gratuity or other payment from a patron but no direct physical contact is permitted other than hand to hand.

f. No patron or customer shall touch, caress, or fondle a dancer or other entertainer except that a gratuity may be paid as set forth in Paragraph (e).

9.29 Escorts And Escort Services

1. Definitions.

- a. "Escort" means any person who, for a fee, commission, salary, hire, profit, payment or other monetary considerations accompanies or offers to accompany another person to or about social affairs, entertainments or places of amusement or consorts with another person about any place of public resort or within any private quarters.
 - b. "Escort Service" means service provided by any person who, for a fee, commission, salary, hire, profit, payment or other monetary consideration, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
 - c. "Person" means any natural person, sole proprietorship, partnership, corporation or association, excepting the United States of America, the State of Wisconsin and any political subdivision thereof.
2. Exemptions. This section does not apply to businesses, agencies and persons licensed by the State of Wisconsin or the City, pursuant to a specific statute or other ordinance, and employees employed by a business so licensed, and which perform an escort or an escort service function, as a service merely incidental to the primary function of such profession, employment or business, and which do not hold themselves out to the public as an escort or an escort service.
3. Escort Service License Required. No person may engage in, conduct or carry on or permit to be engaged in, conducted or carried on, the operation of an escort service within the City without first having a valid escort service license issued under this section.
4. Application for Escort Service License.
 - a. Filing fee. Any person desiring to obtain an escort service license shall pay a fee of one hundred dollars (\$100) to defray the costs of administration and investigation of the application. Such fee shall be paid at the time of application and is not refundable.
 - b. Application. Any person desiring an escort service license shall file a written application with the City Clerk on a form to be provided by the City Clerk. The information provided to the City Clerk shall be provided under oath. If the applicant is a corporation, the name of the corporation shall be set forth exactly as set forth in its articles of incorporation, together with the date and state of incorporation, the names and residence addresses of each of its officers, directors and each stockholder holding ten percent (10%) or more of the stock or beneficial ownership of the corporation. The application shall also be verified by an officer of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partner. If the applicant is neither a corporation nor a partnership, the application shall set forth the true, full name and residence address of the applicant and be verified by the applicant. The application shall also include any other name by which the applicant has been known during the previous five (5) years. The application for an escort service license shall set forth the proposed place of business of the escort service by business address, including suite number, and not by post office box, and shall contain a description of the nature and scope of the proposed business operation. In addition, the following information shall be furnished concerning the applicant, if an

individual, and concerning each stockholder holding ten percent (10%) or more of the stock or beneficial ownership of the corporation, each officer and director, if the applicant is a corporation, and concerning each partner, including limited partners, if the applicant is a partnership:

- i. The previous residence addresses, if any, for a period of three (3) years immediately prior to the date of application and the dates of such residence.
 - ii. The date of birth.
 - iii. The business, occupation or employment history for three (3) years immediately preceding the date of application, including, but not limited to, whether such person previously operated under any permit or license in another city in this or another state and whether any such permit or license had ever been suspended or revoked.
 - iv. All convictions in any state or federal court within the past ten (10) years, including municipal ordinance violations, exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred.
 - v. All pending criminal charges in any state or federal court, with a brief statement of the nature of the pending charges and the jurisdiction in which the charges are pending.
 - vi. The name of persons who will have custody of the business records at the business location.
 - vii. The name and address of the person who will be the agent for service of process.
- c. Investigation. Applications for an escort service license shall be referred to the Chief of Police, who shall cause an investigation to be made and report the findings of the investigation to the License and Health Committee of the Common Council. Applicants shall cooperate with any investigation conducted under this section.
- d. Granting of Licenses. Within sixty (60) days of the receipt of an application for an escort service license, the Common Council shall either grant or deny a license. If there is a possibility that an application will be denied, the License and Health Committee shall, after notice to the applicant, conduct a hearing. The Common Council shall grant an escort service license if, upon a recommendation by the License and Health Committee, it finds that:
- i. The required fee has been paid.
 - ii. The application conforms in all respects to this section.
 - iii. The applicant has not knowingly made a material misstatement in the application for an escort service license.
 - iv. The applicant has fully cooperated in the investigation of his or her application.
 - v. The escort service, as proposed by the applicant, would comply with all applicable laws, including, but not limited to, the City's building and zoning regulations.
 - vi. The applicant has not had an escort service license or permit or other similar license or permit revoked or suspended in this state or any other state within three (3) years prior to the date of application.
 - vii. The applicant, if an individual, or any of the stockholders holding ten percent (10%) or more of the stock or beneficial ownership of the

corporation, and any officers, agent, or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, does not, at the time of application, have pending any criminal charge for, or within five (5) years prior to the date of application has not been convicted of, any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Chapter 944 of the Wisconsin Statutes, as amended, or other offenses subject to sec. 111.335 of the Wisconsin Statutes, as amended.

- viii. The applicant, if a corporation, is licensed to do business and is in good standing in the State of Wisconsin.
5. Escort Permit Required. No person may work or perform services as an escort in the City, either individually or while working for an escort service, unless the person has first obtained a valid escort permit issued under this section.
6. Application for Escort Permit.
- a. Filing Fee. Any person desiring to obtain an escort permit shall pay to the City a fee of twenty-five dollars (\$25) to defray the costs of administration and investigation of the application. Such fee shall be paid at the time of application and is not refundable.
 - b. Application. Any person desiring an escort permit shall file a written application with the City Clerk on a form to be provided by the City Clerk. The application shall be verified by the applicant and the information provided to the City Clerk shall be provided under oath. Any applicant for an escort permit shall furnish all information required by sec. (4)(b) above, as well as a description of the applicant's height, weight, color of eyes and color of hair. The applicant shall provide two (2) passport size color photographs at least one inch by one inch taken within three (3) months of the date of application. In addition, the applicant shall identify, by name and address, the escort service at which the applicant is currently working, if any, or at which the applicant expects to be employed.
 - c. Investigation. Applicants for an escort permit shall be referred to the Chief of Police who shall cause an investigation to be made of the applicant and report the findings of the investigation to the License and Health Committee of the Common Council. Applicants shall cooperate with any investigation conducted under this section.
 - d. Granting of Permit. Within sixty (60) days of the receipt of an application for an escort permit, the Common Council shall either grant or deny the applicant an escort permit. If there is a possibility that an application will be denied, the License and Health Committee shall, after notice to the applicant, conduct a hearing. The Common Council shall grant an escort license if, upon a recommendation by the License and Health Committee, it finds that:
 - i. The required fee has been paid.
 - ii. The application conforms in all respects to this section.
 - iii. The applicant has not knowingly made a material misstatement in the application for an escort permit.
 - iv. The applicant has fully cooperated in the investigation of his or her application.
 - v. The applicant has not had an escort license or permit or other similar license or permit revoked or suspended in this state or any other state within three (3) years prior to the date of application.

- vi. The applicant is at least eighteen (18) years of age.
 - vii. The applicant does not, at the time of application, have pending any criminal charge for, or within five (5) years prior to the date of application has not been convicted of, any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Chapter 944 of the Wisconsin Statutes, as amended, or other offenses subject to sec. 111.335 of the Wisconsin Statutes, as amended.
7. Issuance and Display of Escort Permit.
- a. The City Clerk shall issue an escort permit on which there shall be the person's true first name, surname and middle initial, if any, the picture of the applicant, the permit number and the expiration date of the permit. The permit shall be in such form as to avoid alteration.
 - b. The certificate shall be carried on the person of the escort and shall be exhibited to any person, including law enforcement personnel, requesting to see it at any time while the person is engaged in acting as an escort.
8. Restrictions on Corporate Licenses. Any corporation holding an escort service license under this section shall report to the City Clerk, in writing, within fifteen (15) days of the event described herein, any of the following:
- a. Any change of officers of the corporation.
 - b. Any change in the membership of the board of directors of a corporation.
9. Sale or Transfer. Upon the sale or transfer of any interest in an escort service, the license shall be void. Any person desiring to continue to operate an escort service following sale or transfer shall apply for a license.
10. Escort Service Responsibility. Each person obtaining an escort service license from the City shall be responsible for the acts of the escorts, employed or working with the escort service, regardless of whether the escorts are employees, agents or independent contractors. An escort service licensed by the City shall be subject to all of the penalties under this section to which an escort would be subject, if an escort violated this section, including suspension or revocation of the escort service's license.
11. Prohibited Practices.
- a. No person who conducts, manages or operates an escort service may allow or permit any person to work as an escort for such escort service unless the person so employed has a valid escort permit issued by the City.
 - b. No escort may work for any person who conducts, manages or operates an escort service unless the person for whom he or she works has a valid escort service license issued by the City.
 - c. No escort service may operate other than from a fixed location identified in the application filed with the City Clerk's office.
 - d. No person granted an escort service license under this section may operate under any name or conduct an escort service business under any designation for any location not specified in the license issued by the City.
 - e. No escort service may conduct any business without maintaining on its premises a daily register containing the name of each escort currently employed or otherwise working for the escort service on the date in question, a duplicate of the escort license certificate provided under sec. 9.29(6) above, and the actual hours of employment of each escort for each day. The daily register shall be available during all business hours for inspection by law enforcement personnel.
 - f. No person licensed as an escort or escort service may in many manner

advertise its services as licensed by the City.

12. Renewal of Licenses and Permits. All applications for the renewal of escort permits or escort service licenses issued by the City shall be filed with the City Clerk's office, on a form to be provided by the City Clerk, no later than sixty (60) days prior to the expiration of the license or permit. Applications to renew licenses or permits previously issued under this chapter shall disclose whether there has been any change in any answer or information supplied to the City Clerk's office in connection with the original application. Applications to renew permits or licenses shall be processed by the City in the same fashion as new applications.
13. Suspension or Revocation of Licenses and Permits.
 - a. An escort service license or an escort permit may be suspended or revoked after notice and hearing before the License and Health Committee of the Common Council to determine if grounds for such suspension or revocation exist. Notice of the hearing shall be in writing and may be served by certified mail addressed to the licensee or permittee at the current address of the licensee or permittee on file with the City Clerk's office. The notice shall be served at least ten (10) days prior to the date of hearing. The notice shall state the grounds of the complaint against the licensee or permittee and shall designate the time and place where the hearing will be held.
 - b. Any escort service license or escort permit may be suspended for not more than ninety (90) days or revoked by the Common Council for a violation of any of the provisions of this Chapter or for any of the grounds that would warrant the denial of the original application for a license or permit.
14. Penalties.
 - a. Any person who violates any provision of this section shall, upon conviction, be subject to a forfeiture of not less than five hundred (\$500) nor more than two thousand (\$2,000), together with the costs of prosecution, and upon default of payment, be imprisoned in the County Jail or House of Correction until the costs are paid, but not to exceed the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes.
 - b. Each violation of this section shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

9.30 Tattoo And Body Piercing Establishments

1. State Regulations Adopted. **[Ord. O-2014-0007, 2/4/2014]**
 - a. The provision of Sections 252.23 to 252.25 of the Wisconsin Statutes and Wisconsin Administrative Code Chapter DHS 173, as they may be from time to time amended, are adopted by reference and incorporated into this section as if fully set forth herein.
 - b. Interpretation. If the provisions of the regulations set forth in subsection (a) conflict with the regulations set forth below, the provisions of this section shall govern.
2. Agent for the State. Pursuant to Wisconsin Statutes Sections 252.245, the West Allis Health Department is authorized to enter into a written agreement with the Department of Health Services to be the Department's agent for the licensing, investigating, and inspecting of tattoo establishments, body piercing establishments, tattoo practitioners, and body piercing practitioners. **[Ord. O-2014-0007, 2/4/2014]**
3. License.
 - a. No tattoo establishment or body piercing establishment shall be operated or maintained in the City of West Allis without first obtaining a license.

- b. A license may be issued for only one (1) tattoo establishment or body piercing establishment at a fixed and certain place. Any operator desiring to operate more than one tattoo or body piercing establishment must have a license for each, except that a combination tattoo/body piercing establishment license may be issued for one location.
 - c. No license or interest in a license may be transferred to any person, partnership, or corporation. **[Ord. O-2014-0007, 2/4/2014]**
 - d. It shall be unlawful for any tattooist, body piercer or operator to knowingly perform any service directly related to the operation of a tattoo or body piercing establishment which does not have a valid license pursuant to this section.
4. Application for License.
- a. Any person, partnership, or corporation desiring to secure a tattoo establishment, body piercing establishment, or combination tattoo/body piercing establishment license shall make application to the Health Department.
 - b. The application shall be on a form provided by the Health Department and shall provide the following information:
 - i. The name(s) (including aliases,) addresses and dates of birth of the applicant, any partner or limited partner in a partnership application, any shareholder holding more than ten percent (10%) of the stock of a corporate applicant, and each corporate officer and director.
 - ii. Written proof that each person required to be identified in subsection (4)(b)1. is a least eighteen (18) years of age.
 - iii. The address of the establishment to be licensed.
 - iv. Whether the applicant or any person required to be identified in subsection (4)(b)1. Is currently operating or has previously operated, in this or any other municipality or state, under a tattoo or body piercing establishment license, whether the applicant or person required to be named in subsection (4)(b)1. has ever had such a license or permit suspended or revoked, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
 - v. If the applicant is a corporation, the name of the corporation, the date and state of incorporation, and the name and address of the registered agent.
 - vi. Proof of ownership, lease, or other legally enforceable right to possess, use, and control and premises where the licensed establishment is to be located.
 - c. Failure or refusal of the applicant to completely and truthfully provide responses to the application questions, to give any information relevant to the investigation of the application, or refusal to appear at any reasonable time and place for examination regarding said application shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof.
5. Investigation. Upon receipt of an application and fee, the Health Department shall refer the application to the Police Department. The Police Department shall make an investigation of the statements made in the application. The Police Department shall notify the Health Department as to the results of its investigation. **[Ord. O-2006-0018, 5/2/2006]**
6. Standards for Granting of a License. The Health Department may grant a license if it is

found:

- a. That the business operation as proposed by the applicant will comply with the provisions of this section and all other applicable rules, regulations, ordinances and state law.
 - b. That, subject to sections 111.321, 111.322, and 111.335, Wis. Stats., the applicant, or any of the officers, directors, or persons holding more than ten percent (10%) of the corporation stock or any of the partners have not, within the five (5) years immediately preceding the date of the application been convicted of violating this ordinance, or of any other offense substantially related to tattooing or body piercing.
 - c. That the applicant, if an individual, partners, or the officers, directors, or persons holding more than ten percent (10%) of the corporate stock if the applicant is a corporation, are at least eighteen (18) years of age on the date of application.
 - d. That the applicant has not knowingly made any false, misleading or fraudulent statement of fact in the license application or other information required in conjunction therewith.
 - e. That the applicant, if a corporation, is licensed to do business and is in good standing in the State of Wisconsin.
 - f. That the applicant has substantially complied with all building, zoning, plumbing, electrical, fire, and health codes.
7. Fees. [**Ord. O-2006-0018, 5/2/2006; Ord. O-2014-0007, 2/4/2014; Ord. O-2017-0018, 4/18/2017**]
- a. A nonrefundable license fee of three hundred thirty dollars (\$330.) shall be submitted with the original or renewal application for a tattoo establishment license.
 - b. A nonrefundable license fee of three hundred thirty dollars (\$330.) shall be submitted with the original or renewal application for a body piercing establishment license.
 - c. A nonrefundable license fee of three hundred eighty-five dollars (\$385.) shall be submitted with the original or renewal application for a combination tattoo/body piercing establishment license.
 - d. The preinspection fee for each original establishment license shall be two hundred sixty-eight dollars (\$268.) for a tattoo establishment, two hundred sixty-eight dollars (\$268.) for a body piercing establishment, and four hundred twenty-two dollars (\$422.) for a combination tattoo/body piercing establishment. Such fee shall be submitted with the application for the license.
 - e. A nonrefundable license fee of one hundred ninety-eight dollars (\$198.) shall be submitted with the original application for a temporary establishment.
 - f. The fee for a tattooist or body piercer operating without a practitioner's license shall be one hundred sixty-five dollars (\$165.), and the fee for operating a tattoo and/or body piercing establishment without a license shall be seven hundred forty-nine dollars (\$749.).
 - g. A late fee of one hundred dollars (\$100.) shall be assessed to establishment license renewals not paid prior to July 1.
 - h. Any licensee or applicant that requires a reinspection due to the Health Department finding a violation of this section, or state statute or state regulation relating to tattoo and/or body piercing establishments, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a first reinspection fee as follows: a tattoo establishment shall be one hundred three dollars (\$103.); a body piercing establishment shall be one

hundred three dollars (\$103.); a combination tattoo/body piercing establishment shall be two hundred six dollars (\$206.).

- i. Any licensee or applicant that requires a second or subsequent reinspection during the licensing year due to the Health Department finding a violation of this section, or state statute or state regulation relating to tattoo and/or body piercing establishments, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a second or subsequent reinspection fee as follows: a tattoo establishment shall be two hundred six dollars (\$206.); a body piercing establishment shall be two hundred six dollars (\$206.); a combination tattoo/body piercing establishment shall be four hundred twelve dollars (\$412.).
 - j. The fee for a duplicate license shall be fifteen dollars (\$15.).
8. Approval of Sterilization Procedures.
- a. Prior to issuance of a tattoo or body piercing establishment license, each operator shall submit written procedures to the Health Department setting forth each step to be taken by a tattooist, body piercer, or other employee in sterilizing equipment that is not single use.
 - b. Prior to issuance of a tattoo or body piercing establishment license, each operator shall submit written procedures to the Health Department setting forth each step to be taken by a tattooist or body piercer in cleaning, preparing, and applying antiseptic to the skin of the patron.
 - c. No tattoo or body piercing establishment may operate until the procedures required in subsections **(a)** and **(b)** have been approved by the Health Department.
 - d. Prior to issuance of a tattoo or body piercing establishment license, the operator shall demonstrate the sterilization of equipment following the approved sterilization procedure set forth in subsection **(a)**. A spore test shall be conducted at the applicant's expense and by an approved laboratory. The license shall only be issued upon a negative spore result.
9. Care Instructions. The written care instructions required to be provided to each patron after completion of the tattoo or body piercing procedure shall be submitted to the Health Department for approval prior to issuance of the tattoo or body piercing establishment license.
10. Insurance.
- a. Prior to issuance and renewal of a tattoo or body piercing establishment license, the applicant or license holder shall submit to the Health Department proof of comprehensive general liability insurance in a minimum amount of \$500,000 per occurrence/1 million aggregate covering all personal injury to patrons and all operations and procedures conducted on the licensed premises including but not limited to the tattooing and piercing of a persons' skin and complications therefrom.
 - b. Such insurance shall contain a provision from the insurance company to the City pledging to notify the City within ten (10) days of any change or cancellation of the policy.
 - c. Such insurance shall be maintained at all times the tattoo or body piercing establishment is open for business. Failure to maintain such insurance shall constitute grounds for immediate suspension at the order of the Health Commissioner or his designee.
11. Display of License. The tattoo, body piercing, or combination license shall be posted in a conspicuous place in the establishment, so that it may be read by the patrons

- thereof.
12. License Year. The license year shall begin on July 1st in each year, and terminate on June 30th in the next year. There shall be no proration of license fees.
 13. Hours of Operation. No tattoo or body piercing establishment shall be open between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, or between the hours of 2:30 a.m. and 6:00 a.m. on Saturday and Sunday.
 14. Temporary establishments.
 - a. No temporary establishment may be operated in the City of West Allis without first obtaining a license.
 - b. A temporary tattoo or body piercing establishment shall comply with all regulations for regular establishments as well as those set forth in Wisconsin Administrative Code § HFS 173.11.
 15. Sharps and Infectious Waste Disposal. Prior to issuance of a license to a tattoo or body piercing establishment, the license applicant shall submit written proof of the establishment's ability to properly dispose of sharps and infectious waste as provided in Wisconsin Administrative Code § NR 526.
 16. Single Use Needles for Tattooing. Tattoo needles shall be disposable, sterile, and for single patron use only.
 17. Piercing Gun Use. No body piercer may use a piercing gun or similar device for body piercing a patron unless such piercing gun is disposable, sterile, and for single patron use only or is sterilized between each use as set forth in Wisconsin Administrative Code Section DHS 173.03(20). **[Ord. O-2014-0007, 2/4/2014]**
 18. (Reserved) **[Ord. 6636, 11/4/2002]**
 19. Licenses To Be Posted. No tattooist or body piercer may perform tattooing or body piercing procedures unless the current and valid establishment license and all current and valid practitioner licenses are posted in the establishment in a public and conspicuous place. A license may not be altered or defaced. **[Ord. O-2014-0007, 2/4/2014]**
 20. Lead in Solder Prohibited. No tattooist shall use and no tattoo establishment shall suffer or permit the use of solder which contains lead to be used to fasten needles.
 21. Aprons. All tattooist and body piercers shall wear single use aprons which shall be disposed of after completing the procedure on a patron.
 22. Loitering Prohibited. No operator or employee of a tattoo or body piercing establishment shall allow, suffer, or permit loitering on the business premises. For purposes of this section, "business premises" shall include the licensed premises, property owned or leased by the tattoo or body piercing establishment and contiguous with the licensed premises, and parking lots, alleys, and sidewalks contiguous with the licensed premises.
 23. Implanting, Branding, and Scarification Prohibited.
 - a. Definitions. As used in this section:
 - i. "Branding" means the burning of skin with a hot tool, cauterizing laser, or dry ice so that a mark is imbedded in the deep tissue.
 - ii. "Implantation" means the insertion of an object under the skin, so that it remains under the skin, in whole or in part, after the procedure. This definition shall not apply to the post used in body piercing to keep the perforation from closing.
 - iii. "Scarification" means the cutting of the skin so that when it heals, scar tissue remains.
 - b. Prohibition. No person shall intentionally engage in the practice of implanting, branding, or, scarification in the City of West Allis, except as set forth herein.

- c. Exceptions. The prohibition set forth in subsection (b) shall not apply to licensed physicians, or procedures or orders delegated by a licensed physician.
24. Responsibility of the Operator.
- a. Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator; or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be liable for such act or omission in the same manner as if the operator committed the act or caused the omission.
 - b. Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed an act or omission of the operator for purposes of determining whether the license shall be suspended, revoked, or not renewed.
25. Enforcement and Inspection. The West Allis Police Department and West Allis Health Department shall have the authority to enter any tattoo or body piercing establishment at all reasonable times to inspect the premises and enforce this ordinance. The Health Department shall inspect each tattoo and body piercing establishment at least once per year to ensure compliance with the provisions of this ordinance. **[Ord. O-2006-0018, 5/2/2006]**
26. Suspension, Revocation and Nonrenewal.
- a. Any license issued under this section may be suspended, revoked, or not renewed for cause by the Common Council after notice to the licensee and a hearing. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion, upon sworn written charges made and filed with the Clerk/Treasurer by the Chief of Police or Health Commissioner, or upon a sworn written complaint filed with the Clerk/Treasurer by any City resident. **[Ord. O-2014-0007, 2/4/2014]**
 - b. The Common Council may suspend, revoke, or refuse to renew a tattoo or body piercing license for the following reasons:
 - i. Violation of this section or any other ordinance, administrative rule, or statute related to the practice of tattooing or body piercing.
 - ii. Knowingly misrepresenting, misstating or failing to disclose information requested on the application form(s) or requested by the License and Health Committee.
 - iii. Using, causing, or promoting the use of false, misleading, or deceptive: advertising; promotional literature; warranty; label, or insignia.
 - iv. Knowingly deceiving a patron or the public by acting in a manner as to mislead the patron or the public as to the person's professional or license status.
 - v. Knowingly employing, directly or indirectly, any suspended, revoked, or unlicensed person to perform tattooing or body piercing.
 - vi. Knowingly permitting another person to use a license issued under this section. **[Ord. O-2014-0007, 2/4/2014]**
 - vii. Practicing tattooing or body piercing under a false, misleading, or deceptive name.
 - viii. "Sexual harassment," as that term is defined in § 111.32(13), Wis.

Stats., of a patron.

ix. The operation of the tattoo or body piercing establishment constitutes a nuisance. As used herein "nuisance" means any unreasonable activity or use of the licensed premises that interferes substantially with the comfortable enjoyment of life, health, or safety of another or others.

x. The failure to pay any tax or forfeiture as provided in Section 1.08(9) (a) and (b). **[Ord. O-2014-0007, 2/4/2014]**

- c. An operator whose license has been revoked or not renewed shall not be eligible for licensure under this ordinance for a period of one year from the date the revocation or non-renewal takes effect.
- d. Except for emergency suspensions for the public health and safety, a suspension shall be for not less than ten (10) days, nor more than ninety (90) days.
- e. Any aggrieved person may appeal the decision of the Common Council to the Circuit Court of Milwaukee County within thirty (30) days from the date of service of the decision upon the operator.

27. Summary Suspension. The provisions of Subsection 9.30(28) notwithstanding, whenever the Health Commissioner or his or her designee has reasonable cause to believe that the sanitary condition, operation, method of operation of the premises, or equipment used on the premises creates an immediate danger to health or safety, or whenever the Health Commissioner or his or her designee has reasonable cause to believe that the insurance required in Subsection 9.30(10) has been changed or cancelled so as not to provide the required insurance, the Health Commissioner or his or her designee may issue a temporary order suspending the operation of a tattoo or body piercing establishment. **[Ord. O-2014-0007, 2/4/2014]**

28. Penalties and Prosecution.

- a. Any person, partnership, or corporation who is found to have violated any provision of this ordinance shall forfeit the sum of not less than one hundred dollars (\$100.) nor more than one thousand dollars (\$1,000.), together with the costs of prosecution, and in default of payment of such forfeiture and costs, by imprisonment in the Milwaukee County House of Correction until the forfeiture and costs are paid, but not in excess of the number of days set forth in Section 800.095(1)(b) of the Wis. Stats. In addition to the monetary penalty imposed, violation of this section may further result in the suspension, revocation, or nonrenewal of any license issued under this section and legal action for injunction or other relief.
- b. Each violation of this ordinance shall be considered a separate offense, and each and every day an offense continues shall be considered a separate offense.

29. Severability. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions. The several 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 no affect the validity of all other provisions, sections or portions of the ordinance which shall remain in full force and effect.

[Ord. 6393, 8/4/1998]

9.31 Entertainment Clubs

1. Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
 - a. "City" means the City of West Allis.
 - b. "Entertainment Club; means commercial premises which are open to the public, a substantial function of which is to offer patrons an opportunity to engage in social activities such as dancing, or the enjoyment of live or prerecorded music, or the enjoyment of entertainment provided by dancers or other performers. As an incidental function, an entertainment club may sell and serve food and non-alcoholic beverages to its patrons. The term "entertainment club" does not include the following: premises licensed by the City to serve alcohol beverages unless the premises are operating alcohol free pursuant to sections 125.07(3)(a)8 or 10, Wis. Stats., in which case the premises shall be considered a entertainment club; theaters where the patrons sit in parallel rows of fixed seats; full service restaurants where the only entertainment consists of background music which is incidental to the primary function of serving food; a banquet, party or celebration consisting of invited guests which is not open to the public; dances or events sponsored and operated by a governmental entity, or an educational institution.
 - c. "Club premises" means any place where an entertainment club is operated or maintained, including all hallways, bathrooms, parking areas, private sidewalks, and other adjacent portions of the premises which are accessible to the public during operating hours.
 - d. "Licensed Premises" means the building or that portion thereof in which the entertainment club's business is conducted. Such licensed premises shall be identified on a drawing of the premises to be attached to the application. The Common Council may approve the applicant's designation of the licensed premises or may alter it.
 - e. "Over Twenty-One Club" means any entertainment club which restricts or is required to restrict its admissions to persons age 21 years and over.
 - f. "Adult Oriented Establishments" are defined in Section 9.28(1)(a) of the Revised Municipal Code.
 - g. "Person" means one or more natural persons, corporations, partnerships, associations, or other entities capable of having an action at law brought against such entity.
 - h. "Teen Club" means any entertainment club which restricts or is required to restrict its admissions to persons under 21 years of age.
2. Entertainment Club.
 - a. License Required. It is unlawful for any person to own, lease, operate, manage or maintain an entertainment club in the City without first obtaining an entertainment club license as set forth herein.
3. License Application. An applicant for an entertainment club license shall provide the following information on a form provided by the City Clerk/Treasurer:
 - a. The name(s) (including aliases), addresses and dates of birth of the applicant, any partner or limited partner in a partnership application, and each corporate officer and director.
 - b. The address of the establishment to be licensed.
 - c. Whether the applicant or any person named in subsection 9.31(3)(a) is currently operating or has previously operated, in this or any other municipality or state, under an entertainment club license; whether the

- applicant or person required to be named in subsection 9.31(3)(a) has ever had such license suspended or revoked; the reason(s) therefore; and the business entity and/or trade name under which the applicant operated that was subject to the suspension or revocation.
- d. If the applicant is a corporation, or limited liability company, the name of the corporation, or limited liability company, the date and state of incorporation, and the name and address of the registered agent.
 - e. Proof of ownership, lease, or other legally enforceable right to possess, use, and control the premises where the licensed club is to be located.
4. Additional Application Materials. In addition to the written application, an applicant shall also furnish to the Clerk/Treasurer the following:
- a. A written statement setting forth all measures proposed to insure that adequate traffic control, crowd monitoring and security, both inside and outside the premises, will be maintained, and that the ages of patrons admitted to the club will be monitored.
 - b. A written statement electing whether the entertainment club will be operated either exclusively as a teen club or an over twenty-one club.
 - c. A written statement of whether the applicant or the applicant's partners or offices, directors, or any other person involved in the operation or management of the entertainment club has been convicted within the preceding five years of any crime or ordinance violation involving firearms, gambling, racketeering, controlled substances, sexual offenses, prostitution, assault, contributing to the delinquency of a minor, or other offenses involving the allowance or suffering of minors in places where they are not to be admitted.
5. Duty to Cooperate. The applicant shall have a duty to cooperate in the application and investigation process. Failure or refusal of the applicant to completely and truthfully provide responses to the application questions, to give any information relevant to the application or investigation, or refusal to appear at any reasonable time and place for examination regarding the application and/or operation of an entertainment club shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof.
6. Investigation. Upon receipt of an application and fee, the Clerk/Treasurer shall refer the application to the Police Department, Fire Department, Department of Building Inspection and Zoning, and the Health Department. Each department except the Police Department shall make an investigation of the premises to ensure that it complies with applicable state and city laws. The Police Department shall make an investigation of the applicant and the statements made in the application. Each department shall notify the Clerk/Treasurer as to the results of its investigation.
7. Standards for Granting and Issuance or Denial of License. The Common Council shall consider the following factors in acting on an application:
- a. Whether the entertainment club proposed by the applicant will comply with the provisions of this section and all other applicable rules, regulations, ordinances, and state laws.
 - b. Whether the application is complete or if it contains any material misrepresentation(s).
 - c. Whether the application shows that adequate measures for the protection of the public health, safety, and welfare in terms of traffic control, crowd monitoring and security, both inside and outside the premises, and the

monitoring of the ages of patrons admitted to the entertainment club will be provided.

- d. Whether, subject to Sections 111.321, 111.322, and 111.335, Wis. Stats., the applicant or other persons required to be named in Subsection 9.31(3)(a) have been convicted of violating this ordinance or any other offense substantially related to operating an entertainment club. Convictions for events occurring within five (5) years of the date of application shall be considered except that if any such convictions exist, the Common Council may consider prior convictions to determine a pattern of conduct. **[Ord. O-2015-0049, 10/6/2015]**
 - e. Whether the applicant, if a corporation or limited liability company, is in good standing and licensed to do business in the State of Wisconsin.
 - f. Whether the applicant has substantially complied with all building, zoning, plumbing, electrical, fire, and health codes.
8. Fees. A nonrefundable license fee of two hundred fifty dollars (\$250.00) shall be submitted with the application for an entertainment club license. **[Ord. O-2009-0033, 11/3/2009]**
9. Operating Rules and Regulations. The following operating rules and regulations shall apply to all entertainment clubs in the City:
- a. Persons of the following ages shall not be permitted to enter or remain on the premises of a teen club:
 - i. Under the age of 16 years unless accompanied by a parent or legal guardian.
 - ii. 21 years of age or older except for bona fide employees or entertainers hired by the licensee to work in the club and while actually performing work-related functions, or a parent or guardian accompanying a person under 21 years of age present in the club.
 - b. No person under the age of 21 years shall be permitted nor may a licensee suffer or permit a person under the age of 21 years to enter or remain on the licensed premises of an over twenty-one club unless accompanied by a parent or legal guardian except for bona fide employees or entertainers hired by the licensee to work in the club and while actually performing work related functions.
 - c. Teen clubs shall be closed between the hours of 10:30 p.m. and 3:00 p.m. of each day.
 - d. Over twenty-one clubs shall be closed between the hours of 2:00 a.m. and 11:00 a.m. of each day.
 - e. The licensee shall maintain a current list of all persons employed to work in or entertain at the licensed premises. Said list shall contain the name or names (legal, trade, and alias), current address and date of birth of each employee or entertainer. Such list shall be provided to any police officer upon request.
 - f. The licensee shall employ an adequate number of qualified security personnel who will be present on the club premises during all operating hours and at such times before and after operation so as to maintain peace and order and to ensure compliance with all applicable laws of the City and State of Wisconsin.
 - g. The licensee shall meet all obligations as set forth in its application and approved by the Common Council.
 - h. The licensee shall insure that no alcohol beverages or controlled substances are offered for sale or consumed on the entertainment club premises.

- i. It shall be the obligation of the licensee to summon the police when any person is or appears to be, under the influence of, or affected by the use of, alcohol or controlled substances, or whose conduct creates a public disturbance or poses a physical danger to the safety of others present.
 - j. All portions of the licensed premises which are available for public use shall be adequately illuminated. Such illumination shall not be less than 10 foot-candles at floor level at all times when the licensed premises are open to the public or when any member of the public is permitted to enter or remain on the licensed premises.
 - k. The licensee shall prevent loitering, the creation of public nuisances or disturbances of the peace by any patron or patrons of the entertainment club on the club premises or in the immediate vicinity.
- 10. Access by Police Officers. Any police officer of the City shall have free access to all entertainment clubs for the purpose of inspection and to enforce compliance with the provisions of this ordinance at all times that the licensed premises are open to patrons and such other times as would be reasonable under the circumstances.
- 11. Location.
 - a. Entertainment clubs may be located as a special use in business districts as provided in Chapter 12 of this code. **[Ord. 6532, (amend), 9/5/2000]**
 - b. No teen club shall be located on premises used at any time as an adult oriented establishment or as a facility to serve alcohol beverages.
 - c. No teen club shall be permitted to be operated on the same premises as an over twenty-one club.
- 12. Checking the Age of Patrons.
 - a. The licensee shall require picture identification upon which it is reasonable to rely showing the date of birth of each person admitted to an entertainment club. It is unlawful for a person to knowingly or recklessly suffer or permit a person to enter or remain on the licensed premises of an entertainment club in violation of the age restrictions of this ordinance.
 - b. It is unlawful for any person to enter or remain upon the licensed premises of an entertainment club if the person does not meet the age restrictions of this ordinance.
 - c. It is unlawful for any person to misrepresent his or her age for the purpose of obtaining or attempting to obtain admission to an entertainment club in violation of the provisions of this ordinance.
- 13. Responsibility of Licensee. Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the licensee and the licensee shall be subject to the penalties for such act or omission in the same manner as if the licensee committed the act or caused the omission.
- 14. Suspension or Revocation of License. In addition to the penalties specified for violation of the provisions of this section, a license issued under this section may be suspended for ten (10) to ninety (90) days or be revoked by the Common Council after written notice to the licensee, a hearing before the License and Health Committee, and a recommendation by said Committee to the Common Council. The Common Council shall then act on the Committee's recommendation after affording the licensee an opportunity to submit its views, in writing, to the Common Council. A licensee whose license has been revoked shall not be eligible for a license for a period of two (2) years from the date of revocation.
- 15. Penalty. Any person violating any provision of this ordinance shall forfeit not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) for each offense,

together with the costs of prosecution; and, in default of payment of such forfeiture and costs, by imprisoned in the Milwaukee County House of Corrections until payment of the forfeiture and costs, but not in excess of the number of days set forth in § 800.095(4), Wis. Stats. Each and every day a violation of a provision of this ordinance continues constitutes a separate offense.

16. Nuisance. Any violation of this ordinance is declared to be a nuisance. In addition to any other relief provided by this ordinance, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. The application for relief may include seeking a temporary restraining order, temporary and/or permanent injunction, and such other relief, as the City Attorney deems appropriate.
17. Severability. The provisions of this ordinance are severable. If any provisions of this ordinance or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions(s) or applications(s.)

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

9.32 Check-Cashing Businesses

1. Definition. Check-cashing businesses. A check-cashing business, also referred to as a payday loan business, title for cash business, convenient-cash business or similar enterprise means any person licensed pursuant to Wis. Stat. § 218.05, or a person licensed pursuant to Wis. Stat. § 138.09, who accepts a check or title, holds the check or title for a period of time before negotiating or presenting the check or title for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.
2. Hours of Operation. No check-cashing business shall be open for business between the hours of 9:00 p.m. and 9:00 a.m.
3. Penalty. Any person violating the provisions of this subsection shall forfeit:
 - a. The sum of two thousand five hundred dollars (\$2,500.) upon the first conviction under this ordinance within a one-year period.
 - b. The sum of five thousand dollars (\$5,000.) upon the second conviction under this ordinance within a one-year period.
 - c. The sum of seven thousand five hundred dollars (\$7,500.) upon the third and subsequent conviction under this ordinance within a one-year period.
 - d. For purposes of counting the one-year period, the date of violation shall be used.

[Ord. O-2006-0041, 10/17/2006]

9.33 General Provisions As To Licenses

1. Record Check Fee. Whenever a record check search is required prior to the issuance of a City license or permit, the applicant shall pay an additional \$7.00 for each personal history search. The City Clerk/Treasurer shall collect the fee at the time the applicant has submitted the license application. **[Ord. O-2009-0033, 11/3/2009]**

9.34 Property Owner Registration

1. Purpose.

- a. Property owner registration of residential and commercial properties is essential for the proper enforcement of the City's Building, Zoning, Fire and Health Codes and to safeguard persons, property and general welfare.
 - b. The Common Council of the City of West Allis has determined that, in order to best safeguard the health, safety, and general welfare of the public, it is necessary to maintain a listing of current property owner contact information so that City agencies may expeditiously process property-related enforcement issues.
 - c. The Common Council of the City of West Allis has further determined that in order to expeditiously process enforcement issues, the property owner shall provide owner contact information and designate a registered contact person and if the owner does not reside in the State of Wisconsin, designate a person or legal entity located within the State of Wisconsin for service of process.
2. Definitions. In this section:
- a. "Commercial" means use of property that is not classified by the City Assessor as residential and includes classifications of mixed use, multifamily, commercial, manufacturing, industrial and institutional property classifications.
 - b. "Registered Contact Person" means a person designated by the property owner to be contacted regarding related enforcement issues for the subject property. The property owner may be listed as the registered contact person, except where the owner's residency is not within the State of Wisconsin. The property owner may designate more than one registered contact person. The owner shall authorize the City to serve any legal process on the contact person and service shall have the same effect as having served the owner.
 - c. "Domicile" means the owner's true, fixed and permanent residence and to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time. The domicile address shall not be a post office box or similar depository.
 - d. "Entity" means the legal owner of the property and includes the mortgagee in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, a corporation, or other property ownership type.
 - e. "Owner" means each person who jointly or severally is vested with all or part of legal title to (or beneficial ownership of) the premises, and who has the right to use and enjoyment of the premises. The term includes, but is not limited to, a mortgagee in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, and a corporation or other property ownership type.
 - f. "Owner-occupied" means the owner's residence and domicile is on the subject property.
 - g. "Person" means an individual.
 - h. "Physical address" means a unit-specific building or house number and street name and not a post office box or commercial alternative to a post office box.
3. Exceptions. The following are exempt from registering as required under this section.
- a. Land parcels of owner-occupied one-, two-, and three-family residential classified properties where the ownership is recorded with the Milwaukee County Register of Deeds.
 - b. Land parcels classified by the Assessor's as a residential vacant lot and where

the legal property owner's domicile is adjacent to the vacant lot.

- c. Owners of owner-occupied condominium units where the ownership is recorded with the Milwaukee County Register of Deeds and a Condominium

Association declaration is established, and the association has an appointed condominium agent.

- d. Government-owned properties, including federal, state, county, City of West Allis and West Allis/West Milwaukee School District properties, Milwaukee Metropolitan Sewerage District properties, Milwaukee Area Technical College properties, and property owned by public utilities where ownership is recorded with the Milwaukee County Register of Deeds Office.

- e. Owners of properties which are currently registered in accordance with RMC 18.10 or RMC 18.11. **[Ord. O-2016-0039, 8/2/2016]**

4. Registration Required.

- a. The following shall file with the City the required registration form provided by the City, for registering the property in compliance with this section:

- i. Residential or Commercial Property Owner: one (1) registration for each tax-key-numbered parcel classified as residential or commercial, including properties classified as a vacant lot.

- b. Exceptions. See Subsection (3) for exceptions to registration.

5. Registration Information Required.

- a. The property owner is legally responsible for compliance with the registration requirements of this section and submittal of the required form with required information.

- b. The registration form shall be provided by the City to the property owner by first-class mail to the last known address of the property owner. The City may allow electronic filing of registration information.

- c. Information required to be submitted to the City shall be typed or printed legibly and shall include the following:

- i. In the case of a person or persons owning the property: legal name; domicile residence address, with street address, city, state, zip code; and phone number for emergency contact. The domicile address shall not be a post office box or similar depository.

- ii. In the case of property ownership by corporation, limited partnership, limited liability partnership, or other similar ownership as registered with the State of Wisconsin: Wisconsin corporation identification number; legal name of entity; registered agent's legal name; domicile residence address of registered agent including city, state, zip code and phone number for emergency contact. The domicile address shall not be a post office or similar depository.

- iii. In the case of a trust, trustee or life estate holder: Wisconsin Registration Identification Number; legal name of representative; domicile residence address of representative, including street address, city, state, zip code and phone number for emergency contact of the representative. The domicile address shall not include a post office box or similar depository.

- iv. The property owner shall designate and state on the registration a registered contact person. The registered contact person may be the property owner. The listing of the contact person shall include his/her address, city, state, zip code and phone number.

- v. The property address and tax key number of the property being

registered.

6. Registration and Changes In Information.

- a. Initial Registration. Beginning in the calendar year 2010, each owner of a property required to be registered by this Section shall file the required registration form and pay the required fee. The registration form shall be sent by first-class mail. Any registration filed after December 1, 2010 or, in the case of change of ownership, later than stated in (b) through (e) below, shall result in the fee being increased to one hundred fifty dollars (\$150.). The increased fee may be waived by the City.
- b. Registration. Any change of ownership after the initial registration shall be filed within 30 days of conveyance. Any registration filed after 30 days of conveyance shall result in the fee being tripled. The increased fee may be waived or rescinded by the City.
- c. Recording After Death. In the event of death of the property owner required to be registered under this section, the subsequent owner shall file a new registration form within 60 days after conveyance from the estate or other acquisition of interest.
- d. Registering After Conveyance, Change of Ownership. In the event of any conveyance of any property required to be recorded under this section, the new owner shall file a new registration within 30 days of the date of conveyance, or if the conveyance is by sale after foreclosure, then within 30 days of the date of court confirmation of the sale.
- e. Change of Contact Information. If any information listed on a properly filed registration changes, other than ownership events listed in Subparagraphs (a) through (d) above, a revised registration form shall be filed within 30 days of the change of information. There shall be no fee to change contact information for a registered owner or his designated registered contact person(s). The City may periodically require property owners to verify recorded contact information for changes.

7. Failure To Register.

- a. The property owner is responsible for compliance with the registration requirements of this section.
- b. Failure of the owner of the property to file the required registration form, failure to file a change of information form, or failure to file the required fee is a violation of this Code. Notice of violation shall be outlined in written form and served upon the owner of the property. The City shall serve such notice and order by first-class mail to the last known address of the property owner.
- c. Such notice and order shall include the following:
 - i. The address or tax key number of the property so affected.
 - ii. A statement of violation, including the corresponding reference to the Code requirement.
 - iii. An order for remedial action to correct such violation.
 - iv. Statement of time for compliance to the Code requirement.
 - v. Statement of fee due.
 - vi. Statement of penalty.
 - vii. Statement of appeals process.
- d. The time period for compliance may be extended at the discretion of the City. A request for time extension may be considered after receiving a written communication from the property owner, registered contact person, or legal representative stating reasonable cause.

- e. Failure of the property owner to comply with the notice and order may be cause for the City to file a court action for violation of this code and be subject to the penalties in Subsection (11).
- 8. Falsification of Registration Form.
 - a. No person shall knowingly or intentionally submit information on the registration form that she/he knows to be false or misleading. Falsification shall be subject to penalties as stated in Subsection (11).
- 9. Registration Fee.
 - a. The registration fee is fifty dollars (\$50.) per new registration. A registration not filed timely, as required by this code, shall result in a fee increase to one hundred fifty dollars (\$150.). The increased fee may be waived or reduced by the City.
- 10. Appeals.
 - a. A property owner or owner's agent may appeal any compliance order to the City of West Allis Administrative Review Board pursuant to Section 2.48, by filing a written request for a hearing with the City Clerk within twenty (20) days of the date of the issuance of the order.
 - b. The appeal and hearing procedure shall conform to the standard rules and hearing procedures of the Administrative Review Board.
 - c. If the Administrative Review Board upholds the Order of the City, the property owner may appeal the decision within thirty (30) days to the circuit court.
 - d. If a property owner does not file a timely written request for a hearing with the Administrative Review Board, he or she waives the right to assert that the property did not meet the criteria for registration under this section.
- 11. Penalties.
 - a. Any property owner or entity violating the provisions of this ordinance shall be required to forfeit not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500.), along with the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(4) of the Wisconsin Statutes.

[Ord. O-2010-0024, 8/3/2010; Ord. O-2010-0033, 9/21/2010; Ord. O-2010-0036, 10/5/2010; Ord. O-2011-0073, 10/18/2011]

9.35 Control Of Premises And Lapse Of Operation

1. Control of Premises. No applicant will be considered for any license or permit issued under this chapter unless the applicant has the right to possession of the premises described in the application for the license. The applicant shall present documentation, in a form acceptable to the City Attorney, of proof of right to possession for the license/permit period. Loss of the right to the premises subjects the license or permit to immediate revocation. Only one (1) license or permit for the same activity may be issued per premise at one time.
2. Lapse of License/Permit. Whenever any licensee or permittee under this chapter shall not conduct the licensed or permitted business at the authorized location for a period of thirty (30) consecutive days, the license or permit shall become subject to revocation, unless such thirty-day period is, for good cause, extended by the License and Health Committee.
3. Procedure for Suspension, Revocation, or Nonrenewal. The procedures for

suspension, revocation, and nonrenewal of licenses set forth in Subsection 9.02(20)(d) through (h) of the Revised Municipal Code shall apply to all licenses and permits issued under this chapter.

4. Applicability. The provisions of Subsection (1) shall not apply where the licensed or permitted activity is, by its nature, not conducted at a particular premises. Where there is a specific requirement or procedure set out in this chapter for a particular license or permit, the more specific procedure or requirement shall govern.

[Ord. O-2013-0026, 6/4/2013]

9.36 Electronic Smoking Device Sales

1. Findings. The Common Council of the City of West Allis finds that:
 - a. Electronic smoking devices are battery-operated devices designed to deliver nicotine, flavor, and/or other substances through a vapor inhaled by the user; and
 - b. The use of electronic smoking devices has increased significantly in recent years, as evidenced by the fact that:
 - i. Between 2011 and 2015, e-cigarette use rose from one and five-tenths percent (1.5%) to sixteen percent (16%) among high school students and from six-tenths percent (0.6%) to five and three-tenths percent (5.3%) among middle school students;
 - ii. In 2013-14, eighty-one percent (81%) of current youth e-cigarette users cited the availability of appealing flavors as the primary reason for use;
 - iii. In 2015, more than three million (3,000,000) middle and high school students were current users of e-cigarettes, and e-cigarettes were the most commonly used tobacco products among youth;
 - iv. Nine and three-tenths percent (9.3%) of youth who have used electronic smoking devices have never smoked conventional cigarettes;
 - v. Between 2010 and 2011, rates of both awareness and use of unregulated electronic smoking devices by adults also increased significantly; and
 - c. Some cartridges used by electronic smoking devices can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine. As a result:
 - i. Poisonings from electronic smoking devices have increased dramatically in the past five (5) years from once a month in September 2010 to two hundred fifteen (215) a month in February 2014.
 - ii. Analysis of reports of poisonings from electronic smoking devices finds that calls reporting exposure to electronic smoking devices are much more likely to involve adverse health effects when compared to calls reporting exposure to conventional cigarettes; and
 - d. A study published in the Journal of Environmental and Public Health suggests that electronic smoking devices "may have the capacity to 're-normalize' tobacco use in a demographic that has had significant denormalization of tobacco use previously"; and
 - e. Electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other

- conventional tobacco products; and
- f. TheandThe purported health benefits from electronic smoking devices have not been scientifically proven, and use of these devices has not been proven safe, either for their users or for bystanders. More than one (1) study has concluded that exposure to vapor from electronic smoking devices may cause passive or secondhand vapor inhalation. Clinical studies about the safety and efficacy of electronic smoking devices have not been submitted to the Food and Drug Administration (FDA) for the more than four hundred (400) brands of electronic smoking devices that are on the market, and consumers have no knowledge of whether electronic smoking devices are safe; what types of concentration of potentially harmful chemicals the products contain; and what dose of nicotine the products deliver. The World Health Organization has strongly advised consumers against the use of electronic smoking devices until they are "deemed safe and effective and of acceptable quality by a competent national regulatory body." The World Medical Association has determined that electronic smoking devices "are not comparable to scientifically proven methods of smoking cessation" and that "neither their value as therapeutic aids for smoking cessation nor their safety as cigarette replacements is established"; and
- g. ResearchandResearch indicates electronic smoking devices may lead youth to try other tobacco products. In addition, research indicates that youth who use electronic smoking devices are more likely to use tobacco products, including cigarettes, than those youth who do not use electronic smoking devices; and
- h. ElectronicandElectronic smoking devices are currently unregulated and have been proven to emit nicotine, ultrafine particles, volatile organic compounds, and other toxins. Inhalation of nicotine is proven to be dangerous to everyone, especially children and pregnant women. Exposure to ultrafine particles may exacerbate respiratory illnesses, such as asthma, and may constrict arteries which could trigger a heart attack. The volatile organic compounds, such as formaldehyde and benzene, found in electronic smoking device aerosols, as well as conventional cigarette smoke, are proven carcinogens; and
- i. ThatandThat a Harvard University health study found high levels of diacetyl in thirty-nine (39) of fifty-one (51) unique flavors of chemicals used in electronic smoking devices. Diacetyl is associated with bronchiolitis obliterans and other severe respiratory diseases among workers who have inhaled heated vapors containing diacetyl; and
- j. ThatandThat existing studies on electronic smoking devices' vapor emissions and cartridge contents have found a number of dangerous substances, including: carcinogens such as formaldehyde, acetaldehyde, lead, nickel, and chromium; PM 2.5, acrolein, tin, toluene, and aluminum which are associated with a range of negative health effects, such as skin, eye, and respiratory irritation, neurological effects, damage to reproductive systems, and premature death from heart attacks and stroke; inconsistent labeling of nicotine levels in electronic smoking device products; and in one (1) instance, diethylene glycol, an ingredient used in antifreeze and toxic to humans; and
- k. ThatandThat many news stories have detailed police reports of individuals using electronic smoking devices to smoke illegal narcotics, such as marijuana wax, synthetic marijuana, liquid marijuana, and hash oil; and
- l. ThatandThat in 2016, the FDA adopted regulations prohibiting the sale of

- electronic smoking devices to any person under age eighteen (18); and
- m. That and That on at least two (2) occasions, the West Allis Police Department has discovered hash oil, a prohibited Schedule I narcotic, in electronic smoking device liquids offered for sale at West Allis businesses.

2. Definitions.

- a. "Electronic Smoking Device" means an electronic device that can be used to deliver an inhaled dose of nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. It includes any such device whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vape pen, or any other product name or descriptor.
- b. "Electronic Smoking Device Paraphernalia" means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, electronic smoking device batteries, electronic smoking device chargers, and any other item specifically designed for the preparation, charging, or use of electronic smoking devices. It does not include any cigarette, as defined in § 139.30(1m) Wis. Stats., nicotine product, as defined in § 134.66(1)(f) Wis. Stats., or tobacco products, as defined in § 139.75(12) Wis. Stats.
- c. "Person" means any individual, firm, corporation, or organization.
- d. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. Smoking also includes the use of an electronic smoking device which creates an aerosol or vapor in any manner or in any form or the use of any oral smoking device.
3. License Required. No person shall sell, give, or furnish an electronic smoking device or electronic smoking device paraphernalia in the City of West Allis without having first obtained a license from the City of West Allis therefor. Only a person who complies with the requirements of this section shall be entitled to receive and retain a license.
4. Sale to Minors Prohibited. No person shall sell, give, furnish, or cause to be sold, given, or furnished an electronic smoking device or electronic smoking device paraphernalia to a person less than eighteen (18) years of age.
5. License Application. A written application for the license required by this section shall be filed with the City Clerk upon forms provided by the City Clerk. The annual license fee shall be published in the Fee Schedule and shall be paid at the time the initial application is filed or, for license renewals, prior to the expiration of a license. Any renewal licensee fee paid on July 1 or later shall be subject to a late fee published in the Fee Schedule. A licensee or applicant shall notify the City Clerk in writing if any information listed on the application form has changed within ten (10) days of such change.
6. Qualifications. Each the individual applicant, or each member, officer, or partner of an applicant requirements shall
- a. The Be least 18 years of age.
- b. Not have an arrest or conviction record, subject to Wis. Stat. 111.321, 111.322, and 111.335.
- c. Not be a habitual law offender, subject to Wis. Stat. 111.321, 111.322, and 111.335.

7. License Issuance. The City Clerk is authorized to and issue a license to a qualified applicant. If the license is granted, the City Clerk shall name the licensee and the place wherein such business is authorized to be conducted. If the applicant does not appear to be qualified, the City Clerk shall forward the application to the common council for consideration. The Common Council may grant or deny an application. The City Clerk shall issue any license that has been granted by the Common Council.
8. License Year. The license year for licenses issued under this section shall be from July 1 to June 30 annually, unless sooner suspended or revoked.
9. Posting of License. Every licensee shall display its license at all times in plain view of the public on the licensed premises. Duplicate licenses shall be issued to replace licenses which are misplaced or damaged so as to be illegible. The fee for a duplicate license shall be ten dollars (\$10).
10. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to any license issued under this section shall be true.
11. Conditions of License.
 - a. Every applicant procuring a license thereby consents to the entry of the police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search and consents to the removal from said premises of all things and articles there had in violation of City ordinances or state laws.
 - b. The licensee and/or employees and agents of the licensee shall cooperate with police investigations or investigations of any other duly authorized representative of the City. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to any inquiries from the police or other duly authorized representative of the City. A licensee shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
 - c. Each licensed premises shall be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises.
 - d. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.
12. Transfer of License. No license shall be transferred to another person or premises.
13. Vending Machines and Self-Service Displays Prohibited. No licensee shall sell, give, furnish, or cause to be sold, given, or furnished an electronic smoking device or electronic smoking device paraphernalia by use of a vending machine or self-service display unless the licensee ensures that no minor is present or permitted to enter the premises at any time.
14. Nuisance Enforcement. In addition to the penalties listed within this section, the City Attorney or his/her designee or the Police Chief or his/her designee may pursue a nuisance enforcement action against a person selling, giving, or furnishing electronic smoking devices under Chapter 18 of this Code.
15. License Revocation.
 - a. Causes. Any license issued under this section may be suspended, revoked, or nonrenewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or not renewed for the following causes:
 - i. The making of any material false statement in any application for a license.

- ii. The violation of any of the applicable provisions of this section.
 - iii. The failure to conduct its licensed business at the authorized location for a period of thirty (30) consecutive days, unless such thirty-day period shall, for good cause shown, be extended by the Common Council.
 - iv. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience, or prosperity of the immediate neighborhood.
 - v. The failure to pay any tax or forfeiture as provided in Section 1.08(9) (a) and (b).
- b. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion or upon sworn written charges made and filed with the City Clerk by the Chief of Police or Health Commissioner.
 - c. Procedure. The procedure for suspension, revocation, and nonrenewal of licenses shall be as set forth in Subsection 9.02(20)(d) through (h) of the Revised Municipal Code.

~~Chapter 9 Business And Occupations (Repealed)~~

~~9.015 License Year (Repealed)~~

~~9.02 Alcoholic Beverages (Repealed)~~

~~9.025 Public Hearings For Licenses (Repealed)~~

~~9.035 (Reserved) (Repealed)~~

~~9.036 Practice Of Massage Or Bodywork Therapy Requiring State Licensing (Repealed)~~

~~9.037 Public Entertainment License (Repealed)~~

~~9.04 Cigarette And Tobacco Product Sales (Repealed)~~

~~9.07 Misuse Of 911 (Repealed)~~

~~9.08 Entertainment Device Distributor License (Repealed)~~

~~9.11 (Reserved) (Repealed)~~

~~9.128 Trailer And Truck Rental (Repealed)~~

~~9.13 Salvage And Recycling Centers (Repealed)~~

~~9.14 Junkers And Junk Pickers (Repealed)~~

~~9.15 Pawn Shops, Secondhand Stores, Secondhand Jewelry Dealers (Repealed)~~

~~9.16 (Reserved) (Repealed)~~

~~9.17 (Reserved) (Repealed)~~

- 9.18 Direct Sellers And Solicitors *(Repealed)*
- 9.20 Handbill Distribution *(Repealed)*
- 9.21 Manufactured And Mobile Home Community Licenses *(Repealed)*
- 9.23 Quarries, Sand And Gravel Pits *(Repealed)*
- 9.235 Topsoil Removal *(Repealed)*
- 9.24 Vehicle Towing Contracts *(Repealed)*
- 9.25 Racing Cars, "Go-Karts" And Similar Vehicles *(Repealed)*
- 9.26 Coin-Operated Or Self-Service Dry-Cleaning Machines *(Repealed)*
- 9.27 Penalties *(Repealed)*
- 9.28 Adult-Oriented Establishments *(Repealed)*
- 9.29 Escorts And Escort Services *(Repealed)*
- 9.30 Tattoo And Body Piercing Establishments *(Repealed)*
- 9.31 Entertainment Clubs *(Repealed)*
- 9.32 Check-Cashing Businesses *(Repealed)*
- 9.33 General Provisions As To Licenses *(Repealed)*
- 9.34 Property Owner Registration *(Repealed)*
- 9.35 Control Of Premises And Lapse Of Operation *(Repealed)*
- 9.36 Electronic Smoking Device Sales *(Repealed)*

SECTION 11: **ADOPTION** “Chapter 9 Business And Licensing” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

Chapter 9 Business And Licensing(*mdded*)

SECTION 12: **ADOPTION** “9.47 General Provisions” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.47 General Provisions(*mdded*)

1. Vicarious Liability. A licensee is liable for any violations of any provision of this chapter committed in the course of conducting the licensed activity by the licensee's employee, agent, or contractor. Each licensee has the affirmative duty to see that every regulation is obeyed by employees, agents, and contractors. The licensee may be convicted for a violation committed by an employee, agent, or contractor only in a civil forfeiture action. None of the following are defenses to the liability imposed under this section:
 - a. The licensee was deceived about or ignorant of the violation.
 - b. The licensee was absent at the time of the violation.
 - c. The licensee had prohibited employees, agents, and contractors from doing the act that resulted in a violation.
2. State Law Applicable. Any duty or authority assigned by state law to a City body, officer, or department shall be in effect unless explicitly declined or rejected in this code. Nothing in this chapter may be construed to implicitly preclude, decline, or reject any authority or duty in state law.
3. License List. The table below indicates by type of license which city officer issues the license, whether the issuing officer may grant the license without council approval, whether a record check is required, the term of the license, and which city departments receive notification of an application for that license.

Type	Issuing Officer				Departments Notified							
	May Grant (a)	Record Check	Yes	Expires	BI NS	Clerk	Engineer	Fire	Health	Planning	Police	Public Works
Adult-Oriented Entertainment	Clerk	No	Yes	June 30	X	X	-	X	X	-	X	-
Alcohol Beverages	-											
Class "B" Beer (provisional)	Clerk	Yes(b)		60 days	X	X	-	X	X	-	X	-
Class												

"B" Beer (regular)	Clerk	No		June 30	X	X	-	X	X	-	X	-
Class "B" Beer (tempor ary)	Clerk	Yes	No	As state d on licen se	-	X	-	-	-	-	X	-
"Class B" Liquor (provisi onal)	Clerk	Yes(b)		60 days	X	X	-	X	X	-	X	-
"Class B" Liquor (regular)	Clerk	No		June 30	X	X	-	X	X	-	X	-
"Class B" Wine (tempor ary)	Clerk	Yes	No	As state d on licen se	-	X	-	-	-	-	X	-
"Class C" Wine (provisi onal)	Clerk	Yes(b)	-	60 days	X	X	-	X	X	-	X	-
"Class C" Wine (regular)	Clerk	No	-	June 30	X	X	-	X	X	-	X	-
Extensio n of Premise s	Clerk	No	-	As state d on licen se	X	X	-	-	X	X	X	-
Operato r's (provisi onal)	Clerk	Yes(c)		60 days	-	X	-	-	-	-	X	-
				Ever								

Operator's (regular)	Clerk	Yes(f)		Y other June 30	-	X	-	-	-	-	X	-
Operator's (temporary)	Clerk	Yes		1-14 days	-	X	-	-	-	-	X	-
Animal Sales and Service	Health Commissioner	Yes		June 30	-	-	-	-	X	-	-	-
Bed and Breakfast Establishment	Health Commissioner	Yes	-	June 30 (e)	-	-	-	-	X	-	-	-
Body Piercing	Health Commissioner	Yes		June 30	-	-	-	-	X	-	-	-
Campground and Camping Resort	Health Commissioner	Yes		June 30(e)	-	-	-	-	X	-	-	-
Cigarette and Tobacco Products Retailer	Clerk	Yes		June 30	-	X	-	-	-	-	-	-
Concrete Contractor	Clerk	Yes		June 30	-	X	X	-	-	-	-	-
Entertainment Device Distributor	Clerk	Yes		June 30	-	X	-	-	-	-	X	-

Escort Service	Clerk	No	Yes	June 30	-	X	-	-	-	-	X	-
Fitness Center	Health Commissioner	Yes	-	June 30	-	-	-	-	X	-	-	-
Hotel or Motel	Health Commissioner	Yes	-	June 30(e)	-	-	-	-	X	-	-	-
Junk Picker	Clerk	Yes	-	60 days	-	X	-	-	-	-	X	X
Lodging House	Health Commissioner	Yes	-	June 30	X	-	-	-	X	-	-	-
Manufactured and Mobile Home Community	Clerk	Yes	-	June 30 of even years	X	X	-	-	-	-	X	-
Nicotine Products Retailer	Clerk	Yes	-	June 30	X	X	-	-	X	-	X	-
Pawnbroker	Clerk	No	-	Dec. 31	-	X	-	-	-	-	X	-
Public Entertainment	-											
Regular	Clerk	No	Yes	June 30	X	X	-	X	X	X	X	-
Temporary	Clerk	No	Yes (d)	As stated on license	-	-	-	-	-	-	X	-
Public Swimming Pool	Health Commissioner	Yes	-	June 30(e)	-	-	-	-	X	-	-	-
Recreat												

ional and Educati onal Camp	<u>Health Commi ssioner</u>	<u>Yes</u>	-	<u>June 30(e)</u>	-	-	-	-	<u>X</u>	-	-	-
Retail Food Establis hment	<u>Health Commi ssioner</u>	<u>Yes</u>	-	<u>June 30(e)</u>	-	-	-	-	<u>X</u>	-	-	-
Second hand Article Dealer	<u>Clerk</u>	<u>No</u>	-	<u>Dec. 31</u>	-	<u>X</u>	-	-	-	-	<u>X</u>	-
Second hand Jewelry Dealer	<u>Clerk</u>	<u>No</u>	-	<u>Dec. 31</u>	-	<u>X</u>	-	-	-	-	<u>X</u>	-
Tattoo	<u>Health Commi ssioner</u>	<u>Yes</u>	-	<u>June 30</u>	-	-	-	-	<u>X</u>	-	-	-
Tourist Roomin g House	<u>Health Commi ssioner</u>	<u>Yes</u>	-	<u>June 30(e)</u>	<u>X</u>	-	-	-	<u>X</u>	-	-	-
Transie nt Mercha nt	<u>Clerk</u>	<u>Yes</u>	-	<u>60 days</u>	-	<u>X</u>	-	-	<u>X</u>	-	<u>X</u>	<u>X</u>

- a. The issuing officer may only grant a license to an applicant who is clearly qualified.
- b. The issuing officer shall grant a provisional retail license under Wis. Stat. 125.185 only to applicants whose applications are pending before the common council and all the following applies:
 - i. The License & Health Committee has recommended granting the license.
 - ii. The applicant has obtained all required licenses and permits.
 - iii. The applicant has passed all required inspections.
- c. The issuing officer shall grant a provisional operator's license to any applicant who meets the qualifications under Wis. Stat. 125.17(5).
- d. No record check is required for a temporary public entertainment license if the applicant already holds a Class "B" license.
- e. Licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.
- f. The issuing officer may grant and issue a regular operator's license only if the

applicant does not have any of the following:

- i. A pending criminal charge for any offense under Wis. Stat. § 111.335(4)(a)
 - ii. A conviction for an offense counted under Wis. Stat. § 343.307 within two years of the application date
 - iii. A second or subsequent conviction for an offense counted under Wis. Stat. § 343.307 within five years of the application date
 - iv. Convictions for three or more violations of Wis. Stat. § 343.44 within two years of the application date
 - v. A conviction for any offense under Wis. Stat. Ch. 125 or any offense for which the consumption, possession, or sale of alcohol is an element within ten years of the application date, except no violation of Wis. Stat. § 125.07 may be considered unless the applicant has committed two or more violations within one year;
 - vi. A conviction for a felony offense where the sentence for confinement, extended supervision, or probation has ended within five years of the application date; or
 - vii. Convictions for three or more misdemeanors within five years of the application date.
4. Fees. An applicant for a license shall pay any applicable fees listed in the Fee Schedule.

SECTION 13: ADOPTION “9.48 Definitions” of the City Of West Allis
Municipal Code is hereby *added* as follows:

ADOPTION

9.48 Definitions(*added*)

In this chapter, the words and phrases below have the corresponding meanings:

Term	Definition
<u>Adult-oriented entertainment</u>	<p><u>Any of the following:</u></p> <ul style="list-style-type: none"> - <u>Any image that depicts specified anatomical areas or sexual activities</u> - <u>Any device marketed as an object used for sexual activities</u> - <u>Any live performance in which a person is acts out sexual activities or exposes or simulates the exposure of specified anatomical area or sexual activities</u> - <u>Any video in which a person acts out sexual activities or exposes or simulates the exposure of specified anatomical areas</u>
<u>Amusement device</u>	See Wis. Stat. 77.54(65m)(b)
<u>Approved payment plan</u>	A debt repayment agreement between the City and a license applicant or licensee that is approved by the city attorney or the common council
<u>Entertainment device</u>	Any equipment designed to provide amusement to the user including, but not limited to: amusement devices, jukeboxes, and other similar devices
<u>Indoor premises</u>	Any part of the premises that is an enclosed place as that term is defined in Wis. Stat. 101.123(1)(ak)
<u>Outdoor premises</u>	Any part of the premises that is not an indoor premises.
<u>Outstanding debt</u>	A forfeiture for a violation of a municipal ordinance that is not being appealed, a civil judgment, real estate taxes which are delinquent and have not been reimbursed by the county in the August settlement under Wis. Stat. 74.29, delinquent personal property tax, delinquent room tax, or any other delinquent assessment, charge, or fee
<u>Premises</u>	The area within which the activity licensed under this chapter may occur.
<u>Public entertainment</u>	Any activity or equipment made available with or without fee to the general public for amusement including, but not limited to bowling centers, dance halls, roadhouses, billiard and pool tables, amusement devices, theater, live or pre-recorded music, movies, and other places of amusement. This definition applies to any entertainment provided commercially for gain by membership, season ticket, invitation, or other system open or offered to the public generally

<u>Specified anatomical areas</u>	<u>Any of the following: - Less than completely and opaquely covered human genitals or pubic region - Less than completely and opaquely covered areola or nipple of a human female breast - Human male genitals in a discernible turgid state, even if opaquely covered</u>
<u>Sexual activities</u>	<u>Any of the following: - Simulated or actual acts of sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus, or lewd exhibition of human genitals - Simulated or actual fondling or erotic touching of human genitals, pubic region, or female breasts</u>

SECTION 14: **ADOPTION** “9.49 Disqualifiers” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.49 Disqualifiers(*mdded*)

This section applies to all licenses to the extent allowed by state law. A license applicant may be denied a license if any of the following applies to the applicant or the applicant's members, shareholders, or owners:

1. The person is under 18 years of age.
2. The person has an arrest or conviction record for any crime or offense, subject to Wis. Stat. 111.335(4).
3. The person owes an outstanding debt to the City without an approved payment plan.
4. The person has failed to make a timely payment under an approved payment plan.
5. The person has failed to pay the fees required to obtain the license.
6. The person made false statements on the application or to the common council or a committee thereof.
7. The person has been denied a license in the 6 months preceding the application date.
8. The person has had a license revoked in the 12 months preceding the application date.
9. The premises, if any, has not passed all required inspections.

SECTION 15: **ADOPTION** “9.50 Application Process” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.50 Application Process(*mdded*)

This process only applies to a license that adopts this section.

1. Application

- a. Any person seeking a new or renewal license shall file a complete application with the issuing officer in a form approved by the issuing officer. An application shall include the following information from the applicant and the applicant's members, shareholders, and owners as well as any other information required by the issuing officer:
 - i. Name
 - (1) If an individual, the applicant's full name
 - (2) If an entity, the applicant's legal name as well as the full names of any individuals who directly or indirectly have an ownership or managing interest in the entity
 - ii. Home address of any individuals named
 - iii. Date of birth of any individuals named
 - iv. Business email address
 - v. Business telephone number
 - vi. Business address
- b. Unless the type of license is specifically excluded from this requirement, the applicant shall describe the premises on which all licensed activity will take place.
- c. At the time of filing a new or renewal application, the applicant shall submit:
 - i. A nonrefundable application fee in the amount stated on the Fee Schedule.
 - ii. Where required by WAMC 9.47, a nonrefundable record check fee in the amount stated on the Fee Schedule.
 - iii. Any other information required by the particular license.
- d. The issuing officer shall notify the departments designated under WAMC 9.47 of the application received. Each department shall report to the issuing officer any information that may disqualify the applicant.

2. Granting, Issuance, and Denial

- a. If authorized by state law or under WAMC 9.47, the issuing officer may grant and issue a license to a qualified applicant. If the issuing officer does not grant and issue a license for any reason, the issuing officer shall forward the license application to the common council.
- b. The common council shall grant or deny a license to an applicant in accordance with applicable law.
- c. The issuing officer shall issue any license granted by the common council. The issuing officer shall notify any applicant whose application was denied of the applicant's appeal rights under state law or WAMC 2.48(5).

3. Conditions. The common council may place reasonable conditions upon any license it grants, unless prohibited by law.

4. Withdrawal. An applicant may withdraw an application at any time before it is granted or denied.

5. Special Meetings. A license applicant may request a special meeting of the common council to hear the application. If the common council holds a special meeting at the license applicant's request, the city clerk shall collect from the applicant the special meeting fee listed in the Fee Schedule.

SECTION 16: ADOPTION “9.51 Discipline Process” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.51 Discipline Process(*mdded*)

This process only applies to a license that adopts this section.

1. Disciplinary Events. A license may be suspended for up to 60 days, revoked, or non-renewed if any of the following disciplinary events applies to the licensee or the licensee's members, shareholders, or owners:
 - a. The person is disqualified under WAMC 9.49.
 - b. The person failed to maintain order on the premises.
 - c. The person has not exercised the activities authorized by the license for 30 consecutive days.
 - d. The activities on the premises have caused a public nuisance.
 - e. The licensee has not complied with the conditions under which it was granted.
2. Complaint. Based on allegations against a licensee submitted to the license and health committee by any person, an alderperson who finds the allegations are sufficient to justify a hearing may approve the issuance and service of a summons and complaint against the identified licensee. The complaint shall contain the allegations that, if proven, would constitute at least one disciplinary event. The summons shall state the date on which and location where the licensee must appear for a preliminary hearing on the complaint. The preliminary hearing may be held before the license and health committee or the common council. The summons shall be signed by the chair of the body conducting the hearing, and the complaint shall be signed by an attorney for the City who shall prosecute the complaint and be the complainant. Service shall be in the manner provided under Wis. Stat. Ch. 801 for service in civil actions in circuit court and accomplished at least 3 days prior to the preliminary hearing date.
3. Preliminary Hearing
 - a. If the licensee either does not appear as required by the summons or appears as required by the summons and admits to the allegations in the complaint, the allegations in the complaint shall be taken as true and, if the body holding the preliminary hearing finds the allegations constitute at least one disciplinary event, the license shall be suspended for up to 60 days, revoked, or non-renewed. The parties who are present shall have an opportunity to make argument prior to the body's decision. No decision by a committee is effective unless approved by the common council.
 - b. If the licensee appears as required by the summons and denies any part of the complaint, the complainant and licensee shall appear at a quasi-judicial hearing on the parts of the complaint that were denied. Any part of the complaint admitted as true shall be taken as true during the quasi-judicial hearing.
4. Quasi-Judicial Hearing
 - a. Procedure and Burden. The complainant shall enter evidence first. The licensee may enter evidence after the close of the complainant's evidence. The complainant and licensee may produce witnesses, cross-examine witnesses, submit evidence, and be represented by counsel. The complainant must prove

- by a preponderance of the evidence that a disciplinary event has occurred before the common council may suspend, revoke, or non-renew a license.
- b. Committee Hearing. If the quasi-judicial hearing is held before a committee of the common council, the committee and common council shall follow the process below:
- i. The committee shall determine if a disciplinary event has occurred and submit a report to the common council with findings of fact and conclusions of law. The report shall recommend dismissal of the complaint or suspension for up to 60 days, revocation, or nonrenewal of the license. The committee shall provide the complainant and the licensee with a copy of the report. The complainant or licensee may file with the clerk a written objection to the report, which shall identify any dispute with the report and legal argument in support of the objector's position. The complainant or licensee may file a response to any objection filed by the other. If any objection is filed, the common council may hear oral argument from the complainant and licensee or make a decision based on the written objection and any response.
 - ii. After considering the committee's report and any arguments presented by the complainant and the licensee, the common council shall either:
 - (1) Suspend for up to 60 days, revoke, or non-renew the license if a disciplinary event has occurred, or
 - (2) Dismiss the complaint.
- c. Common Council Hearing. If the quasi-judicial hearing is held before the common council, the common council shall follow the process below:
- i. The council shall determine if a disciplinary event has occurred.
 - ii. After conducting the hearing, the common council shall either:
 - (1) Suspend for up to 60 days, revoke, or non-renew the license if a disciplinary event has occurred, or
 - (2) Dismiss the complaint
- d. Transcript. After the quasi-judicial hearing and upon request, the City shall provide a written transcript of the hearing to the licensee at the licensee's expense.
5. Surrender. A licensee may surrender a license at any time prior to the suspension, revocation, or nonrenewal of the license.
6. Stipulation. The complainant and licensee may adjust or amend any procedural requirement by mutual agreement other than final resolution of a complaint. The complainant and licensee may, at any time, present the common council or a committee with a stipulate final resolution of the matter. The common council or committee may approve or reject the terms of that stipulation.
7. Notice of Adverse Decision. The municipal clerk shall give notice of each suspension, revocation, or non-renewal to the person whose license is suspended, revoked, or non-renewed.
8. Judicial Review. The suspension, revocation, or non-renewal of any license may be reviewed by writ of certiorari to the Milwaukee County Circuit Court.

SECTION 17: **ADOPTION** “9.52 Regulations” of the City Of West Allis
Municipal Code is hereby *added* as follows:

ADOPTION

9.52 Regulations(*added*)

1. -Information Update. The licensee shall file an updated application with the city clerk within 10 days after any information submitted during that license year has changed
2. Premises Limitation. All licensed activity must take place on the premises, if any.
3. No Transfer or Assignment. No license may be transferred or assigned to another person without approval from the common council and payment of any transfer fee listed in the Fee Schedule.
4. Display or Presentation of License. No licensee may operate under that license without displaying the license on the premises in a conspicuous location or, if display is not practicable, carrying the license and presenting that license to a City official upon request
5. Consent to Entry. No licensee may refuse to allow a City official to enter and remain upon a premises when any person is located on the premises.
6. Approved Operations. No licensee may operate a premises in manner that is inconsistent with any approved floor plan, operations plan, or other condition under which the license was granted and issued.
7. False Application Information. No person may knowingly provide materially false information in an application for a license or permit under this chapter.

SECTION 18: **ADOPTION** “9.53 Penalties” of the City Of West Allis
Municipal Code is hereby *added* as follows:

ADOPTION

9.53 Penalties(*added*)

1. Any person who violates a provision of this chapter that adopts a state law shall forfeit an amount equal to the forfeiture or fine for a violation of the adopted state law.
2. Any person who violates a provision of this chapter that is not an adopted state law shall forfeit up to \$1,000.
3. Each day in which an ongoing violation continues shall constitute a separate offense.
4. In addition to any penalty imposed by this section, the City may discipline any license and may seek other lawful remedies.

SECTION 19: ADOPTION “9.59 Adult-Oriented Entertainment” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.59 Adult-Oriented Entertainment(*mdded*)

1. License Required. No person may conduct a business that provides adult-oriented entertainment without first obtaining an adult-oriented entertainment license.
2. Exceptions. No license is required under this section if any of the following applies:
 - a. The person is a public or private school instructing pupils as part of its curriculum.
 - b. The person is operating a licensed medical care facility engaged in the providing of medical care or education.
 - c. The adult-oriented entertainment is an incidental and insignificant part of the business.
3. Application Process. The application process in WAMC 9.50 is adopted, except as modified below:
 - a. No premises may be located within 500 feet of any of the following:
 - i. Another premises licensed for adult-oriented entertainment.
 - ii. Any residential zoning district.
 - iii. Any pre-existing school, church or child care center.
4. Regulations
 - a. Restricted Entertainment. The common council may approve certain forms of adult-oriented entertainment and deny other forms. No licensee may provide any form of adult-oriented entertainment unless specifically authorized at the time the license is granted.
 - b. Employee and Entertainer Registration. No employees or persons performing adult-oriented entertainment on a premises may work without first registering in the city clerk's office and paying the fee in the Fee Schedule. The registrant shall provide their name (including all aliases), date of birth, and mailing address. No licensee may employ a person or allow a person to perform adult-oriented entertainment on a premises without verifying that person has first registered in the city clerk's office.
 - c. Hours of Operation. A premises shall remain closed during the same time that a Class "B" premises is required to close under Wis. Stat. 125.32(3)(a).
 - d. Semi-Public Areas. No premises may be arranged in a manner that a person may occupy a booth, room, or cubicle unless that area is freely accessible and viewable from public areas on the premises. No more than one individual may occupy a booth, room, or cubicle at any time.
 - e. Sexual Activity. No person may engage in sexual activities on the premises.
 - f. Physical Contact. While on the premises, no person may make physical contact with an employee or person performing adult-oriented entertainment.
5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 20: ADOPTION “9.60 Alcohol Beverage” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.60 Alcohol Beverage(*mdded*)

1. License Required. Wis. Stat. 125.04(1) is adopted.
2. Exceptions. Wis. Stat. 125.06 is adopted.
3. Application Process. The application process under Wis. Stat. Ch. 125 is adopted, except as modified below:
 - a. License Fee. An applicant shall pay the applicable license fee listed in the Fee Schedule prior to date on which the license is to be issued. If a license is not granted, any paid license fee shall be refunded.
 - b. New License Applications. At the time of filing a new application for a Class "A" license under Wis. Stat. 125.25(1), a "Class A" license under Wis. Stat. 125.51(2), a Class "B" license under 125.26(1), a "Class B" license under Wis. Stat. 125.51(3), or a "Class C" license under Wis. Stat. 125.51(3m), the applicant shall submit:
 - i. A nonrefundable inspection fee in the amount stated on the Fee Schedule
 - ii. A detailed floor plan for each floor of the premises, which shall include the following as applicable:
 - (1) Area in square feet and dimensions of the premises
 - (2) All entrances and exits to the premises together with a description of how patrons will enter the premises, the proposed location of the waiting line, and the location where security searches or identification verification will occur
 - (3) Locations of all seating areas, bars, and food preparation areas
 - (4) Locations and dimensions of any alcohol beverage storage and display areas
 - (5) Locations and dimensions of any outdoor areas available at the premises for the sale, service, or consumption of alcohol beverages
 - (6) Location and dimensions of any outside area that where customers, employees, or persons associated with the premises may smoke
 - (7) The location of exterior and interior trash receptacles
 - (8) Any other reasonable and pertinent information the License and Health Committee may require either for all applicants or in a particular case
 - iii. A completed plan of operation for the business, which shall include as applicable:

- (1) The hours of operation for the premises
 - (2) The legal capacity of the premises
 - (3) Methods for maintaining the appearance and operation of the premises with respect to noise and litter
 - (4) Any other business that will be conducted in connection with the premises.
 - (5) Any other licenses and permits sought for the premises.
 - (6) The number of security personnel expected to be on the premises, their responsibilities, and the equipment they will use in carrying out their duties.
 - (7) Any other reasonable information the License and Health Committee may require either for all applicants or in a particular case.
- c. Time of Filing and Issuance. Pursuant to Wis. Stat. 125.04(3)(f)2., an application for a license to sell alcohol beverages shall be filed with the city clerk at least 15 days prior to the granting of the license, except an application for a license issued under Wis. Stat. 125.26(6) or 125.51(10) shall be filed at least 5 business days prior to the granting of the license.
- Liquor Sales at Fuel Stations. No "Class A" license may be granted for any
- d. premises where gasoline or diesel fuel is sold at retail in connection with the premises, except that this restriction does not apply if any of the following applies:
- i. The "Class A" license contains the condition that retail sales of intoxicating liquor are limited to cider
 - ii. The premises for which the "Class A" license is issued is connected to premises where gasoline or diesel fuel is sold at retail by a secondary doorway that serves as a safety exit and is not the primary entrance to the "Class A" premises.
- e. Extension of Premises Application
- i. Temporary Extension
 - (1) A licensee may apply for a temporary extension of premises by submitting a request to the city clerk in a form approved by the clerk and paying the fee listed on the Fee Schedule.
 - (2) Each licensee shall provide a description of the temporary premises and any other information required by the city clerk. The request shall list specific dates for which the licensee requests an extension of premises or list a range of dates not to exceed 6 months for which the licensee requests an extension of premises.
 - (3) The common council shall determine whether to grant a request for temporary extension of premises under the same standards as a new license application. A temporary extension of premises creates a property interest only for the dates and times approved by the common council. Upon expiration of a temporary extension of premises, the temporary premises ceases to exist. Approval of a temporary extension of premises does not create a right to future approval.
 - ii. Permanent Extension. A licensee requesting a permanent extension shall pay the fee listed in the Fee Schedule at the time of the request. The council shall determine whether to grant the request for

permanent extension of premises under the same standards as a new license application.

4. Regulations. The regulations in Wis. Stat. Ch. 125 are adopted, except as modified below:

- a. "Class B" Authorizations. Pursuant to Wis. Stat. 125.51(3)(b), a retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass on the premises where sold 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 any quantity, to be consumed off the premises where sold.
- b. Outdoor Premises
 - i. Containers. No licensee may allow glass beverage containers in an outdoor premises.
 - ii. Noise Limit. No outdoor premises may be the source of sound that measures over 100 decibels (A-weighted) within 100 feet from the outdoor premises. The common council may set different noise limits for a particular outdoor premises if the licensee agrees to those alternate noise limits.
 - iii. Bordering. The border of any outdoor premises shall be physically marked with fencing, vegetation, barriers, or other objects or markings accurately indicating the limits of the outdoor premises.
 - iv. Lighting. Any lighting for an outdoor premises may not project directly to an area beyond the indoor and outdoor premises.
 - v. Closing Hours. No outdoor premises may remain open between the hours of 10 p.m. and 10 a.m. The common council may set different closing hours for a particular outdoor premises if the licensee agrees to those alternate closing hours.
- c. Conditions Specific to Licensee. The common council may impose the following conditions upon a particular new retail alcohol license at the time the license is granted or impose the following conditions upon a particular existing retail alcohol licensee only with the licensee's consent. No licensee may violate any condition specifically imposed upon that retail alcohol license.
 - i. The licensee shall conduct a principal business on the premises particularly described by the common council. Examples include those types of businesses described in Wis. Stat. 125.32(3m).
 - ii. The licensee shall maintain the property and premises so it is consistent with the landscaping and architectural design plans approved by the common council.
 - iii. The licensee shall video record all activities taking place on the premises, except within bathrooms and areas inaccessible to customers, and retain a copy of that video for at least 7 days. The video resolution must have at least 640 pixels horizontally and 480 pixels vertically. The licensee shall provide a copy of any video recording in the licensee's possession within 48 hours after receiving a request for video from a law enforcement officer.
 - iv. The licensee shall maintain certain security measures particularly described by the common council. Examples include lighting requirements, staffing minimums, and photographic identification

- scanners.
 - v. The licensee may not promote or conduct certain activities particularly described by the common council. Examples include live music and drink specials.
 - d. Hours of Sale Limited. Between 9:00 p.m. and 8:00 a.m., no person may do any of the following:
 - i. Sell alcohol beverages on a Class "A" or "Class A" premises.
 - ii. Sell alcohol beverages on a Class "B" or "Class B" premises in an original unopened package, container, or bottle.
 - iii. Sell alcohol beverages on a Class "B" or "Class B" premises for consumption off the premises.
 - e. Presence After Hours. No licensee may allow any person to enter or remain on a premises licensed for retail alcohol sales during hours when the premises are not open for business, unless that person is the licensee, employees of the licensee, salespersons for the licensee, or service personnel for the licensee if those persons are performing job-related activities.
 - f. Underage Persons on Premises
 - i. No licensee may allow underage person to enter or remain on Class "B" or "Class B" premises under Wis. Stat. 125.07(3)(a)10, unless the licensee has notified the police chief at least 7 days in advance of the times underage persons will be allowed on the premises.
 - ii. A licensee may allow an underage person to enter or remain on a temporary Class "B" premises under Wis. Stat. 125.26(6).
 - iii. A licensee may allow an underage person to enter or remain on a temporary "Class B" premises under Wis. Stat. 125.51(10) only for the purpose of acting as a designated driver and only if the licensee requires the underage person to display a means of identification, such as a wrist band, to identify underage persons as designated drivers.
5. Discipline Process. Wis. Stat. 125.12 is adopted.

SECTION 21: **ADOPTION** “9.61 Animal Sales And Services” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.61 Animal Sales And Services(*mdded*)

1. License Required. No person may conduct a business that sells, boards, breeds, bathes, or grooms animals without first obtaining an animal sales and services license.
2. Exceptions. No license is required under this section if the only animals sold or serviced are fish, crustaceans, or other permanent aquatic animals.
3. Application Process. The application process in WAMC 9.50 is adopted.
4. Regulations
 - a. Enclosures. No licensee may maintain an unclean, undersized, inadequate, infested, or unreasonably odorous animal enclosure.
 - b. Proximity. No licensee may maintain a premises within 50 feet of a location where food products are stored, served or prepared unless the health commissioner determines that sufficient barriers are in place.
 - c. Quantity. No licensee may maintain on the premises more than the maximum number of animals allowed by the health commissioner.
5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 22: **ADOPTION** “9.62 Bed And Breakfast Establishment” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.62 Bed And Breakfast Establishment(*mdded*)

1. License Required. Wis. Stat. 97.605(1)(b) is adopted.
2. Exceptions. (Reserved)
3. Application Process. The application processes in Wis. Stat. Ch. 97, Subch. III, and Wis. Adm. Code ATCP 73.04 are adopted.
4. Regulations. The regulations in Wis. Stat. Ch. 97, Subch. III and Wis. Adm. Code Ch. ATCP 73 are adopted.
5. Discipline Process. The discipline processes in Wis. Stat. 97.65 and Wis. Adm. Code ATCP 73.07 are adopted.

SECTION 23: **ADOPTION** “9.63 Body Piercing” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.63 Body Piercing(*mdded*)

1. License Required. Wis. Stat. 463.12(3) is adopted.
2. Exceptions. Wis. Stat. 463.12(5) is adopted.
3. Application Process. The application process in Wis. Adm. Code SPS 221.04(3) is adopted.
4. Regulations. The regulations in Wis. Adm. Code Ch. SPS 221 are adopted.

5. Discipline Process. The discipline process in Wis. Adm. Code SPS 221.07 is adopted.

SECTION 24: **ADOPTION** “9.64 Campground And Camping Resort” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.64 Campground And Camping Resort(*added*)

1. License Required. Wis. Stat. 97.67(1) is adopted.
2. Exceptions. Wis. Stat. 97.67(1g) is adopted.
3. Application Process. The application process in Wis. Adm. Code ATCP 79.05 is adopted.
4. Regulations. The regulations in Wis. Adm. Code Ch. ATCP 79 are adopted.
5. Discipline Process. The discipline processes in Wis. Stat. 97.71 and Wis. Adm. Code ATCP 79.08 are adopted.

SECTION 25: **ADOPTION** “9.65 Cigarette And Tobacco Products Retailer” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.65 Cigarette And Tobacco Products Retailer(*added*)

1. License Required. Wis. Stat. 134.65(1) is adopted.
2. Exceptions. (Reserved)
3. Application Process. The application process in Wis. Stat. 134.65(2)(a) is adopted.
4. Regulations. The regulations in Wis. Stat. 134.65 are adopted.
5. Discipline Process. The discipline process in Wis. Stat. 134.65(5) is adopted.

SECTION 26: **ADOPTION** “9.66 Concrete Contractor” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.66 Concrete Contractor(*added*)

1. License Required. No person may conduct a business that constructs, alters or repairs sidewalks made of concrete or other like materials without first obtaining a concrete contractor license.
2. Exceptions. (Reserved)
3. Application Process. The application process in WAMC 9.50 is adopted, except as modified below:
 - a. The applicant shall file a surety bond in the sum of \$3,000 in a form approved by the City Engineer, conditioned that for a period of 1 year from the date of completion of any work during the licensed year that the licensee shall replace

and restore to the specifications of the City Engineer the sidewalk, driveway and/or street or other public ground, and shall replace and restore any imperfect work which may be discovered by the City Engineer within 1 year after completing any work.

b. The applicant shall file a certificate of liability insurance in an amount of not less than \$300,000 per claim occurrence for any injury, loss, damage or liability which may result in any manner from the issuance of the license. The City of West Allis shall be named as an Additional Insured.

c. No premises description is required for this license.

4. Regulations. (Reserved)

5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 27: **ADOPTION** “9.67 Entertainment Device Distributor” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.67 Entertainment Device Distributor(*added*)

1. License Required. No person may lease or place an entertainment device upon another person's public place, or receive profits from such a lease, without first having obtained a license under this section.

2. Exceptions. None.

3. Application Process. The application process in WAMC 9.50 is adopted, except as modified below:

a. No premises description is required for this license.

b. The applicant shall provide a list of all addresses within the City at which the applicant has placed entertainment devices within the past year or will place amusement devices within the next year under the terms of a contract. The list shall include the number of machines placed or to be placed at the premises, and the legal names of the entities contracting for each entertainment device.

4. Regulations. (Reserved)

5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 28: **ADOPTION** “9.68 Escort Service” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.68 Escort Service(*added*)

1. License Required. No person may conduct a business that provides the service of person who accompanies another to social affairs, places of entertainment or places of amusement without first obtaining an escort license.
2. Exceptions. No license is required under this section if any of the following applies:
 - a. The person holds a license by the State of Wisconsin or the City that authorizes the activity.
 - b. The act of accompanying another is, in good faith, incidental to the primary function of a different profession, employment, or business.
3. Application Process. The application process in WAMC 9.50 is adopted, except as modified below:
 - a. No premises description is required for this license.
4. Regulations.
 - a. Registration of Employees, Agents, or Contractors. No employees, agents, or contractors may perform the activity licensed in this section without first registering in the city clerk's office and paying the fee in the Fee Schedule. The registrant shall provide his or her name (including all aliases), date of birth, and mailing address. No licensee may employ a person or allow a person to perform the activity licensed in this section without verifying that person has first registered in the city clerk's office.
5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 29: **ADOPTION** “9.69 Fitness Center” of the City Of West Allis Municipal Code is hereby *added* as follows:

A D O P T I O N

9.69 Fitness Center(*added*)

1. License Required. No person may conduct a business that provides services or facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development without first obtaining a fitness center license.
2. Exceptions. No license is required under this section if any of the following applies:
 - a. The facility solely offers training in or facilities for an individual sport or activity.
 - b. The facility provides instruction, supervision, or counseling for diet or weight loss or maintenance, but no physical exercise services are provided on the premises.
3. Application Process. The application process in WAMC 9.50 is adopted.
4. Regulations.
 - a. CPR Training. Wis. Stat. 100.178 is adopted.
 - b. Sanitary Conditions. Equipment, furniture, linens, or other materials that are subject to bodily contact by users shall be disposed of after a single use, manufactured in a manner that deters bacterial growth, or washed in a manner

to insure adequate hygiene between users.

c. Locker Room Requirements. Separate locker room facilities shall be present and accessible for men and women. All locker room patrons shall have available for their optional use a clothes locker constructed of substantial material, provided with an interior hook for hanging items of clothing and with a means for locking to provide security for patrons' items and property. Lockers shall be arranged, designed, and located so that they are not subject to spray or other water damage.

5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 30: **ADOPTION** “9.70 Hotel Or Motel” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.70 Hotel Or Motel(*added*)

1. License Required. Wis. Stat. 97.605(1)(a) is adopted.
2. Exceptions. (Reserved)
3. Application Process. The application processes in Wis. Stat. Ch. 97, Subch. III, and Wis. Adm. Code ATCP 72.04 are adopted.
4. Regulations. The regulations in Wis. Stat. Ch. 97, Subch. III, and Wis. Adm. Code CH. ATCP 72 are adopted.
5. Discipline Process. The discipline processes in Wis. Stat. 97.65 and Wis. Adm. Code ATCP 72.07 are adopted.

SECTION 31: **ADOPTION** “9.71 Junk Picker” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.71 Junk Picker(*added*)

1. License Required. No person may conduct a business that picks up, gathers, assorts, carries away or in any manner handles or causes to be handled any material of any kind on a public or City dump for salvage, junking or scavenging without first obtaining a junk picker license.
2. Exceptions. (Reserved)
3. Application Process. The application process in WAMC 9.50 is adopted, except as modified below:
 - a. No premises description is required for this license
4. Regulations
 - a. Rules by Director of Public Works. No licensee may violate any rule established by the Director of Public Works regarding any conduct at a public or City dump.
5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 32: **ADOPTION** “9.72 Lodging House” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.72 Lodging House(*mdded*)

1. License Required. No person may conduct a business that rents 3 or more separately leased sleeping rooms located in the same dwelling unit without first obtaining a lodging house license.
2. Exceptions. No license is required under this section if the premises is licensed as a hotel or motel.
3. Application Process. The application process in WAMC 9.50 is adopted.
4. Regulations
 - a. Sleeping Rooms. Each sleeping room shall be at least 70 square feet in size with a window of at least 12 square feet and a screened opening not less than 6 square feet in that window.
 - b. Lavatories. At least one flush toilet, lavatory basin and bathtub or shower shall be supplied for each 6 persons occupying the lodging house, and those facilities shall be accessible from a common hall or passageway to all persons sharing those facilities
 - c. Sanitary Conditions. The licensee shall maintain the sleeping rooms and shared facilities in a manner that is clean, free from odor, and in good repair.
5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 33: **ADOPTION** “9.73 Manufactured And Mobile Home Community” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.73 Manufactured And Mobile Home Community(*mdded*)

1. License Required. Wis. Stat. 66.0435(2)(a) is adopted.
2. Exceptions. (Reserved)
3. Application Process. The application process in Wis. Stat. 66.0435(4) is adopted, except as modified below:
 - a. Each applicant shall also submit the following with each initial or renewal application, unless the information is the same as stated in a previous application:
 - i. For an individual applicant, that person's phone number, date of birth, and email address. For an entity applicant, the person's federal employer identification number and names and addresses of the

- person's officers, members, or partners.
- ii. The name, address, phone number, and email address of a person who manages the manufactured and mobile home community.
- iii. A scale drawing of the manufactured and mobile home community prepared and certified by a registered professional engineer, surveyor, or architect. The drawing shall contain:
 - (1) Accurate dimensions of the community;
 - (2) Location and width of all roads and approaches,
 - (3) The method of ingress and egress from, and dimensions and locations of public highways;
 - (4) The complete electric service installation and the location of poles, wire service outlets, and lighting facilities;
 - (5) All snow storage areas and utility easements;
 - (6) A complete layout of unit spaces and number of square feet therein, together with the dimensions thereof. Each unit space shall bear a number in accordance with a numbering system approved by the Director of the Department of Building Inspection and Neighborhood Services
 - (7) The location of the electric power distribution systems, water mains, or wells for water supply outlets for domestic water users;
 - (8) Location of sanitary facilities, bathrooms, garbage disposal units, incinerators, sanitary sewers, sewer drain lines, and any other building or structure;
 - (9) The location of required vehicle and supplementary parking spaces for vehicles, boats, and other towed vehicles.

4. Regulations

- a. Fair Trade Practices. Wis. Adm. Code Ch. ATCP 125 is adopted.
- b. Licensee to Collect Monthly Permit Fee. The manufactured and mobile home community operator shall collect the monthly municipal permit fee from each unit owner.
- c. Responsibilities of Licensee. Every person licensed to operate and manage a manufactured and mobile home community shall be responsible for:
 - i. Maintaining all records pertaining to the management, operation, and supervision of the manufactured and mobile home community for the current licensing year and previous 2 licensing years.
 - ii. The maintenance of an orderly and clean manufactured and mobile home community and the maintenance of all streets, roadways, or thoroughfares necessary as fire lanes of a manufactured and mobile home community free and clear of all refuse, rubbish, snow, ice, or other materials or objects.
 - iii. The numbering of all units, which numbers shall correspond to the number shown in the registry signed by each new arrival, permitting such person to occupy a given site.
 - iv. The proper illumination on the premises of all streets, roadways, private driveways, and entrances and exits to and from the premises from 30 minutes after sunset to 30 minutes before sunrise on the succeeding day.
 - v. The prompt reporting to the Police Department of any violation of an ordinance, statute, or other law committed on the premises that the licensee knew or should have known about.

- vi. The observation of fire prevention rules and laws; the keeping of all buildings, fences, illumination, streets, roadways, water systems, sewer systems, and electric streetlighting systems in good serviceable condition, clean, sanitary, and in good repair; and the keeping of the entire premises clean and sanitary so as to minimize obnoxious odors, rodent harborage, flies, mosquitoes, vermin, or other insects. Page 58
 - vii. The maintenance of a register of all owners and occupants of manufactured and mobile homes located in the manufactured and mobile home community.
 - viii. The licensee's registered contact person shall, during reasonable hours, be available in the community, in close proximity to the community, or via electronic or telephonic means.
5. Discipline Process. The discipline process in Wis. Stat. 66.0435(2)(d) is adopted.

SECTION 34: **ADOPTION** “9.74 Nicotine Products Retailer” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.74 Nicotine Products Retailer(*added*)

- 1. License Required. No person may 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 to any person any nicotine products, as defined in Wis. Stat. 134.66(1)(f), or any item designed or used for the inhalation of nicotine products without first obtaining a nicotine products retailer license.
- 2. Exceptions. (Reserved)
- 3. Application Process. The application process in WAMC 9.50 is adopted.
- 4. Regulations
 - a. Vending Machines and Self-Service Displays. No licensee shall sell, give, furnish, or cause to be sold, given, or furnished any nicotine products or any item designed or used for the inhalation of nicotine products by use of a vending machine or self-service display unless minors are not allowed to enter the premises at any time.
- 5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 35: **ADOPTION** “9.75 Pawnbroker” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.75 Pawnbroker(*added*)

1. License Required. Wis. Stat. 134.71(2) is adopted.
2. Exceptions. (Reserved)
3. Application Process. The application process in Wis. Stat. 134.71 is adopted.
4. Regulations. The regulations in Wis. Stat. 134.71 are adopted.
5. Discipline Process. The discipline process in Wis. Stat. 134.71(10) is adopted.

SECTION 36: ADOPTION “9.76 Public Entertainment” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.76 Public Entertainment(*mdded*)

1. License Required. No person may conduct a business that provides public entertainment without first obtaining a regular or temporary public entertainment license.
2. Exceptions. No license is required under this section if any of the following applies:
 - a. Public entertainment is provided by a charitable, nonprofit, or educational institution, religious organization, or governmental entity upon land owned and exclusively occupied by that entity.
 - b. Public entertainment is provided by an organization formed for the purpose of ballet performance and instruction and which has received tax exempt status from the United States Internal Revenue Service.
 - c. Billiard tables are provided on the premises of bona fide clubs or social organizations not operating for private profit which provide other membership privileges and activities, even though there is a charge for playing billiards.
 - d. Dancing instruction is provided for compensation without any performance for the general public.
 - e. Television or music is intended to entertain only employees and not customers.
 - f. Public entertainment is provided on the grounds of and during a special event permitted under WAMC 6.032.
3. Application Process. The application process in WAMC 9.50 is adopted, except as modified below:
 - a. The clerk may not grant this license.
 - b. The application shall include this additional information:
 - i. A plan of operation
 - ii. A floor plan of the premises
4. Regulations
 - a. Hours of Operation. No licensee may allow the premises to remain open between the hours of 11:00 p.m. and 9:00 a.m. of any day, unless the common council expands the open hours for the premises. No premises may remain open outside of the hours set forth by the common council.
 - b. Minors Restricted. No licensee may allow any person under the age of 18 on the premises where amusement devices are offered to the public before the hour of 3:00 P.M. on any day that the West Allis-West Milwaukee public schools are in session, unless accompanied by their legal parent or guardian.
 - c. Layout. No licensee may arrange amusement device on a premises in a manner that the device and any users of that device obstruct a path at least 3

- feet wide on the side of the user opposite of the amusement device.
5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 37: **ADOPTION** “9.77 Public Swimming Pool” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.77 Public Swimming Pool(*mdded*)

1. License Required. Wis. Stat. 97.67(1) is adopted.
2. Exceptions. (Reserved)
3. Application Process. The application process in Wis. Adm. Code ATCP 76.05 is adopted.
4. Regulations. The regulations in Wis. Adm. Code Ch. ATCP 76 are adopted.
5. Discipline Process. The discipline processes in Wis. Stat. 97.71 and Wis. Adm. Code ATCP 76.08 are adopted.

SECTION 38: **ADOPTION** “9.78 Recreational And Educational Camp” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.78 Recreational And Educational Camp(*mdded*)

1. License Required. Wis. Stat. 97.67(1) is adopted.
2. Exceptions. (Reserved)
3. Application Process. The application process in Wis. Adm. Code ATCP 78.05 is adopted.
4. Regulations. The regulations in Wis. Adm. Code Ch. ATCP 78 are adopted.
5. Discipline Process. The discipline processes in Wis. Stat. 97.71 and Wis. Adm. Code ATCP 78.08 are adopted.

SECTION 39: **ADOPTION** “9.79 Retail Food Establishment” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.79 Retail Food Establishment(*mdded*)

1. License Required. Wis. Stat. 97.30(2)(a) is adopted.

2. Exceptions. Wis. Stat. 97.30(2)(b) is adopted.
3. Application Process. The application process in Wis. Stat. 97.30 is adopted.
4. Regulations. The regulations in Subch. II of Wis. Stat. Ch. 97, Wis. Adm. Code Ch. ATPC 55, and Wis. Adm. Code Ch. ATPC 75 are adopted.
5. Discipline Process. The discipline process in Wis. Adm. Code ATPC 75.12 is adopted.

SECTION 40: **ADOPTION** “9.80 Secondhand Article Dealer” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.80 Secondhand Article Dealer(*added*)

1. License Required. Wis. Stat. 134.71(3)(a) is adopted.
2. Exceptions. Wis. Stat. 134.71(3)(b) is adopted.
3. Application Process. The application process in Wis. Stat. 134.71 is adopted.
4. Regulations. The regulations in Wis. Stat. 134.71 are adopted.
5. Discipline Process. The discipline process in Wis. Stat. 134.71(10) is adopted.

SECTION 41: **ADOPTION** “9.81 Secondhand Jewelry Dealer” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.81 Secondhand Jewelry Dealer(*added*)

1. License Required. Wis. Stat. 134.71(4) is adopted.
2. Exceptions. (Reserved)
3. Application Process. The application process in Wis. Stat. 134.71 is adopted.
4. Regulations. The regulations in Wis. Stat. 134.71 are adopted.
5. Discipline Process. The discipline process in Wis. Stat. 134.71(10) is adopted

SECTION 42: **ADOPTION** “9.82 Tattoo” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.82 Tattoo(*added*)

1. License Required. Wis. Stat. 463.10(3) is adopted.
2. Exceptions. Wis. Stat. 463.10(5) is adopted.

3. Application Process. The application process in Wis. Adm. Code SPS 221.04(3) is adopted.
4. Regulations. The regulations in Wis. Adm. Code Ch. SPS 221 are adopted.
5. Discipline Process. The discipline process in Wis. Adm. Code SPS 221.07 is adopted.

SECTION 43: **ADOPTION** “9.83 Tourist Rooming House” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.83 Tourist Rooming House(*added*)

1. License Required. Wis. Stat. 97.605(1)(a) is adopted.
2. Exceptions. (Reserved)
3. Application Process. The application processes in Wis. Stat. Ch. 97, Subch. III, and Wis. Adm. Code ATCP 72.04 are adopted.
4. Regulations. The regulations in Wis. Stat. Ch. 97, Subch. III, and Wis. Adm. Code CH. ATCP 72 are adopted.
5. Discipline Process. The discipline processes in Wis. Stat. 97.65 and Wis. Adm. Code ATCP 72.07 are adopted.

SECTION 44: **ADOPTION** “9.84 Transient Merchant” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

9.84 Transient Merchant(*added*)

1. License Required. No person may conduct a business that engages in the sale of personal services or merchandise from a temporary location without first obtaining a transient merchant license.
2. Exceptions. No license is required under this section if any of the following applies:
 - a. The person is a permanent merchant who has continuously operated an established place of business in the City for at least 6 months.
 - b. The person is an auctioneer registered under Wis. Stat. Ch. 480 and conducting an auction sale.
 - c. The person is a resident of this state selling produce or other perishable products at retail or wholesale.
 - d. The person is a minor operating a stand in compliance with Wis. Stat. 66.0416.
 - e. The person is renting space at the Farmers Market.
 - f. The person is selling goods at wholesale to dealers in such goods.
 - g. The person is selling agricultural products which the person has grown.
 - h. The person is delivering newspapers, fuel, dairy products, bakery goods or

- similar goods to regular customers on established routes.
 - i. The person is engaging in a transaction initiated by the buyer specifically requesting a home visit.
 - j. The person is holding a sale required by law.
 - k. The person is any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of that organization.
 - l. The person is operating under a special statewide peddler's license under Wis. Stat. 440.51.
3. Application Process. The application process in WAMC 9.50 is adopted, except as modified below:
- a. The application shall include all the following:
 - i. Nature of the business to be conducted and a brief description of the goods and services offered.
 - ii. Make, model, and license plate number of any vehicle to be used by the applicant in the conduct of the business.
 - iii. Names of the last 3 municipalities in which the applicant conducted similar business.
 - iv. Proof of a retail sales tax permit if required by Wis. Stat. 77.52.
 - b. No premises description is required for this license, but the applicant shall disclose the location(s) from which the business will be conducted and the proposed dates and times instead of a premises description.
4. Regulations. Any person who engages in the sale of personal services or merchandise from a temporary location, with or without a license, shall:
- a. Specifically disclose, upon request, what portion of the sale price of goods or services being offered will actually be used for a charitable purpose, expressed as a percentage of the sale price of the goods.
 - b. Not produce sound that is audible from 100 feet away.
 - c. Maintain the area around the person free from rubbish or litter, regardless of whether the person was the source of that rubbish or litter.
 - d. Conduct business only from property upon which the person has a legal right to occupy and that has been disclosed in the license application.
 - e. Maintain open ingress and egress to adjacent properties
 - f. Refrain from approaching any person occupying a vehicle.
 - g. Engage in displaying or selling goods or services only from the location set forth in the license, if applicable.
 - h. Conduct business only between the hours of 9 a.m. and 9 p.m., except by appointment.
 - i. Upon initially making contact with another person on that person's private property, state the licensee's name and the purpose of the solicitation.
 - j. Accurately represent the purpose of any solicitation.
 - k. Remain 300 feet away from the Farmers Market during the hours that the market is open for business, unless the person is otherwise authorized by the Farmers Market.
 - l. During the dates established for the Wisconsin State Fair, remain outside an area bounded by the north City limits, the east half of South 84th Street, the north half of West Greenfield Avenue and the west half of South 77th Street.
 - m. Remain 500 feet away from the Wisconsin State Fair grounds on the days in which the Wisconsin State Fair is occurring if the person is selling admission tickets
 - n. When using a vehicle:
 - i. Not remain on the same block in an area zoned residential for more

- than 1 hour per day, unless specifically authorized through a special event or community event.
 - ii. Display the person's transient merchant license, if any, on the person's vehicle.
 - iii. Display the person's name and telephone number on the person's vehicle in lettering not less than 4 inches high.
 - iv. Remain at least 300 feet from any school grounds.
 - v. Remain at least 100 feet from any licensed restaurant, unless such restaurant is owned by the person or the person has written permission from the restaurant license's owner or agent.
5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 45: ADOPTION “4.25 Towing Contracts” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

4.25 Towing Contracts*(mdded)*

1. Declaration of Policy. The public interest requires that there be available to the City and all Departments thereof the services of a qualified and responsible towing contractor on a twenty-four (24) hour a day basis to remove from public ways and places any wrecked, disabled or abandoned vehicles or any vehicle which constitutes an obstruction or hazard to vehicular or pedestrian traffic.
 - a. Danger to the public shall be eliminated as quickly as possible.
 - b. Impediments to traffic shall be removed and normal traffic flow restored as soon as possible.
 - c. Towed vehicles shall be placed where directed by an authorized agent of the City or where they are safe and secure until the owner, his agent or representative, can determine further disposition thereof.
2. Definitions.
 - a. A vehicle is deemed to be wrecked or disabled within the meaning of this section when it cannot safely be moved under its own power.
 - b. A vehicle is deemed to be abandoned within the meaning of this section whenever it has remained standing on any highway, public place or in any building in the City more than twenty-four (24) hours.
 - c. A vehicle is deemed to constitute an obstruction or hazard to vehicular or pedestrian traffic whenever it shall, while stationary and unable to proceed, block the lane of traffic which would otherwise be open for travel by motor vehicles or pedestrians. A vehicle shall also be deemed to constitute an obstruction or hazard to vehicular traffic when it is parked in violation of the snow emergency regulations and the winter parking regulations of Section 10.11 of this Code.
3. Removal of Vehicles. Any wrecked, disabled or abandoned vehicle or any vehicle which constitutes an obstruction or hazard to vehicular or pedestrian traffic is hereby declared to be a public nuisance and may be abated or removed as provided in Section 6.015 of this Code.
4. Towing Contract Let by Bid. The Board of Public Works shall take bids for the West Allis towing contract and submit same to the Common Council for approval. An

advertisement for bids shall be published in the official City newspaper by the Board of Public Works for two (2) successive weeks before the date established for taking of bids. Bids shall be upon forms provided by the Board. The towing contract shall be awarded to that responsible bidder whose bid shall result in the lowest overall cost for the service provided and who, in the judgment of the Common Council, shall render the most satisfactory and dependable service to the City.

5. Minimum Qualifications for Bidders.

- a. Bidders shall have their business locations in the City or within three (3) miles of the City's boundaries at a place properly zoned for such purpose. No business activities pursuant to the towing contract shall be conducted from or in connection with residential property in the City or from any place not properly zoned for such purpose.
- b. Bidders may qualify for contract only by presenting evidence that they meet the following requirements:
 - i. Experience in the towing and winching of vehicles.
 - ii. Financial responsibility.
 - iii. Adequate towing equipment and storage facilities; that the bidder shall have in service at least four (4) towing vehicles, plus one (1) flatbed vehicle, and have inside storage for five (5) vehicles and outside storage for ten (10) vehicles on the same premises and shall have trained personnel available twenty-four (24) hours a day, seven (7) days a week.
 - iv. Certificate for law enforcement wrecked or disabled towing.
- c. Bidders shall post a surety bond in the amount of five thousand dollars (\$5,000) as a guaranty of satisfactory performance of the contract; such bond to be approved by the City Attorney as to form and execution.
- d. Bidders shall file, with the executed contract, proof of worker's compensation insurance and liability insurance in minimum amounts of \$500,000/\$1,000,000/\$500,000 covering all operations, premises, storage of vehicles and the contents thereof, and vehicles used in carrying out the work required under the contract. The liability policy shall be endorsed to name the City of West Allis as an additional insured. The insurance policies shall provide for a thirty (30) day notice to the City in the event of cancellation.

6. Contract; Terms to be Included.

- a. The contract shall be subject to approval by the Common Council and shall be executed by the Mayor and City Clerk/Treasurer on behalf of the City and shall be approved as to form by the City Attorney.
- b. The term of the contract shall be for a period of three (3) years, except that the contract shall be terminable at will by the Common Council for such cause as shall seem sufficient to the Council.
- c. The contractor shall bind himself as follows: within thirty (30) minutes of notification by a commanding officer of the Police Department, the Director of Public Works or other duly authorized officer or employee of the City to be on site and prepared to remove the vehicle as directed by such officer or employee of the City. Such thirty (30) minute response time shall not be applicable if the Chief of Police or Director of Public Works is satisfied that a bona fide emergency prevented the towing contractor from responding.
- d. The bidder agrees to have at least two (2) vehicles available to respond to calls from authorized City of West Allis representatives during declared snow emergencies.

- e. The contractor's compensation for the rendition of services shall be paid by the owner of the vehicle or by his agent or representative or, where applicable, by the City according to the fee schedule submitted with the contractor's bid. In the case of abandoned or unclaimed vehicles sold by the City under secs. 68.28 or 342.40 of the Wisconsin Statutes, the City shall pay only the portion of the compensation which is in excess of the value of the vehicles obtained by the contractor or upon disposal by him. It shall be unlawful for the towing contractor to charge in excess of the fee schedule submitted with the contractor's bid, where an authorized agent of the City has called for the contractor's services.
- f. Contractor shall notify the Chief of Police of all vehicles which have remained unclaimed in his custody for a period of thirty (30) days or, in case of abandoned vehicles, for a period of ten (10) days, including make, model, year and date of possession. If it is determined by the Chief of Police or any member of his Department designated by him that the cost of towing and storing charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination that the vehicle is not stolen or otherwise wanted for evidence or other reason.

The Chief of the Police may authorize the contractor to dispose of such vehicles and to advise the Department of Transportation of the disposition of any such vehicle according to the provisions of sec. 342.40(3)(e) of the Wisconsin Statutes. In addition, the contractor shall be responsible for complying with the provisions of sec. 342.40(3)(c) relating to notice to owners and lienholders.

- g. The contractor shall submit to the Chief of Police, on or before the tenth day of each month, a sworn statement covering all operations performed under the towing contract for the preceding month. The statement shall contain the following information:
 - i. Name and address of owner of vehicle.
 - ii. Date of removal of vehicle.
 - iii. Make and model of the vehicle.
 - iv. Location from which the vehicle was removed.
 - v. Location to which the vehicle was removed.
 - vi. The total charge made for such removal.
- h. The Chief of Police is hereby authorized to assign to the contractor any cause of action which may accrue to the benefit of the City, pursuant to sec. 342.40(3)(b) of the Wisconsin Statutes, for the costs of towing, impounding and disposing of an abandoned vehicle. Any vehicle not disposed of under Section (6)(e) of this contract shall be disposed of in accordance with the provisions of sec. 342.40(3)(c) of the Wisconsin Statutes.

The Chief of Police, or any member of his Department designated by him, shall dispose of any vehicle not disposed of under subsection (6)(e) of this ordinance by sealed bid or auction after the contractor has complied with the provisions of subsection (6)(e) of this ordinance. Notice of such sale shall be done by publishing it in the official City newspaper.

- i. The contractor shall agree to hold the City harmless for any and all claims and damages resulting from operations conducted under the towing contract, including damage or loss to vehicles and personal property contained in said

vehicles held in storage by the contractor. The contractor further agrees to defend any claim on behalf of the City and to pay all costs, damages and attorneys fees which may result from such claims. The insurance policies required in subsection (5)(d) shall reflect the terms of this paragraph.

The contractor shall agree to hold the City harmless from any and all claims and damages resulting from any and all operations conducted under the towing contract, and shall agree to defend any claims on behalf of the City, and to pay all costs, damages and attorneys fees which may result from such claims. The certificates of insurance required by section (5)(d) shall reflect the terms of this paragraph.

- j. The bidder agrees to post a list of prices in conformity with the bid. The list of prices shall be conspicuously posted and in a form designed to give reasonable notice to a person retrieving a towed vehicle.

7. Police Department Fees for Services.

- a. Storage of Vehicles. In addition to any other fees set forth herein, the West Allis Police Department is authorized to charge ten dollars (\$10) per day for the storage of vehicles outside the West Allis Police Department and fifteen dollars (\$15) per day for the indoor storage of vehicles at the West Allis Police Department. The same rates shall apply to the storage of vehicles on any other property owned by the City of West Allis and designated by the Chief of Police for such purpose.
- b. Administrative fee. The West Allis Police Department is authorized to charge a twenty-five dollar (\$25) administrative fee for West Allis Police Department services related to the towing of vehicles. Said fees shall be collected by the City's vehicle towing contractor along with that company's regular towing charges and paid to the City on a monthly basis.

SECTION 46: ADOPTION “6.11 Misuse Of 911” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

6.11 Misuse Of 911(*added*)

1. Definition. "Emergency" means a situation in which immediate response by public safety personnel is essential and an existing or very probable situation exists of bodily harm or life-threatening illness or condition; property damage or loss; or escape of a suspect in a criminal offense or its municipal offense counterpart.
2. No person shall intentionally dial the emergency telephone number 911 to report an emergency knowing that the fact situation which he or she reports does not exist.
3. No person shall intentionally dial the emergency telephone number 911 for any other purpose other than to report an emergency.
4. Penalties. Any person violating Subsection (2) or (3) of this ordinance shall be required to forfeit not less than two hundred fifty dollars (\$250.) nor more than five hundred dollars (\$500.). The person shall be required to pay the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee

County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes, or by suspension of the defendant's operating privilege, pursuant to secs. 343.30 and 345.47 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

SECTION 47: **ADOPTION** “6.12 Check Cashing Business Hours” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

6.12 Check Cashing Business Hours(*mdded*)

1. Definition. "Check-cashing business" means any person licensed pursuant to Wis. Stat. § 218.05, or a person licensed pursuant to Wis. Stat. § 138.09, who accepts a check or title, holds the check or title for a period of time before negotiating or presenting the check or title for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction. A check-cashing business may be known as a payday loan business, title for cash business, convenient-cash business or similar enterprise.
2. Hours of Operation. No check-cashing business shall be open for business between the hours of 9:00 p.m. and 9:00 a.m.
3. Penalty. Any person violating the provisions of this subsection shall forfeit:
 - a. The sum of two thousand five hundred dollars (\$2,500.) upon the first conviction under this ordinance within a one-year period.
 - b. The sum of five thousand dollars (\$5,000.) upon the second conviction under this ordinance within a one-year period.
 - c. The sum of seven thousand five hundred dollars (\$7,500.) upon the third and subsequent conviction under this ordinance within a one-year period.
4. For purposes of counting the one-year period, the date of violation shall be used.

SECTION 48: **ADOPTION** “6.13 Property Registration” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

6.13 Property Registration(*mdded*)

1. Purpose.
 - a. Property owner registration of residential and commercial properties is essential for the proper enforcement of the City's Building, Zoning, Fire and Health Codes and to

safeguard persons, property and general welfare.

- b. The Common Council of the City of West Allis has determined that, in order to best safeguard the health, safety, and general welfare of the public, it is necessary to maintain a listing of current property owner contact information so that City agencies may expeditiously process property-related enforcement issues.
- c. The Common Council of the City of West Allis has further determined that in order to expeditiously process enforcement issues, the property owner shall provide owner contact information and designate a registered contact person and if the owner does not reside in the State of Wisconsin, designate a person or legal entity located within the State of Wisconsin for service of process.

2. Definitions. In this section:

- a. "Commercial" means use of property that is not classified by the City Assessor as residential and includes classifications of mixed use, multifamily, commercial, manufacturing, industrial and institutional property classifications.
- b. "Registered Contact Person" means a person designated by the property owner to be contacted regarding related enforcement issues for the subject property. The property owner may be listed as the registered contact person, except where the owner's residency is not within the State of Wisconsin. The property owner may designate more than one registered contact person. The owner shall authorize the City to serve any legal process on the contact person and service shall have the same effect as having served the owner.
- c. "Domicile" means the owner's true, fixed and permanent residence and to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time. The domicile address shall not be a post office box or similar depository.
- d. "Entity" means the legal owner of the property and includes the mortgagee in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, a corporation, or other property ownership type.
- e. "Owner" means each person who jointly or severally is vested with all or part of legal title to (or beneficial ownership of) the premises, and who has the right to use and enjoyment of the premises. The term includes, but is not limited to, a mortgagee in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, and a corporation or other property ownership type.
- f. "Owner-occupied" means the owner's residence and domicile is on the subject property.
- g. "Person" means an individual.
- h. "Physical address" means a unit-specific building or house number and street name and not a post office box or commercial alternative to a post office box.

3. Exceptions. The following are exempt from registering as required under this section.

- a. Land parcels of owner-occupied one-, two-, and three-family residential classified properties where the ownership is recorded with the Milwaukee County Register of Deeds.
- b. Land parcels classified by the Assessor's as a residential vacant lot and where the legal property owner's domicile is adjacent to the vacant lot.
- c. Owners of owner-occupied condominium units where the ownership is recorded with the Milwaukee County Register of Deeds and a Condominium Association declaration is established, and the association has an appointed condominium agent.
- d. Government-owned properties, including federal, state, county, City of West Allis and West Allis/West Milwaukee School District properties, Milwaukee Metropolitan

Sewerage District properties, Milwaukee Area Technical College properties, and property owned by public utilities where ownership is recorded with the Milwaukee County Register of Deeds Office.

- e. Owners of properties which are currently registered in accordance with RMC 18.10 or RMC 18.11. **[Ord. O-2016-0039, 8/2/2016]**

4. Registration Required.

- a. The following shall file with the City the required registration form provided by the City, for registering the property in compliance with this section:
 - i. Residential or Commercial Property Owner: one (1) registration for each tax-key-numbered parcel classified as residential or commercial, including properties classified as a vacant lot.
- b. Exceptions. See Subsection (3) for exceptions to registration.

5. Registration Information Required.

- a. The property owner is legally responsible for compliance with the registration requirements of this section and submittal of the required form with required information.
- b. The registration form shall be provided by the City to the property owner by first-class mail to the last known address of the property owner. The City may allow electronic filing of registration information.
- c. Information required to be submitted to the City shall be typed or printed legibly and shall include the following:
 - i. In the case of a person or persons owning the property: legal name; domicile residence address, with street address, city, state, zip code; email address; and phone number for emergency contact. The domicile address shall not be a post office box or similar depository.
 - ii. In the case of property ownership by corporation, limited partnership, limited liability partnership, or other similar ownership as registered with the State of Wisconsin: Wisconsin corporation identification number; legal name of entity; registered agent's legal name; domicile residence address of registered agent including city, state, zip code; email address; and phone number for emergency contact. The domicile address shall not be a post office or similar depository.
 - iii. In the case of a trust, trustee or life estate holder: Wisconsin Registration Identification Number; legal name of representative; domicile residence address of representative, including street address, city, state, zip code; email address; and phone number for emergency contact of the representative. The domicile address shall not include a post office box or similar depository.
 - iv. The property owner shall designate and state on the registration a registered contact person. The registered contact person may be the property owner. The listing of the contact person shall include his/her address, city, state, zip code; email address; and phone number.
 - v. The property address and tax key number of the property being registered.

6. Registration and Changes In Information.

- a. Initial Registration. Beginning in the calendar year 2010, each owner of a property required to be registered by this Section shall file the required registration form and pay the required fee. The registration form shall be sent by first-class mail. Any registration filed after December 1, 2010 or, in the case of change of ownership, later than stated in (b) through (e) below, shall result in the fee being increased to one hundred fifty dollars (\$150.). The increased fee may be waived by the City.
- b. Registration. Any change of ownership after the initial registration shall be filed within 30 days of conveyance. Any registration filed after 30 days of conveyance shall result in the fee being tripled. The increased fee may be waived or rescinded by the City.
- c. Recording After Death. In the event of death of the property owner required to be

registered under this section, the subsequent owner shall file a new registration form within 60 days after conveyance from the estate or other acquisition of interest.

- d. Registering After Conveyance, Change of Ownership. In the event of any conveyance of any property required to be recorded under this section, the new owner shall file a new registration within 30 days of the date of conveyance, or if the conveyance is by sale after foreclosure, then within 30 days of the date of court confirmation of the sale.
- e. Change of Contact Information. If any information listed on a properly filed registration changes, other than ownership events listed in Subparagraphs (a) through (d) above, a revised registration form shall be filed within 30 days of the change of information. There shall be no fee to change contact information for a registered owner or his designated registered contact person(s). The City may periodically require property owners to verify recorded contact information for changes.

7. Failure To Register.

- a. The property owner is responsible for compliance with the registration requirements of this section.
- b. Failure of the owner of the property to file the required registration form, failure to file a change of information form, or failure to file the required fee is a violation of this Code. Notice of violation shall be outlined in written form and served upon the owner of the property. The City shall serve such notice and order by first-class mail to the last known address of the property owner.
- c. Such notice and order shall include the following:
 - i. The address or tax key number of the property so affected.
 - ii. A statement of violation, including the corresponding reference to the Code requirement.
 - iii. An order for remedial action to correct such violation.
 - iv. Statement of time for compliance to the Code requirement.
 - v. Statement of fee due.
 - vi. Statement of penalty.
 - vii. Statement of appeals process.
- d. The time period for compliance may be extended at the discretion of the City. A request for time extension may be considered after receiving a written communication from the property owner, registered contact person, or legal representative stating reasonable cause.
- e. Failure of the property owner to comply with the notice and order may be cause for the City to file a court action for violation of this code and be subject to the penalties in Subsection (11).

8. Falsification of Registration Form.

- a. No person shall knowingly or intentionally submit information on the registration form that she/he knows to be false or misleading. Falsification shall be subject to penalties as stated in Subsection (11).

9. Registration Fee.

- a. The registration fee shall be listed in the Fee Schedule per new registration.

10. Appeals.

- a. A property owner or owner's agent may appeal any compliance order to the City of West Allis Administrative Review Board pursuant to Section 2.48, by filing a written request for a hearing with the City Clerk within twenty (20) days of the date of the issuance of the order.
- b. The appeal and hearing procedure shall conform to the standard rules and hearing procedures of the Administrative Review Board.
- c. If the Administrative Review Board upholds the Order of the City, the property owner may appeal the decision within thirty (30) days to the circuit court.
- d. If a property owner does not file a timely written request for a hearing with the

Administrative Review Board, he or she waives the right to assert that the property did not meet the criteria for registration under this section.

11. Penalties.

- a. Any property owner or entity violating the provisions of this ordinance shall be required to forfeit not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500.), along with the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(4) of the Wisconsin Statutes.

SECTION 49: AMENDMENT “7.121 Dogs And Dog Licenses” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

7.121 Dogs And Dog Licenses

1. Licenses for Dogs.

- a. Any person owning, keeping or harboring a dog more than five (5) months of age on January 1 of any year, shall annually, or within thirty (30) days from date such dog becomes five (5) months of age, pay in a manner provided by the City Treasurer, a dog license fee in obtaining a license for such dog.
- b. The yearly license fee shall be listed in the Fee Schedule, with separate fee amounts for twelve dollars (\$12) for each neutered male dog, and each spayed female dog, and twenty-four dollars (\$24) for each dogs not neutered and/or spayed, except dogs kept in a kennel licensed under the provisions of Sec. 174.053, Wis. Stats., and dogs exempt under Sections 174.054 to 174.055, Wis. Stats. ~~if The Fee Schedule shall separately list fees for any the neutered or spayed dog that became five (5) months of age after July 1 of the license year, the sum of six dollars (\$6), or half of the sum of the twelve dollars (\$12), shall be paid. If the dog is not neutered or spayed, the sum of twelve dollars (\$12), or half of the sum of twenty-four dollars (\$24), shall be paid.~~ The provisions of this subsection notwithstanding, whenever the Milwaukee Area Domestic Animal Control Commission (MADACC) shall declare an amnesty period for late dog license fee charges, the fee, if any, set by MADACC shall apply for the period of the amnesty. ~~{Ord. 6524 (repeal & recreate) 7/5/2000; Ord. O-2008-0041, 9/18/2008; Ord. O-2014-0049, 8/5/2014}~~
- c. In the event that a license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon payment of the amount listed in the Fee Schedule of six dollars (\$6). ~~{Ord. 6524 (amend) 7/5/2000; Ord. O-2008-0041, 9/18/2008}~~
- d. Upon payment of the required dog license fee, the City Treasurer shall execute and issue to the owner a license and a durable tag with an identifying number, county in which issued and the license year. The license year shall commence on January 1 and end the following December 31.
- e. Dogs must wear identification tags at all times when off the premises of the owners, except when participants in an organized show or training situation. The fact that a dog is without a license attached to its collar shall be

presumptive evidence that the dog is unlicensed.

- f. The City Treasurer shall assess and collect an additional fee of six dollars (\$6) for each neutered male dog and spayed female dog, and twelve dollars (\$12) for dogs not neutered or spayed from every owner of a dog five (5) months of age listed in the Fee Schedule where such owner has failed and neglected to obtain a license prior to April 1, or within thirty (30) days after the dog has reached licensable age, and all monies so received or collected by any collecting officer shall be paid to the City Treasurer as revenue to the City of West Allis. ~~{Ord. 6524 (repeal & recreate) 7/5/2000; Ord. O-2008-0041, 9/18/2008; Ord. O-2009-0026, 9/1/2009}~~
 - g. The City Treasurer shall not issue such dog licenses described above without proof of proper rabies shots. The City Treasurer shall not issue a new dog license for a neutered or spayed dog without proof of alteration.
2. Keeping of More Than Two Dogs Prohibited. **[Ord. O-2012-0039, 11/20/2012]**
- a. Except as provided in Section 7.123 of this Code, no person shall harbor, keep, raise or maintain at any time more than two (2) dogs per building or dwelling unit in the City; provided, however, that for the purposes of this ordinance, puppies shall not be considered dogs until after they have reached the age of five (5) months.
 - b. A service dog, as defined in Wisconsin Statute Section 951.01(5), shall not be counted for purposes of this section if such dog is kept at a building or dwelling unit to assist a person also living at such building or dwelling unit.
3. Leash Required. Any person who owns, harbors or keeps a dog shall lead the dog with a leash of suitable strength measuring not more than 6 feet in length when the dog is located on a street, sidewalk, or alley, school grounds, a public park, or other public grounds or on private property without the permission of the owner or person in lawful control of the property. This provision does not apply to property designated by the City as a dog park.

SECTION 50: AMENDMENT “7.122 Cats And Cat Licenses” of the City Of West Allis Municipal Code is hereby *an eAded* as follows:

A M E N D M E N T

7.122 Cats And Cat Licenses

- 1. Licenses for Cats.
 - a. Any person owning, keeping or harboring a cat more than five (5) months of age on January 1 of each year, shall annually or within thirty (30) days from the date such cat becomes five (5) months of age, pay, in a manner provided by the City Treasurer, a cat license fee and obtain a license for such cat.
 - b. The yearly license fee shall be listed in the Fee Schedule, with separate fee amounts for twelve dollars (\$12) for each neutered male cat, and each spayed female cat, and each twenty-four dollars (\$24) for cats not neutered and or spayed. ~~If the neutered or spayed~~ The Fee Schedule shall separately list fees for any cat that became five (5) months of age after July 1 of the license year; the sum of six dollars (\$6), or half of the sum of the twelve dollars (\$12), shall be paid. If the cat is not neutered or spayed, the sum of twelve dollars (\$12), or half of the sum of twenty-four dollars (\$24), shall be paid. The provisions

of this subsection notwithstanding, whenever the Milwaukee Area Domestic Animal Control Commission (MADACC) shall declare an amnesty period for late cat license fee charges, the fee, if any, set by MADACC shall apply for the period of the amnesty. ~~{Ord. 6524 (repeal & recreate) 7/5/2000; Ord. O-2008-0041, 9/18/2008; Ord. O-2014-0049, 8/5/2014}~~

- c. In the event that a license tag issued for a cat shall be lost, the owner may obtain a duplicate tag upon payment of the amount listed in the Fee Schedule ~~six dollars (\$6)~~. ~~{Ord. 6524 (amend) 7/5/2000; Ord. O-2008-0041, 9/18/2008}~~
 - d. Upon payment of the required cat license fee, the City Treasurer shall execute and issue to the owner a license and a durable tag with an identifying number, county in which issued and the license year. The license year shall commence on January 1 and end the following December 31.
 - e. Cats must wear identification tags at all times when off the premises of the owners, except when participating in any organized show or training situation. The fact that a cat is without a license attached to its collar shall be presumptive evidence that the cat is unlicensed.
 - f. The City Treasurer shall assess and collect an additional fee listed in the Fee Schedule ~~of six dollars (\$6) for each neutered male cat and spayed female cat, and twelve dollars (\$12) for cats not neutered or spayed from every owner of a cat five (5) months of age~~ where such owner has filed and neglected to obtain a license prior to April 1, or within thirty (30) days after the cat has reached licensable age, and all monies so received or collected by any collecting officer shall be paid to the City Treasurer as revenue to the City of West Allis. ~~{Ord. 6524 (repeal & recreate) 7/5/2000; Ord. O-2008-0041, 9/18/2008; Ord. O-2009-0026, 9/1/2009}~~
 - g. The City Treasurer shall not issue such cat licenses described above without proof of proper rabies shots. The City Treasurer shall not issue a new cat license for a neutered or spayed cat without proof of alteration.
2. Keeping of More than Four Cats Prohibited. Except as provided in Section 7.123 of this Code, no person shall harbor, keep, raise or maintain at any time more than four (4) cats per building or dwelling unit in the City; provided, however, that for the purposes of this order, kittens shall not be considered cats until after they have reached the age of five (5) months.
3. Cats Running at Large.
- a. Running at large prohibited; definition. No owner or keeper shall permit any cat to run at large on the public streets, alleys, public grounds or parks within the City. A cat shall not be deemed at large if accompanied by or under the control of any person. No person shall permit any such animal to escape or go upon any sidewalk, parkway or private lands or premises without the permission of the owner of such premises.
 - b. Police to apprehend and confine. The Chief of Police shall designate an officer to apprehend, with the cooperation of the Milwaukee Area Domestic Animal Control Commission, any cats running at large on the streets, alleys, public grounds or parks of the City and shall confine such cats when apprehended in such place as may be provided by the Milwaukee Area Domestic Animal Control Commission. **[Ord. 6524 (repeal & recreate) 7/5/2000; Ord. O-2008-0041, 9/18/2008]**
 - c. Disposition of unclaimed cats. The possession of any licensed cat so seized or impounded may be obtained by the owner upon payment of the sum of twenty-five (\$25.00) to the City of West Allis, plus the daily boarding fee to

the Milwaukee Area Domestic Animal Control Commission, for keeping the cat for each day or fraction thereof during which the cat was impounded. The possession of any unlicensed cat may be obtained by the owner after obtaining a license and paying the fee provided herein. If any cat has been impounded for seven (7) days and has not been reclaimed by its owner, the cat may be disposed of by the Milwaukee Area Domestic Animal Control Commission in the most humane manner. **[Ord. 6524 (repeal & recreate) 7/5/2000]**

SECTION 51: AMENDMENT “7.126 Dangerous Dogs” of the City Of West Allis Municipal Code is hereby *an eAded* as follows:

A M E N D M E N T

7.126 Dangerous Dogs

1. Purpose. The purpose of this section is to protect the public health, safety, and general welfare of the citizens and visitors of the City of West Allis by reasonable regulation of dangerous animals.
2. Definitions as used in this section:
 - a. "Apparent attitude of attack" means demonstrating an intent or desire to cause injury by one or more of the following actions:
 - i. An attempt to bite a person or another animal;
 - ii. An attempt to scratch a person or another animal;
 - iii. Growling or barking in a threatening manner while approaching or chasing a person or another animal;
 - iv. Growling or barking in a threatening manner while making physical contact with a person or another animal.
 - b. "At large" means an animal is off the premises of its owner and on any public street, sidewalks, or alley, school grounds, a public park, or other public grounds or on private property without the permission of the owner or person in lawful control of the property, and not on a leash of 6 feet or less in length that is being held or controlled by a person.
 - c. "Bodily harm" means physical pain or injury or any impairment of physical condition.
 - d. "Caretaker" means any person eighteen (18) years of age or older who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog.
 - e. "Dangerous dog" means any of the following:
 - i. Any dog which, when unprovoked, inflicts bodily harm on a person, domesticated animal on public or private property; or,
 - ii. Any dog which chases or approaches persons or other domesticated animals in a menacing fashion or with an 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; or,
 - iii. Any dog with a known propensity, tendency or disposition to attack, to cause injury to, or otherwise threaten the safety of humans or other domesticated animals; or,
 - iv. Any dog which has been trained to attack human intruders; or,

- v. Any dog that has acted in any manner that causes or should cause an owner to know that the dog is a threat to public health and safety.
 - f. "Dog" means a domesticated member of *canis familiaris* or *canis lupis familiaris*.
 - g. "Domesticated animal" means any bird or animal of any species, which usually lives in or about the habitation of humans as a pet or animal companion.
 - h. "Owner" means any person owning, harboring, sheltering or keeping a dog.
 - i. "Person" means any individual, firm, corporation or other legal entity.
 - j. "Public nuisance" means any dog which:
 - i. Molests passersby or passing vehicles; or,
 - ii. Is at large; or,
 - iii. Damages private or public property; or,
 - iv. Barks, whines or howls in an excessive or continuous fashion; or,
 - v. Is subject to more than one violation of this section in a twelve-month period.
 - k. "Prohibited dangerous dog" means any of the following:
 - i. Any dog that, while on private or public property, has killed a domesticated animal without provocation; or,
 - ii. Any dog that, without provocation, inflicts substantial bodily harm on a person on public or private property; or,
 - iii. Any dog brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction; or,
 - iv. Any dog that is subject to being destroyed under Subsection 174.02(3), Wis. Stats.; or,
 - v. Any rabid dog; or,
 - vi. Any wild animal hybrid (including but not limited to wolf hybrids); or,
 - vii. Any dog trained, owned or harbored for the purpose of dog fighting.
 - l. "Substantial bodily harm" means bodily injury that causes a laceration that requires stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary or permanent loss of consciousness, sight or hearing.
3. Enforcement.
- a. The provisions of this chapter shall be enforced by employees of the Health Department, Police Department, Milwaukee Area Domestic Animal Control Commission (MADACC) or other persons authorized by the City Health Officer or Chief of Police. The City Health Officer may grant any exemptions or variances to the enforcement of this chapter for dogs specially trained to lead blind or deaf persons, to provide support for mobility-impaired persons or to assist with emergency search and rescue operations.
 - b. Police Department, Health Department and MADACC personnel are authorized to catch and impound animals at large, with such authorization to include the pursuit of animals upon the premises of the owner, caretaker or other private property.
4. Nuisance.
- a. All owners shall exercise proper care and control of their dogs to prevent them from becoming a public nuisance.
 - b. No owner of a dog shall allow his or her dog, when unprovoked, to inflict bodily harm on a person or domesticated animal on public or private property. A dog's conduct shall be considered provoked if it falls under the conditions of

Subsection (7) of this ordinance.

c. Impoundment.

- i. Unrestricted and nuisance dogs shall be taken by authorized employees of MADACC or any law enforcement agency and impounded in a temporary or permanent animal shelter and there confined in a humane manner.
- ii. When a dog is causing a public nuisance and its owner cannot be contacted at the time of the complaint, it may be impounded by authorized employees of MADACC or any law enforcement agency. After impoundment, reasonable attempts shall be made to contact the owner.
- iii. An owner reclaiming an impounded dog shall pay the accrued impoundment fee.
- iv. Any dog not reclaimed by its owner within seven (7) days becomes property of the local government authority, MADACC, or humane society and shall be place for adoption in a suitable home or humanely euthanized.

5. Procedure For Declaring A Dog Dangerous And/Or Prohibited.

- a. Any law enforcement officer or duly authorized MADACC employee may enter and inspect private property to enforce the provisions of this section.
- b. Upon conducting an investigation, the humane or law enforcement officer may issue an order declaring a dog to be a dangerous dog or prohibited dangerous dog pursuant to the definitions in Subsections 7.126(2)(e) and (k). Officers may take into consideration the dog's size, age, previous incidence of violence, damage caused, and failure of past security measures, among other facts of the investigation, when determining whether to issue an order. The officer shall mail the order to the owner's last-known address. Whenever an owner or caretaker wishes to contest an order, he or she shall, within thirty (30) days after receipt of the order, deliver to the City Clerk a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the Administrative Review Board to be reviewed at the next regular meeting. The Administrative Review Board shall act as a quasi-judicial body allowing the dog's owner or caretaker an opportunity to present evidence as to why the dog should not be declared a dangerous dog or a prohibited dangerous dog. A nonrefundable fee ~~of fifty dollars (\$50)~~ in the amount listed on the Fee Schedule is required for an owner's or caretaker's contesting of any dangerous dog order. Said fee shall be submitted at the time of and with the written objection stating the reason for contesting the order. **[Ord. O-2012-0023, 7/3/2012; Ord. O-2014-0072, 10/21/2014; Ord. O-2017-0030, 8/1/2017]**
- c. After the hearing, the owner or caretaker shall be notified in writing of the Board's determination. If the Board upholds the determination that the dog is dangerous, the owner or caretaker shall comply with the requirements of Subsection 7.126(6) that the Board deems appropriate. If the owner or caretaker further contests the determination, he or she may within thirty (30) days of receiving the panel's decision seek review of the decision by the Circuit Court.
- d. The Police or Health Departments shall have the power to summarily and immediately impound a dog whenever they have reasonable grounds pursuant to Subsection 7.126(2) to believe that the dog is dangerous. The dog may remain impounded during the entire determination process.

- i. Upon a dog being declared dangerous, the owner or caretaker shall comply with Subsection 7.126(6) within thirty (30) days of the dangerous declaration or reaffirmation thereof, or within such time as established by the Administrative Review Board.
 - ii. If a determination is made that the dog is a prohibited dangerous dog, the owner or caretaker shall comply with Subsection 7.126(6) within thirty (30) days after the date of the determination.
- 6. Harboring Dangerous Dogs.
 - a. Dangerous Dogs Regulated.
 - i. Prohibited dangerous dogs not allowed in City. No person may bring into or keep in the City any dog that is a prohibited dangerous dog under this section.
 - ii. No person may harbor or keep a dangerous dog within the City unless all provisions of this section are complied with.
 - iii. No person shall obstruct, provide false information, or otherwise unreasonably interfere with officers of the department in the enforcement section or in the capture of any dog suspected of being dangerous.
 - iv. The issuance of a citation for a violation of this section need not be predicated on a determination that a dog is a dangerous dog.
 - b. Registration. The owner of any dog declared dangerous shall register it with the Police Department upon disposition, by providing a current color photograph of the dog and payment of a registration fee ~~of seventy-five dollars (\$75-)~~ in the amount listed on the Fee Schedule.
 - c. Leash and Muzzle.
 - i. No owner or caretaker, harboring or having the care of a dangerous dog may permit such a dog to go outside its dwelling, kennel or pen unless the dog is securely restrained with a leash no longer than ten (10) feet in length.
 - ii. No person may permit a dangerous dog to be kept on a chain, rope or other type of leash outside its dwelling, kennel, or pen unless a person who is sixteen (16) years of age or older, competent to govern the dog and capable of physically controlling and restraining the dog. is in physical control of the leash.
 - iii. A dangerous dog may be securely leashed or chained to an immovable object, with the owner or caretaker being in the physical presence of the dog at all times when it is so leashed or chained.
 - iv. A dangerous dog outside of the dog's dwelling, kennel or pen shall be muzzled in a humane way by a muzzling device sufficient to prevent the dog from biting persons or other animals.
 - d. Confinement.
 - i. Except when leashed and muzzled, all dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner or caretaker and constructed in a manner that does not allow the dog to exit the pen or kennel on its own volition.
 - ii. When constructed in a yard, the pen or kennel shall, at a minimum, be constructed to conform to the requirements of this paragraph. The pen or kennel shall be childproof from the outside and animal-proof from the inside. A strong metal double fence with adequate space between fences [at least two (2) feet] shall be provided so that a child cannot

reach into the animal enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous dog shall be locked with key or combination lock when the dog is within the structure. The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than two (2) feet. All structures erected to house dangerous dogs shall comply with all City zoning and building regulations. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

- iii. Indoor confinement. No dangerous dog may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the dog to exit the building on its own volition. No dangerous dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.
- e. Signs. The owner or caretaker of a dangerous dog shall display, in prominent places on his or her premises near all entrances to the premises, signs in letters of not less than two (2) inches high warning that there is a dangerous dog on the property. A similar sign is required to be posted on the kennel or pen of the dog. In addition, the owner or caretaker shall conspicuously display a sign with a symbol warning children of the presence of a dangerous dog.
- f. Spay and Neuter Requirements. Within thirty (30) days after a dog has been designated dangerous, the owner or caretaker of the dog shall provide written proof from a licensed veterinarian that the dog has been spayed or neutered.
- g. Microchip Requirements. Within thirty (30) days after a dog has been designated dangerous, the owner must provide written proof from a licensed veterinarian that a numbered microchip has been placed in the dog so that the dog can be easily identified. The number on the microchip shall be provided with the written proof.
- h. Liability Insurance. The owner or caretaker of a dangerous dog shall present proof of a certificate of insurance that the owner has procured liability insurance in an amount not less than one million dollars (\$1,000,000) for any personal injuries inflicted by the dangerous dog. Whenever such policy is cancelled or not renewed, the insurer and dog's owner or caretaker shall notify the Police Department of such cancellation or nonrenewal in writing by certified mail.
- i. Waiver.
 - i. The Health Officer or Administrative Review Board may waive any requirement specified in Subsections (b) to (h) that is deemed to be inappropriate for a particular dangerous dog.
 - ii. The Health Officer may waive the provisions of Subsections (b) to (h) for a military dog, or circuses, zoos or other animal shows or exhibitions, which are properly licensed, upon presentation by the dog's owner or handler of satisfactory arrangement for safe keeping of the dog.
- j. Notification. The owner or caretaker shall notify the Police Department within twenty-four (24) hours if a dangerous dog is unconfined, has attacked another animal, has attacked a human being or has died. The owner or caretaker shall notify the Police Department immediately if a dangerous dog is at large. No

person may sell or transfer possession of a dangerous dog to another person without first notifying the person to whom the dangerous dog is being sold or transferred of the fact that such dog is a dangerous dog and of any requirement imposed upon the selling or transferring party by this division. No person may sell or transfer possession of a dangerous dog to another person, agency, organization or the like without first notifying the Police Department in writing, at least three (3) days in advance of the sale or transfer of possession with the name, address, and telephone number of the new owner of the dangerous dog. If the dangerous dog is sold or given away to a person residing outside the City, the owner or caretaker shall present evidence to the Police Department that he or she has notified the Police Department or other law enforcement agency of the dog's new residence, including the name, address and telephone number of the new owner of the dangerous dog.

k. Euthanasia.

- i. If the owner or caretaker of a dog that has been designated a dangerous dog is unwilling or unable to comply with the regulations for keeping the dog in accordance with this section, he or she may have the dog humanely euthanized by an animal shelter, the humane society or a licensed veterinarian.
- ii. Any dog that has caused bodily harm to a person, persons or a domestic animal on two (2) separate occasions off the owner's premises, without reasonable cause, may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under sec. 174.02(3), Wis. Stats. The City Attorney may petition an appropriate court to obtain a court order to destroy such a dog.

7. Certain Dogs Not to be Declared Dangerous.

a. No dog may be declared dangerous:

- i. If death, injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a trespass on the land or criminal trespass on the dwelling upon premises occupied by the owner of the dog; was teasing, tormenting, abusing or assaulting the dog; or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property; or
- ii. If death, injury or damage was sustained by a domestic animal which, at the time such was sustained, was teasing, tormenting, abusing or assaulting the dog; or
- iii. If the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault; or
- iv. For dogs being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

8. Penalty. Any person who violates any part of this section shall forfeit for each violation an amount as indicated in Subsection 7.16(4), plus the costs of prosecution necessitated by enforcement of this subsection. Every day that any violation of this section continues shall be deemed a separate offense.

9. Severability. If any part of this section is found to be unconstitutional or otherwise invalid, the validity of the remaining parts shall not be affected.

[Ord. No. O-2008-0054, 5/5/2009; Ord. O-2010-0014, 6/1/2010; Ord. O-2011-0005,

SECTION 52: **AMENDMENT** "11.07 Sidewalks" of the City Of West Allis Municipal Code is hereby *an eAded* as follows:

A M E N D M E N T

11.07 Sidewalks

1. Construction and Repair. The provisions of the Wisconsin Statutes relating to the construction, improvement and repair of sidewalks, so far as applicable to the City, are hereby adopted by reference thereto.
2. Standard Sidewalks.
 - a. Uniform Specifications. Upon all streets which are improved by grading, paving, macadamizing and curbing, there shall be laid a standard sidewalk of stone or concrete in accordance with such specifications as may be formulated by the Board of Public Works.
All new concrete sidewalks laid shall be constructed in accordance with the standard specifications and regulations of the City of West Allis covering construction of concrete sidewalks.
 - b. Concrete. Concrete is hereby designated as the standard material for the construction of all new sidewalks on all streets in the City of West Allis, excepting that the City Engineer may, whenever it is impractical to lay a concrete walk on account of excessive cut or fill which may be necessary on an unimproved street, allow such other type of walk to be laid as he deems advisable.
 - c. Expansion Joints. No person, firm or corporation shall construct a sidewalk on any street without providing a one (1) inch expansion joint extending the full depth and width of adjacent concrete where the sidewalk abuts the curb, and at both sides of concrete driveways. Where long sidewalk pours are involved, the maximum distance between expansion joints shall not exceed seventy-five (75) feet. Expansion joint material shall also be furnished at all locations where the sidewalk abuts a building or other fixed construction.
Expansion joint material shall be a non-extruding type of material and shall conform to the requirements for "Bituminous Fiber Type" expansion joint material, American Association of State Highway Officials Designation M-59.
3. ~~Concrete Contractors~~ Sidewalk Construction Permit.
 - a. ~~Application for License. Any person, firm or corporation engaged in constructing, altering or repairing sidewalks made of concrete or other like materials, shall, prior to entering into or engaging in any such work, secure from the City Engineer, upon an application duly made, a license authorizing such person, firm or corporation to do such work. Such application shall state the name and place of business of the applicant and shall contain a statement agreeing to abide by the regulations and specifications adopted by the Board of Public Works, and to obey all ordinances of the City of West Allis in relation to work of sidewalk construction. Said application shall also contain a statement signed by two (2) reputable citizens, vouching for the character, integrity and business capacity of the applicant. Bond Required. Before receiving a license, the applicant shall file, in the office of the City Engineer, a~~

surety bond, to be approved by the City Engineer in the sum of three thousand dollars (\$3,000), conditioned that for a period of one (1) year from the date of completion of any work during the licensed year, said applicant or licensee shall replace and restore to the specifications of the City Engineer the sidewalk, driveway and/or street or other public ground, and shall replace and restore any imperfect work which may be discovered by the City Engineer within said one (1) year period. ~~[Ord. 6204, 12/5/1995; Ord. 6205, 1/16/1996]~~ License Fee, Term, Conditions. The term of a license shall be one (1) year. The license shall expire one (1) year from and after its date of issuance. The license fee set forth in Section 11.18 shall be payable with the application and is non-refundable. ~~[Ord. 6204, 12/5/1995]~~

Each licensee shall record in the office of the City Engineer the place of business and the name under which the business is transacted and shall immediately notify the City Engineer of any change in this information.

- b. ~~Construction Permit Required~~; Exemptions. No work of constructing, altering or repairing sidewalks or any public street made of concrete, stone, bituminous, gravel or other like materials shall be done without a permit issued by the City Engineer. ~~[Ord. 6204, 12/5/1995]~~

Any public service corporation, regulated under Chapter 196 of the Wisconsin Statutes, shall be exempt from the provisions of this subsection requiring the payment of fees, bonding and insurance; but, as a condition of accepting a permit, shall save harmless the City and its officers and agents from all and any claims for injury to persons or property for acts on the part of any such company, its agents, employees or contractors arising from the construction for which the permit was issued.

- e.
- d. ~~Insurance Required~~. Before receiving a license, the applicant shall file in the office of the City Engineer a Certificate of Liability Insurance, to be approved by the City Engineer, in an amount of not less than three hundred thousand dollars (\$300,000) per claim occurrence for any injury, loss, damage or liability which may result in any manner from the issuance of the license. The City of West Allis shall be named as an Additional Insured, as its interest may appear. ~~[Ord. 6204, 12/5/1995]~~
- e. Notifying Engineer. It shall be the duty of every person, firm, corporation, their agent or employee, who shall construct any concrete sidewalk in the City, to notify the City Engineer in writing, on blanks furnished by the City, at least twenty-four (24) hours prior to the commencement of said work, the purpose for which said sidewalk is to be constructed and the place where said sidewalk is to be constructed.

4. Inspection of Sidewalks Under Construction. It shall be the duty of the City Engineer to inspect all sidewalks in the course of construction either by the City or private owners, and it shall be his duty to oversee said work and see that the specifications provided by the City are complied with. The City Engineer shall have the power and authority to reject any and all material that does not come up to the standard provided by the City specifications.
5. Removing or Altering Sidewalk. See Section 11.02(2).
6. Driving over Sidewalks. See Section 11.08(4).
7. Obstruction of Sidewalks.
 - a. Branches and Shrubbery. No owner or occupant of any land or real property

fronting or abutting on any of the streets or alleys of this City shall suffer or permit any limbs, branches or other part of any tree, shrub or bush to project over any sidewalk or sidewalks in the City, unless any such branch or bush so projecting be higher than seven and one-half (7-1/2) feet from the surface of the sidewalk.

- b. Construction Purposes. When a sidewalk is in the process of construction, reconstruction or has been condemned and it shall be necessary to obstruct any sidewalk, then a sidewalk shall be built temporarily around such obstructed sidewalk, said sidewalk to be not less than four (4) feet wide and to be perfectly on the level and its approach to be not on a greater slant than one (1) inch per foot and to be built of good substantial material. The person, firm or corporation constructing such temporary sidewalk must erect and maintain proper barricades, warnings and lights, as provided in Section 11.04.
 - c. Vehicles, Chutes, etc. Subject to the provisions of Section 7.10(3) of this Code, no person, firm or corporation, their agent or employee, shall obstruct or block any public sidewalk with a vehicle, chute, ramp or by any other means that prevents free travel on said sidewalk.
 - d. Notice to Non-Residents. In case any person violating any of the provisions of this subsection is a nonresident of the City and cannot be found, the City Engineer shall mail notice of the violation to the last known address of such person; and, if such violation is not corrected within twenty (20) days from mailing, the City Engineer shall cause such work required by the notice to be done and the cost shall be charged to the property on the next tax roll.
8. Filling, Grading or Landscaping Sidewalk Areas.
- a. No person shall fill, grade or landscape sidewalk or curb areas to a grade other than that established by a duly adopted street grade ordinance of the City.
"Sidewalk or curb area" is hereby defined to include all that part of the dedicated highway between the abutting property line and the main traveled portion of the highway.
 - b. Whenever any person shall violate the provisions of the preceding paragraph, the City Engineer shall give written notice to the owner of the property abutting the highway on which the provisions of the preceding paragraph have been violated, to immediately fill, grade or landscape the sidewalk or curb areas to the grade that has been established by the Common Council within fifteen (15) days of the date of notice. If the abutting property owner shall fail to comply with the notice within the fifteen (15) day period, the City Engineer shall fill, grade or landscape the sidewalk or curb areas to the grade established and shall charge the cost thereof to the owner of the abutting property. If the cost is not paid to the City Treasurer on or before the 1st day of November following completion of the work by the City, the City Engineer shall report such nonpayment to the City Clerk who shall enter the cost on the tax roll as a special tax against the abutting property, and the same shall be collected in all respects as other City taxes.

SECTION 53: **UPDATE OF CROSS-REFERENCES** The city clerk shall update any cross-references throughout the code to reflect the new numbering in this ordinance.

SECTION 54: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of West

Dan Devine, Mayor City Of West Allis

Allis

**CITY OF WEST ALLIS
RESOLUTION R-2022-0232**

**RESOLUTION AMENDING FEE SCHEDULE - RETAIL FOOD ESTABLISHMENT FEES
APRIL 2022**

AMENDING FEE SCHEDULE

WHEREAS, retail food establishment license fees were last revised in 2017; and

WHEREAS, the 10% state fee imposed on all retail food establishment licenses by the Department of Agriculture, Trade, and Consumer Protection will increase to 11% in 2023 and then 12% in 2024; and

WHEREAS, agent local health departments must include the state fees in the license fees established by the City and remit those fees to the state; and

WHEREAS, the proposed fees reflect the City's reasonable direct costs that are associated with retail food establishment licensing and are comparable to other local health department fees in southeast Wisconsin;

NOW THEREFORE, be it resolved by the Council of the City Of West Allis, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “Food” of the City Of West Allis Fee Schedule is hereby *amended* as follows:

A M E N D M E N T

Food

1. Licenses. The health commissioner may collect the following food establishment fees as applicable.

Type	Fee Amount	Authority
Food Establishment License Late Fee	\$100.00 (filed after June 30)	
Micromarket License	\$44.00 (single) \$66.00 (two or more) + \$100.00 if filed after June 30	
Additional Kitchen Area	\$88.00	
DPI School - Re-Heat Only Kitchen Inspection	\$375.00 330.00	
DPI School - Production Kitchen Inspection	\$725.00 718.00	
Restaurant License (fixed or mobile location)	\$230.00 220.00 (pre-packaged) \$375.00 330.00 (low complexity) \$525.00 451.00 (moderate complexity) \$725.00 718.00 (high complexity)	
Retail Food License Without Processing	\$150.00 97.00	
Retail Food License With Processing (no potentially hazardous foods)	\$175.00 159.00 (<\$25,000) \$295.00 (>\$25,000)	
Retail Food License With Processing & Potentially Hazardous Foods	\$300.00 220.00 (<\$25,000) \$425.00 396.00 (\$25,000-\$1,000,000) \$1,030.00 1,027.00 (>\$1,000,000)	
Special Organization Serving Meals License	\$204.00 (4-12 days)	
Temporary Food Establishment - For-Profit	\$198.00	
Temporary Food Establishment - Retail Non-Profit	\$0.00 (1-12 days annually) \$198.00 (13+ days annually)	
Temporary Food Establishment - Meals Non-Profit	\$0.00 (1-3 days annually) \$198.00 (4+ days annually)	

2. Inspections.

Service	Fee Amount	Authority
Restaurant License Inspection Pre-Packaged	\$200.00 Pre-Inspection \$98.00 1st Re-Inspection \$130.00 2nd+ Re-Inspections	
Restaurant License Inspection Low Complexity	\$250.00 Pre-Inspection \$240.00 1st Re-inspection \$320.00 2nd+ Re-Inspections	
Restaurant License Inspection Moderate Complexity	\$300.00 Pre-Inspection \$353.00 1st Re-inspection \$470.00 2nd+ Re-Inspections	
Restaurant License Inspection High Complexity	\$375.00 Pre-Inspection \$578.00 1st Re-inspection \$770.00 2nd+ Re-Inspections	
Retail Food License Inspection Without Processing	\$103.00 Pre-Inspection \$90.00 Re-inspections	
Retail Food License Inspection With Processing (no potentially hazardous foods) \$0-\$25,000	\$155.00 Pre-Inspection \$90.00 Re-Inspections	
Retail Food License Inspection With Processing (no potentially hazardous foods) Greater than \$25,000	\$206.00 Pre-Inspection \$190.00 Re-Inspections	
Retail Food License Inspection With Processing & Potentially Hazardous Foods \$0-\$25,000	\$155.00 Pre-Inspection \$100.00 Re-Inspections	
Retail Food License Inspection With Processing & Potentially Hazardous Foods \$25,001-\$1,000,000	\$412.00 Pre-Inspection \$190.00 Re-Inspections	
Retail Food License Inspection		

With Processing & Potentially Hazardous Foods Greater than \$1,000,000	\$375.00 Pre-Inspection \$450.00 Re-Inspections	
Sanitation Inspection Fee For Class B and C Liquor Licenses	\$50.00 Initial Inspection \$25.00 Re-Inspections	
Temporary Food Establishment License Inspection	\$50.00 1st Inspection \$100.00 2nd+ Re- Inspections	

3. Reserved.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of West Allis

Dan Devine, Mayor City Of West Allis



City Clerk
clerk@westalliswi.gov

March 9, 2022

Maxwell Anderson
3161 S 39th St
Milwaukee, WI 53215

RE: Operator's License Application Review

Dear Maxwell;

Your application for an Operator's/Bartender License is scheduled for a televised hearing before the License and Health Committee on: **March 15, 2022 at 7:00 pm in Room 128 at City of West Allis, City Hall, 7525 W. Greenfield Avenue, West Allis.**

The reason for the hearing is based upon information from your background check relating to conviction(s) for a felony, misdemeanor, or other offense; and/or habitual law offenses. The circumstances of the offenses substantially relate to the operation of a licensed premise because the conduct demonstrates irresponsible or illegal use of alcohol and/or drugs and/or noncompliance with licensing rules and regulations.

You are allowed to show competent evidence of rehabilitation and fitness to engage in the operation of a premises licensed to serve alcohol (Wis. Stat. §111.335(4)(c)1.b.)* See page 2 for additional information.

If you fail to appear you waive your opportunity to be heard to present your evidence of rehabilitation and your license application could be denied. If your license is denied, you will have to wait six months from the date of denial to reapply.

Please park in the parking lot on the south side of the building. Room 128 is the first room on your right when you enter the building. The Art Gallery is located in the lower level through glass doors.

If you have questions, please email clerk@westalliswi.gov.

Pursuant to Wisconsin Statute Section 111.335(4)(d)1, competent evidence of rehabilitation may include:

- A certified copy of a federal department of defense form showing honorable discharge or similar cessation of military service
- A copy of local, state, or federal release documents showing completion of probation, extended supervision, or parole
- Evidence that at least one year has lapsed since release from local, state, or federal custody without a new offense and compliance with terms of supervision

An applicant may also provide information regarding:

- Evidence of the nature and seriousness of the offense
- The circumstances relative to the offense, including mitigating or social conditions
- The age of the applicant at the time of the offense
- The length of time that has lapsed since the offense
- Letters of reference
- Any other relevant evidence of rehabilitation and present fitness.



City Clerk
clerk@westalliswi.gov

March 19, 2022

Maxwell Anderson
3161 S 39th St
Milwaukee, WI 53215

RE: Operator's License Application Review

Dear Maxwell;

Your application for an Operator's/Bartender License is scheduled for a televised hearing before the License and Health Committee on: **April 7, 2022 at 7:00 pm in Room 128 at City of West Allis, City Hall, 7525 W. Greenfield Avenue, West Allis.**

The reason for the hearing is based upon information from your background check relating to conviction(s) for a felony, misdemeanor, or other offense; and/or habitual law offenses. The circumstances of the offenses substantially relate to the operation of a licensed premise because the conduct demonstrates irresponsible or illegal use of alcohol and/or drugs and/or noncompliance with licensing rules and regulations.

You are allowed to show competent evidence of rehabilitation and fitness to engage in the operation of a premises licensed to serve alcohol (Wis. Stat. §111.335(4)(c)1.b.)* See page 2 for additional information.

If you fail to appear you waive your opportunity to be heard to present your evidence of rehabilitation and your license application could be denied. If your license is denied, you will have to wait six months from the date of denial to reapply.

Please park in the parking lot on the south side of the building. Room 128 is the first room on your right when you enter the building. The Art Gallery is located in the lower level through glass doors.

If you have questions, please email clerk@westalliswi.gov.

Pursuant to Wisconsin Statute Section 111.335(4)(d)1, competent evidence of rehabilitation may include:

- A certified copy of a federal department of defense form showing honorable discharge or similar cessation of military service
- A copy of local, state, or federal release documents showing completion of probation, extended supervision, or parole
- Evidence that at least one year has lapsed since release from local, state, or federal custody without a new offense and compliance with terms of supervision

An applicant may also provide information regarding:

- Evidence of the nature and seriousness of the offense
- The circumstances relative to the offense, including mitigating or social conditions
- The age of the applicant at the time of the offense
- The length of time that has lapsed since the offense
- Letters of reference
- Any other relevant evidence of rehabilitation and present fitness.



City Clerk
clerk@westalliswi.gov

March 9, 2022

Alissa Karlik
2332 s 16th st
Milwaukee, WI 53215

RE: Operator's License Application Review

Dear Alissa;

Your application for an Operator's/Bartender License is scheduled for a televised hearing before the License and Health Committee on: **March 15, 2022 at 7:00 pm in Room 128 at City of West Allis, City Hall, 7525 W. Greenfield Avenue, West Allis.**

The reason for the hearing is based upon information from your background check relating to conviction(s) for a felony, misdemeanor, or other offense; and/or habitual law offenses. The circumstances of the offenses substantially relate to the operation of a licensed premise because the conduct demonstrates irresponsible or illegal use of alcohol and/or drugs and/or noncompliance with licensing rules and regulations.

You are allowed to show competent evidence of rehabilitation and fitness to engage in the operation of a premises licensed to serve alcohol (Wis. Stat. §111.335(4)(c)1.b.)* See page 2 for additional information.

If you fail to appear you waive your opportunity to be heard to present your evidence of rehabilitation and your license application could be denied. If your license is denied, you will have to wait six months from the date of denial to reapply.

Please park in the parking lot on the south side of the building. Room 128 is the first room on your right when you enter the building. The Art Gallery is located in the lower level through glass doors.

If you have questions, please email clerk@westalliswi.gov.

Pursuant to Wisconsin Statute Section 111.335(4)(d)1, competent evidence of rehabilitation may include:

- A certified copy of a federal department of defense form showing honorable discharge or similar cessation of military service
- A copy of local, state, or federal release documents showing completion of probation, extended supervision, or parole
- Evidence that at least one year has lapsed since release from local, state, or federal custody without a new offense and compliance with terms of supervision

An applicant may also provide information regarding:

- Evidence of the nature and seriousness of the offense
- The circumstances relative to the offense, including mitigating or social conditions
- The age of the applicant at the time of the offense
- The length of time that has lapsed since the offense
- Letters of reference
- Any other relevant evidence of rehabilitation and present fitness.



City Clerk
clerk@westalliswi.gov

March 19, 2022

Alissa Karlik
2332 s 16th st
Milwaukee, WI 53215

RE: Operator's License Application Review

Dear Alissa;

Your application for an Operator's/Bartender License is scheduled for a televised hearing before the License and Health Committee on: **April 7, 2022 at 7:00 pm in Room 128 at City of West Allis, City Hall, 7525 W. Greenfield Avenue, West Allis.**

The reason for the hearing is based upon information from your background check relating to conviction(s) for a felony, misdemeanor, or other offense; and/or habitual law offenses. The circumstances of the offenses substantially relate to the operation of a licensed premise because the conduct demonstrates irresponsible or illegal use of alcohol and/or drugs and/or noncompliance with licensing rules and regulations.

You are allowed to show competent evidence of rehabilitation and fitness to engage in the operation of a premises licensed to serve alcohol (Wis. Stat. §111.335(4)(c)1.b.)* See page 2 for additional information.

If you fail to appear you waive your opportunity to be heard to present your evidence of rehabilitation and your license application could be denied. If your license is denied, you will have to wait six months from the date of denial to reapply.

Please park in the parking lot on the south side of the building. Room 128 is the first room on your right when you enter the building. The Art Gallery is located in the lower level through glass doors.

If you have questions, please email clerk@westalliswi.gov.

Pursuant to Wisconsin Statute Section 111.335(4)(d)1, competent evidence of rehabilitation may include:

- A certified copy of a federal department of defense form showing honorable discharge or similar cessation of military service
- A copy of local, state, or federal release documents showing completion of probation, extended supervision, or parole
- Evidence that at least one year has lapsed since release from local, state, or federal custody without a new offense and compliance with terms of supervision

An applicant may also provide information regarding:

- Evidence of the nature and seriousness of the offense
- The circumstances relative to the offense, including mitigating or social conditions
- The age of the applicant at the time of the offense
- The length of time that has lapsed since the offense
- Letters of reference
- Any other relevant evidence of rehabilitation and present fitness.



City Clerk
clerk@westalliswi.gov

March 19, 2022

Christina Deal

8438 W Lapham Street
West Allis, Wisconsin 53214

RE: Operator's License Application Review

Dear Christina ;

Your application for an Operator's/Bartender License is scheduled for a televised hearing before the License and Health Committee on: **April 7, 2022 at 7:00 pm in Room 128 at City of West Allis, City Hall, 7525 W. Greenfield Avenue, West Allis.**

The reason for the hearing is based upon information from your background check relating to conviction(s) for a felony, misdemeanor, or other offense; and/or habitual law offenses. The circumstances of the offenses substantially relate to the operation of a licensed premise because the conduct demonstrates irresponsible or illegal use of alcohol and/or drugs and/or noncompliance with licensing rules and regulations.

You are allowed to show competent evidence of rehabilitation and fitness to engage in the operation of a premises licensed to serve alcohol (Wis. Stat. §111.335(4)(c)1.b.)* See page 2 for additional information.

If you fail to appear you waive your opportunity to be heard to present your evidence of rehabilitation and your license application could be denied. If your license is denied, you will have to wait six months from the date of denial to reapply.

Please park in the parking lot on the south side of the building. Room 128 is the first room on your right when you enter the building. The Art Gallery is located in the lower level through glass doors.

If you have questions, please email clerk@westalliswi.gov.

Pursuant to Wisconsin Statute Section 111.335(4)(d)1, competent evidence of rehabilitation may include:

- A certified copy of a federal department of defense form showing honorable discharge or similar cessation of military service
- A copy of local, state, or federal release documents showing completion of probation, extended supervision, or parole
- Evidence that at least one year has lapsed since release from local, state, or federal custody without a new offense and compliance with terms of supervision

An applicant may also provide information regarding:

- Evidence of the nature and seriousness of the offense
- The circumstances relative to the offense, including mitigating or social conditions
- The age of the applicant at the time of the offense
- The length of time that has lapsed since the offense
- Letters of reference
- Any other relevant evidence of rehabilitation and present fitness.



City Clerk
clerk@westalliswi.gov

April 1, 2022

Jamie Ast
2117 S 99 St
West Allis, WI 53227

RE: Operator's License Application Review

Dear Jamie;

Your application for an Operator's/Bartender License is scheduled for a televised hearing before the License and Health Committee on: **April 7, 2022 at 7:00 pm in Room 128 at City of West Allis, City Hall, 7525 W. Greenfield Avenue, West Allis.**

The reason for the hearing is based upon information from your background check relating to conviction(s) for a felony, misdemeanor, or other offense; and/or habitual law offenses. The circumstances of the offenses substantially relate to the operation of a licensed premise because the conduct demonstrates irresponsible or illegal use of alcohol and/or drugs and/or noncompliance with licensing rules and regulations.

You are allowed to show competent evidence of rehabilitation and fitness to engage in the operation of a premises licensed to serve alcohol (Wis. Stat. §111.335(4)(c)1.b.)* See page 2 for additional information.

If you fail to appear you waive your opportunity to be heard to present your evidence of rehabilitation and your license application could be denied. If your license is denied, you will have to wait six months from the date of denial to reapply.

Please park in the parking lot on the south side of the building. Room 128 is the first room on your right when you enter the building. The Art Gallery is located in the lower level through glass doors.

If you have questions, please email clerk@westalliswi.gov.

Pursuant to Wisconsin Statute Section 111.335(4)(d)1, competent evidence of rehabilitation may include:

- A certified copy of a federal department of defense form showing honorable discharge or similar cessation of military service
- A copy of local, state, or federal release documents showing completion of probation, extended supervision, or parole
- Evidence that at least one year has lapsed since release from local, state, or federal custody without a new offense and compliance with terms of supervision

An applicant may also provide information regarding:

- Evidence of the nature and seriousness of the offense
- The circumstances relative to the offense, including mitigating or social conditions
- The age of the applicant at the time of the offense
- The length of time that has lapsed since the offense
- Letters of reference
- Any other relevant evidence of rehabilitation and present fitness.



PNSH-22-2

Pawn Shop, Secondhand Stores, and Secondhand Jewelry Dealers

Status: Active

Date Created: Mar 16, 2022

Applicant

Michael Soiney
masonry@msn.com
S74W14071 Settlerway
Muskego, WI 53150
4147374900

Location

10220 W GREENFIELD AVE
West Allis, WI 53214

Owner:

MCD Holdings, LLC
10220 W Greenfield Ave West Allis, WI 53214

Application Information

Check here if applying in person.

Are you a charitable organization?

No

License Type

Secondhand Article/Junk Dealer

Pawnbroker is a person who engages in the business of lending money on the deposit or pledge of any article or jewelry other than choses in action, securities or written evidences or indebtedness; or purchases any article or jewelry with an expressed or implied agreement of understanding to sell it back at a subsequent time at a stipulated price.

Secondhand Article or Junk Dealer is a person, other than an auctioneer, who engages in the business of purchasing or selling secondhand articles as defined above, who is not either a "pawnbroker" or a "secondhand jewelry dealer," as defined above.

Secondhand Jewelry Dealer is a person, other than an auctioneer, who engages in any business of any transaction consisting of purchasing, selling, receiving, or exchanging secondhand jewelry, who is not a pawnbroker within the above definition.

Applicant / License Agent Information

Applicant Last Name (include suffix if applicable)

Soiney

Applicant First Name

Michael

Applicant Middle Initial

A

Mailing Address

S74W14071 Settlerway

City

Muskego

State

WI

Zip Code

53150

County

Waukesha

Phone Number

414-737-4900

E-Mail Address

masonry@msn.com

Business Information

Type of Organization

LLC

Legal Name (corporation, limited liability company, or partnership)

MAS LLC

DBA/Trade/Business Name

Mass Musik

Business Address (License Location)

10220 Greenfield Ave

Business City

West Allis

Business State

Wi

Business Zip Code

53214

Business Identification No. (FEIN)

Check here if the mailing address is the SAME as the address of the licensed premises.



I am the only officer or member of the organization.



If you are the ONLY officer or member of the organization, you do not need to fill out the additional partner, member, or officer information. If your organization is a partnership or has more than one member/officer, you MUST fill out the additional partner, member, or officer information. Failure to do so will result in your application not being processed.

What is the total number of members, officers or partners in your legal entity? Include the agent in the number.

1

Plan of Operation

Describe, in detail, the nature of the business, kind of materials to be collected, bought, sold or otherwise handled.

Musical Instruments

Hours of Operation

Please check all the days you will be in operation and the hours of operation for that day. If you will be closed on a certain day, type closed.

Sunday Open

Closed

Sunday Close

Closed

Monday Open

10AM

Monday Close

530PM

Tuesday Open

10AM

Tuesday Close

530PM

Wednesday Open

10AM

Wednesday Close

530PM

Thursday Open

10AM

Thursday Close

530PM

Friday Open

10AM

Friday Close

530PM

Saturday Open

10AM

Saturday Close

3PM

Recordkeeping, Holding, and Other Requirements

1. I understand no pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer without securing adequate identification from the customer at the time of the transaction.



2. I understand no pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer without securing adequate identification from the customer at the time of the transaction.



3. I understand for each purchase, receipt, or exchange of any secondhand article or secondhand jewelry from a customer, every pawnbroker, secondhand article dealer, and secondhand jewelry dealer licensed under this section shall keep a permanent record and inventory in such form as the Chief of Police shall prescribe, in which the dealers shall record legibly in English the name, address and date of birth of each customer and driver's license number or number of other adequate identification presented. The dealer shall also record the date, time, and place of the transaction and an accurate and detailed account and description of each article being purchased, including, but not limited to, any trademark, identification number, serial number, model number, brand name, description by weight and design of such article, and other identifying marks, identifying descriptions of the personal nature, and when applicable, whether the article is a male or female item. The book shall be kept in ink, and no entry in such book shall be erased, mutilated, or changed. The pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall retain an original and a duplicate of each record and inventory for not less than one year after the date of transaction.



4. I understand every pawnbroker, secondhand article dealer, and secondhand jewelry dealer shall on a weekly basis prepare a list that contains the name and address of each customer during the week for which the list was prepared, the date, time, and place of each transaction with each of those customers, and a detailed description of the secondhand article or secondhand jewelry, including the serial number and model number, if any. The dealer or pawnbroker shall retain the list for not less than one year after the date on which the list was prepared.



5. I understand the dealer or pawnbroker shall also obtain a written declaration of the seller's ownership which shall state whether the article or jewelry is totally owned by the seller, how long the seller has owned the article or jewelry, whether the seller or someone else found the article or jewelry and, if the article or jewelry was found, the details of its finding. The dealer or pawnbroker shall retain an original and duplicate of the declaration for not less than one year after the date of the transaction.



6. I understand the seller shall sign, in ink, his or her name in such inventory register and on the declaration of ownership.



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



8. I understand Any dealer or pawnbroker shall electronically report each article purchased or received using a computer program approved by the West Allis Police Department. Such report shall occur no more than twenty-four (24) hours after the article is purchased or received and shall contain a complete description as required in Subsection (7)(b)(2) and a clear, unaltered digital photograph of any jewelry or article without a serial or identification number.



9. I understand any secondhand article or secondhand jewelry purchased or received by a pawnbroker shall be kept on the pawnbroker's premises or other place for safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article or secondhand jewelry recovers it. Any secondhand article or jewelry purchased by a secondhand article dealer or secondhand jewelry dealer shall be kept on the dealer's premises or other place for safekeeping for not less than 21 days after the date of purchase or receipt. Any article or jewelry shall be held separate and apart from any other transaction and shall not be changed or altered in any manner. The dealer shall permit the Chief of Police or any other police officer designated by the Chief to inspect the article or jewelry during the holding period within one business day of an officer's request.



10. I understand any coin or bullion purchased by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall be kept on the dealer's premises or other place for safekeeping for not less than 48 hours after the date of purchase or receipt. Any coin or bullion shall be held separate and apart from any other transaction and shall not be changed or altered in any manner. The dealer shall permit the Chief of Police or any other police officer designated by the Chief to inspect the coin or bullion during the holding period.



11. I understand the Chief of Police, or any police officer designated by the Chief, may, in his or her discretion, cause any object which has been exchanged or purchased by a dealer licensed under this section, which he or she has reason to believe was not sold or exchanged by the lawful owner, to be held for the purposes of identification or investigation for such additional reasonable length of time as the Chief of Police or designee deems necessary.



12. I understand every pawn broker, secondhand jewelry dealer, or secondhand article dealer in the City of West Allis who obtains by pawn, purchase or exchange any secondhand firearm, whether smooth bore, shotgun, rifle or handgun, shall, within one business day after receiving such firearm, report to the Chief of Police of the City of West Allis the fact that the same has been received, with the name, address, date of birth, and description of the person from whom such firearm was received, together with a description of such firearm.



13. I understand every pawnbroker, secondhand article dealer, or secondhand jewelry dealer in the City of West Allis who obtains in pawn, purchase or exchange any secondhand article made in whole or in part of platinum, gold, silver, copper, brass, bronze or other precious metal, or precious or semi-precious stones or pearls, shall, within one business day after receiving such article, report to the Chief of Police of the City of West Allis the fact that same has been received, with the name, address, date of birth, and description of the person from whom such jewelry was received, together with the description of such article.



14. I understand no pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from an unemancipated minor unless the minor is accompanied by his or her parent or guardian at the time of the transaction or the minor provides written consent from his or her parent or guardian to engage in the transaction.



15. I understand no person shall pawn, pledge, sell, consign, leave, or deposit any item with or to a licensed pawnbroker if the item of property is not owned by the person; the item of property is owned by another, regardless of whether the transaction is occurring with the permission of the owner; or another person has a security interest in the item of property.



16. I understand the licensee and/or the employees and agents of the licensee shall cooperate with police investigations or theft, fraud, burglary, and other violations of City and state laws.



17. I understand for all transactions where a pawnbroker licensee pays a customer for an item where payment equals or exceeds \$250, the payment shall be paid by check or prepaid debit card from the pawnbroker licensee to the customer. The pawnbroker licensee shall not thereafter cash said check and provide cash to the customer. A transaction may not be broken down in increments of less than \$250 to avoid the requirements of this provision.



Acceptance & Signature

1. I agree to inform the City Clerk within 10 days of any substantial changes in the information supplied in this application.



2. I understand that the fee is due at the time of application. Failure to submit the required fee will result in the application not being processed. You will receive an email with the a link to pay the fee after you submit this application.



READ CAREFULLY BEFORE SIGNING:

Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another.

Any person, firm or corporation violating this section shall, upon conviction for a first offense, forfeit not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Sec. 800.095(1)(b)1, Wis. Stat. Any person, firm or corporation violating this section shall, upon conviction for the second or subsequent offenses, forfeit not less than five hundred dollars (\$500), nor more than two thousand dollars (\$2,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Sec. 800.095(1)(b)1, Wis. Stat

Digital Signature (Individual, Partner, Manager of Limited Liability Company (LLC), Member, Officer of Corporation)

Michael Soiney
03/16/2022

Failure to submit the required fee will result in your application not being processed. You will receive an email with the a link to pay the fee after you submit this application.

Police Department Review

DL

Valid

Check here if there are not any DOT violations.



Check here if they are not any Local Violations




Locals Notes

--

Clerk Administration Information

WORCS Attachment

 Soiney, Michael A.pdf
Uploaded by Gina Gresch on Mar 28, 2022 at 12:50 pm

Review WORCS report for record. If okay to grant, enter the common council grant date and common council tentative decision below.

Check here if there are not any WORCS violations.

Okay to Grant?

No

Needs Admin/Clerk Review

Yes

Admin/Clerk Review

--

LH/CC Action

Don't complete step until the time the notice should be sent.

License and Health Date

--

License and Health Time

--

Meeting Room

--

License and Health Recommendation

--

Common Council Date

--

Common Council Tentative Decision

--

Common Council Final Decision (do not complete until after the council makes a decision as the license will be issued or denial letter sent right away after you enter the information)

--

List reasons for denial.

--

Attachments








Soiney DL.jpg
Uploaded by Gina Gresch on Mar 27, 2022 at 11:09 am

History

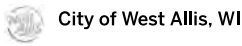
Date	Activity
Mar 16, 2022 at 9:27 am	Michael Soiney started a draft of Record PNSH-22-2
Mar 16, 2022 at 9:49 am	Michael Soiney submitted Record PNSH-22-2
Mar 16, 2022 at 9:52 am	completed payment step Fee Payment on Record PNSH-22-2
Mar 16, 2022 at 9:52 am	changed the deadline to Mar 17, 2022 on approval step Clerk's Office Application Review For Completion and Accuracy on Record PNSH-22-2
Mar 16, 2022 at 9:52 am	approval step Clerk's Office Application Review For Completion and Accuracy was assigned to Jenny Slivka on Record PNSH-22-2
Mar 16, 2022 at 9:52 am	changed the deadline to Mar 17, 2022 on approval step Clerk's Office Application Review For Completion and Accuracy on Record PNSH-22-2
Mar 16, 2022 at 9:53 am	Jenny Slivka assigned approval step Clerk's Office Application Review For Completion and Accuracy to Gina Gresch on Record PNSH-22-2
Mar 19, 2022 at 4:35 pm	Gina Gresch changed Monday Open from "open" to "10AM" on Record PNSH-22-2
Mar 19, 2022 at 4:35 pm	Gina Gresch changed Tuesday Open from "open" to "10AM" on Record PNSH-22-2
Mar 19, 2022 at 4:35 pm	Gina Gresch changed Wednesday Open from "open" to "10AM" on Record PNSH-22-2
Mar 19, 2022 at 4:35 pm	Gina Gresch changed Thursday Open from "open" to "10AM" on Record PNSH-22-2
Mar 19, 2022 at 4:35 pm	Gina Gresch changed Friday Open from "open" to "10AM" on Record PNSH-22-2
Mar 19, 2022 at 4:35 pm	Gina Gresch changed Friday Close from "10:00 am - 5:30 pm" to "530PM" on Record PNSH-22-2

Date	Activity
Mar 19, 2022 at 4:35 pm	Gina Gresch changed Thursday Close from "10:00 am - 5:30 pm" to "530PM" on Record PNSH-22-2
Mar 19, 2022 at 4:35 pm	Gina Gresch changed Wednesday Close from "10:00 am - 5:30 pm" to "530PM" on Record PNSH-22-2
Mar 19, 2022 at 4:35 pm	Gina Gresch changed Tuesday Close from "10:00 am - 5:30 pm" to "530PM" on Record PNSH-22-2
Mar 19, 2022 at 4:35 pm	Gina Gresch changed Monday Close from "10:00 am - 5:30 pm" to "530PM" on Record PNSH-22-2
Mar 19, 2022 at 4:36 pm	Gina Gresch changed Saturday Open from "open" to "10AM" on Record PNSH-22-2
Mar 19, 2022 at 4:36 pm	Gina Gresch changed Saturday Close from "10 am - 3:00 pm" to "3PM" on Record PNSH-22-2
Mar 19, 2022 at 4:38 pm	Gina Gresch changed the deadline to Mar 25, 2022 on approval step Clerk's Office Application Review For Completion and Accuracy on Record PNSH-22-2
Mar 26, 2022 at 10:15 pm	Gina Gresch changed the deadline to Mar 30, 2022 on approval step Clerk's Office Application Review For Completion and Accuracy on Record PNSH-22-2
Mar 27, 2022 at 11:09 am	Gina Gresch added attachment Soiney DL.jpg to Record PNSH-22-2
Mar 27, 2022 at 11:10 am	Gina Gresch approved approval step Clerk's Office Application Review For Completion and Accuracy on Record PNSH-22-2
Mar 27, 2022 at 11:10 am	approval step Dispatch was assigned to Police Amber Alert Group on Record PNSH-22-2
Mar 27, 2022 at 11:10 am	changed the deadline to Mar 28, 2022 on approval step Dispatch on Record PNSH-22-2
Mar 27, 2022 at 11:10 am	approval step Police Background was assigned to Deyana Petrick on Record PNSH-22-2
Mar 27, 2022 at 11:10 am	changed the deadline to Mar 28, 2022 on approval step Police Background on Record PNSH-22-2
Mar 27, 2022 at 11:10 am	approval step Initial Notification for Departments of Completed Application Received was assigned to Lindy Wiedmeyer on Record PNSH-22-2
Mar 27, 2022 at 11:10 am	changed the deadline to Mar 21, 2022 on approval step Initial Notification for Departments of Completed Application Received on Record PNSH-22-2
Mar 28, 2022 at 7:33 am	Police Amber Alert Group approved approval step Dispatch on Record PNSH-22-2
Mar 28, 2022 at 10:04 am	Deyana Petrick assigned approval step Police Background to Lisa Bergmann on Record PNSH-22-2
Mar 28, 2022 at 11:28 am	Lisa Bergmann changed DL from "" to "Valid" on Record PNSH-22-2
Mar 28, 2022 at 11:29 am	Lisa Bergmann changed DOT Notes from "" to "04/03/2018 SE; 11/06/2018 & 04/09/2019 Accident Property Damage" on Record PNSH-22-2
Mar 28, 2022 at 11:30 am	Lisa Bergmann changed Check here if they are not any Local Violations from "" to "true" on Record PNSH-22-2
Mar 28, 2022 at 11:30 am	Lisa Bergmann approved approval step Police Background on Record PNSH-22-2
Mar 28, 2022 at 12:47 pm	Gina Gresch assigned approval step Initial Notification for Departments of Completed Application Received to Gina Gresch on Record PNSH-22-2
Mar 28, 2022 at 12:50 pm	Gina Gresch changed WORCS Attachment from "" to "2408" on Record PNSH-22-2
Mar 28, 2022 at 12:52 pm	Gina Gresch changed WORCS Notes from "" to "Has record from 1985, see attached. " on Record PNSH-22-2
Mar 28, 2022 at 12:52 pm	Gina Gresch changed Okay to Grant? from "" to "No" on Record PNSH-22-2
Mar 28, 2022 at 12:52 pm	Gina Gresch changed Needs Admin/Clerk Review from "" to "Yes" on Record PNSH-22-2
Mar 28, 2022 at 12:52 pm	Gina Gresch approved approval step Initial Notification for Departments of Completed Application Received on Record PNSH-22-2
Mar 28, 2022 at 12:52 pm	changed the deadline to Mar 31, 2022 on approval step Clerk Review After Background Completed on Record PNSH-22-2
Mar 28, 2022 at 12:52 pm	approval step Clerk Review After Background Completed was assigned to Jenny Slivka on Record PNSH-22-2
Mar 28, 2022 at 12:52 pm	changed the deadline to Mar 31, 2022 on approval step Clerk Review After Background Completed on Record PNSH-22-2
Mar 28, 2022 at 12:53 pm	Gina Gresch assigned approval step Clerk Review After Background Completed to Gina Gresch on Record PNSH-22-2
Mar 28, 2022 at 12:53 pm	Gina Gresch approved approval step Clerk Review After Background Completed on Record PNSH-22-2
Mar 28, 2022 at 12:53 pm	inspection step Fire Inspection was assigned to Fire Department on Record PNSH-22-2
Mar 28, 2022 at 12:53 pm	changed the deadline to Apr 04, 2022 on inspection step Fire Inspection on Record PNSH-22-2
Mar 28, 2022 at 12:53 pm	inspection step Health Inspection was assigned to Lindy Wiedmeyer on Record PNSH-22-2
Mar 28, 2022 at 12:53 pm	changed the deadline to Apr 04, 2022 on inspection step Health Inspection on Record PNSH-22-2
Mar 28, 2022 at 12:53 pm	inspection step BINS Inspection was assigned to Dan Adamczyk on Record PNSH-22-2
Mar 28, 2022 at 12:53 pm	changed the deadline to Apr 04, 2022 on inspection step BINS Inspection on Record PNSH-22-2
Mar 28, 2022 at 12:59 pm	Gina Gresch assigned approval step Admin/Clerk Review Records/Violations to Rebecca Grill on Record PNSH-22-2

Timeline

Label	Status	Activated	Completed	Assignee
 Fee Payment	Paid	Mar 16, 2022 at 9:49 am	Mar 16, 2022 at 9:52 am	-
 Clerk's Office Application Review For Completion and Accuracy	Complete	Mar 16, 2022 at 9:52 am	Mar 27, 2022 at 11:10 am	Gina Gresch
 Dispatch	Complete	Mar 27, 2022 at 11:10 am	Mar 28, 2022 at 7:33 am	Police Amber Ale
 Police Background	Complete	Mar 27, 2022 at 11:10 am	Mar 28, 2022 at 11:30 am	Lisa Bergmann
 Initial Notification for Departments of Completed Application Received	Complete	Mar 27, 2022 at 11:10 am	Mar 28, 2022 at 12:52 pm	Gina Gresch

Label	Status	Activated	Completed	Assignee
✓ Clerk Review After Background Completed	Complete	Mar 28, 2022 at 12:52 pm	Mar 28, 2022 at 12:53 pm	Gina Gresch
📄 Fire Inspection	Active	Mar 28, 2022 at 12:53 pm	-	Fire Department
📄 Health Inspection	Active	Mar 28, 2022 at 12:53 pm	-	Lindy Wiedmeyer
📄 BINS Inspection	Active	Mar 28, 2022 at 12:53 pm	-	Dan Adamczyk
✓ Admin/Clerk Review Records/Violations	Active	Mar 28, 2022 at 1:00 pm	-	Rebecca Grill



TEMP-22-4

Temporary Extension and Temporary Public Entertainment Premises Applications

Status: Complete

Date Created: Mar 24, 2022

Applicant

Don Dougherty
dondougherty86@gmail.com
P.O Box 14191
west allis, WI 53214
12629931507

Location

8600 W GREENFIELD AVE
West Allis, WI 53214

Owner:

Don Dougherty
8600 W. Greenfield Ave west allis, WI 53214

Application Information

Check here if applying in person.

Choose what type of permit(s) are you applying for?

Temporary Extension of Class B Premises Permit

Temporary Public Entertainment Premises Permit

Enter your current Class B Tavern License #

20-963

Seasonal Extension

Daily

Temporary Extension of a Class B Premises Permit -

any Class B licensed establishment who wishes to extend their premises outdoors must include that area as part of the licensed premises. Whether seasonal, permanent or for a weekend, any outdoor premises is subject to approval by the Common Council and will be reviewed by the Planning, Building Inspection and Neighborhood Services, Health, and Police Departments.

Temporary Public Entertainment Permit -

needed if you do not hold a Public Entertainment Premises Permit or if you do hold a Public Entertainment Premises License but are having entertainment that is not approved under that license. (See your public entertainment premises license for the approved entertainment)

Will any part of your event be held outside?

Yes

Do you have a Class B Tavern License for the area your are requesting an extension or public entertainment permit?

Yes

Applicant / License Agent Information

Applicant Last Name (include suffix if applicable)

Dougherty

Applicant First Name

Donald

Applicant Middle Initial

L

Date of Birth

Mailing Address

8600 W GREENFIELD AVE

City

west allis

State

WI

Zip Code

53214

County

milwaukee

Phone Number

12629931507

E-Mail Address

dondougherty86@gmail.com

Business Information**Type of Organization**

LLC

Legal Name (corporation, limited liability company, or partnership)

Riviera of Wisconsin, INC

DBA/Trade/Business Name

Riviera Lanes

Business Address (License Location)

8600 W GREENFIELD AVE

Business Zip Code

53214

Business Phone Number

4147742274

Other Licenses or Permits that may be needed for your event:**Is your event a block party, church festival, concert, parade, carnival, or other large gathering?**

No

Is your event going to be held on public property (street, sidewalk, etc.)

No

Will your event will be held on private property, have more than 21 people, and will obstruct public property (street, sidewalk, etc.)

No

If you answered yes to any of above, you will need to apply for a Special Event Permit in addition to this permit.

Will you be putting up any tents that are 400 square feet or larger?

No

If you answered yes to having a tent permit, you will need to apply for a Tent Permit in addition to this permit.

Will hot food be kept warm and served outside?

No

If you answered yes to having hot food, you will need to check with the Health Department to see if you need an additional food license or permit and/or an inspection of the premises.

Seasonal Extension of Class B Premises Permit Information**Permit may not exceed 6 months.****Start Date**

05/01/2022

End Date

11/01/2022

Enter the times when the Season Extension will be used. If there is a day during the week you will not use it, enter none in the start time and end time for that day.

Sunday Start Time

10am

Sunday End Time

10pm

Monday Start Time

10am

Monday End Time

10pm

Tuesday Start Time

10am

Tuesday End Time

10pm

Wednesday Start Time

10am

Wednesday End Time

10pm

Thursday Start Time

10am

Thursday End Time

10pm

Friday Start Time

10am

Friday End Time

10pm

Saturday Start Time

10am

Saturday End Time

10pm

You must upload a diagram of the proposed seasonal extended premises and indicate where alcohol will be served and consumed.

Diagram of Area



Outside Parking Lot.jpg

Uploaded by Don Dougherty on Mar 24, 2022 at 11:50 am

Terms and Conditions for Extensions of Class B Premises Permits

I understand that I may not allow any glass beverage containers in the outdoor portion of the extension.



I understand that the border of any outdoor premises shall be physically marked with fencing, vegetation, barriers, or other objects or markings accurately indicating the limits of the outdoor premises.



I understand that any lighting for an outdoor premises may not project directly to an area beyond the indoor and outdoor premises.



I understand that no outdoor premises may remain open between the hours of 10 p.m. and 10 a.m. The Common Council may set different closing hours for a particular outdoor premises if the licensee agrees to those alternate closing hours.



I understand that I am responsible for cleaning up the area of the extension and providing containers and storage for garbage and recycling.



I understand that a copy of the permit and any other applicable permits or licenses must be kept on the premises for the duration of the extension.



I understand that unless a temporary public entertainment permit has been issued, the type of entertainment permitted in the outdoor area is limited to what the public entertainment premises license allows.



Acceptance & Signature

I understand that I must submit a fee payment in order for my application to be processed. (You will receive an email with a link to pay, once you have submitted your application.)



READ CAREFULLY BEFORE SIGNING:

Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another.

Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Digital Signature (Individual, Partner, Manager of Limited Liability Company (LLC), Member, Officer of Corporation)

Donald Dougherty

03/24/2022

Failure to submit the required fee will result in your application not being processed. You will receive an email with the a link to pay the fee after you submit this application.

Clerk Administration Information

Application Correct and Complete?

--

Are other licenses/permits being applied for at the same time?

--

Admin/Clerk Review

--

LH/CC Action

Don't complete step until the time the notice should be sent.

License and Health Date

--

License and Health Time

--

Meeting Room

--

License and Health Recommendation

--

Common Council Date

--

Common Council Tentative Decision

--

If the council has imposed special conditions, enter below prior to entering the Common Council final date and issuing license:

Special Conditions:

--

Common Council Final Decision (do not complete until after the council makes a decision as the license will be issued or denial letter sent right away after you enter the information)

--

List reasons for denial.

--

Attachments

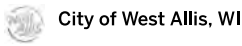
No attachments

History

Date	Activity
Mar 24, 2022 at 11:34 am	Don Dougherty started a draft of Record TEMP-22-4
Mar 24, 2022 at 11:53 am	Don Dougherty submitted Record TEMP-22-4
Mar 27, 2022 at 3:22 pm	completed payment step Fee Payment on Record TEMP-22-4
Mar 27, 2022 at 3:22 pm	changed the deadline to Mar 28, 2022 on approval step Clerk's Office Application Review For Completion and Accuracy on Record TEMP-22-4
Mar 27, 2022 at 3:22 pm	approval step Clerk's Office Application Review For Completion and Accuracy was assigned to Gina Gresch on Record TEMP-22-4
Mar 27, 2022 at 3:22 pm	changed the deadline to Mar 28, 2022 on approval step Clerk's Office Application Review For Completion and Accuracy on Record TEMP-22-4
Mar 28, 2022 at 12:34 pm	Gina Gresch approved approval step Clerk's Office Application Review For Completion and Accuracy on Record TEMP-22-4
Mar 28, 2022 at 12:34 pm	Gina Gresch completed Record TEMP-22-4

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Payment	Paid	Mar 24, 2022 at 11:53 am	Mar 27, 2022 at 3:22 pm	-	-
 Clerk's Office Application Review For Completion and Accuracy	Complete	Mar 27, 2022 at 3:22 pm	Mar 28, 2022 at 12:34 pm	Gina Gresch	03/27/20



TEMP-22-5

Temporary Extension and Temporary Public Entertainment Premises Applications

Status: Active

Date Created: Mar 30, 2022

Applicant

Joe Lynch
lynchswestallis@gmail.com
2300 so.108th street
West Allis, WI 53227
4146174450

Location

2300 S 108 ST
West Allis, WI 53227

Owner:

Joe Lynch
2300 so. 108th street 2330 S 108th St West Allis, WI 53227

Application Information

Choose what type of permit(s) are you applying for?

Temporary Extension of Class B Premises Permit

Enter your current Class B Tavern License

2021-074

Seasonal Extension

Temporary Extension of a Class B Premises Permit -

any Class B licensed establishment who wishes to extend their premises outdoors must include that area as part of the licensed premises. Whether seasonal, permanent or for a weekend, any outdoor premises is subject to approval by the Common Council and will be reviewed by the Planning, Building Inspection and Neighborhood Services, Health, and Police Departments.

Temporary Public Entertainment Permit -

needed if you do not hold a Public Entertainment Premises Permit or if you do hold a Public Entertainment Premises License but are having entertainment that is not approved under that license. (See your public entertainment premises license for the approved entertainment)

Will any part of your event be held outside?

Yes

Do you have a Class B Tavern License for the area your are requesting an extension or public entertainment permit?

Yes

Applicant / License Agent Information

Applicant Last Name (include suffix if applicable)

lynch

Applicant First Name

joe

Date of Birth

12/20/1958

Mailing Address

2300 S.108TH ST

City

West Allis

State

WI

Zip Code

53227

County

milwaukee

Phone Number

4146174450

E-Mail Address

lynchswestallis@gmail.com

Business Information

Type of Organization

Wisconsin Corporation

Legal Name (corporation, limited liability company, or partnership)

5th district pub inc.

DBA/Trade/Business Name

Lynchs

Business Address (License Location)

2300 s. 108th st

Business Zip Code

53227

Business Phone Number

4143217370

Other Licenses or Permits that may be needed for your event:

Is your event a block party, church festival, concert, parade, carnival, or other large gathering?

No

Is your event going to be held on public property (street, sidewalk, etc.)

No

Will your event will be held on private property, have more than 21 people, and will obstruct public property (street, sidewalk, etc.)

No

If you answered yes to any of above, you will need to apply for a Special Event Permit in addition to this permit.

Will you be putting up any tents that are 400 square feet or larger?

Yes

If you answered yes to having a tent permit, you will need to apply for a Tent Permit in addition to this permit.

I understand I also need to apply for a Tent Permit to hold my event and the event may only occur if I receive all of the required permits.

Will hot food be kept warm and served outside?

No

If you answered yes to having hot food, you will need to check with the Health Department to see if you need an additional food license or permit and/or an inspection of the premises.

Seasonal Extension of Class B Premises Permit Information

Permit may not exceed 6 months.

Start Date

05/01/2022

End Date

09/30/2022

Enter the times when the Season Extension will be used. If there is a day during the week you will not use it, enter none in the start time and end time for that day.

Sunday Start Time

1pm

Sunday End Time

4pm

Monday Start Time

0

Monday End Time

0

Tuesday Start Time

0

Tuesday End Time

0

Wednesday Start Time

0

Wednesday End Time

0

Thursday Start Time

0

Thursday End Time

0

Friday Start Time

4pm

Friday End Time

10pm

Saturday Start Time

1pm

Saturday End Time

10pm

You must upload a diagram of the proposed seasonal extended premises and indicate where alcohol will be served and consumed.

Diagram of Area



IMG_0482.jpg

Uploaded by Joe Lynch on Mar 30, 2022 at 11:53 am

Terms and Conditions for Extensions of Class B Premises Permits

I understand that I may not allow any glass beverage containers in the outdoor portion of the extension.



I understand that the border of any outdoor premises shall be physically marked with fencing, vegetation, barriers, or other objects or markings accurately indicating the limits of the outdoor premises.



I understand that any lighting for an outdoor premises may not project directly to an area beyond the indoor and outdoor premises.



I understand that no outdoor premises may remain open between the hours of 10 p.m. and 10 a.m. The Common Council may set different closing hours for a particular outdoor premises if the licensee agrees to those alternate closing hours.



I understand that I am responsible for cleaning up the area of the extension and providing containers and storage for garbage and recycling.



I understand that a copy of the permit and any other applicable permits or licenses must be kept on the premises for the duration of the extension.



I understand that unless a temporary public entertainment permit has been issued, the type of entertainment permitted in the outdoor area is limited to what the public entertainment premises license allows.



Acceptance & Signature

I understand that I must submit a fee payment in order for my application to be processed. (You will receive an email with a link to pay, once you have submitted your application.)



READ CAREFULLY BEFORE SIGNING:

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Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Digital Signature (Individual, Partner, Manager of Limited Liability Company (LLC), Member, Officer of Corporation)

Joseph Lynch

03/30/2022

Failure to submit the required fee will result in your application not being processed. You will receive an email with the a link to pay the fee after you submit this application.

Clerk Administration Information

Application Correct and Complete?

Yes

Are other licenses/permits being applied for at the same time?

No

Admin/Clerk Review

Schedule for LH Hearing

LH/CC Action

Don't complete step until the time the notice should be sent.

License and Health Date

04/07/2022

License and Health Time

7:00 pm

Meeting Room

Room 128

If the council has imposed special conditions, enter below prior to entering the Common Council final date and issuing license:

Attachments



IMG_0483.jpg








Uploaded by Joe Lynch on Mar 30, 2022 at 11:55 am

History

Date	Activity
Mar 30, 2022 at 11:29 am	Joe Lynch started a draft of Record TEMP-22-5
Mar 30, 2022 at 11:55 am	Joe Lynch added attachment IMG_0483.jpg to Record TEMP-22-5
Mar 30, 2022 at 11:56 am	Joe Lynch submitted Record TEMP-22-5
Mar 30, 2022 at 11:58 am	completed payment step Fee Payment on Record TEMP-22-5
Mar 30, 2022 at 11:58 am	changed the deadline to Mar 31, 2022 on approval step Clerk's Office Application Review For Completion and Accuracy on Record TEMP-22-5
Mar 30, 2022 at 11:58 am	approval step Clerk's Office Application Review For Completion and Accuracy was assigned to Gina Gresch on Record TEMP-22-5
Mar 30, 2022 at 11:58 am	changed the deadline to Mar 31, 2022 on approval step Clerk's Office Application Review For Completion and Accuracy on Record TEMP-22-5
Mar 30, 2022 at 5:47 pm	Gina Gresch assigned approval step Fire Department Notification of Tent to Zeke Dombrowski on Record TEMP-22-5
Mar 30, 2022 at 5:48 pm	Gina Gresch changed Is your event a block party, church festival, concert, parade, carnival, or other large gathering? from "Yes" to "No" on Record TEMP-22-5
Mar 30, 2022 at 5:48 pm	Gina Gresch changed Application Correct and Complete? from "" to "Yes" on Record TEMP-22-5
Mar 30, 2022 at 5:49 pm	Gina Gresch changed Are other licenses/permits being applied for at the same time? from "" to "Yes" on Record TEMP-22-5
Mar 30, 2022 at 5:50 pm	Gina Gresch changed Are other licenses/permits being applied for at the same time? from "Yes" to "No" on Record TEMP-22-5
Mar 30, 2022 at 5:50 pm	Gina Gresch changed Temporary Public Entertainment Premises Permit from "true" to "false" on Record TEMP-22-5
Mar 30, 2022 at 5:50 pm	reactivated payment step Fee Payment on Record TEMP-22-5
Mar 30, 2022 at 5:51 pm	completed payment step Fee Payment on Record TEMP-22-5
Mar 30, 2022 at 5:52 pm	Gina Gresch approved approval step Clerk's Office Application Review For Completion and Accuracy on Record TEMP-22-5
Mar 30, 2022 at 5:52 pm	changed the deadline to Mar 31, 2022 on approval step Fire Department Notification of Tent on Record TEMP-22-5
Mar 30, 2022 at 5:52 pm	Gina Gresch changed Admin/Clerk Review from "" to "Schedule for LH Hearing" on Record TEMP-22-5

Date	Activity
Mar 30, 2022 at 5:53 pm	Gina Gresch changed License and Health Date from "" to "04/07/2022" on Record TEMP-22-5
Mar 30, 2022 at 5:53 pm	Gina Gresch changed License and Health Time from "" to "7:00 pm" on Record TEMP-22-5
Mar 30, 2022 at 5:53 pm	Gina Gresch changed Meeting Room from "" to "Room 128" on Record TEMP-22-5
Mar 30, 2022 at 5:57 pm	Gina Gresch assigned approval step Hearing Information to Gina Gresch on Record TEMP-22-5
Mar 30, 2022 at 5:57 pm	Gina Gresch assigned approval step Enter L&H and Common Council Decision to Gina Gresch on Record TEMP-22-5
Mar 30, 2022 at 5:57 pm	Gina Gresch changed the deadline to Mar 31, 2022 on approval step Enter L&H and Common Council Decision on Record TEMP-22-5
Mar 30, 2022 at 5:57 pm	Gina Gresch assigned approval step Common Council Consideration to Gina Gresch on Record TEMP-22-5
Mar 30, 2022 at 5:57 pm	Gina Gresch approved approval step Hearing Information on Record TEMP-22-5
Mar 30, 2022 at 6:03 pm	Gina Gresch removed document step Regular Hearing Notice from Record TEMP-22-5

Timeline

Label	Status	Activated	Completed	Assignee	Due I
 Fee Payment	Paid	Mar 30, 2022 at 11:56 am	Mar 30, 2022 at 5:51 pm	-	-
 Clerk's Office Application Review For Completion and Accuracy	Complete	Mar 30, 2022 at 11:58 am	Mar 30, 2022 at 5:52 pm	Gina Gresch	03/3
 Hearing Information	Complete	Mar 30, 2022 at 5:57 pm	Mar 30, 2022 at 5:57 pm	Gina Gresch	-
 Regular Notice to Appear - Temp. Premise Ext.	Issued	Mar 30, 2022 at 6:03 pm	Mar 30, 2022 at 6:03 pm	Gina Gresch	-
 Fire Department Notification of Tent	Active	Mar 30, 2022 at 5:52 pm	-	Zeke Dombrowski	03/3
 Enter L&H and Common Council Decision	Inactive	-	-	Gina Gresch	03/3
 Common Council Consideration	Inactive	-	-	Gina Gresch	-

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SECTION 2: EFFECTIVE DATE 9- b p R bynyue o- nN7e by 06NQi Rie nys e00eul i y P ERNFC. hChhM

SECTION 3: POLLING PLACES l-e 0 Ni a byt Ei Nyt ENueo nRe eoln7No- es 6yseRl bM lnlMAMAQ RI- e a nRo uRenles no n Reo6Ni 0l- e yea ui yt Reobi ynN s bRulo)

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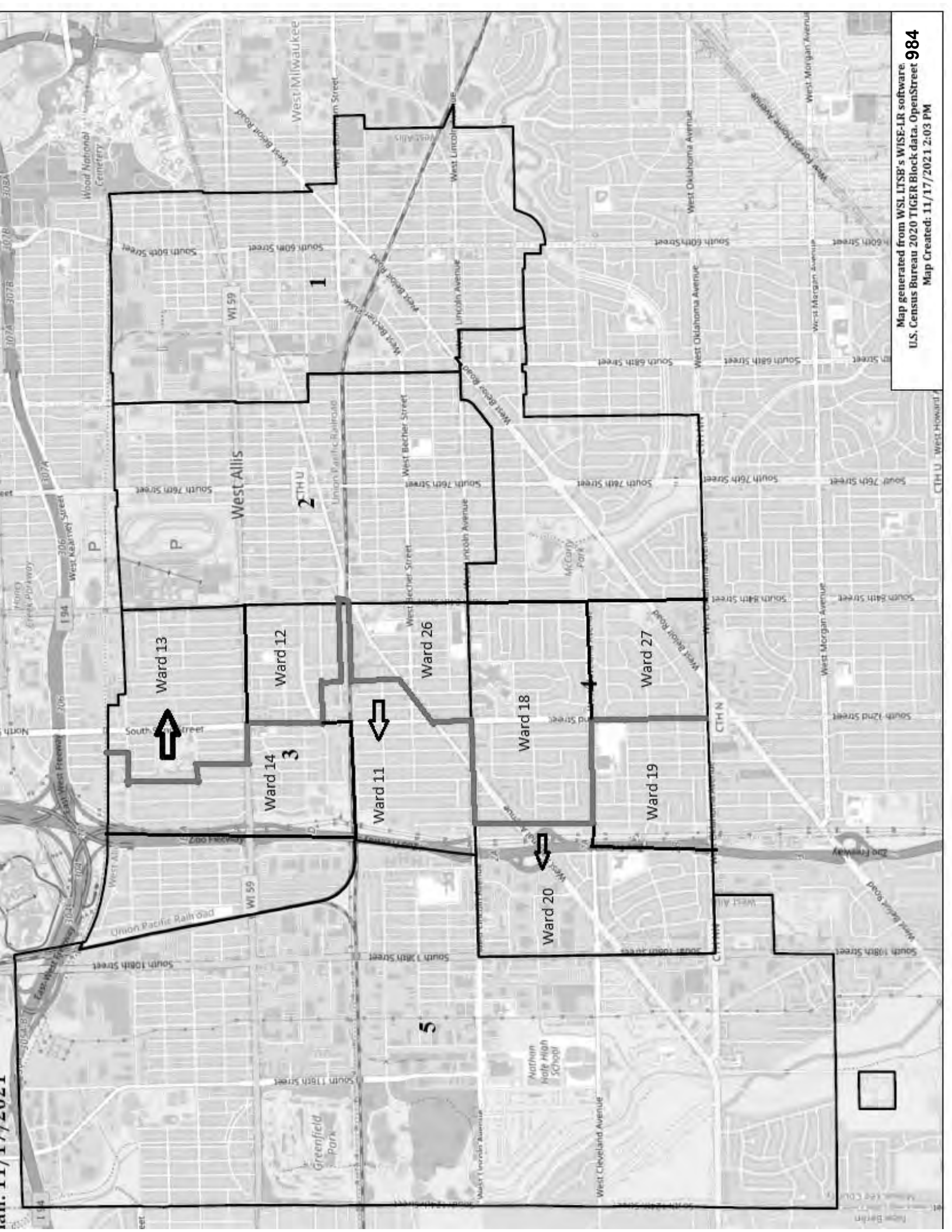
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P NM byue / hN	_____	_____	_____	_____
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COUNTY_FIPS	COUNTY_NAME	MCD_FIPS	MUNICIPAL_NAME	COUSUBFP	WARD_FIPS	EXISTING_WARD_NUM	CONGRESSIONAL	NEW_WARD_NUMBER
55079	Milwaukee	5507985300	West Allis	85300	550798530000011	11	11	26 New
55079	Milwaukee	5507985300	West Allis	85300	550798530000011	11	11	11 Existing
55079	Milwaukee	5507985300	West Allis	85300	550798530000012	12	12	12 Existing
55079	Milwaukee	5507985300	West Allis	85300	550798530000012	12	12	11 Combined with Adjacent
55079	Milwaukee	5507985300	West Allis	85300	550798530000014	14	14	14 Existing
55079	Milwaukee	5507985300	West Allis	85300	550798530000014	14	14	13 Combined with Adjacent
55079	Milwaukee	5507985300	West Allis	85300	550798530000018	18	18	18 Existing
55079	Milwaukee	5507985300	West Allis	85300	550798530000018	18	18	20 Combined with Adjacent
55079	Milwaukee	5507985300	West Allis	85300	550798530000019	19	19	27 New
55079	Milwaukee	5507985300	West Allis	85300	550798530000019	19	19	19 Existing



Map generated from WSL LITSB's WISE-IR software.
U.S. Census Bureau 2020 TIGER Block data. OpenStreet 984
Map Created: 11/17/2021 2:03 PM

Jan. 11/17/2021