



City of West Allis

Meeting Agenda

Common Council

Mayor Dan Devine, Chair

*Alderspersons: Suzette Grisham, Kimberlee Grob, Kevin Haass,
Chad Halvorsen, Danna Kuehn, Patty Novak, Marissa Nowling,
Daniel J. Roadt, Ray Turner and Martin J. Weigel*

Tuesday, May 20, 2025

7:00 PM

City Hall, Common Council Chambers
7525 W. Greenfield Ave.

REGULAR MEETING

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

Led by Ald. Haass.

D. PUBLIC HEARINGS

1. [O-2025-0033](#) Ordinance to amend limited use criteria for automotive uses.
2. [O-2025-0036](#) Ordinance to rezone property in the 6900 block of W. Orchard St. from RC Residential to C-2 Commercial (Tax Key 453-0001-010).
3. [R-2025-1912](#) Resolution to approve amending certain activities of the FY2019 Annual Plan of the Community Development Block Grant (CDBG) program relative to the reallocation of CDBG-CV (Covid) funding in the amount of \$250,926.

E. PUBLIC 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 & Economic Development

Room 128 – Public Safety & Public Works

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. ALDERPERSONS' 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

4. [2025-3350](#) May 6, 2025 Common Council Minutes.

Recommendation: Approve

J. STANDING COMMITTEE REPORTS

ECONOMIC DEVELOPMENT COMMITTEE

5. [2025-2078](#) New Class A Beer License for Speedway LLC, d/b/a Speedway 4118, 12340 W. Oklahoma Ave. Agent: Mary Donnell. (ALC-25-6)

Recommendation: Grant

PUBLIC WORKS COMMITTEE

6. [O-2025-0028](#) Ordinance to repeal and recreate provisions related to public health, sanitation, and animals.

PUBLIC SAFETY COMMITTEE

7. [O-2025-0028](#) Ordinance to repeal and recreate provisions related to public health, sanitation, and animals.

K. ITEMS NOT REFERRED TO COMMITTEE (CONSENT AGENDA)

8. [R-2025-0649](#) Resolution rejecting all bids received as shown on the attached bid report for Rogers Park Project, 2025 Project No. 23.
Recommendation: Adopt
9. [R-2025-1827](#) Resolution to amend an existing professional service contract with raSmith to provide construction management of private property improvements for an amount not to exceed \$35,000.
Recommendation: Adopt
10. [R-2025-1890](#) Resolution to authorize the renewal of a 3-year contract with CDW-G for \$103,179.40 per year for continued use of Microsoft 365 software products.
Recommendation: Adopt
11. [R-2025-1892](#) Resolution to approve bid of UPI Construction LLC for street reconstruction on S. 83rd St. from W. Grant St. to W. Becher St. and S. 91st St. from W. Rogers St. to Dead End in the City of West Allis in the amount of \$1,533,942.40.
Recommendation: Adopt
12. [R-2025-1894](#) Resolution to approve bid of LaLonde Contractors, Inc. for traffic signal installation on S. 53rd St. and W. Burnham St. intersection in the City of West Allis in the amount of \$254,359.09.
Recommendation: Adopt
13. [R-2025-1895](#) Resolution to approve bid of LaLonde Contractors, Inc. for alley reconstruction on S. 84th St. to S. 85th St./W. Lincoln Ave. to W. Grant St. in the City of West Allis in the amount of \$81,453.73.
Recommendation: Adopt
14. [R-2025-1896](#) Resolution rejecting all bids received as shown on the attached bid report for Private Property Work: Lead Service Line Replacements, 2025 Project No. 17 and rebid the project.
Recommendation: Adopt
15. [R-2025-1897](#) Resolution to create a Professional Service Contract with raSmith to provide construction management of lead service line replacements for an amount not to exceed \$45,000.
Recommendation: Adopt
16. [2025-3002](#) Class A/B/C Alcohol License Renewal Applications without changes.

*See attachment for the lists.
Recommendation: Grant

17. [2025-3083](#) Temporary Public Entertainment Permit request for Iglesia de Dios Agua en el Desierto, hosting a one-day event on May 23th, 2025 from 5 p.m. - 9 p.m., to be held at 5401 W. Burnham St. (TEMP-25-11) Applicant: Jesus Gil.
Recommendation: Grant
18. [2025-3141](#) April 2025 Municipal Judge Report, consisting of all fines, costs and fees collected by the City of West Allis in the sum of \$51,029.20.
Recommendation: Place on File
19. [2025-3346](#) Claim by Aurora-West Allis Memorial for property damage on April 26th, 2025 at 8901 W. Lincoln Ave.
Recommendation: Refer to City Attorney
20. [2025-3391](#) Claim by Robbie Madsen, Jr. for property damage that occurred on February 15th, 2025 at W. Orchard St. & S. 74th St.
Recommendation: Refer to City Attorney
21. [2025-3347](#) Class B Tavern Seasonal Temporary Premise and Public Entertainment Extension request for Kip's Inn, 837 S. 108th St., from May 23rd, 2025 until September 1st, 2025. (TEMP-25-13) Agent: Kim Engebregtsen
Recommendation: Grant
22. [2025-3392](#) Special Event Application request for Perspective Brewing Anniversary Party event, held at Perspective Brewing on June 7th, 2025 from 1:00 p.m., to 7 p.m. (SPEV-25-27) Agent: Daniel Naus
Recommendation: Grant
23. [2025-3394](#) Appointment by Mayor Devine of Thomas Medley to the Community Development Authority for a 4-year term to expire May 20th, 2029.
Recommendation: Approve

L. COMMON COUNCIL RECESS

M. NEW AND PREVIOUS MATTERS

PUBLIC WORKS COMMITTEE

24. [R-2025-1868](#) Resolution amending the fee schedule to add rental fee for 72nd Street Pedestrian Plaza.
Recommendation: Adopt

ECONOMIC DEVELOPMENT COMMITTEE

25. [O-2025-0033](#) Ordinance to amend limited use criteria for automotive uses.

26. [O-2025-0036](#) Ordinance to rezone property in the 6900 block of W. Orchard St. from RC Residential to C-2 Commercial (Tax Key 453-0001-010).
27. [R-2025-1912](#) Resolution to approve amending certain activities of the FY2019 Annual Plan of the Community Development Block Grant (CDBG) program relative to the reallocation of CDBG-CV (Covid) funding in the amount of \$250,926.
28. [R-2025-1908](#) Resolution to approve an allocation of up to \$1,000,000 to the Community Development Authority of the City of West Allis to Raze and Remove Structures through an agreement with F Street 92, LLC for the Property located at 1405 S. 92nd St. (Parcel ID: 450-0502-000).

Recommendation: Adopt

29. [2025-3229](#) New Class A Liquor and Beer, Cigarette and Electronic Cigarette License for 9730 Enterprises LLC, d/b/a Sunny Liquor West Allis, 9730 W. Greenfield Ave. Agent: Jatinder Kaur. (ALC-25-12)
30. [2025-3306](#) New Class A Beer and Cigarette and Electronic Cigarette License for Kal Service, d/b/a Kal Service, 10731 W. Oklahoma Ave. Agent: Kalim Beg. (ALC-25-13)

PUBLIC SAFETY COMMITTEE

31. [O-2025-0042](#) Ordinance to create nonintoxicating beverage license regulating cannabidiol- and THC-infused beverages.
32. [R-2025-1913](#) Resolution authorizing the Director of Public Works to annually temporarily close streets between S. 108th St. and S. 112th St. at W. Theo Trecker Way
33. [2025-2771](#) Notice of non-renewal of an Operator's License (Bartender/Class D Operator) for Raul Colin. (BART-295)
34. [2025-3003](#) Class A/B/C Alcohol License Renewal Applications.

*See attachment for the lists.

Recommendation: Grant

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-2025-1912**

**RESOLUTION TO APPROVE AMENDING CERTAIN ACTIVITIES OF THE
FY2019 ANNUAL PLAN OF THE COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PROGRAM RELATIVE TO THE REALLOCATION OF CDBG-CV
(COVID) FUNDING IN THE AMOUNT OF \$250,926**

WHEREAS, the Common Council has approved the FY2019 Community Development Block Grant Annual Action Plans under Resolution R-2019-0402; and,

WHEREAS, the previously approved allocation budget within the FY 2019 Community Development Block Grant (CDBG) Annual Action Plan (B-19- MC [1] 55-0011) will be amended and funds reallocated from existing programs within the Plan, totaling \$250,926, such as the following:

Administration - \$66,223
Rent Assistance programs - \$13,459
ED Business Assistance - \$3,782
Health Department Awareness Program - \$167,462

WHEREAS, the total funds of \$250,926 will be transferred to a new activity called Liberty Heights Pavillion to address better air circulation and filtration, improved and sanitary bathrooms, and enhanced meeting space for neighborhood health and engagement workshops; and,

WHEREAS, a public hearing was conducted to provide interested citizens with an opportunity to express their views on the reallocation and use of CDBG-CV funds and to provide citizens with information on how these funds are to be utilized; and,

WHEREAS, the utilization of CDBG funds for the previously stated activities meet HUD requirements for the CDBG program; and,

WHEREAS, the proposed amendments were presented to the Community Development Block Grant Committee and the Planning & Zoning Manager recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that it hereby amends: FY 2019 Community Development Block Grant (CDBG) Annual Action Plan (B-19- MC [1] 55-0011), to reallocate \$250,926 of FY2019 CDBG-CV funds to the following activities:

- 1) Liberty Heights Pavilion Project

SECTION 1: **ADOPTION** “R-2025-1912” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2025-1912(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

NOTICE OF PUBLIC HEARING

9



City of West Allis

Meeting Minutes

Common Council

Mayor Dan Devine, Chair

*Alderspersons: Suzzette Grisham, Kimberlee Grob, Kevin Haass,
Chad Halvorsen, Danna Kuehn, Patty Novak, Marissa Nowling,
Daniel J. Roadt, Ray Turner and Martin J. Weigel*

Tuesday, May 6, 2025

7:00 PM

City Hall, Common Council Chambers
7525 W. Greenfield Ave.

REGULAR MEETING

A. CALL TO ORDER

Mayor Devine called the meeting to order at 7:04 p.m.

B. ROLL CALL

Present 9 - Ald. Grisham, Ald. Grob, Ald. Haass, Ald. Halvorsen, Ald. Kuehn, Ald. Novak, Ald. Nowling, Ald. Roadt, Ald. Turner

Excused 1 - Ald. Weigel

C. PLEDGE OF ALLEGIANCE

Led by Ald. Grob.

D. PUBLIC HEARINGS

1. [2025-2222](#) Conditional Use Permit for The Picklr, a proposed Instruction/Training (31 or more persons at one time), at 2550 S. 108th St.

Steve Schaer, Manager of Planning & Zoning, presented.

Neal Steffek, 1902 S. 68th St., spoke regarding the topic.

E. PUBLIC PARTICIPATION

The following individuals spoke regarding The Drunk Uncle:

Neal Steffek, 1902 S. 68th St.

Brett Cooley, 2048 S. 74th St.

Joe Butterfield, 10315 W. Greenfield Ave.

April Kreush, 8111 W. Raymond Ln.

F. ANNOUNCEMENT OF RECESS MEETINGS OF STANDING COMMITTEES

G. MAYOR'S REPORT

The Mayor encouraged all residents to participate in the city-wide cleanup scheduled on May 17th from 9-11 a.m. at the Police Satellite station. He also reminded people of the open house and job fair at the Department of Public Works on May 17th from 10 a.m. - 2 p.m. and of the Bike Rodeo on May 18th from 11 a.m. - 1 p.m. at the West Allis Farmer's Market.

H. ALDERPERSONS' REPORT

Ald. Halvorsen informed residents about the construction at State Fair Park. It is expected to end early July. He also encouraged people to attend The Suburban Singers Community Choir event "Beauty and The Beatles" at James Dottke High School on Friday, May 16th at 7:30 p.m., or on Sunday, May 18th at 2:30 p.m. at Luther Manor Faith and Education Center.

I. APPROVAL OF MINUTES

2. [2025-2939](#) April 15, 2025 Common Council Minutes.

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

J. STANDING COMMITTEE REPORTS**PUBLIC WORKS COMMITTEE**

3. [R-2025-0637](#) Resolution to approve an amendment to the Privilege Agreement between the City of West Allis and Walter Holtz of the Deco at 7140 W. Greenfield Ave. for use of a designated portion of S. 72nd St. as a Pedestrian Mall.

Ald. Grisham moved to refer item to Public Works Committee, motion carried with zero objection.

Committee Action: Ald. Haass motioned to adopt, Ald. Halvorsen seconded, motion carried.

Council Action: Adopted

PUBLIC SAFETY COMMITTEE

4. [2025-2077](#) Summons and complaint against Steffek LLC d/b/a/ The Drunk Uncle, 1902 S. 68th St. Agent: Neal Steffek

Ald. Grisham motioned to approve the Public Safety Committee's recommendation to revoke the Class B Tavern License, ALC-22-130, for Steffek LLC, motion carried with the following roll call vote:

Yes - 9 - Grob, Haass, Halvorsen, Kuehn, Novak, Nowling, Roadt, Turner, and Grisham
No - 0

K. ITEMS NOT REFERRED TO COMMITTEE (CONSENT AGENDA)

24. [2025-2078](#) New Class A Beer License for Speedway LLC, d/b/a Speedway 4118, 12340 W. Oklahoma Ave. Agent: Mary Donnell. (ALC-25-6)

Ald. Haass motioned to hold item #24 until the May 20th, 2025 Council Meeting, motion carried with zero objections.

Passed The Block Vote

Ald. Haass moved to approve the Consent Agenda, items #5 - #23, #25 - #34, Ald. Grisham seconded, motion carried by roll call vote:

Aye: 9 - Ald. Grisham, Ald. Grob, Ald. Haass, Ald. Halvorsen, Ald. Kuehn, Ald. Novak, Ald. Nowling, Ald. Roadt, Ald. Turner

No: 0

5. [O-2025-0040](#) Ordinance to amend salary schedule by creating, reclassifying, and retitling various Electrical Mechanic positions.

Sponsors: Alderperson Weigel

Passed

6. [R-2025-0588](#) Resolution to approve a contract with Talaske for providing audio/visual design and construction oversight for the New Department of Public Works Facility located at 1906 S. 53rd St., in an amount not to exceed \$21,000.

Sponsors: Public Works Committee

Adopted

7. [R-2025-1070](#) Resolution accepting work of Visu-Sewer, LLC for the sanitary sewer lining, spot lining, & grouting at various locations in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2023 Project No. 17 for final payment in the amount of \$21,465.89.

Sponsors: Public Works Committee

Adopted

8. [R-2025-1102](#) Resolution to facilitate the purchase of a mastic trailer.

Adopted

9. [R-2025-1103](#) Resolution granting a Privilege to Cynthia Sobczak & Scott Sitowski for property located at 7240-46 W. Greenfield Ave. (Tax Key No. 440-0345-001).

Adopted

10. [R-2025-1104](#) Resolution granting a Privilege to KTI LLC for property located at 7023-31 W. Greenfield Ave. (Tax Key No. 453-0038-000).

Adopted

11. [R-2025-1105](#) Resolution granting a Privilege to Real Estate Investment Specialists LLC for property located at 7311-15 W. Greenfield Ave. (Tax Key No. 453-0116-000).

Adopted

12. [R-2025-1106](#) Resolution Approving an Agreement with MMSD to receive \$452,000 in funding through the MMSD Green Solutions Program for the installation of Green Infrastructure on W. National Ave. from S. 95th St. to S. 108th St.

Sponsors: Public Works Committee

Adopted

13. [R-2025-1199](#) Resolution to approve a contract with Field Effect Security Inc. for cybersecurity protection for a total amount of \$62,322.
Adopted
14. [R-2025-1200](#) Resolution granting a Privilege to Epikos for property located at 6217-33 W. Greenfield Ave. (Tax Key No. 454-0001-000).
Adopted
15. [R-2025-1224](#) Resolution granting a Privilege to Dunn, Steven W. & Sharon L. Liv Trust for property located at 6034 W. National Ave. & 1338-42 S. 61 St. (Tax Key No. 439-0350-000).
Adopted
16. [R-2025-1406](#) Resolution to waive conflict of interest involving outside counsel.
Adopted
17. [R-2025-1409](#) Resolution to approve addenda to intergovernmental agreement and service agreement related to Southwest Suburban Health Department.
Adopted
18. [R-2025-1432](#) Resolution to amend Policy No.1484 relating to clothing, tool and other allowances.
Adopted
19. [R-2025-1456](#) Resolution to approve a nine-month extension for conditional use permit to commence SoNa Lofts Phase 2, a proposed 5+ Unit Dwelling, at 6600 W. Mitchell St. (Tax Key No. 454-0656-000).
Adopted
20. [R-2025-1460](#) Resolution amending the terms and conditions for an Economic Development Loan with Carrie's Crispies, LLC.
Adopted
21. [R-2025-1484](#) Resolution to approve bid of Wandel Contractors for street reconstruction in S. 90th St. from W. Durham Ave. to W. Dakota St. and W. Stuth Ave. from S. Orleans Ave. to S. Osage Ave. in the City of West Allis in the amount of \$1,044,661.23.

Sponsors: Public Works Committee
Adopted
22. [R-2025-1485](#) Resolution authorizing and directing the City Engineer to enter into a State/Municipal Agreement with the Wisconsin Department of Transportation for the reconstruction of W. National Ave. from S. 95th St. to S. 108th St.

Sponsors: Public Works Committee
Adopted

23. [R-2025-1506](#) Resolution acknowledging the Common Council's support of the efficient financial management and operation of the City's Sanitary Sewer Utility and authorizing the Principal Engineer to submit the Compliance Maintenance Annual Report (CMAR) to the Wisconsin Department of Natural Resources.

Sponsors: Public Works Committee

Adopted

25. [2025-2397](#) Class A/B/C Alcohol License Renewal Applications without changes.

*See attachment for the lists.

Granted

26. [2025-2628](#) Temporary Extension of a Class B and Public Entertainment license request for Studz Pub, hosting a one-day event on June 21th, 2025, from 8:00 a.m. - 6:30 p.m., to be held at 6833 W. National Ave. (TEMP-25-6 & SPEV-25-12) Applicant: Ken Schinke.

Granted

27. [2025-2782](#) Temporary Extension of a Class B Premise request for The Buzzard's Nest, hosting a one-day event on June 28th, 2025 from 10 a.m. - 10 p.m., to be held at 6002 W. Mitchell St. (TEMP-25-7) Applicant: Lawrence Pryor.

Granted

28. [2025-2919](#) Claim by Sydney Hird regarding property damage on S. 70th St. on April 18th, 2025.

Placed on File

29. [2025-2920](#) Claim by Extra Space Management regarding property damage at 232 S. Curtis Rd. on February 21st, 2025.

Placed on File

30. [2025-2958](#) Reappointment by Mayor Devine of David Raschka, Kathleen Dagenhart, Jessica Katzenmeyer and Brandon Reinke to the Plan Commission with a 3-year term to expire May 6, 2028.

Approved

31. [2025-2959](#) Reappointment by Mayor Devine of Sagar Tolani to the West Allis Police & Fire Commission with a 5-year term to expire on May 6, 2030.

Approved

32. [2025-3012](#) Renewal application for Adult-Oriented Establishment License:

*Ben Bishop, DBA Temptations, 9800 W. Greenfield Ave. Agent: Benjamin Bishop.

Granted

33. [2025-3025](#) Finance Director/Comptroller submitting report for April 2025 indicating City of West Allis checks issued in the amount of \$4,873,270.50.

Placed on File

34. [2025-3060](#) Temporary Extension of a Class B premise request for Dick and Gloria's Cocktails and Dreams, hosting a one-day event on June 7th, 2025, from 12:00 p.m. - 6:00 p.m., to be held at 2201 S. 55th St. (TEMP-25-10)
Applicant: Gloria Kinnee.

Granted

L. COMMON COUNCIL RECESS

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

The Council recessed at 7:26 p.m. and reconvened at 8:08 p.m.

M. NEW AND PREVIOUS MATTERS

ADMINISTRATION COMMITTEE

Committee convened at 7:22 p.m.

35. [2025-2946](#) Communication relating to the appointment of Erin M. Hirn to the position of City Administrator effective May 27, 2025.

Discussion Purposes Only

Passed The Block Vote

Ald. Nowling moved to approve items #36 - #38, motion carried by roll call vote:

Aye: 9 - Ald. Grisham, Ald. Grob, Ald. Haass, Ald. Halvorsen, Ald. Kuehn, Ald. Novak, Ald. Nowling, Ald. Roadt, Ald. Turner

No: 0

36. [R-2025-1435](#) Resolution confirming the mayoral appointment of Erin M. Hirn to the position of City Administrator effective May 27, 2025.

Committee Action:

Ald. Grob motioned to adopt, Ald. Novak seconded, motion carried.

Council Action: Adopted

37. [R-2025-1412](#) Resolution to amend City Attorney's office organizational chart to add part-time Principal Assistant City Attorney (net increase of 0.2 FTE).

Committee Action:

Ald. Kuehn motioned to adopt, Ald. Novak seconded, motion carried.

Council Action: Adopted

38. [R-2025-1483](#) Resolution approving an amended Community Development Block Grant Annual Action Plan for fiscal year 2024.

Committee Action:

Ald. Kuehn motioned to adopt, Ald. Novak seconded, motion carried.

Ald. Grob moved to adjourn at 7:33 p.m., Ald. Novak seconded, motion carried.

Council Action: Adopted

PUBLIC WORKS COMMITTEE

Committee convened at 7:30 p.m. and recessed at 7:39 p.m. Committee reconvened at 8:01 p.m.

39. [2025-3008](#) Discussion regarding the City establishing a drop-off site for squeezable snack plastic pouches and caps.

Discussion Purposes Only

ECONOMIC DEVELOPMENT COMMITTEE

Committee convened at 7:33 p.m.

Passed The Block Vote

Ald. Kuehn moved to approve items #40 - #42, motion carried by roll call vote:

Aye: 9 - Ald. Grisham, Ald. Grob, Ald. Haass, Ald. Halvorsen, Ald. Kuehn, Ald. Novak, Ald. Nowling, Ald. Roadt, Ald. Turner

No: 0

40. [2025-2222](#) Conditional Use Permit for The Picklr, a proposed Instruction/Training (31 or more persons at one time), at 2550 S. 108th St.

Committee Action:

Ald. Grob moved to grant, Ald. Nowling seconded, motion carried.

Council Action: Granted

41. [2025-1989](#) New Class B Tavern and Public Entertainment License for JAC'S Triple 7, LLC, d/b/a JAC'S Triple 7, 6711 W. Beloit Rd. Agent: Jeff Clark. (ALC-25-5)

Committee Action:

Ald. Novak moved to grant with an amended floor plan and after current license is surrendered, Ald. Nowling seconded, motion carried.

Council Action: Granted as amended

42. [2025-2957](#) Transfer of Class B Tavern and Public Entertainment Licenses for Blaque Bar Bites Wisconsin Corporation, d/b/a Blaque Bar & Bites, 9105 W. Lincoln Ave. Agent: Jennifer Pierce. (ALC-25-11)

Committee Action:

Ald. Novak moved to deny based on too many complaints at current location,
Ald. Kuehn seconded, motion carried.

Ald. Novak moved to adjourn at 7:55 p.m., Ald. Grob seconded, motion carried.

Council Action: Denied

PUBLIC SAFETY COMMITTEE

Committee convened at 7:39 p.m.

43. [2025-2940](#) April 17, 2025 Public Safety Minutes.

Ald. Halvorsen moved to approve, Ald. Haass seconded, motion carried.

Passed The Block Vote

Ald. Grisham moved to approve items #44 - #49, motion carried by roll call vote:

Aye: 9 - Ald. Grisham, Ald. Grob, Ald. Haass, Ald. Halvorsen, Ald. Kuehn, Ald. Novak, Ald. Nowling, Ald. Roadt, Ald. Turner

No: 0

44. [2025-2771](#) Notice of non-renewal of an Operator's License (Bartender/Class D Operator) for Raul Colin. (BART-295)

Committee Action:

Ald. Haass motioned to send notice of non-renewal and allowing applicant a second opportunity to appear on May 20th, 2025, Ald. Grisham seconded, motion carried.

Council Action:

Notice of non-renewal and opportunity to reappear on May 20th, 2025

45. [2025-2772](#) Operator's License (Bartender/Class D Operator) renewal application for Nathan McFadden. (BART-629)

Committee Action:

Ald. Haass moved to grant, Ald. Turner seconded, motion carried.

Council Action:

Granted

46. [2025-2773](#) Operator's License (Bartender/Class D Operator) renewal application for David Ensor, Jr. (BART-674)

Committee Action:

Ald. Haass moved to grant, Ald. Halvorsen seconded, motion carried.

Council Action:

Granted

47. [2025-3013](#) Operator's License (Bartender/Class D Operator) renewal application for Rhonda Kohloff. (BART-661)

Committee Action:

Ald. Haass moved to grant, Ald. Turner seconded, motion carried.

Council Action:

Granted

48. [2025-3018](#) Class B Tavern Seasonal Temporary Premise and Public Entertainment Extension request for The Deco, 7140 W. Greenfield Ave., for outdoor dining with entertainment/music from May 23rd, 2025 until November 1st, 2025.

Committee Action:

Ald. Grisham moved to grant with the amendment of operational hours on Sunday of 11 a.m. - 7 p.m., Ald. Haass seconded, motion carried.

Council Action:

Granted as Amended

49. [2025-2398](#) Class A/B/C Alcohol License Renewal Applications.

*See attachment for the lists.

Committee Action:

Ald. Haass moved to grant, Ald. Grisham seconded, motion carried.

Ald. Haass moved to adjourn at 7:57 p.m., Ald. Halvorsen seconded, motion carried.

Council Action:

Granted

N. ADJOURNMENT

Ald. Haass moved to adjourn at 8:11 p.m., Ald. Grisham seconded, motion carried.

Next scheduled meeting is May 20th, 2025 at 7:00 p.m.



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.

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.



NEW LICENSE APPLICATION SUMMARY FOR COMMITTEE REVIEW

Record #: ALC-25-6

Applicant's Full Name:

SHAMEKA Wiley

Agent's Full Name:

Mary

License Type(s):

Class A Beer

Legal Name:

Speedway LLC

Trade/Business Name:

Speedway 4118

Business Address:

12340 West Oklahoma Avenue

Types of Entertainment:

Premise Description:

Alcohol will be stored:

Alcohol will be stored in the locked storage closet.

Alcohol will be sold/consumed:

Alcohol will be sold at the cash register to be consumed off premises away from the store.

Alcohol beverage receipts location:

records are kept in the office.

Hours of Operation:

Sunday: 12 A.M.

Monday: 11:59 P.M

Tuesday: 12 A.M.

Wednesday: 11:59 P.M

Thursday: 12 A.M.

Friday: 11:59 P.M

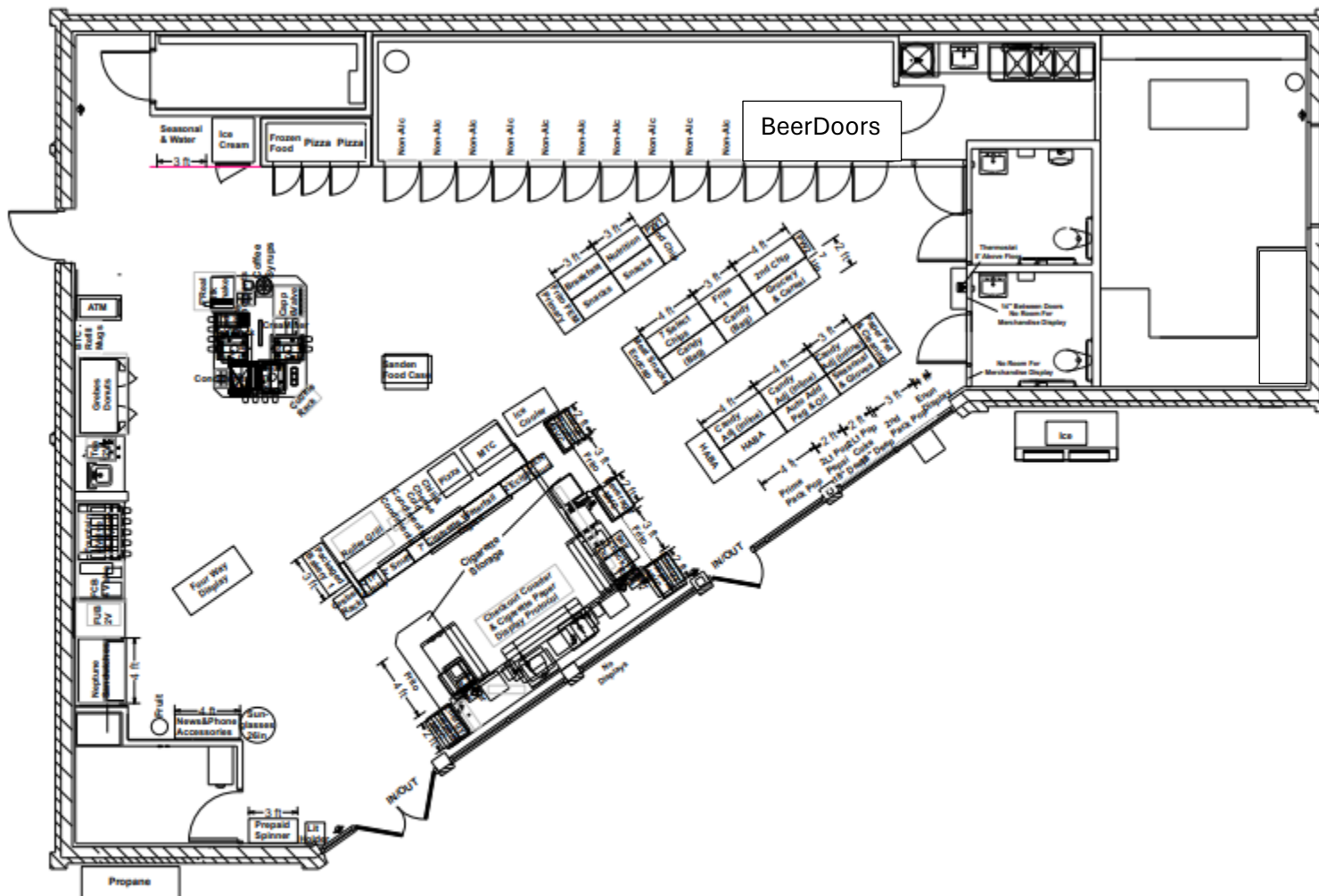
Saturday: 12 A.M.

Date Applied:

March 20, 2025

Legal Notice Published On:

March 31, 2025



Building Type: SA 2600-3 V3

Store # 46041

WEST ALLIS, WI

ProFloor 4/11/2025

Last Modified: 4/13/2025

(4118 04102025CVOPOG)



City Clerk
clerk@westalliswi.gov

March 26, 2025

SHAMEKA Wiley
PO Box 139044
Dallas, TX 75313

RE: Class A Beer License Application Review for Speedway 4118 at 12340 West Oklahoma Avenue

City of West Allis Applicant:

Attendance Required:

Your hearing for your license application(s) is scheduled before the Economic Development Committee -

Date: April 15, 2025

Time: 7:00 pm

Location: Art Gallery, City of West Allis, City Hall, 7525 W. Greenfield Avenue, West Allis.

Please note that attending the hearing is required. If you do not attend, your application may be denied.

In the event of a denial, you must wait six months from the date of the decision to reapply.

If you are unable to attend the hearing, please contact the clerk's office at clerk@westalliswi.gov by 4 pm on the day of the meeting or earlier.

Arrival Instructions:

1. Park in the lot on the south side (rear) of the building.
2. Once inside, proceed straight back to the Common Council Chambers and wait for the Common Council to take a break for their recess committee meetings.
3. Sometime after 7 pm, when the Common Council takes a break for the recess committee meetings, go to Art Gallery.

Room Locations:

Room 128: Exit the Common Council Chambers and head towards the parking lot. Room 128 will be on your left through the wooden doors, just before the glass doors leading to the parking lot. Please wait in the back area until your application is called.

Art Gallery: Exit the Common Council Chambers and go down the stairs to the lower level. The Art Gallery will be directly ahead of you at the bottom of the stairs. Please find a suitable area to wait until your application is called.

If you use a wheelchair or have mobility concerns, please approach a staff member for assistance.

Committee Recommendation:

When you appear before the committee, they will likely make a recommendation. This recommendation will be voted on when the Common Council starts after the committee meetings are finished. The typical recommendations are:

1. Approval (with or without changes or conditions).
2. Denial.
3. Hold until a future meeting date.

Common Council Decision:

The Common Council will consider the Committee recommendations and either approve, deny, or hold the application. As the final decision-makers, their decision may differ from the committee's recommendation.

- If your license is approved by the Common Council and all requirements have been met, you will receive a notification within the next two days. This notification will allow you to view and print out your license.
- If your license is denied by the Common Council, you will receive a letter advising you of such and reminding you that you cannot reapply for six months.
- If your license is held by the Committee or the Common Council, you will receive another notice at a later date to appear before the committee.

This is the typical process and may vary from time to time if there are extenuating circumstances.

If you have any questions, email clerk@westalliswi.gov.

Non-Discrimination Policy: *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.*

**CITY OF WEST ALLIS
ORDINANCE O-2025-0028**

**ORDINANCE TO REPEAL AND RECREATE PROVISIONS RELATED TO
PUBLIC HEALTH, SANITATION, AND ANIMALS**

REPEALING AND RECREATING CHAPTER 7

WHEREAS, WAMC Chapter 7 contains outdated language and laws; and

WHEREAS, the common council desires to update the code over time to use more modern language and contemporary rules;

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

SECTION 1: **AMENDMENT** “7.19 Coal Tar Sealant Products” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.19 Coal Tar Sealant Products

1. Definitions. In this section:
 - a. “Coal tar sealant product” means a surface-applied sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, or any variation assigned the Chemical Abstracts Service (CAS) number 65996-93-2, 65996-89-6, or 208007-45-2.
 - b. “High PAH sealant product” means a surface-applied sealing product that contains more than 0.1 percent polycyclic aromatic hydrocarbons by weight.
2. Prohibitions.
 - a. No person may sell or offer for sale a coal tar sealant product or high PAH sealant product, except as provided in sub. (3).
 - b. No person may apply a coal tar sealant product or high PAH sealant product, except as provided in sub. (3).
3. Exemptions. The health department may grant an exemption to the prohibitions under sub. (2) to any of the following upon written request:
 - a. A person who is researching the effects of a coal tar sealant product or high PAH sealant product on the environment.
 - b. A person who is developing an alternative technology if the use of a coal tar sealant product or high PAH sealant product is required for research or development~~Whereas, the City of West Allis finds that the City's water resources are a natural asset, which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general~~

health and welfare of the public; and Whereas, the City finds that polycyclic aromatic hydrocarbons (PAHs), which are contained in coal tar sealants and other high PAH sealants, volatilize off sealed pavement and can be inhaled by humans and animals; are broken down by sunlight and abraded by vehicle and foot traffic; can be carried off of sealed pavement as small particles by that same traffic and transported into homes and onto nearby soils; and can be carried by stormwater and other runoff into the water resources of the City; and Whereas, PAHs are an environmental concern because they are toxic to aquatic life, resulting in a loss of species and a lower number of organisms; and Whereas, PAH compounds have been proven to be carcinogenic, mutagenic, and teratogenic to humans according to the International Agency for Research on Cancer; individuals with lifelong exposure to coal tar sealcoat treated pavements and playgrounds have a thirty-eight fold higher risk of cancer; and the American Medical Association therefore advocates for legislation to ban the use of pavement sealcoats that contain PAHs or require use of sealcoat products that contain minimal PAH; and Whereas, environmental impacts and human health risks can be minimized and pavements can be maintained by utilizing alternative products or methods, absent PAHs; and Whereas, the following studies support the City's findings with regard to PAHs: Whereas, the City also finds based on said studies that regulating the amount of contaminants, including PAHs contained in coal tar sealant products and other high PAH sealant products, entering the water resources of the City will improve and protect public health and the water quality of the City and neighboring water resources; Now, therefore, the Common Council of the City of West Allis do ordain as follows: Definitions. Enforcement. Violations of this section will be enforced by the Health Department, Police Department and City Attorney's office. Regulation of the Application and Sale of Coal Tar or Other High PAH Sealant Products. That PAHs, which are contained in coal tar sealants and other high PAH sealants, volatilize off sealed pavement and can be inhaled by humans and animals; are broken down by sunlight and abraded by vehicle and foot traffic; can be carried off of sealed pavement as small particles by that same traffic and transported into homes and onto nearby soils; and can be carried by stormwater and other runoff into the water resources of the City of West Allis. PAHs are an environmental concern because they are toxic to aquatic life, resulting in a loss of species and a lower number of organisms. Environmental impacts and human health risks can be minimized and pavements can be maintained by utilizing alternative products or methods, absent PAHs. That regulating the amount of contaminants, including PAHs contained in coal tar sealant products and other high PAH sealant products, entering the water resources of the City will improve and protect public health and the water quality of and neighboring water resources; and PAH compounds have been proven to be carcinogenic, mutagenic, and teratogenic to humans according to the International Agency for Research on Cancer; individuals with lifelong exposure to coal tar sealcoat treated pavements and playgrounds have a thirty-

eight-fold higher risk of cancer; and the American Medical Association therefore advocates for legislation to ban the use of pavement sealcoats that contain PAHs or require use of sealcoat products that contain minimal PAH. Baldwin AK, Corsi SR, Lutz MA, Ingersoll CG, Dorman R, Magruder C, Magruder M. (2017). Primary sources and toxicity of PAHs in Milwaukee-area streambed sediment. *Environmental Toxicology & Chemistry* 36: 1622-1635. US Environmental Protection Agency, Office of Research and Development, (2011), "Assessment of Water Quality of Runoff from Sealed Asphalt Surfaces". Van Metre PC and Mahler BJ. (2014). PAH concentrations in lake sediment decline following ban on coal-tar-based pavement sealants in Austin, Texas. *Environmental Science and Technology* 48: 7222-7228. Van Metre PC, Mahler BJ. (2010). Contribution of PAHs from coal-tar pavement sealcoat and other sources to 40 U.S. lakes. *Science of the Total Environment* 409: 334-344. Williams ES, Mahler BJ, Van Metre PC. (2012). Coal-tar pavement sealants might substantially increase children's PAH exposures. *Environmental Pollution* 164: 40-41. COAL TAR is a by-product of the process used to refine coal. Coal tar contains high levels of PAHs. COAL TAR SEALANT PRODUCT means a pavement sealant product that contains coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, Refined Tar or any variation assigned the Chemical Abstracts Service (CAS) Numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2 or related substances. HIGH PAH SEALANT PRODUCT means any pavement sealant product that contains greater than 0.1% PAHs by weight, including, but not limited to, coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the Chemical Abstracts Service Number 64742-90-1, 69013-21-4 or related substances. PAVEMENT SEALANT PRODUCT, or sealcoat, is any substance that is typically applied on paved surfaces to protect the surfaces. This may include but is not limited to sealant products that are coal tar or asphalt based. POLYCYCLIC AROMATIC HYDROCARBONS (PAHs) are a group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life. DIRECTOR means the Health Commissioner of Health Department. Except as provided in Subsection (5), no person shall apply any coal tar sealant product or high PAH sealant product within the City. No person shall sell, offer to sell, or display for sale any coal tar sealant product or high PAH sealant product within the City. No person shall allow a coal tar sealant product or other high PAH sealant product to be applied upon property that is under that person's ownership or control. No person shall contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the City. No commercial applicator, residential or commercial developer, or other similar individual or organization shall direct

~~any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the City. Exemptions. The Health Commissioner may exempt a person from a requirement of this section if the Health Commissioner determines that the person is conducting bona fide research concerning the effects of a coal tar sealant product or high PAH sealant product on the environment; the use of the coal tar product or high PAH sealant product is required for said research; and the Health Commissioner determines that said research will not cause significant contamination of the surrounding environment, including soils and aquatic ecosystems, and will not unduly endanger human health.~~

4. Penalty.

- a. Any person who violates this section shall be subjected to forfeiture not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).
- b. Each day that a violation occurs or continues is a separate offense and subject to an additional fine. Each incidence of a violation shall constitute a separate offense. Upon default of payment, the violator shall be subject to imprisonment in the Milwaukee House of Correction or Milwaukee County Jail until payment of such forfeiture and costs are paid but not in excess of the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes.

~~{Ord. O-2018-0020, 5/15/2018}~~

SECTION 2: **ADOPTION** “7.20 Smoking and Vaping” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.20 Smoking and Vaping(Added)

1. State Smoking Law Adopted. Wis. Stat. 101.123 is adopted as though fully set forth herein.
2. Additional Smoking Regulations. To protect the health and comfort of the public and pursuant to Wis. Stat. 101.123(4m), no person may smoke in the following locations:
 - a. On public property within 25 feet of an enclosed place where smoking is prohibited. Notwithstanding this provision, the person in charge of a restaurant, tavern, private club, or retail establishment may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.
 - b. The Farmers Market at 6501 West National Avenue and the sidewalk surrounding the Farmers Market.

- c. Any premises owned or rented by, or under the control of, a school board when the use of all tobacco products on that premises is prohibited under Wis. Stat. 120.12(20).
 - d. Within the fenced area of the Liberty Heights Pool located at 1540 South 62nd Street.
 - e. On public property that is within 100 feet of any playground equipment owned or maintained by the state, City, or a school district.
- 3. Regulation of Hookahs and Similar Devices. While in a location where smoking is prohibited, no person may inhale or exhale smoke from any hookah or other device used to burn plant products intended for inhalation.
- 4. Regulation of Electronic Vaping Devices. While in a location where smoking is prohibited, no person may inhale or exhale vapor from any electronic vaping device, as defined in Wis. Stat. 134.65(1a)(b).
- 5. Responsibility of Person in Charge
 - a. No person in charge may allow any person to violate subsections (2)-(4) at a location that is under the control or direction of the person in charge.
 - b. A person in charge shall make reasonable efforts to prohibit persons from violating subsections (2)-(4) by doing all of the following:
 - i. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
 - ii. Refusing to serve a person, if the person is violating subsections (2)-(4) in a restaurant, tavern, or private club.
 - iii. Asking a person who is violating subsections (2)-(4) to refrain from doing so and, if the person refuses to do so, asking the person to leave the location.
 - iv. If a person refuses to leave a location after being requested to do so as provided above, the person in charge shall immediately notify an appropriate law enforcement agency of the violation.
- 6. Penalties
 - a. For any violation of subsection (1), the penalties under Wis. Stat. 101.123(8) are hereby adopted as though fully set forth herein.
 - b. Any person who violates subsection (2)-(4) shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation.
 - c. Any person in charge who violates sub. (5) shall be subject to a forfeiture of \$100 for each violation.
 - i. For violations subject to the forfeiture under this paragraph, if the person in charge has not previously received a warning notice for a violation of subsection (5), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
 - ii. No person in charge may be required to forfeit more than \$100 in total for all violations of sub. (5) occurring on a single day.

SECTION 3: ADOPTION “7.21 Animals” of the City Of West Allis
Municipal Code is hereby *added* as follows:

ADOPTION

7.21 Animals(*Added*)

1. Keeping of Wild Animals

- a. Prohibition. Pursuant to Wis. Stat. 169.43, no person may own, possess, keep, harbor, sell, or have custody or control of a live wild animal except as allowed below. Any person who violates this provision shall pay a forfeiture of not more than \$1,000.
- b. Exceptions. A person may own, possess, keep, harbor, or have custody or control of a live wild animal if any of the following applies:
 - i. The act is authorized by state law.
 - ii. The animal cannot survive living outside of water.
 - iii. The person is any of the following:
 - (1) An agent of an institution accredited by the American Zoo and Aquarium Association
 - (2) A licensed veterinarian
 - (3) An agent of a licensed veterinary hospital or clinic, a licensed circus, a licensed or accredited research or medical institution, or a licensed or accredited educational institution.
 - (4) An agent of any government-owned or -operated facility
 - (5) A holder of a valid federal permit to possess a particular wild animal
 - (6) Temporarily transporting a wild animal through the City if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent the animal from escaping.

2. Keeping of Domestic Animals

- a. Prohibition No person may own, possess, keep, harbor, or have custody or control of a live domestic animal, as defined in Wis. Stat. 169.01(7) and Wis. Adm. Code ATCP 10.02, except as allowed below. Any person who violates this provision shall pay a forfeiture of not more than \$500.
 - i. A person make own, possess, keep, harbor, or have custody or control of a dog, cat, rabbit, ferret, mouse, rat, gerbil, hamster, guinea pig, chinchilla, fish, insect native to Wisconsin, non-poisonous amphibian, or indoor pet bird, as defined in Wis. Stat. 169.01(25m).
 - ii. A person may own, possess, keep, harbor, or have custody or control of an animal that is a service animal specifically trained to assist a person who has a disability.
- b. The health commissioner has issued to that person an animal fancier license to

- own, possess, keep, harbor, or have custody or control of that domestic animal. The health commissioner may issue a license only upon payment of the fee listed in the Fee Schedule, inspection of the premises where the animal will be kept, a determination that the particular animal will not endanger the applicant or the public, and verification that the applicant has the proper knowledge, facilities, and capacity to contain and properly care for the animal.
3. Quantity Limited. No occupant of a dwelling unit may own, keep, or harbor more than 2 domestic animals within that dwelling unit, except:
- a. Any cats or dogs under 5 months of age shall not be counted.
 - b. Up to 4 cats are allowed
 - c. A person may keep the number of animals allowed by an animal fancier license issued to that person.
4. Dog License. Wis. Stat. 174.05 is adopted as though fully set forth herein. The fee for a dog license is established in the Fee Schedule.
5. Cat License.
- a. License Required. The owner of a cat more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the cat becomes 5 months of age, pay the cat license fee and obtain a license. The owner of a cat shall pay the appropriate license fees listed in the Fee Schedule. A person is not required to license a cat if all the following applies:
 - i. The person took custody of an abandoned or stray cat on their property,
 - ii. The person delivered the cat to an entity contracting with the City under Wis. Stat 173.15 (1),
 - iii. The entity released that cat under Wis. Stat. 173.23(1m)(a) to the same person who took custody of it,
 - iv. The person paid the full cost of custody, care, vaccination, microchip implanting, spay or neuter surgery, and any other treatment prior to the entity releasing the cat to that person,
 - v. The person relinquishes possession of the cat on the same parcel where the person took custody of it, and
 - vi. No other cat has been released on the parcel.
 - b. Term. The license year for cats shall coincide with the license year for dogs.
 - c. Issuance and Display of License. Upon payment of the required cat license fee and upon presentation of evidence that the cat is currently immunized against rabies, the city clerk shall complete and issue to the owner a tag for the cat bearing a serial number and stating the date of its expiration, the owner's name and address, and the name, sex, and whether the cat is spayed or neutered. The owner shall securely attach the tag to a collar and place that collar on the cat for which the license is issued at all times except when that a cat is securely confined on private property. In the event that a license tag issued for a cat is lost, the owner may obtain a duplicate tag upon payment of the duplicate tag fee in the Fee Schedule.
6. Animal Fancier License. A person may apply to the health commissioner for an animal

fancier license. The applicant or licensee shall pay the appropriate license fees and late fees listed in the Fee Schedule. License year. The license year shall coincide with the license year for dogs.

- a. Qualifications. Before issuing an animal fancier license, the health commissioner may conduct an inspection of any premises where an applicant will keep the animal(s) subject to the license determine if the applicant is qualified. To qualify, the applicant shall prove all of the following:
 - i. All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
 - ii. The quarters in which the animals are kept shall be maintained in a clean condition and good state of repair.
 - iii. Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein.
 - iv. Food supplies shall be stored in rodent-proof containers.
 - v. Food and water containers shall be kept clean.
 - vi. Litter and/or bedding material shall be changed as often as necessary to prevent odor nuisance.
 - vii. Yards, pens, premises and animals shall be kept free of insect infestations.
 - viii. No nuisance caused by odor, noise or animals running at large shall be permitted.
- b. Issuance of License. Upon payment of the required animal fancier license fee and verification of the applicant's qualifications, the health commissioner shall issue to the owner an animal fancier license stating the animal(s) allowed, the date of its expiration, and the owner's name and address where the animals will be kept or harbored. In the event that a license is lost, the owner may obtain a duplicate license upon payment of the duplicate license fee in the Fee Schedule.
- c. Revocation of License. The health commissioner may revoke an animal fancier license in the same manner as a business license under WAMC 9.51 if the licensee no longer qualifies under this paragraph.

7. Animal Waste

- a. No person may allow an animal under that person's control to deposit fecal matter on any private property without the permission of the property owner or occupant.
- b. No person may allow an animal under that person's control to deposit fecal matter on any public property, unless that fecal matter is immediately removed.
- c. The owner or occupant of any private property shall promptly remove animal fecal matter has been deposited on that property and properly dispose of it.

8. Local Rabies Control Program. Wis. Stat. 95.21 is adopted as though fully set forth herein. Animals Running At Large. Every person who owns, possesses, keeps, harbors, or has custody or control of an animal shall keep the animal within 6 feet of the person and under control at all times unless the animal is on private property with the consent of the owner or occupant. Any person who violates this section shall

forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.

9. Feeding Wild Animals. Wis. Adm. Code NR 19.60 is adopted as though fully set forth herein. Any material placed solely for the purpose of attracting and feeding wild birds is a public nuisance if it attract rats, mice, raccoons, squirrels, or other vermin.

10. Penalty. Any person who violates a provision in this section for which no specific penalty is provided shall pay a forfeiture of not more than \$500.

SECTION 4: **ADOPTION** “7.22 Toxic Substances” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.22 Toxic Substances(*Added*)

1. Lead Poisoning or Exposure Control. Pursuant to Wis. Stat. 254.154, the owner of a property that contains a lead hazard shall:

- a. Submit a specific written plan for the abatement process to the Health Commissioner prior to commencement of any abatement project. The plan shall outline the scope of the work to be done, how the abatement is to be accomplished, who will be doing the work and how waste will be removed and discarded. When the abatement work is to be done by anyone other than the owner of the property, the Health Commissioner may require information which demonstrates the competence of that person and may require posting of an appropriate performance bond.
- b. Abate the lead hazard within 30 days after notification of the existence of a lead hazard at the property.
- c. While a lead hazard exists, post an easily read warning label measuring at least 8 inches by 10 inches on all outside entrance doors that says: "WARNING: LEAD HAZARD. EXTREME DANGER TO CHILDREN AND PREGNANT WOMEN"
- d. Temporarily relocate any tenants who occupy that property while lead abatement activities are being carried out. Rental payments shall be suspended for the duration of an abatement project on a pro-rata basis.

2. Enforcement

- a. Inspection. With the permission of an occupant or a special inspection warrant, the health commissioner may enter, at any reasonable time, a dwelling or premises undergoing any lead hazard reduction to determine if all persons engaged in lead hazard reduction have been appropriately certified if required under Wis. Stat. 254.176.

- b. Legal Action. The health commissioner may report any violation of Wis. Stat. 254.11 to 254.178 or rules promulgated, or orders issued, under those sections to the city attorney. The city attorney may enforce Wis. Stat. 254.11 to 254.178 and rules promulgated, and orders issued, under those sections. If a circuit court determines that an owner of a rented or leased dwelling or premises has failed to comply with an order issued under Wis. Stat. 254.11 to 254.178, the circuit court may order the occupants of the affected dwelling or premises to withhold rent in escrow until the owner of the dwelling or premises complies with the order.
3. Penalties. Any person who violates Wis. Stat. 254.11 to 254.178 or rules promulgated, or orders issued, under those sections may be required to forfeit not less than \$100 nor more than \$5,000 per violation. Each day of continued violation constitutes a separate offense.

SECTION 5: **ADOPTION** “7.23 Noise And Vibration” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.23 Noise And Vibration(*Added*)

1. Enforcement. The local health officer and any law enforcement officer may enforce the provisions of this section. A repeated or ongoing violation of this section is a public nuisance.
2. Noise Regulation. No person may cause or allow any noise tending to unreasonably disturb the peace and quiet of nearby persons unless the noise cannot be prevented or is necessary for the protection or preservation of property or persons.
 - a. The following noises are presumed to be reasonable:
 - i. The noise is specifically allowed by local, state, or federal law.
 - ii. The noise is caused by construction work performed at construction sites between 7:00 a.m. and 10:00 p.m.
 - iii. The person is causing noise by using outdoor property maintenance equipment between 7:00 a.m. and 10:00 p.m.
 - iv. The person is causing or allowing noise in compliance with the conditions of a government-issued license or permit.
 - v. Noise that is caused to request assistance or warn against an unsafe condition.
 - b. The following noises are presumed to unreasonably disturb the peace and quiet of nearby persons:
 - i. Night Hours. Between the hours of 10:00 p.m. and 7:00 a.m.,
 - (1) In an area zoned residential, noise that is audible under normal conditions from inside a dwelling unit, but only if that noise originates from outside that dwelling unit.

- (2) In an area zoned commercial or industrial, noise that is audible under normal conditions from a distance of 75 or more feet from the source of the noise, but only if that noise originates on a different property.
 - (3) On a premises containing a multi-family dwelling, noise that is audible under normal conditions from inside a dwelling unit, but only if that noise originates from outside that dwelling unit.
 - ii. Day Hours. Between the hours of 7:00 a.m. and 10:00 p.m., noise that is audible under normal conditions from a distance of 150 or more feet from:
 - (1) The real property line of the premises from which the noise originates, if originating private property, or
 - (2) †The source of the noise, if originating on public property.
 - 3. Vibration Regulation. No person may cause or allow the operation of any device or combination of devices that creates vibration on another parcel that tends to unreasonably disturb the peace and quiet of persons not located on the property causing or allowing the vibration.
 - 4. Variance.
 - a. Application for Variance Permit. The owner or occupant of the premises may seek a variance from the regulations under this section. A new or renewal application for a variance shall be filed with the clerk along with payment of the fee listed on the Fee Schedule. 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. Public Hearing. Upon receiving an application under this subsection, the clerk shall schedule the matter for a public hearing before the common council. The clerk shall notify the variance applicant by mail or email of the hearing at least 10 days before the hearing. The clerk shall notify any property owners within 200 feet of the subject property by mail or email at least 10 days before the hearing.
 - c. Procedure at Hearing. The hearing shall follow this procedure at the public hearing:
 - i. The mayor or a designee shall describe the variance sought and establish the amount of time for comments by the applicant and the public. Any city staff may provide comments to the council in writing prior to the public hearing, verbally during the beginning of the hearing as the mayor's designee, or verbally during the public comment portion of the hearing.
 - ii. The variance applicant may provide comments to the council.
 - iii. Any member of the public may provide comments to the council.

- d. Recommendation to the Common Council. After the close of the hearing, the Public Safety Committee shall recommend to the council whether to grant a variance permit and, if granted, impose any conditions necessary to protect the public health, safety and welfare, including a schedule for achieving compliance with those conditions, and an expiration date for the permit. 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.
- e. Common Council Determination. The Common Council shall determine whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate.
- f. Revocation. Noncompliance with any conditions imposed on the variance shall be grounds to revoke the permit using the same procedure to revoke a license under WAMC 9.51.
- g. Extension and Modification. Application for extension of time limits or modification of other conditions specified in the variance permit shall be treated like an application for an initial variance.
- 5. Penalties. Any person violating any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$100 nor more than \$500 for each offense. Each day that any violation continues shall be considered a separate offense.
- 6. 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.

SECTION 6: **ADOPTION** “7.24 Solid Waste And Yard Waste” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.24 Solid Waste And Yard Waste(*Added*)

- 1. Definitions. All terms and phrases used in state law shall have the same meaning in the context in which they are used in this section. In addition, the following terms have their corresponding meanings in this section:

Term	Meaning
<u>Director</u>	<u>The public works director or their designee</u>
	<u>Detached one-family, two-family, and three-family dwellings.</u>

<u>Eligible properties</u>	<u>condominium units, and attached one-family dwellings that are located within the City of West Allis</u>
<u>Terrace area</u>	<u>The right-of-way between a roadway and a sidewalk. If no space exists between a sidewalk and roadway, the part of the sidewalk closest to the edge of the roadway. If no sidewalk exists, the right-of-way closest to the edge of the roadway but not extending into the roadway.</u>

2. Designation. The director is authorized to enforce the provisions of this section.

3. Services Funded by the General Tax

a. Solid Waste Collection. Based on the schedule determined by the board of public works, the director shall collect solid waste from eligible properties that desire the service, and that service shall be funded by the general tax upon the property of the City if all the following applies:

i. The solid waste is contained in a receptacle approved by the director or properly presented for bulk pickup. Solid waste is properly presented for bulk pickup if all the following applies:

(1) All solid waste outside the approved receptacle does not exceed a combined 1 cubic yard in volume.

(2) The solid waste is no more than 3 rigid objects or containers presented in a manner that they can each be removed or emptied by a single person with ordinary effort.

(3) Containers shall have handles capable of supporting the weight within the container.

(4) The solid waste is packaged to ensure it will not be a source of food or harborage for rodents.

(5) The solid waste is presented in a manner that does not pose a threat of injury to persons or property.

(6) No object or container exceeds 50 pounds in weight.

ii. There are no more than 2 refuse receptacles and 2 recycling receptacles per residential unit served.

iii. All solid waste presented is in a condition so that no dust, ash, liquid, pet waste, or other material leaks out of the receptacle or into the air when the receptacle is tipped into the vehicle collecting that solid waste.

iv. The solid waste is placed at or near the collection point.

(1) The collection point for properties abutting an alley is on or near the property line abutting that alley.

(2) The collection point for properties not abutting an alley is on the terrace area or driveway apron adjacent to but not extending into the roadway.

v. The receptacle is airtight, watertight, and otherwise in a condition that prevents animals from accessing the contents of the receptacle.

vi. The receptacle is readily accessible without interference due to

vehicles, snow, or other obstructions and presented with the lid closed and its lid hinge located opposite the alley or roadway.

vii. Recyclable solid waste is stored within a recycling receptacle, and nonrecyclable solid waste is stored within a refuse receptacle. The following materials may not be included in any receptacles:

- (1) Yard waste
- (2) Acids
- (3) Explosives and ammunition
- (4) Paints, lacquers, and varnishes
- (5) Liquid fossil fuels or their containers
- (6) Combustible alloys or chemicals
- (7) Medical waste, unless contained within a proper separate container designed for that medical waste
- (8) Feces and pet waste, unless contained within a separate airtight container
- (9) Lithium ion batteries

viii. The receptacle weight is reasonable and evenly distributed so it can be maneuvered for collection service.

ix. The solid waste presented for collection does not create a danger for the public or the persons who are collecting that solid waste.

b. Yard Waste Collection. Based on the schedule determined by the board of public works and subject to any conditions imposed by the director, the director shall collect yard waste, except grass clippings, from eligible properties that desire the service, and that service shall be funded by the general tax upon the property of the City.

i. Leaves. Leaves may be placed up to 12 inches into the roadway next to the curb or on the shoulder if there is no curb.

ii. Yard and Garden Debris. Yard and garden debris such as weeds, flowers, vines, and fibrous stems, may be placed on the roadway next to curb or on the shoulder if there is no curb. Any fruit, seed, vegetable, or similar garbage that decomposes quickly or could be a food source for rodents may be composted or properly bagged and placed in a refuse receptacle, but may not be placed on the roadway or shoulder.

iii. Brush. Up to 1 cubic yard of clean woody vegetative material such as sticks, branches, and shrubs no greater than 4 inches in diameter may be placed in the terrace area.

c. Drop-Off Services. The director may accept solid waste and yard waste, except grass clippings, when delivered to the director's designated site by owners or occupants of eligible properties and may charge the fee established in the Fee Schedule to receive that solid waste or yard waste.

4. Services Funded by the Special Charge. The director may impose upon the property served the appropriate fee listed in the Fee Schedule for any of the following.

- a. Minimum Receptacles. The director shall deliver 1 refuse receptacle and 1 recycling receptacle to any eligible property if the property owner desires City service to remove solid waste from that property.
- b. Maximum Receptacles. A property owner may acquire additional receptacles but may not possess more than 2 refuse receptacles and 2 recycling receptacles for each residential unit located on an eligible property.
- c. Replacement Receptacle. When an existing receptacle is not capable of being presented in an airtight, watertight condition, the director may remove the non-functioning receptacle and deliver a replacement receptacle.
- d. Improperly Presented for Collection. When solid waste or yard waste is presented for collection in a manner that does not comply with this section, the director shall either:
 - i. Collect the improperly presented solid waste or yard waste for a fee,
or
 - ii. Leave the improperly presented solid waste or yard waste in its place and notify the owner or occupant to remove the solid waste and properly dispose of it.
- e. Ineligible Solid Waste. When solid waste or yard waste that is not eligible for collection services from the City is presented for collection, the director shall either:
 - i. Collect that ineligible solid waste or yard waste for a fee, or
 - ii. Leave the in eligible solid waste or yard waste in its place and notify the owner or occupant to remove the solid waste and properly dispose of it.
- f. Custom Collection Point. When no occupant in a household is physically able to bring a receptacle to the proper collection point, the director and property owner may agree to utilize a custom collection point on the property that is readily accessible without interference due to vehicles, snow, or other obstructions.
- g. Overflowing Solid Waste. When any property served by a private refuse and recycling disposal service has a designated waste container that cannot be closed due to excessive solid waste within the container or has solid waste stored outside of the designated waste container, the director or the code enforcement director may cause all solid waste inside and outside that container to be removed. This provision applies to commercial containers located on private or public property, but if the removal is from private property, the director or code enforcement director shall comply with Wis. Stat. 66.0628(2m) before imposing a fee under this provision.

5. Collection of Fees

- a. Notice. Except as required by Wis. Stat. 66.0628(2m), the director may impose the fees above by providing the service with or without advance notice. As soon as practicable after providing the service, the director shall notify the property owner by first class mail or email of the following:
 - i. The address of the property served

- ii. The type of service rendered
 - iii. The date upon which the service was provided
 - iv. The cost allocated for the service
 - v. The right to contest the fee.
 - b. Appeal. The City adopts this appeal process in lieu of the process under Wis. Stat. Ch. 68.
 - i. Right to Appeal. An aggrieved person may contest a fee imposed under this section by submitting an appeal to the city clerk no later than 30 days after the date on the notice under par. (a).
 - ii. Clerk's Duty. If the clerk receives a timely appeal to any fee imposed under this section, the clerk shall place the appeal on the agenda for the next meeting of the administrative appeal review board.
 - iii. Board's Duty. The administrative appeal review board shall hear any appeal of a fee imposed under this section. The board shall first take evidence from the director, and then take evidence from the aggrieved person. Upon receiving all evidence, the board shall determine whether the fee was properly imposed and affirm, modify, or rescind the fee.
 - c. Special Charge. The director may place a fee on the tax roll as a special charge against the property served if that fee has remained unpaid after 30 days have elapsed since the notice of fee was sent and there is no pending appeal. For any fee imposed under this section that was timely appealed, the director may place that fee on the tax roll as a special charge against the property served only in the amount as it is affirmed or modified by the administrative appeal review board.
 - d. Fee Cancellation. The director may cancel any fee imposed under this section for good cause. The director shall cancel any fee that is rescinded on appeal.
- 6. Recycling Program. As a responsible unit under Wis. Stat. 287.09(1)(a), the City maintains the following programs to comply with Wis. Stat. 287.09(2):
 - a. Solid Waste Management Program
 - i. Public Education. The director shall, on a regular basis, inform residents of the City of the reasons to recycle, local opportunities to recycle, and the prohibitions in Wis. Stat. 287.07(3) and (4).
 - ii. Recyclable Processing System. The director shall develop a system for the processing and marketing of recyclable materials collected by the City.
 - iii. Nonrecyclable Processing System. The director shall develop provisions for the management of postconsumer waste that is not separated for recycling or recovery consistent with the highest feasible priority under Wis. Stat. 287.05(12).
 - b. Notices About Electronic Waste. The director shall provide information to City residents about the prohibitions under Wis. Stat. 287.07(5)(a), why it is

important to recycle electronic devices, and opportunities available to those persons for recycling electronic devices.

- Public Nuisance. The following conditions are public nuisances for which property
7. owners have an affirmative duty to prevent and abate. Any person who maintains a public nuisance under this section may be required to forfeit up to \$500 for each violation. Each day for which an ongoing violation continues shall constitute a separate offense. This provision does not preclude the City from taking any other lawful action to abate a public nuisance.
- a. Placement for Collection. No property owner may allow a receptacle to be placed at a collection point facing a roadway earlier than 6:00 p.m. on the day prior to a scheduled collection. No property owner may allow a receptacle to remain at a collection point facing a roadway later than 8:00 p.m. on the scheduled day of collection.
 - b. Storage Location. Except when a receptacle is presented for collection, no property owner may allow a receptacle to be stored on that person's property unless it is screened or otherwise stored inconspicuously from public view from the front setback of the property.
 - c. Container Size. No property owner may allow more solid waste to be stored outdoors on the property than the amount the receptacles on that property can hold.
 - d. Compost. Outdoor composts are public nuisances unless the property owner who maintains an outdoor compost complies with the following regulations:
 - i. The compost area may not pose an attraction or harborage for rodents or otherwise present a health nuisance.
 - ii. The compost area may not be located in the front setback
 - iii. The composting materials may not be located within 25 feet from any dwelling unit on the premises or any adjoining premises and not within 3 feet from any property line.
 - iv. No more than 3 compost areas may be located on a property, the total of which may not cover more than 25 square feet of the property.
 - v. No compost area may be more than 4 feet in height.
 - vi. Composting material shall be well-aerated so as to be free of offensive or noxious odors.
 - vii. No food waste or other such putrescibles shall be composted.
 - e. Offensive Waste. No property owner may allow any infectious waste, hazardous waste, or any other substance of offensive odor, or a liquid of a hazardous, flammable or deleterious nature, or other hazardous, nauseous or unwholesome substances, or any dead carcass, animal, fowl, carrion, meat, fish, entrails, manure or pet waste, offal, refuse matter, rubbish, recyclables, tires, ashes, earth, sand or other substances or material of any kind or nature in or upon any location or container not designed for the purpose of storing or disposing of that substance.
 - f. Grass Clippings. No property owner may allow grass clippings to be discharged or placed in or upon any public property, or to store grass clippings

on private property in such a manner that the grass clippings yield an offensive or nauseous odor.

8. Solid Waste Regulations. Any person who violates this subsection may be required to forfeit up to \$500 for each violation. Each day for which an ongoing violation continues shall constitute a separate offense.

a. Batteries, Major Appliances, and Oil. Wis. Stat. 287.07(1m) is hereby adopted.

b. Failure to Recycle. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any material identified under Wis. Stat. 287.07(3) and (4) that is separated for recycling.

c. Separation of Recyclables. The occupants of single-family residences, buildings containing 2 or more dwelling units, and commercial, retail, industrial and governmental facilities in the City shall separate the materials identified in Wis. Stat. 287.07 (3) and (4) from postconsumer waste.

d. Duty on Multi-Family Dwelling Owners. Owners of buildings containing 5 or more dwelling units shall do all of the following:

i. Provide adequate, separate containers for recycling.

ii. Notify tenants at the time of renting or leasing the dwelling and semiannually thereafter of all recycling requirements.

iii. Provide for the collection of recyclable materials separated from solid waste by the tenants and the delivery of the recyclable materials to a recycling facility.

e. Duty on Other Business Property Owners. Owners of commercial, retail, industrial and governmental facilities shall do all of the following:

i. Provide adequate, separate containers for recycling.

ii. Regularly notify all users and occupants of the facilities of all recycling programs.

iii. Provide for the collection of recyclable materials separated from solid waste by the users and occupants and the delivery of the recyclable materials to a recycling facility.

SECTION 7: ADOPTION “7.25 Human Health Hazards” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.25 Human Health Hazards(*Added*)

Per Se Human Health Hazards. Pursuant to Wis. Stat. 254.59(7)(a), the following acts, omissions, places, conditions, and things are specifically declared to be human health hazards

under Wis. Stat. 254.59:

1. General. Any substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public.
2. Air Pollution. The escape of excessive smoke, soot, cinders, acids, fumes, gases, fly ash, industrial dust, or other atmosphere pollutants that endanger human health or create noncompliance with applicable state or federal regulations.
3. Waste. Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, or bird, animal, or human fecal matter that is not stored in a rodent, animal, and insect-proof container.
4. Holes and Openings. Any hole or opening caused by an improperly abandoned cistern, septic tank, or well; or any improperly abandoned, barricaded, or covered up excavation.
5. Unburied Carcasses. Carcasses of animals, birds, or fish not intended for human consumption or food, which are not buried or otherwise disposed of in a sanitary manner within 48 hours after death.
6. Breeding Places. Stagnant water, rotting lumber, bedding, packing material, scrap metal, or any material or substance in which flies, mosquitos, or disease-carrying insects, rats or other vermin can breed, live, nest or seek shelter.
7. Solid Waste. Any solid waste, as defined in Wisconsin Statutes Section Wis. Stat. 289.01(33), which is stored or disposed of in noncompliance with Wis. Adm. Code Ch. NR 500.
8. Toxic and Hazardous Materials. Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that is or has the potential to create a health hazard.
9. Groundwater Pollution. Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to the chemical and/or biological substances listed in Chapter NR 809 of the Administrative Code titled "Safe Drinking Water."
10. Private Water Supply. Any private well that is constructed, abandoned or used and/or any pump installed in non-compliance with Chapter NR 812 of the Wisconsin Administrative Code.
11. Noxious Odors. Any use of property, substance or device that emits or causes any foul, offensive, noxious, or disagreeable odor deemed repulsive to the physical senses of ordinary persons or to the public as a whole.
12. Wastewater. The presence of wastewater or sewage effluent from buildings on any exposed ground surface, caused by a damaged, malfunctioning, improperly constructed or inadequately maintained private sewage system or private sewage lateral; also any wastewater or sewage effluent that is not handled and disposed of in compliance with all applicable county and state codes.
13. Nonfunctioning and maintenance of building fixtures, including nonfunctioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to

ensure a sanitary condition in a public building; any public restroom which is soiled by human waste or other waste and maintained in a filthy and/or unclean manner.

14. Unhealthy or Unsanitary Condition. Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy, and unfit for human habitation, occupancy, or use or renders any property unsanitary or unhealthy.

15. Surface Water Pollution. The pollution of any stream, lake or other body of surface water within the City of West Allis that creates noncompliance with Wis. Adm. Code Chs. NR 102 and NR 103.

SECTION 8: **ADOPTION** “7.99 Penalty” of the City Of West Allis
Municipal Code is hereby *added* as follows:

ADOPTION

7.99 Penalty(*Added*)

Unless a specific penalty is prescribed, any person who violates any provision of this chapter or willfully violates or obstructs the execution of Wis. Stat. Ch. 252, Wis. Adm. Code Ch. DNS 145, any state statute or rule that relates to the public health, county ordinance that relates to the public health, or order from the state department of health shall forfeit not more than \$500.

SECTION 9: **REPEAL** “7.01 City Health Commissioner” of the City Of
West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.01 City Health Commissioner~~ (*Repealed*)

1. How Appointed. See Section 2.24 of this Code.
2. Powers and Duties. **[Ord. 6075, 2/16/1994]**
 - a. State Regulations. The Health Commissioner of the City shall have the powers and duties provided in Sec. 251.06(3) of the Wisconsin Statutes, the rules and regulations of the State Department of Health and Social Services, the regulations of the West Allis Board of Health and the ordinances of the City.
 - b. General Powers. In addition to the powers and duties set forth in Chapter 251 of the Wisconsin Statutes, the Health Commissioner shall:
 - i. Make an annual survey and maintain a continuous sanitary supervision over his territory.

- ii. Make a sanitary inspection periodically of all school buildings and places of public assemblage, and report thereon to those responsible for the maintenance thereof.
 - iii. Promote the dissemination of information pertaining to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.
 - iv. Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
 - v. Keep and deliver to his successor a record of all official acts.
- 3. Right to Enter Premises. The Health Commissioner, and any persons acting under him, is hereby authorized to enter into and examine, at any time, all buildings, lots and places of all descriptions, within the City of West Allis, for the purpose of ascertaining the condition thereof, so far as the public health may be affected thereby, and it shall be the duty and right of said Health Commissioner to enter and examine, or cause to be entered and examined, all such buildings, lots and places for the purpose of ascertaining the condition thereof, so far as public health may be affected thereby, and whenever, in his judgment, he shall deem it necessary.
- 4. Assistance From Police and Others. The police and all magistrates and other civil officers and all citizens shall aid, to the utmost of their power, the Health Commissioner in the discharge of his duties and, on his requisition, the Chief of Police shall serve or detail one or more policemen to serve the notices issued by the Commissioner and to perform such other duties as he may require.
- 5. Interfering With Commissioner. No person, firm or corporation shall resist or obstruct the Commissioner of Health, or any of his assistants, while in the discharge of any duty, or who shall refuse or neglect to obey any direction given by the said officer, or his agents, in matters pertaining to his duties.

SECTION 10: **REPEAL** “7.02 Contagious Diseases” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.02 Contagious Diseases~~ (*Repealed*)

- 1. Definition. Communicable diseases. Such diseases as are, in fact, communicable, and so determined by the State Board of Health, by rule, shall be within the term "communicable disease," as used in this section.
- 2. Contact Cases in Schools. Upon the appearance of any dangerous communicable disease, the local Health Commissioner shall give written notice to the principal or teacher of each school, and the librarian of each library, of the names of all families where the disease exists. If the rules of the State Board of Health provide for the

exclusion from school of persons who live in homes where such disease exists, the Health Commissioner shall request the principal of the school to exclude from school all such persons, until a written order signed by the Health Commissioner, permitting attendance, is presented. When the principal or teacher of a school has been notified of the prevalence of a dangerous communicable disease in the School District, or when the principal or teacher of the school knows or suspects that a dangerous communicable disease is present in the school, he shall, at once, notify the Health Commissioner who must then investigate the matter.

3. **Duty to Report Communicable Diseases.** It shall be the duty of every physician called to attend a person sick with any of the diseases declared to be dangerous and communicable by the State Board of Health, within twenty-four (24) hours thereafter, to report, in writing or telephone, the name and residence of such persons to the Health Department of the City; and, where a physician is not called, it shall be the duty of the owner or agent of the building, in which such person resides, or of the head of the family or guardian in which such disease occurs to report, in writing or telephone, the name and residence of the patient to the Health Commissioner.
4. **Quarantine and Placarding.** When the Health Commissioner shall suspect or be informed of the existence of any communicable disease, he shall at once investigate and make or cause such examinations to be made, as are necessary. The diagnosis (report) of a physician, or the notification or confirmatory consent of a parent or caretaker of the patient, or a reasonable belief in the existence of such disease shall be sufficient evidence; and, having any of these, the Health Commissioner shall immediately quarantine, placard, isolate or require restrictions in such manner and upon such persons and for such time as the State Board of Health provides in its rules. The Health Commissioner shall be responsible for the prompt placing and removal of signs, shall investigate evasion of the laws and rules upon communicable disease and shall so act as to protect the public.
5. **Interference with Placards.** No person shall interfere with or obstruct the Health Commissioner or his duly authorized agent in the posting of any placard stating the existence of a case of any communicable disease in or on any place or premises, or the suspected existence of or contact with any such disease, nor shall any person conceal, mutilate, destroy or remove any such placard, except by the permission of the Health Commissioner. Whenever any duly posted placard has been concealed, mutilated, destroyed or removed, it shall be the duty of the occupant of the premises whereon such placard was posted to immediately notify the Health Commissioner thereof.
6. **Public Funerals Prohibited in Certain Cases.** A public or church funeral shall not be held for any person who has died of the communicable diseases designated by the State Board of Health as continuing to be dangerous during the funeral.
7. **Parents Duty to Neglected and Affected School Children.** Parents shall not permit children afflicted with a dangerous communicable disease to attend school. Neglect or refusal on the part of any principal or teacher to comply with the requirements of this section shall be sufficient cause for his dismissal.
8. **Enforcement of State Regulations.** The statutes of the State of Wisconsin, particularly Chapter 143 thereof, and the regulations of the State Board of Health pertaining to

communicable diseases, shall be enforced in the City by the Health Commissioner.

SECTION 11: **REPEAL** “7.03 Health Nuisances” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.03 Health Nuisances~~ (*Repealed*)

1. Nuisance Defined. Whatever is dangerous to human life or health, and whatever renders soil, air, water or food impure or unwholesome; whatever building or part or cellar thereof, if overcrowded, or not provided with adequate means of ingress or egress, or is not sufficiently supported, ventilated, sewerred, drained, lighted or cleaned is hereby declared to be a nuisance and unlawful, and every person having aided in creating or contributing to the same, or who may support or continue to retain any of them shall be guilty of a violation of this section and shall, upon conviction thereof, pay for all the expense of the abatement or removal of any of such nuisances.
2. Inspection of Premises. The Health Commissioner or his agents may enter into and examine any place at any time to ascertain health conditions, and no person shall refuse to allow such entrance at reasonable hours.
3. Abatement or Removal. If a health nuisance be found on private property, the Health Commissioner shall order, in writing, its abatement or removal within twenty-four (24) hours; and, if the owner or occupant fails to comply, he shall be in violation of this subsection, and the Commissioner or his agents may abate or remove the nuisance.
4. Cost of Abatement. The cost of abatement or removal of a nuisance by health officers may be collected from the owner or occupant, or person causing, permitting or maintaining the nuisance, or such cost may be charged against the premises and, upon certificate of the health official, assessed against the real estate, as are other special taxes.
5. Expectorating in Public Places. No person shall spit, expectorate or deposit any sputum, spittle, phlegm, mucous, tobacco juice or wads of tobacco upon any sidewalk, crosswalk, alley or lane, or upon the floor, stairway, aisle of any theater, public hall or building, lodge hall, hotel or factory or any street car, bus or other public conveyance within the corporate limits of the City.
6. Maintenance of Privies.
 - a. Where Prohibited. No person, firm or corporation shall build or maintain any privy vault or vaults on any lot, part of lot or land fronting on any street or alley within the corporate limits of the City in which water pipes and sewers have been laid.
 - b. Restrictions on Location. Any privy vault or vaults maintained on any lot, part of lot or land fronting on any street, alley or public ground, which is not provided with public sewers and water pipes, shall not be located within four

(4) feet of the line of any lot, part of lot or land and shall be maintained water tight and in such sanitary conditions, as required by the Plumbing Inspector.

c. Cleaning.

- i. Any person, firm or corporation engaged in the business of emptying, cleaning, covering and removing the contents of any privy vault or cesspool shall obtain a license and perform said work, as required by the rules and regulations of the Commissioner of Health of the City.
- ii. No owner, occupant or agent of any premises, upon which a privy is maintained, shall be permitted to clean or remove the contents without the aid of a licensed scavenger, unless written permission is obtained from the Commissioner of Health and the work performed in the manner as therein directed.
- iii. The Commissioner of Health shall order the owner or agent of premises, upon which an offensive privy is maintained, to clean the same within the time directed by said order, and in case the owner or agent cannot be found, the Health Commissioner shall cause such offensive privy to be cleaned and the expense therefor to be collected as in cases of the removal or abatement of nuisances.

7. Cleaning of Rugs and Carpets.

- a. Restrictions. No person shall beat, shake or sweep any rugs, carpets, mats or similar articles in any public thoroughfare or in any court or area within fifteen (15) feet of any building or buildings occupied by more than two (2) families.

SECTION 12: **REPEAL** “7.032 Smoking Prohibition In Certain Areas” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.032 Smoking Prohibition In Certain Areas~~ (*Repealed*)

1. Findings. The Common Council of the City of West Allis finds that:
 - a. It is recognized that smoking of cigarettes and tobacco products is hazardous to an individual's health and affects the health of nonsmokers when they are in the presence of smoking.
 - b. Numerous scientific studies have found that tobacco smoke is a major contributor to indoor pollution.
 - c. Reliable scientific studies, including studies conducted by the Surgeon General of the United States, have shown that breathing sidestream or secondhand smoke is a significant health hazard to nonsmokers; particularly to children, the elderly, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.

- d. Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm.
- e. Air pollution caused by smoking is an offensive annoyance and irritant and smoking results in serious and significant physical discomfort to nonsmokers.
- f. The 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 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 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." A study has shown that heavy exposure to electronic smoking device vapor damages DNA in cell cultures and causes genetic instability that may lead to cancer. **[Ord. O-2016-0002, 7/5/2016]**
- g. Research 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. **[Ord. O-2016-0002, 7/5/2016]**
- h. Electronic smoking devices are currently unregulated and have been proven to emit nicotine, ultra-fine 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. **[Ord. O-2016-0002, 7/5/2016]**
- i. A Harvard University health study found high levels of diacetyl in 39 of 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. **[Ord. O-2016-0002, 7/5/2016]**

- j. 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 instance, diethylene glycol, an ingredient used in antifreeze and toxic to humans. **[Ord. O-2016-0002, 7/5/2016]**
2. Purpose. This ordinance is adopted for the purpose of:
- a. Protecting the public health, safety, comfort and general welfare of the people of the City of West Allis.
 - b. Clarifying and expanding upon the state's Smoking Ban Law enacted by 2009 Act 12 under the authority created by subsection 101.123(2)(c) of the Wisconsin Statutes and subsection 101.123(4m) as created by the Act.
 - c. Assisting owners, operators and managers in complying with state law and this ordinance.
3. Definitions. Except as set forth below, the definitions of subsection 101.123(1) of the Wisconsin Statutes are hereby adopted. In this section:
- a. "City Buildings" means all City-owned or operated buildings and those portions of buildings leased or operated by the City.
 - b. "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. **[Ord. O-2016-0002, 7/5/2016]**
 - c. "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. **[Ord. O-2016-0002, 7/5/2016]**
4. Prohibition Against Smoking. No person may smoke in any of the following:
- a. Any place prohibited by subsection 101.123(2) of the Wisconsin Statutes, which are expressly adopted and incorporated herein.
 - b. Any City building, including the grounds of the Farmers' Market. The grounds of the Farmers' Market shall include all areas where food is displayed or offered for sale except on dates for events specifically designated by the Common Council as community events. This prohibition shall not apply to

- designated smoking units of Beloit Road Housing.
- c. Any enclosed indoor area in any place prohibited by Subsection 101.123(2) of the Wisconsin Statutes.
 - d. Any City park or grounds while being used by the West Allis-West Milwaukee School District for school-related events.
 - e. Within the pool area at the Liberty Heights Pool. The pool area shall include the entire area inside the chain-link fencing. **[Ord. O-2012-0001, 1/17/2012]**
 - f. Within one hundred (100) feet of any playground, equipment, or recreational area owned by the City or the West Allis/West Milwaukee School District specifically designed to be used by children that has play equipment installed. Such prohibition shall not apply to a person located on private property. **[Ord. O-2016-0002, 7/5/2016]**
5. Exceptions. The prohibition against smoking shall not apply to any of the following: **[Ord. O-2016-0002, 7/5/2016]**
- a. Those places or areas set forth in Subsection 101.123(3) of the Wisconsin Statutes.
 - b. For the purpose of smoking electronic smoking device liquids in an electronic smoking device only, premises that are validly licensed under Section 9.74 of the Code as of November 1, 2016, and that prohibit minors from entering or remaining on the premises. Such exception shall become invalid if the premises is no longer validly licensed at any time or is unoccupied for a period greater than one (1) year. **[Ord. O-2016-0044, 9/6/2016]**
6. Interpretation. Whenever the provisions of the Wisconsin Statutes and this section conflict, the provisions of this section shall apply.
7. Outside Areas. Any person in charge of a restaurant, tavern, private club, or retail establishment that is subject to this ordinance may designate an outside area that is a reasonable distance from the entrance to said establishment where customers, employees, or persons associated with the establishment may smoke. The designated smoking area shall contain receptacles for trash and cigarette butts and shall be kept in a neat and orderly manner, and all trash or cigarette butts shall be placed in a proper receptacle.
8. Statute Adopted. Except as expressly altered by this section, the provisions of Section 101.123 of the Wisconsin Statutes are hereby adopted and incorporated herein.
9. Penalty.
- a. Any person who violates Subsection (4) or (7) shall forfeit not less than one hundred dollars (\$100.) nor more than two hundred fifty dollars (\$250.) for each violation.
 - b. Any person in charge who violates Subsection 101.123(2m) of the Wisconsin Statutes shall forfeit one hundred dollars (\$100.) for each violation.
 - c. In addition to the forfeiture, any person who violates the provisions of this ordinance shall pay the costs of prosecution, except for the crime laboratories and drug law enforcement surcharge under Subsection 165.755(1)(a) of the Wisconsin Statutes. Each day of violation shall constitute a separate offense.

10. Enforcement. Prior to issuing a citation to a person in charge for a violation of this ordinance, the Police Department shall first issue a written warning notice. Once a person in charge has been issued a warning, she/he may be issued citations for violations of this ordinance but not to exceed one hundred dollars (\$100.) in total for all violations of Section 101.123(2m) of the Wisconsin Statutes occurring on a single day.
11. No person shall use an electronic smoking device on school grounds. [Ord. O-2016-0002, 7/5/2016]

~~{Ord. O-2010-0016, 6/15/2010}~~

SECTION 13: **REPEAL** “7.033 Toxic Substances” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.033 Toxic Substances (Repealed)~~

1. State Laws Adopted.
 - a. The following provisions of the Wisconsin Statutes, as may be amended from time to time, describing, defining and prohibiting conduct, are hereby adopted by reference and made part of this subsection as if fully set forth herein:
Sec. 254.12- Use or sale of lead-bearing paints.
Sec. 254.154- Local authority.
Sec. 254.166- Response to reports of lead poisoning or lead exposure.
Sec. 254.30- Enforcement; penalties.
2. Definitions: For the purpose of this section, the definitions of words and phrases contained in Chapter 254 of the Wisconsin Statutes, and Chapter 163 of the State of Wisconsin Department of Health Services Administrative Code, as the same may be from time to time amended, are hereby adopted and by reference made part hereof with the same force and effect as if fully set forth herein.
3. Interpretation.
 - a. Whenever the word “department” is used, it shall be taken to mean West Allis Health Department for the purposes of inspection or enforcement; however the City of West Allis does not assume the role of the lead state agency for health risk assessment when promulgating rules, regulations, or limits for testing, testing limits, screening methods, or other analogous duties referenced in Chapter 254 of the Wisconsin Statutes
 - b. Whenever the phrase “may promulgate rules” is used, it shall be taken to mean that the West Allis Health Department will follow the State or Federal established rules or guidelines for the specified testing, action, inspection, or activity.
4. Lead Hazards Prohibited.

- a. No owner of any premises or dwelling shall create or allow to exist on that property any lead hazard. Upon notification of the existence of a lead hazard at any property, the owner shall abate such hazard within thirty (30) days, or such time as specified by the West Allis Health Department.
 - b. Warning Required. The owner of any premises or dwelling that contains a lead hazard shall post an easily read warning label measuring at least eight (8) inches by ten (10) inches on all outside entrance doors. The warning label shall state: WARNING: LEAD HAZARD. EXTREME DANGER TO CHILDREN AND PREGNANT WOMEN.
5. Abatement. Whenever the West Allis Health Department issues orders to abate a lead hazard, the owner of the premises or dwelling subject to the order shall do all of the following:
- a. Tenants to be Relocated. Tenants shall be relocated away from any premises where abatement activities are being carried out. Rental payments shall be suspended for the duration of an abatement project on a pro-rata basis.
 - b. Written Plan to be Submitted. A specific written plan for the abatement process shall be submitted to the Health Commissioner prior to commencement of any abatement project. The plan shall outline the scope of the work to be done, how the abatement is to be accomplished, who will be doing the work and how waste will be removed and discarded. When the abatement work is to be done by anyone other than the owner of the property, the Health Commissioner shall require information which demonstrates the competence of that person and may require posting of an appropriate performance bond.
 - c. Site Inspection. The Health Commissioner or designee may inspect premises or dwelling at which lead hazard abatement work is being performed at any time during the abatement process. Before the abated premises may be reoccupied, the Health Commissioner shall inspect the premises and perform whatever tests are necessary to assure removal of any lead poisoning hazards.
6. Enforcement; Penalties: The City of West Allis adopts Wisconsin Statute Sec. 254.30.

SECTION 14: **REPEAL** “7.035 Noise Control Regulations” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.035 Noise Control Regulations~~ (*Repealed*)

- 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, as commercial.
 - 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. "Industrial District" means any area of the City designated on the official West Allis Zoning Map as industrial.
 - 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 as residential.
 - v. "Root Mean Square" (hereinafter "RMS") means the square root of the mean-square value of an oscillating waveform, where the mean-square value is obtained by squaring the value of amplitudes at each instant of time and then averaging these values over the sample time.
 - w. "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium resulting in compression and rarefaction of that medium and which propagates at finite speed to distant locations. The description of sound may include any characteristics of such sound, including duration, intensity, and frequency.
 - x. "Sound Level Meter" means an instrument, either Type I or Type II, as defined by the most current ANSI specifications. A sound level meter for purposes of this section shall contain at least an A-scale and both fast and slow response.
 - y. "Sound Pressure" means the instantaneous difference between the actual

pressure and the average or barometric pressure at a given point in space as produced by sound energy.

- z. "Sound Reproduction Device" means any device, instrument, mechanism, equipment or apparatus for the amplification of any sounds from any radio, computer, stereo, CD player, musical instrument, television, loudspeaker or other sound-making or sound-producing device or any device or apparatus for the reproduction or amplification of the human voice or other sound.
 - aa. "Stationary Noise" means noise the source of which is either affixed to or operated upon a fixed point of land, building, or other real property.
 - ab. "VdB" means the vibration level as measured in decibels. The reference velocity in the United States is one (1) micro-inch per second. It is calculated as $VdB = 20 \times \log_{10}(v / (1 \times 10^{-6} \text{ in./sec.}))$, 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 regulations under this section. A new or renewal application for a variance shall be filed with the clerk along with payment of the fee listed on the Fee Schedule. 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. Public Hearing. Upon receiving an application under this subsection, the clerk shall schedule the matter for a public hearing before the common council. The clerk shall notify the variance applicant by mail or email of the hearing at least 10 days before the hearing. The clerk shall notify any property owners within 200 feet of the subject property by mail or email at least 10 days before the hearing.
 - c. Procedure at Hearing
 - i. The mayor or a designee shall describe the variance sought. Then, the variance applicant may provide comments to the council.
 - ii. After the variance applicant has an opportunity to comment, any member of the public may provide comments to the council.
 - iii. Any city staff may provide comments to the common council in writing prior to the public hearing, verbally during the beginning of the hearing as the mayor's designee, or verbally during the public comment portion of the hearing.
 - iv. (Reserved).
 - v. The amount of time for comments by the applicant and the public shall be set by the mayor prior to the beginning of the hearing.
 - vi. (Reserved).
 - vii. (Reserved)

- d. Recommendation to the Common Council.
 - i. After the close of the hearing, the Public Safety Committee shall recommend to the council a variance permit should be issued and, if issued, impose any conditions necessary to protect the public health, safety and welfare, including a schedule for achieving compliance with any noise and vibration limitations and an expiration date for the permit. 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.
 - e. Common Council Determination.
 - i. (Reserved).
 - ii. (Reserved).
 - iii. The Common Council shall determine whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate.
 - f. Revocation. Noncompliance with any conditions imposed on the variance shall be grounds to revoke the permit using the same procedure to revoke a license under WAMC 9.51.
 - g. Extension and Modification. Application for extension of time limits or modification of other conditions specified in the variance permit shall be treated like an application for an initial variance.
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.
-

SECTION 15: **REPEAL** “7.05 Refuse Collection” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.05 Refuse Collection~~ (*Repealed*)

1. Definitions. As used in this Section.

- a. "Bulk refuse" means solid waste, exclusive of construction waste, which cannot be readily stored in approved containers. It includes, but is not limited to, furniture.
- b. "Commercial" means a business enterprise, except manufacturing, and the activities associated therewith. It includes, for the purpose of this Section, all mixed units (buildings, housing, business and residential), churches, public and parochial education institutions and charitable organizations.
- c. "Commercial container" means a receptacle for the storage of refuse on a multi-family or commercial premises, which is constructed, maintained and located as provided in Subsection (4)(b) below.
- d. "Composting" means a controlled biological reduction of organic yard waste to humus.
- e. "Condominium" means a premises subject to a condominium declaration under Chapter 703 of the Wisconsin Statutes, including household activities associated therewith.
- f. "Construction waste" means solid waste resulting from building construction, alteration or repair.
- g. "Department" means the Public Works Department of the City.
- h. "Director" means the Director of the Public Works Department and his duly authorized deputies and agents. **[Ord. O-2004-0012, 4/5/2004]**
- i. "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.
- j. "Hazardous substance" means the meaning given in Wis. Stats. § 292.01(5).
- k. "Hazardous waste" has the meaning given in Wis. Stats. § 291.01(7).
- l. "Infectious waste" means solid waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. It includes isolation wastes, cultures and stocks of infectious agents and associated biologicals, human blood and blood products, pathological waste, contaminated sharps, contaminated animal carcasses, body parts and bedding.
- m. "Inorganic waste" means concrete, asphalt, brick, block, stone, ground and, for purposes of this subsection, sod.
- n. "Manufacturing" has the meaning given in Wis. Stats. § 70.995(a).
- o. "Multi-family" means a premises improved with a building containing four (4) or more dwelling units, including household activities associated therewith.
- p. "Person" means any person, firm, partnership, association, corporation, company or organization, which is acting as a group or unit.
- q. "Premises" means a designated parcel or tract of land and any buildings and structures thereon, established by plat, subdivision or otherwise as permitted

- by law, which is used or developed as a unit.
- r. "Refuse" means all components of the solid waste stream including, but not limited to, garbage, rubbish, trash and ashes.
 - s. "Residential" means a premises improved with a condominium unit or a building containing three (3) or fewer dwelling units, including the household activities associated therewith.
 - t. "Residential container" means a receptacle that is approved and issued by the Department for the storage of residential refuse between collections and required for the collection of residential refuse by the Department.
 - u. "Rubbish" means solid waste, excluding ashes and garbage., consisting of both combustible and noncombustible solid waste materials. It is specifically limited to small hand-carried objects which can be readily stored in approved refuse containers.
 - v. (Reserved)
 - w. "Solid Waste" means garbage, rubbish, ash, bulk refuse, yard and construction wastes and all other unwanted or discarded substances and material resulting from community activities.
 - x. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter; however, it does not include stumps, roots or shrubs with intact root balls.

2. Collection.

- a. Paid by General Tax. The Department will collect refuse from residential premises or a detached single-family residential unit on a commercial premises funded though the general tax without a separate fee against the property served, except the Department will not collect refuse under this subsection if that refuse is any of the following:
 - i. Prepared or stored or stored in violation of subsection (3).
 - ii. Collected from a multi-family, commercial, or manufacturing premises.
 - iii. Collected from a residential premises or detached single-family residential unit on a commercial premises if that unit is an adult family home under Wis. Stat. 50.01(1) or community-based residential facility under Wis. Stat. 50.01(1g).
- b. Paid by Special Assessment. The Department may collect refuse for a fee or special assessment against the property served for any refuse collection that is not paid by the general tax.

3. Preparation, Storage and Disposal.

- a. Residential. Except as provided in Paragraph (b) below, residential wastes shall be prepared and stored as follows:
 - i. Garbage. Garbage shall be drained of all free liquid and packaged by securely wrapping in several thicknesses of paper, placed in plastic bags or other similar means and stored in residential containers.
 - ii. Rubbish. Rubbish shall be stored in residential containers. Rubbish

which may become airborne shall be securely wrapped and/or placed in plastic bags prior to being stored in a residential container.

- iii. Bulk Refuse. Small amounts of bulk refuse will be removed as ordinary refuse. Furniture and other bulk refuse not conforming to size and weight requirements may be collected, in accordance with Subsection (5) below.
 - iv. Construction Wastes. Small quantities of construction wastes resulting from the direct activity of the owner or occupant of the building shall be collected by the Department if securely tied in compact bundles, where applicable, not exceeding four (4) feet in length and seventy-five (75) pounds in weight. Lumber with protruding nails will not be collected. Construction wastes resulting from the activities of a contractor or other non-occupant of the premises will not be collected by the Department.
 - v. Inorganic Waste. Small quantities of inorganic wastes resulting from the direct activity of the owner or occupant of the property may be collected as part of the normal refuse collection, except as provided for under Subsection (5) below.
 - vi. Yard Waste. Yard waste shall not be collected by the Department. Residents wishing to dispose of certain types of yard waste generated on their properties may do so at a site(s) approved by the Director.
 - vii. Ashes. Ashes and similar material shall be dampened and placed in a secure, disposable container and stored with residential refuse.
 - viii. Animals. Small dead animals shall be enclosed in a plastic bag and placed in a secure cardboard box or other secure, disposable container.
 - ix. Manure and Other Noxious Wastes. Animal and fowl manure and/or other noxious wastes from residential properties shall be prepared and stored as residential refuse. Excessive quantities will not be collected from residential properties.
 - x. Deleterious Substances. Any substance whose collection, destruction or disposal would be harmful or dangerous to personnel or equipment shall not be included with refuse for collection. The term "deleterious substances" includes, but is not limited to, acids, blasting material, ammunition, paints, lacquers and varnishes, liquid fossil fuels or their containers, and combustible alloys or chemicals. Such deleterious substances shall be disposed of in accordance with rules promulgated by the Director.
 - xi. Infectious Wastes. Infectious wastes from residential properties shall not be included with refuse for collection and shall not be collected by the Department. Such wastes shall be prepared and disposed of in accordance with federal and state laws and rules promulgated by the Director.
- b. Multi-family, Commercial and Manufacturing. Garbage and refuse shall be

stored in commercial containers. All other solid wastes shall be stored in accordance with laws, statutes, ordinances and regulations as applicable.

4. Containers.

- a. Weight. The Department may decline to collect refuse from any residential container weighing over 75 pounds.
- b. Location. Containers shall be stored on the residential premises where the refuse is generated and not upon any other private property, or any street, alley or other public ground; except as provided herein for refuse collection from the premises. Containers shall not be stored on the front side of any home. All containers shall be placed in one area for collection. If a premise abuts an alley, containers shall be placed at the alley edge for collection. Properties not serviced by an alley collection shall locate refuse containers at the curb/street edge of the property on the scheduled day of collection. The Director may, for a fee listed in the Fee Schedule, pick up refuse containers from another location for any household in which no occupant is physically able to comply with the requirements of this paragraph. Containers shall be readily accessible to collectors without interference due to vehicles, snow or other obstructions. Containers shall not be stored in any location which creates or may create a public health hazard. Containers shall not be placed at the curb for collection before 6:00 p.m. on the day prior to the scheduled day of refuse collection and must be removed by 8:00 p.m. on the scheduled day of refuse collection.
- c. Multi-family, commercial and manufacturing containers shall be constructed, maintained and located as follows:
 - i. Construction. Containers shall be of substantial metal or plastic construction with covers which render the container waterproof.
 - ii. Location. Containers shall be located on the premises where the waste is generated or other private property in accordance with Chapter 12 of this Code; provided; however, the Board of Public Works pursuant to Section 11.165 of this Code may permit containers to be located on public property if a premises does not contain a suitable location for collection as determined by the Board. Containers shall not be located within any building on the premise, unless specific written approval is obtained from the Director.
 - iii. Capacity Required. The owner, occupant or managing agent of each premises shall provide sufficient containers to ensure adequate storage capacity for twice the normal collection period.
 - iv. Multiple use. Where multiple businesses located upon a single premises utilize a designated refuse storage container and such properties have more than one refuse container, the names and/or addresses of the businesses must be visibly located on the container assigned for their use.
- d. Special Charge. If a residential property does not have a residential container for refuse collection for each dwelling unit, the City shall furnish to that residential customer a residential container for each dwelling unit and assess

the cost thereof as a special charge upon the real estate, pursuant to Wis. Stat. § 66.0627(2).

5. Other Collection. Excessive quantities of refuse or refuse not prepared and stored for collection, as provided in Subsection (2) above, shall not be collected by the Department as part of its regular collection services. The owner or occupant of a premises where any such refuse is stored shall be responsible for its disposal. Such owner or occupant may apply to the Department for special collection of any such refuse, including delivery of such refuse to City collection sites. The Director shall promulgate rules governing special collection services and establish fees based upon actual costs for such services.
6. Composting. Yard waste, as herein defined, may be composted on any residential premises for use on the premises. Compost piles or bins shall be well-maintained so as not to pose an attraction or harborage for rodents or otherwise present a health nuisance. Compost piles or bins for composting shall not be located in front of any building or in any required yard under Chapter 12 and one (1) must be at least twenty-five (25) feet from any dwelling unit on the premises or any adjoining premises and at least three (3) feet from any property line. Each pile or bin may occupy a surface area no greater than twenty-five (25) square feet and may not exceed four (4) feet in height. No more than three (3) such piles and/or bins shall be permitted on any premises. Composted material shall be well-aerated so as to be free of offensive or noxious odors. No food waste or other such putrescibles shall be composted.
7. Public Nuisance. Refuse which is prepared or stored on any premises in a manner which creates or may create a public health hazard, safety hazard or blighting condition is hereby declared to be a public nuisance. The Director or Health Commissioner shall order, in writing, the immediate abatement or removal of any such nuisance. If the owner or occupant of the premises fails to comply with such order within the time prescribed, they shall be in violation hereof and the Director or Health Commissioner may cause the immediate abatement or removal of the nuisance. The cost of such abatement or removal by the Director or Health Commissioner may be collected from the owner or occupant of the premises or upon certification by the Director or Health Commissioner, assessed for real estate as other special taxes. Such costs shall be in addition to any forfeiture imposed for violation hereof. [Ord. O-2004-0012, 4/5/2004]
8. General Regulations.
 - a. It shall be unlawful for a person to place, throw or leave any solid, infectious or hazardous waste, slop, dirty water or other liquid of offensive odor, or a liquid of a hazardous, flammable or deleterious nature, or other hazardous, nauseous or unwholesome substances, or any dead carcass, animal, fowl, carrion, meat, fish, entrails, manure, offal, refuse matter, rubbish, recyclables, yard waste, tires, ashes, earth, sand or other substances or material of any kind or nature in or upon any sewer, stream, ditch or other watercourse, sidewalk, gutter, street, alley or upon any private premises or public place, park or grounds in the City of West Allis.
 - b. It shall be unlawful for a person to allow grass clippings to be discharged or

placed in or upon any sewer, stream, ditch or other watercourse, sidewalk, gutter, street, alley or upon any public place, park or grounds in the City of West Allis, or to store grass clippings on private property in such a manner that the grass clippings yield an offensive or nauseous odor.

- c. It shall be unlawful for a person to allow any slop, dirty water, or hazardous, flammable or deleterious liquid or any liquid of offensive odor or of otherwise nauseous or unwholesome character, to flow from any premises into or upon any street, gutter, sidewalk, alley, road or other public ground, or upon any vacant land in the City of West Allis.
 - d. It shall be unlawful for a person to allow fruit from a tree or a shrub located on such person's premises to drop onto and remain upon any street, gutter, sidewalk, alley, road or other public ground.
 - e. It shall be unlawful for a person to pick through, sort, scavenge or remove refuse from any premises in the City of West Allis when such refuse is stored in approved containers or otherwise stored for collection in accordance with this ordinance and any applicable Department rules, unless permission has been first obtained from the owner of the premises This prohibition does not apply to city employees engaged in the collection process or enforcement of the provisions of this section.
9. Penalties. Any person violating the provision of this section shall be subject to the penalties provided in Section 7.16 of this chapter.
10. Director to Establish Rules. The Department is hereby designated as the agency to administer the provisions of this section, and the Director shall prepare, promulgate and enforce such additional rules, regulations and conditions required by this section or deemed necessary for its implementation. Such rules, regulations and conditions shall be subject to approval by the Board of Public Works and shall be filed with the City Clerk.
11. Applicability. The requirements of this section apply to all persons within the City of West Allis. All property owners shall ensure that their tenants or occupants comply with this section at the property or properties the owner owns regardless of whether the owner occupies the premises. [Ord. O-2016-0025, 5/3/2016]

~~{Ord. 6129 (repeal and recreate), 10/18/1994; Ord. 6166, 6/20/1995; Ord. 6533 (repeal and recreate), 10/3/2000}~~

SECTION 16: **REPEAL** “7.051 Recycling” of the City Of West Allis
Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.051 Recycling~~ (Repealed)

1. Purpose. The purpose of this section is to promote recycling and resource recovery through the administration of an effective recycling program, as provided in § 287.11 of the Wisconsin Statutes, and Chapter NR 544, Wis. Administrative Code. **[Ord. 6534, 10/3/2000]**
2. Statutory Authority. This section is adopted as authorized under § 287.09(3)(b) of the Wisconsin Statutes. **[Ord. 6534, 10/3/2000]**
3. Abrogation and Greater Restrictions. It is not intended by this section to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this section imposes greater restrictions, the provisions of this section shall apply.
4. Interpretation. In their interpretation and application, the provisions of this section shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this section, or in effect on the date of the most recent text amendment to this section.
5. Applicability. The requirements of this section apply to all persons within the City of West Allis. All property owners shall comply or shall ensure that their tenants or occupants comply with this section at the property or properties the owner owns regardless of whether the owner occupies the premises. **[Ord. O-2016-0025, 5/3/2016]**
6. Administration. The Director of Public Works shall administer the provisions of this section.
7. Rules. The Director is hereby authorized to prepare, promulgate and enforce such rules and regulations as may be required or deemed necessary for the administration and enforcement of this section. Such rules and regulations shall be subject to the approval of the Board of Public Works and shall be kept on file in the office of the City Clerk.
8. Definitions. As used in this Section:
 - a. "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - b. "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
 - c. "Department" means the Public Works Department.
 - d. "Director" means the Director of Public Works or his agents.
 - e. "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - i. Is designed for serving food or beverages.

- ii. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - iii. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- f. "HDPE" means high-density polyethylene, labeled by the SPI code #2.
- g. "LDPE" means low-density polyethylene, labeled by the SPI code #4.
- h. "Magazines" means magazines and other materials printed on similar paper.
- i. "Major appliance" means a residential or commercial air conditioner, furnace, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, water heater, boiler or dehumidifier.
- j. "Multiple-family dwelling" means a property containing five (5) or more residential units, including those which are occupied seasonally.
- k. "Newspaper" means a newspaper and other materials printed on newsprint.
- l. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties, churches, public and parochial education institutions, charitable organizations and, for purposes of this section, includes all mixed-used facilities (properties or buildings housing business and residential units). This term does not include multiple-family dwellings.
- m. "Office paper" means high-grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high-grade. This term does not include industrial process waste.
- n. "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- o. "Person" means any person, firm, partnership, association, corporation, company or organization acting as a group or unit, as well as an individual.
- p. "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- q. "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- r. "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7) of the Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles or high-volume industrial waste, as defined in § 289.01(17) of the Wisconsin Statutes. **[Ord. 6534, 10/3/2000]**
- s. "PP" means polypropylene, labeled by the SPI code #5.
- t. "PS" means polystyrene, labeled by the SPI code #6.
- u. "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- v. "Recyclable materials" includes lead-acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers,

- waste tires; and, bi-metal containers.
- w. "Residential properties" means any property containing four (4) or fewer dwelling units and the household activities associated therewith but does not include any community-based residential facility or adult family home. "Residential properties" also includes properties developed as condominiums.
 - x. "Solid waste" has the meaning specified in § 289.01(33) of the Wisconsin Statutes. **[Ord. 6543, 10/3/2000]**
 - y. "Solid waste facility" has the meaning specified in § 289.01(35) of the Wisconsin Statutes. **[Ord. 6543, 10/3/2000]**
 - z. "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- aa. "SPI" means Society of the Plastic Industry.
 - ab. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - ac. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter; however, it does not include stumps, roots or shrubs with intact root balls.
9. Separation of Recyclable Materials. Property owners shall ensure that all tenants and occupants of properties the owner owns comply with this section. Tenants and occupants of residential properties, multiple-family dwellings, and nonresidential facilities and properties shall separate the following materials from post-consumer waste: **[Ord. 6543, 10/3/2000; Ord. O-2016-0025, 5/3/2016]**
- a. Lead acid batteries.
 - b. Major appliances.
 - c. Waste oil.
 - d. Yard waste.
 - e. Aluminum containers.
 - f. Bi-metal containers.
 - g. Corrugated paper or other container board.
 - h. Glass containers.
 - i. Magazines.
 - j. Newspaper.
 - k. Rigid plastic containers made of PETE (#1) and HDPE (#2).
 - l. Steel containers.
 - m. Waste tires.

In addition to the separation of the above listed recyclables, nonresidential properties shall also separate office paper from the waste stream.

10. Preparation, Storage, and Collection of Recyclable Materials. Once separated in accordance with Paragraph (9) above, recyclable materials, to the greatest extent possible, shall be clean and kept free of contaminants such as food, oil or grease and

other nonrecyclable wastes. The Department shall collect recyclable materials from residential properties which are prepared and stored as provided in this subsection. Recyclables which are prepared for collection, as described herein, should be screened from public view. Recyclables placed at the curb or alley edge for collection may not be set out before 6:00 p.m. on the day prior to the scheduled day of recyclable collection. The Director may, for a fee listed in the Fee Schedule, pick up recycling containers from another location for any household in which no occupant is physically able to comply with the requirements of this paragraph.

- a. Aluminum containers, bi-metal containers, glass containers, rigid plastic containers (SPI code #1-2) and steel containers shall be prepared and stored in a container as approved by the Director and placed at the curb or alley edge on the day of collection.
 - b. Corrugated paper or other container board shall be flattened, reduced to a size no greater than two feet by two feet (2' x 2'), securely bundled and placed at the curb or alley edge on the day of collection.
 - c. Magazines and newspaper shall be securely bundled or contained in a typical Kraft (grocery) paper bag and placed at the curb or alley edge on the day of collection.
 - d. Lead acid batteries will not be removed by the Department. Persons shall dispose of such batteries by returning them to a retail distributor or recycling facility.
 - e. Major appliances will not be removed by the Department. Persons shall contact a private hauler appropriately licensed by the state for the transfer and disposal of said appliances.
 - f. Waste oil must be disposed of at an approved waste oil recovery site.
 - g. Yard waste shall be managed in accordance with the provisions of Section 7.05 of this Chapter.
 - h. Antifreeze shall be disposed of at a drop-off site designed by the Director.
 - i. Waste tires may be returned to the retailer or at a drop-off site designated by the Director.
 - j. The Director shall promulgate rules governing special collection and/or drop-off services and establish fees based upon the actual costs providing such services.
11. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.
- Owners or designated agents of multiple-family dwellings shall do all of the following to recycle materials specified in Paragraphs (9)(e) through (l):
- a. Provide adequate, separate containers for the recyclable materials.
 - b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - c. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation,

and a contact person or company, including a name, address and telephone number.

12. Responsibilities of Owners or Designated Agents of Nonresidential Facilities and Properties. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in Paragraphs (9)(e) through (m), including office paper.
 - a. Provide adequate, separate containers for the recyclable materials.
 - b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - c. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
13. Prohibitions on disposal of recyclable material separated for recycling. **[Ord. 6143, 12/6/1994]**
 - a. No person may dispose of, in a solid waste disposal facility or burn in a solid waste treatment facility, any of the material specified in Paragraphs (9)(e) through (m), which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
 - b. This prohibition may be waived by the Director for specific recyclables, if the Wisconsin Department of Natural Resources has granted a variance in accordance with § 287.11(2m) of the Wisconsin Statutes, or NR 544.14, Wisconsin Administrative Code. **[Ord. 6543, 10/3/2000]**
14. Scavenging. **[Ord. 6143, 12/6/1994]**
 - a. It shall be unlawful for any person, other than authorized employees of the Department, to pick through, sort, scavenge or remove recyclable materials from a private residential property, when such recyclables are sorted and stored for collection as prescribed in this section.
 - b. It shall be unlawful for any person other than those approved by the owner or manager to pick through, sort, scavenge or remove recyclable materials from multiple-family dwellings and/or private nonresidential facilities or properties.
15. Enforcement. **[Ord. 6143 (repeal, recreate & renumber), 12/6/1994]**
 - a. For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the Department may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties and any records relating to recycling activities, which shall be kept confidential, when necessary, to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Department, who requests access for purposes of

inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

- b. Any person who violates any provision of this section is subject to a forfeiture, as set forth in Subsection (c). The issuance of a citation or summons and complaint shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation or summons and complaint under this section.
- c. Penalties for violation of this ordinance may be assessed as follows:
 - i. Any person who violates paragraph (13) shall be subject to a forfeiture of fifty dollars (\$50) for the first violation, two hundred dollars (\$200) for a second violation, and not more than two thousand dollars (\$2,000) for a third or subsequent violation.
 - ii. Any person who violates a provision of this section, except paragraph (13), shall be subject to a forfeiture of not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000) for each violation.
 - iii. Each and every day that a violation continues constitutes a separate offense.
 - iv. In addition to the forfeiture, the costs of prosecution shall be imposed; and, in default of payment of said forfeiture and costs, punishment shall be suspension of the defendant's operating privilege, pursuant to secs. 343.30 and 345.47 of the Wisconsin Statutes, or by imprisonment in the Milwaukee County House of Correction or Milwaukee County Jail 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.

~~{Ord. 6114, 8/2/1994}~~

SECTION 17: **REPEAL** “7.055 Waste Oil Receptacle Regulations” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.055 Waste Oil Receptacle Regulations~~ (*Repealed*)

- 1. Authority of Department. The Director of Public Works may, with the approval of the Board of Public Works, from time to time establish appropriately sited and equipped locations for the depositing of used or waste motor oil for the purposes of disposal of the same.
- 2. Regulations for Use of Disposal Site.
 - a. Only waste motor oil shall be deposited for disposal at such sites. Other forms of grease or fat shall not be disposed of at such sites.

- b. All waste oil deposited for disposal at such sites shall be deposited within the receptacle provided. The leaving of waste oil at the disposal site in containers other than the receptacle provided shall be prohibited.
 - c. No person shall spill or cause to be spilled any waste motor oil on the ground, either at such waste oil disposal site or anywhere else in the City of West Allis.
3. Violations of this section shall be punished, as provided by Section 7.16(d) of the Revised Municipal Code.

SECTION 18: **REPEAL** “7.06 Noxious Chemicals” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.06 Noxious Chemicals~~ (*Repealed*)

1. Use of Buildings Regulated. It shall be unlawful to construct, erect or rebuild any building, structure or factory in the City to be used for the purpose of manufacturing or compounding odd chemicals, extracts or any other substances which give off or emit any nauseous or offensive odors or smells, unless a permit therefor is first obtained, as herein provided.
2. Building Permit Required. Application for a permit is to be made to the Building Inspector, who shall issue a permit upon satisfactory proof being filed in his office that all the requirements of the municipal building, electrical, wiring, heating, ventilating and plumbing codes are duly met, and that the safety requirements of the Industrial Commission of the State of Wisconsin are complied with. The Building Inspector shall have the power to impose such additional safeguards and requirements as he deems necessary and advisable to properly protect the inhabitants of the City.
3. Storage Prohibited. It shall be unlawful to use any structure, building or factory in the City for the storing of nitric, sulphuric or other acids or chemicals which emit fumes or vapors injurious to health and comfort of the inhabitants of the City.

SECTION 19: **REPEAL** “7.07 Heating Of Occupied Buildings” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.07 Heating Of Occupied Buildings~~ (*Repealed*)

1. Minimum Room Temperatures.
 - a. Every owner or manager of any apartment, hotel, flat or other building, which is leased or rented for residential occupancy (living and sleeping) within the

City, shall and is hereby directed to maintain, or to otherwise make available for optional use by any tenants or occupants, sufficient heat for a minimum temperature of 70° Fahrenheit at a distance three (3) feet above floor level whenever the outside temperature shall fall below 50° Fahrenheit.

- b. Every owner or manager of hospitals, day care centers, nursing homes, elementary schools or natatoriums within the City shall and is hereby directed to maintain, or to otherwise make available for optional use by any tenants or occupants, sufficient heat to comply with Section Ind. 64.05, Wisconsin Administrative Code.
 - c. Every owner or manager of any building which is leased or rented for any other purpose within the City shall and is hereby directed to maintain, or to otherwise make available for optional use by any tenants or occupants, sufficient heat for a minimum temperature of 63° Fahrenheit at a distance three (3) feet above floor level whenever the outside temperature shall fall below 50° Fahrenheit, except that factories, machine shops, printing establishments and garages shall maintain sufficient heat for a minimum temperature of 56° Fahrenheit.
2. Enforcement by Health Commissioner. It shall be the duty of the Health Commissioner of the City or his duly authorized agents to investigate all complaints pertaining to this section and to prosecute all violations thereof.
 3. Emergencies. When emergency conditions are found to exist, the Health Commissioner may, subject to the approval of the Common Council, establish such revisions thereto as he shall deem reasonable and necessary to alleviate any such emergency. Actions under this section shall, when appropriate, take into account the applicable provisions of the state and federal governments, including Section Ind. 64.05, Wisconsin Administrative Code.

SECTION 20: **REPEAL** “7.08 Slaughter Houses And Slaughtering” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.08 Slaughter Houses And Slaughtering~~ (Repealed)

1. Slaughter Houses Prohibited. No person, firm or corporation shall keep or maintain any slaughterhouse within the limits of the City.
2. Slaughtering Prohibited. No person, firm or corporation shall slaughter or cause to be slaughtered, within the limits of the said City, any cow, steer, calf or beef cattle, pig, hog, sheep or lamb.

SECTION 21: **REPEAL** “7.09 Sale Of Meat” of the City Of West Allis
Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.09 Sale Of Meat~~ (*Repealed*)

1. ~~Inspections. No meat, sausage or meat product of any kind used for human consumption shall be sold or offered for sale in the City which has not been slaughtered or processed in a slaughter house regularly inspected by the Federal Bureau of Animal Industry or in a slaughter house subject to regulations and inspections equivalent thereto, and does not bear the stamp of the Bureau or the Inspection Department on each primal part, package or container thereof. The Health Commissioner shall determine what constitutes equivalent regulations and inspections. No unwholesome or tainted meat shall be offered for sale or sold in the City. The Health Commissioner may reject, condemn and seize any and all meat which does not bear the stamp of an inspector of the Federal Bureau of Animal Industry or an equivalent thereto and may condemn and seize any tainted, unwholesome or uninspected meat.~~
2. ~~Processing of Wild Game. It shall be unlawful for any person, firm or corporation operating a food establishment to cut and process wild game, or to have in their possession any wild game with intent to cut and process such game, unless the following requirements are met:~~
 - a. ~~Storage is provided in a compartment refrigerated at or below 40° F. from receipt of wild game until delivery. Such refrigerated storage and the cutting and processing of wild game shall be in a compartment separate and distinct from any compartment used for the storage or processing of any other food products; and,~~
 - b. ~~All equipment and utensils used for cutting and processing wild game shall be cleansed before use in connection with other food products.~~
3. ~~Smoked Fish. No person, firm or corporation shall sell or offer for sale any smoked fish which has been processed more than seven (7) days previously. Unless the date of processing is conspicuously posted at the point of sale, it shall be conclusively presumed that the fish were processed more than seven (7) days previously.~~

SECTION 22: **REPEAL** “7.10 Food Products Regulations” of the City Of
West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.10 Food Products Regulations (Repealed)~~

1. Authority of Health Officer. The health officer of the City is authorized to make, promulgate and enforce such rules and regulations relative to the manufacture, storage, display, sale, handling and transportation of food and food products as may be necessary to fully protect the same from contamination or other unhealthful or unsanitary conditions.
2. Inspection of Premises. The health officer of the City or his duly authorized agent may enter and examine the premises of any bakery, confectionery, cannery, packing house, candy factory, ice cream factory, ice factory, restaurant, hotel, coffee house, chop house, tea room, grocery, meat market, sausage factory, delicatessen store or other place in which food is prepared, produced, manufactured, packed, stored or served for sale, or any basket, wagon or other vehicle, hand steamer or street stand from which food is vended or peddled.
3. Merchandise Display on Sidewalks. It shall be unlawful for the occupant of any store or place of business in the City to occupy, for the purpose of exhibiting merchandise, any part whatsoever of the public sidewalk in front or adjoining such place of business. "Public sidewalk" is defined to include the entire area dedicated as and for a public sidewalk, including both paved and unpaved portions; provided, however, that upon written application, the Common Council may allow such use of the public sidewalk by special permit. Such special permit shall specify the date, time and place allowed for such use of the public sidewalk and whatever further regulations, terms and conditions may be appropriate for the protection of health and safety. **[Ord. 6434, (deleted 7.11), 5/4/1999]**

SECTION 23: **REPEAL** "7.12 Animals, Fowls And Birds" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.12 Animals, Fowls And Birds (Repealed)~~

1. Keeping of Certain Animals Prohibited. **[Ord. 6158, 4/18/1995; Ord. O-2015-0014, 2/17/2015]**
 - a. Definitions.
 - i. Wild Animal. Those species of animal that are not typically domesticated by humans and usually live in nature. Wild animals include, but are not limited to, animals belonging to any or all of the following orders and families.
 - (1) Class Mammalia.
 - (A) Order Chiroptera (bats).
 - (B) Order Artiodactyla (e.g., hippopotamuses, giraffes, camels, deer, cattle, swine, sheep, goats, alpaca, and

llama).

(C) Order Carnivora.

(a) Family Felidae (e.g., lions, tigers, cougars, leopards, ocelots, servals), but not domestic cats.

(b) Family Canidae (e.g., wolves, wolf-dog hybrids, coyotes, foxes, jackals), but not domestic dogs.

(c) Family Ursidae (e.g., bears).

(d) Family Mustelidae (e.g., weasels, skunks, martens, minks, wild ferrets), but not the domestic ferret species, *Mustela putorius furo*.

(e) Family Procyonidae (e.g., raccoons, coatis).

(f) Family Hyaenidae (e.g., hyenas).

(g) Family Viverridae (e.g., civets, genets).

(h) Family Mephitidae (e.g., skunks).

(i) Family Herpestidae (e.g., mongooses).

(D) Order Edentata (e.g., anteaters, armadillos, sloths).

(E) Order Marsupialia (e.g., opossums, kangaroos, wallabies), except sugar gliders.

(F) Order Perissodactyla (e.g., rhinoceroses, tapirs, horses, donkeys).

(G) Order Primates (e.g., lemurs, monkeys, chimpanzees, gorillas), except humans.

(H) Order Proboscidea (e.g., elephants).

(I) Order Rodentia (e.g., squirrels, beavers, porcupines, prairie dogs), but not guinea pigs, rats, mice, gerbils and hamsters.

(2) Class Reptilia.

(A) Order Squamata.

(a) Family Helodermatidae (e.g., Gila Monsters and Mexican beaded lizards).

(b) Family Varanidae (e.g., monitor lizard).

(c) Family Elapidae (e.g., coral snakes, cobras, mambas).

(d) Family Viperidae (e.g., copperheads, cottonmouths, rattlesnakes).

(e) Subfamily Atractaspidinae (e.g., burrowing asps).

(B) Order Crocodilia (e.g., crocodiles, alligators, caimans, gavials).

(C) Any constricting snake greater than four (4) feet in length or twenty (20) pounds in weight.

- (D) Any venomous snake.
- (3) Class Aves.
 - (A) Order Falconiformes (e.g., eagles, hawks, vultures).
 - (B) Order Rheiformes (e.g., rheas).
 - (C) Order Struthioniformes (e.g., ostriches).
 - (D) Order Casuariiformes (e.g., cassowaries and emus).
 - (E) Order Strigiformes (e.g., owls).
 - (F) Order Galliformes (e.g., turkeys, chickens).
 - (G) Order Anseriformes (e.g., ducks, geese).
- (4) Class Arachnida.
 - (A) Order Scorpiones.
 - (B) Any of the following members of Order Araneae, Family Therididae:
 - (a) Argentina red widow spider: *Latrodectus coralinus*.
 - (b) Brown widow spider: *Latrodectus geometricus*.
 - (c) Red-black widow: *Latrodectus hasselti*.
 - (d) Red widow spider: *Latrodectus bishop*.
 - (e) Black widow spider: *Latrodectus mactans*.
 - (f) Western widow: *Latrodectus Hesperus*.
 - (C) Brown recluse spider: *Loxosceles reclusa*.
- (5) Class Chilopoda.
 - (A) Any of the following members of Order Scolopendromorpha, Family Scolopendridae:
 - (a) Amazon giant banded centipede: *Scolopendra giganea*.
 - (b) Arizona Tiger Centipede: *Scolopendra viridis*.
 - (c) Florida keys centipede: *Scolopendra alternans*.
 - (B) Any other venomous chilopoda that is not native to Wisconsin.
- (6) Any species of the class Insecta that is not native to Wisconsin.
- (7) Any federal or state endangered or threatened species.
- ii. Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.
- iii. Possess. To own, possess, keep, harbor, or have custody or control of an animal.
- b. Intent. It is the intent of the City of West Allis to protect the public against health and safety risks that wild animals pose to the community. By their very nature, wild animals are potentially dangerous and do not adjust well to a captive environment.

- c. Possession of Wild Animals. No person shall possess a wild animal.
 - i. Exceptions. This subsection shall not apply to institutions accredited by the American Zoo and Aquarium Association, licensed veterinarians, licensed veterinary hospitals or clinics, licensed circuses, licensed or accredited research or medical institutions, licensed or accredited educational institutions, an animal certified as having been specially trained to assist an individual with a disability, any government-owned or -operated facility, volunteers working on behalf of a government-owned or -operated facility, a person with a valid federal permit to possess a particular wild animal, or a person temporarily transporting a wild animal through the City if the transit time is not more than twenty-four (24) hours and the wild animal is at all times maintained within a confinement sufficient to prevent the wild animal from escaping.
 - ii. Registration. Any person that meets the exceptions listed in Subsection (1)(c) 1 shall register each wild animal that he/she possesses and is kept within the City of West Allis with the Health Commissioner.
 - iii. Escape. If a wild animal escapes the possession of a person, the person shall notify the West Allis Police Department immediately of the following information: the type of wild animal; a description of the wild animal, including size, color, and name of the animal; the nature of how the wild animal escaped; the name and address of the wild animal's owner or custodian; and the location and time where the wild animal was last observed. If the wild animal returns to the possession of a person after notification to the West Allis Police Department, the person shall notify the West Allis Police Department immediately that the wild animal has returned to the person's possession.
 - (1) Costs. Upon the escape of a wild animal, any person possessing such wild animal shall be responsible for the costs of the capture or destruction of the wild animal and any City response to the report of escape.
 - d. Keeping of Ferrets. All domestic ferrets kept or harbored in the City of West Allis shall be vaccinated against rabies in compliance with the Compendium of Animal Rabies Control of the National Association of State Public Health Veterinarians. Upon request by a law enforcement officer or employee of the West Allis Health Department, the person owning or keeping the ferret shall demonstrate proof of vaccination.
2. Keeping of Rabbits. [Ord. 6158, 4/18/95; Ord. O-2015-0014, 2/17/2015]
- a. Rabbits shall be kept in compliance with the provisions of this subsection. The keeping of more than two (2) adult rabbits in any outside or yard area of any dwelling or any building structure accessory thereto is prohibited. For purposes of this ordinance rabbits shall not be considered adults until they have reached the age of five (5) months.

- b. The Health Commissioner may grant exceptions to the number of rabbits allowed in Subsection (2)(a) on a case-by-case basis upon written application. The Health Commissioner's decision to grant or deny an exception shall be based upon the number of rabbits to be kept; the reason(s) for the request; an informal survey of neighborhood residents; and any other factors the Health Commissioner deems relevant.
 - c. Persons to whom an exception is granted are required to obtain a rabbit permit from the Health Department. The cost shall be listed in the Fee Schedule, and the permit shall be for one (1) calendar year. Permits may be revoked or denied renewal for cause. The revocation procedure shall be the same as set forth in Section 9.51 of this Code. Any permittee 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 rabbit health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay the fee listed in the Fee Schedule.
 - d. Appeals of the decision of the Health Commissioner shall be submitted in writing to the Public Safety Committee of the Common Council within thirty (30) days of notification of the Health Commissioner's decision. The Public Safety Committee shall schedule a hearing on the matter within thirty (30) days of receiving the appeal. The hearing shall be conducted as set forth in Wis. Stat. Section 68.11. The Public Safety Committee shall issue a written decision within twenty (20) days of completion of the hearing, and a copy of the decision shall be mailed to the appellant. The Public Safety Committee's decision shall be the final determination.
3. Cruelty to Animals Prohibited.
- a. Cruelty Prohibited. No person shall cruelly beat, frighten, overburden or abuse any animal or bird, or use any device or chemical substance, except in connection with efforts to control species determined by the Health Commissioner to be a public health hazard or nuisance, if pain, suffering or death may be caused. Reasonable force, however, may be used to drive off vicious or trespassing animals.
 - b. Improper Transport, Abandonment Prohibited. No person shall carry or transport in any vehicle or over any street, alley, sidewalk or public ground in the City any animal or bird so tied and placed as to inflict torture thereto, nor shall animals be abandoned for any reason within the City.
 - c. Food and Water. No person owning or having custody of any animal or bird shall neglect or fail to provide it with necessary nourishing food at least once daily and provide a constant supply of clean water to sustain the animal or bird in good health.
 - d. Proper Shelter Required. No person shall fail to provide any animal or bird in his charge with shelter from inclement weather to insure the protection and comfort of the animal or bird. When sunlight is likely to cause overheating or discomfort to any animal or bird, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun. Dogs and

cats kept outdoors for more than one hour at a time must be provided with moisture-proof and windproof shelter of a size which allows the animal to turn freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable. Automobiles or garages shall not be used as animal shelters, except that during winter months a dog house may be placed inside a garage for shelter. Whenever the outdoor temperature is below 40° Fahrenheit, clean bedding material shall be provided in such shelters for insulation and to retain the body heat of the animal.

e. Leashes. Chains, ropes or leashes shall be so placed or attached that they cannot be entangled with another animal or object, and shall be of sufficient length in proportion to the size of the animal to allow the animal proper exercise and convenient access to food, water and shelter. Such leash shall be located so as not to allow such animal to trespass on public property or private property belonging to others nor in such a manner as to cause harm or danger to persons or other animals.

f. Enforcement. This section and sections 7.121 (Dogs and Dog Licenses), 7.122 (Cats and Cat Licenses), 7.123 (Animal Fancier Permit), and 9.61 (Animal Sales and Services License) may be enforced by the Health Commissioner, law enforcement (police) officers, or the Animal Control Officers of the Milwaukee Area Animal Domestic Control Corporation. **[Ord. O-2003-0055, 8/5/2003]**

4. Waste Products and Fecal Accumulations. The owner or person in charge of any animal shall not permit solid fecal matter of such animal to be deposited on any street, alley or other public or private property, unless such fecal matter is immediately removed therefrom by said owner or person in charge. At all times when an animal is exercised away from the premises of the owner or person in charge, that individual shall have available for use, and prominently displayed, an appropriate device for removing, containing and transporting feces which may be deposited, until such feces can be properly disposed of by wrapping and placing them into an appropriate refuse container. The owner or person in charge of any private property shall not permit solid fecal matter of animals to accumulate on such property, including the space between the street or curb and the sidewalk adjacent to such property, for a period in excess of twenty-four (24) hours.

5. Animal Bites.

a. Whenever a dog, cat or other domesticated animal, or wild animal held captive, bites a person within the City of West Allis, and such bite penetrates or lacerates the skin of the person bitten, such dog, cat, other domesticated animal or wild animal held captive, shall be restricted to the premises of its owner, if within the City, or to a veterinarian's care within Milwaukee County, as a suspect rabies case for a period of ten (10) days.

b. If during the restricted time, said animal shows signs of illness, lameness or paralysis, the owner or veterinarian shall immediately report such condition to the West Allis Health Department.

- c. During the restricted period, said animal shall not be removed from the restricted premises except to be placed under a veterinarian's care. No such animal shall be placed back into community living before it has been inspected and released by the West Allis Health Department. If the animal has spent the ten (10) day confinement period in the care of a veterinarian, upon its release, a veterinarian's report regarding the disposition of said dog shall be made to the West Allis Health Department.
 - d. In the case of an animal bite, the Health Commissioner may issue such other rules and orders which, in his judgment, are necessary to safeguard the health and welfare of any person suffering an animal bite.
6. Elimination of Pigeon Harborages.
- a. Homeless pigeon harborages are hereby declared to constitute a public nuisance.
 - b. Homeless pigeon harborages shall mean any place where pigeons, which do not wear any type of ownership identification tag or band, or are not confined in an escape proof cage or pen, are permitted to live, gather or nest.
 - c. It shall be the duty of the owner of any premises in the City, or his agent, to make such premises reasonably pigeon proof to prevent such premises from being a homeless pigeon haborage.
 - d. In all cases where the Health Commissioner finds a homeless pigeon haborage existing, he shall serve upon the owner of such premises, or his agent, an order requiring such owner or agent, within ten (10) days of receipt of said order, to eliminate such harborage and to take whatever steps are deemed necessary by the Health Commissioner to prevent its recurrence, including the covering of openings, eaves or other places in any building with appropriate wire screenings or other suitable material to prevent pigeons from entering into such building or gathering or nesting thereon. In the event such owner or agent shall neglect or refuse to comply with such order to the satisfaction of the Health Commissioner, such owner or agent shall be subject to the penalties provided for violation of this section; and, in addition, the Health Commissioner may cause the elimination work to be done and the cost thereof shall be assessed against the real estate involved as a special tax and collected as are other special taxes.
7. Pigeon Keeping. **[Ord. 6171, 6/20/1995]**
- a. Definitions. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates a different meaning is intended:
 - i. "Pigeon" means a member of the family Columbidae, and shall include "Racing Pigeons," "Fancy Pigeons" and "Sporting Pigeons," as defined in this section.
 - ii. "Racing Pigeon" means a pigeon which, through selective breeding, has developed the distinctive characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon

Union, Inc., or the International Federation of Racing Pigeon Fanciers. Also, commonly known as Racing Homer, Homing Pigeon or Carrier Pigeon.

- iii. "Fancy Pigeon" means a pigeon which, through selective breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club or the Rare Breeds Pigeon Club. Examples: Fantails, Pouters, Trumpeters.
 - iv. "Sporting Pigeon" means a pigeon which, through selective breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples: Rollers, Tiplers.
 - v. "Loft" means a structure for the keeping or housing of pigeons which is located inside a house or garage.
 - vi. "Mature Pigeon" means a pigeon aged six (6) months or older.
 - vii. "Owner" means the person who keeps or has the care, custody or control of a pigeon or pigeons.
- b. Conditions for Keeping of Pigeons. The keeping, breeding, maintenance and flying of pigeons shall be permitted, on the following conditions:
- i. The loft shall be of such sufficient size and design and constructed of such material, that it can be maintained in a clean and sanitary condition.
 - ii. There shall be at least one (1) square foot of floor space in any loft for each mature pigeon kept therein.
 - iii. The construction and location of the loft shall not conflict with the requirements of any Building Code or Zoning Code of the City.
 - iv. All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.
 - v. The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the City.
 - vi. All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and, at no time shall pigeons be allowed to perch or linger on the buildings or property of others.
 - vii. All pigeons shall be fed within the confines of the loft.
 - viii. No one shall release pigeons to fly for exercise, training or competition, except in compliance with the following rules:
 - (1) The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of Racing Pigeon Fanciers, the National Pigeon Association, the American Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.

- (2) Pigeons will not be released for flying within four (4) hours of feeding.
 - ix. No owner may have more than twenty-five (25) pigeons in a residentially zoned area.
 - x. No person may own any type of pigeon other than those defined in sec. 7.12(7)(a).
 - c. Pigeon Permit. Any person owning a pigeon in the City of West Allis shall first obtain a permit. The Health Commissioner may issue an original or renewal pigeon permit upon submission of a completed application, payment of a fee listed in the Fee Schedule and inspection and approval of the premises for which the permit is to be issued. As part of the inspection process, the Health Commissioner shall conduct an informal survey of neighborhood residents to determine their concerns, if any, regarding pigeons being kept in the area. All permits shall expire on March 31, following the date of issuance, unless sooner revoked for cause. permit may be issued for any premises upon which three (3) or more dwelling units are located. Any permittee 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 bird health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a reinspection fee listed in the Fee Schedule.
 - d. Right of Entry for Inspection. The Health Commissioner or his designee may enter and inspect any property or loft at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this ordinance.
 - e. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.
8. Feeding of Wild Animals. **[Ord. O-2010-0017, 5/18/2010; Ord. O-2011-0080, 2/21/2012]**
- a. Definitions.
 - i. As used in this section, "feeding" means to place any material to feed or attract animals in or from the wild.
 - ii. As used in this section, "wild animal" is defined as any nondomesticated animal that lives in nature, including, but not limited to squirrels, raccoons, and deer.
 - b. The feeding of wild animals is prohibited in the City of West Allis.
 - c. This subsection shall not apply to wild birds. Feeding of wild birds shall be done in a manner to ensure that other wild animals are unable to access the bird feed. Premises upon which bird feed is provided shall be cleaned at least once during each twenty-four-hour period to remove food material that has fallen to the ground. The Health Commissioner or his/her designee may order

a property owner/occupant to cease the feeding of wild birds if an inspection reveals that evidence of rat activity is present on the property where bird feeding is occurring or on an adjacent property within three hundred (300) feet of the property line where rat activity is present. Such order shall be mailed or served in person to the property owner(s) of the affected properties and posted in a conspicuous place on the affected properties. Any person who continues to feed wild birds after receiving such an order shall be subject to the penalties in Section 7.16. Any person affected by the order may petition the Health Commissioner to lift the order if sixty (60) days have passed since the issuance of the order and the person can demonstrate to the Health Commissioner or his/her designee that no rat activity exists on the property. **[Ord. O-2014-0020, 4/1/2014]**

- d. This subsection shall not apply to feeding a cat by a person who relinquished possession of that cat in accordance with WAMC 7.122(1)(a), but only if the feeding takes place under direct observation of the person feeding the cat between the hours of sunrise and sunset.

9. Dogs Prohibited at Rogers Playground. **[Ord. O-2011-0015; 5/17/2011]**

- a. No person shall allow any dog to enter or remain at the Rogers Playground, located at South 56th Street and West Rogers Street in the City of West Allis.

SECTION 24: **REPEAL** “7.121 Dogs And Dog Licenses” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.121 Dogs And Dog Licenses~~ (*Repealed*)

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 each neutered male dog, each spayed female dog, and each dog not neutered 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. The Fee Schedule shall separately list fees for any dog that became five (5) months of age after July 1 of the license year. 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.

- 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.
 - 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 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.
 - 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 25: **REPEAL** “7.122 Cats And Cat Licenses” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.122 Cats And Cat Licenses~~ (*Repealed*)

- 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. A person is not required to license a cat if all the following applies:

- i. The person took custody of an abandoned or stray cat on their property,
 - ii. The person delivered the cat to an entity contracting with the City under Wis. Stat 173.15 (1),
 - iii. The entity released that cat under Wis. Stat. 173.23(1m)(a) to the same person who took custody of it,
 - iv. The person paid the full cost of custody, care, vaccination, microchip implanting, spay or neuter surgery, and any other treatment prior to the entity releasing the cat to that person,
 - v. The person relinquishes possession of the cat on the same parcel where the person took custody of it, and
 - vi. No other cat has been released on the parcel.
 - b. The yearly license fee shall be listed in the Fee Schedule, with separate fee amounts for each neutered male cat, each spayed female cat, and each cat not 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 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.
 - 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.
 - 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 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.
 - 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. A cat shall not be deemed at large if the person took custody of a that cat as an abandoned or stray animal and relinquished possession of the cat in accordance with sub. (1)(a). 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 fee listed in the Fee Schedule 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 26: **REPEAL** “7.123 Animal Fancier Permit” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.123 Animal Fancier Permit~~ (Repealed)

1. Animal Fancier Defined. "Animal fancier" is any person in a residential dwelling unit

- who shall keep, harbor, raise or possess any combination of more than two (2) dogs over the age of five (5) months and/or four (4) cats over the age of five (5) months, to a maximum of four (4) dogs and/or six (6) cats.
2. **Permit Required.** The Health Commissioner may issue an original or renewal animal fancier permit upon submission of a completed application, payment of the fee listed on the Fee Schedule and inspection of the premises for which the permit is to be issued. All permits shall expire on December 31 following the date of issuance, unless revoked for cause prior to that date. The late fee listed on the Fee Schedule shall be paid whenever the annual fee for a renewal is paid on or after April 1 of the permit year. No permit may be issued for any premises upon which three (3) or more dwelling units are located. The cost for a duplicate permit shall be listed in the Fee Schedule.
 3. **Conditions for Issuing and Maintaining of Permit.** Upon application for issuance or renewal, an inspection shall be made to determine compliance with the following provisions:
 - a. All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
 - b. The quarters in which the animals are kept shall be maintained in a clean condition and good state of repair.
 - c. Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein.
 - d. Food supplies shall be stored in rodent-proof containers. Food and water containers shall be kept clean.
 - e. Litter and/or bedding material shall be changed as often as necessary to prevent odor nuisance.
 - f. Feces shall be removed daily from yards, pens and enclosures, and shall be wrapped and stored in tightly covered metal containers until final disposal. Exception may be made for feces which are properly composted in a manner which creates no vermin, odor or aesthetic nuisance.
 - g. Yards, pens, premises and animals shall be kept free of insect infestations.
 - h. No nuisance caused by odor, noise or animals running at large shall be permitted.
 4. **Revocation of Permit.** The Health Commissioner may revoke an animal fancier permit for serious and/or repeated noncompliance with the provisions of this 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 animal health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a reinspection fee as listed in the Fee Schedule.

SECTION 27: **REPEAL** “7.127 Containment Of Dogs” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.127 Containment Of Dogs~~ (Repealed)

1. Definitions.
 - a. Unless otherwise noted in this section, all words and phrases have the same meaning as those found in WAMC 7.125(1).
 - b. "City Officer" means a City employee working within his or her official capacity.
 - c. "Electric Fence" means an electrical system, whether by underground wire or a wireless perimeter, that is designed to keep a pet or other domestic animal within a set of predefined boundaries by using an audible tone, mild electric shock, vibration, and/or similar means, and without the use of an actual physical barrier. An electric fence shall not be sufficient to comport with the requirements of WAMC 7.125(3)(a).
 - d. "Public Right-of-Way" means all of the area dedicated to public use existing between property lines adjacent thereto and is intended to include, but not limited to, roadways, streets, parkways, alleys and sidewalks.
2. Dogs Running At Large. Wis. Stat. 174.042, as it may be amended in the future, is hereby adopted as though fully set forth herein.
3. Containment of Dogs via Electric Fence. Any dog owner who utilizes an electric fence to help contain a dog is required to install, place, or maintain the electronic fence boundary at a distance of at least three (3) feet from any public right-of-way to ensure a safe distance between pedestrians and the dog.
4. Penalty. Any person who violates any part of this section shall forfeit for each violation an amount as indicated in Subsection 7.16, 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.
5. Exemptions. Any dog owner who has installed an electric fence prior to the enactment of this ordinance shall be exempt from the requirements of this section. In order to utilize this exemption to a violation of this section, a dog owner who utilizes an electric fence to contain a dog must provide documentation to the requesting City officer or City Clerk's office, which memorializes the date of installation of the electric fence. Failure to provide documentation will result in this exemption being void. Any alteration, additions, upgrades, or improvements made to the electric fence after the date of enactment of this section shall void this exemption and require the dog owner to comply with the requirements of this section.

SECTION 28: **REPEAL** “7.128 Rabies Control Program” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.128 Rabies Control Program (Repealed)~~

~~Wis. Stat. 95.21, as it may be amended from time to time, is hereby adopted as though fully set forth herein.~~

SECTION 29: **REPEAL** “7.13 Stagnant Water Pits, Holes And Excavations” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.13 Stagnant Water Pits, Holes And Excavations (Repealed)~~

1. Definitions. "Hazardous depression is defined as any excavation, pit, hole, gully, ditch or depression of any nature whatsoever wherein water is accumulated and retained for more than twenty-four (24) hours; or, wherein trash, debris or odorous or otherwise objectionable material accumulates; or, which, in the judgment of the Health Commissioner otherwise constitutes a danger to the public health, welfare or safety. Drainage ditches installed or maintained by the City are not included. "Building Excavation" is defined as the excavation made for the basement or foundation of a building.
2. Public Nuisance. Hazardous depressions are hereby determined to constitute a public hazard and a nuisance.
3. Abatement.
 - a. Hazardous depressions. In all cases where the Health Commissioner finds a hazardous depression constituting a public hazard or nuisance, he shall serve upon the owner of the premises, where located, a notice requiring the abatement thereof within ten (10) days of the date of the notice by filling in the depression, together with such additional measures as are, in the judgment of the Health Commissioner, necessary for abatement. In the event the owner of the premises shall neglect or refuse to abate in the manner prescribed in the notice, the Health Commissioner shall cause the abatement work to be done and the cost thereof, on the Health Commissioner's certificate, shall be assessed against the premises as a special tax and collected as are other special taxes. Filling, in all cases, shall be done with materials and in a manner approved by the Director of Public Works to insure that natural drainage is not unduly blocked or hampered.

- b. Building excavations. Building excavations shall be fenced unless construction commences immediately after the excavation is completed. If a building excavation constitutes a hazardous depression, it shall be subject to abatement by the Health Commissioner, as herein before set forth. Provided, that in any event, if construction on the building excavation is not commenced within six (6) months after breaking ground, the Building Inspector shall serve an order upon the owner of the premises and the holder of any encumbrance of record that the erection of a building begin forthwith or that the excavation be filled within (15) days to lot grade. In the event the owner or encumbrance holder neglects or refuses to abate such hazard or nuisance in accordance with the order, the Building Inspector shall, either through available public agency or by contract or arrangement with private persons, fill the excavation in a manner approved by the Director of Public Works as to drainage, and the cost thereof shall be charged against the real estate and shall be a lien on such real estate and be assessed and collected as a special tax.

SECTION 30: **REPEAL** “7.159 Appeal By Operator” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.159 Appeal By Operator~~ (*Repealed*)

~~Any establishment operator aggrieved by an order of the Department may make appeal to the Public Safety Committee of the Common Council within thirty (30) days after issuance of the order. A written request for appeal, briefly stating the basis upon which it is requested, shall be submitted to the Health Commissioner, who shall notify the Committee of the appeal and schedule a hearing at which the operator has the option of appearing. The Health Commissioner, or a representative, shall attend the hearing but shall have no vote. The findings of the Committee to reaffirm, set aside or modify the order shall be conveyed to the appellant by the Health Commissioner, in writing, within fifteen (15) working days of the hearing.~~

SECTION 31: **REPEAL** “7.16 Penalties” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.16 Penalties~~ (*Repealed*)

~~Every person, firm or corporation convicted of a violation of any of the provisions of this chapter 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 forfeitures and costs, but not in excess of the number of days set forth in sec. 800.095(1)(b)(1) of the Wisconsin Statutes, or by suspension of operating privileges, pursuant to secs. 343.30 and 345.47 of the Wisconsin Statutes. Each and every day during which a violation continues constitutes a separate offense. In addition, where appropriate, legal or equitable actions may be commenced to enjoin any person, firm, or corporation from violating any of the provisions of this chapter.~~

~~{Ord. 6114, 8/2/1994; Ord. 6171, 6/20/1995; Ord. No. O-2008-0054, 5/5/2009; Ord. O-2010-0017, 5/18/2010; Ord. O-2011-0005, 2/1/2011; O-2014-0006, 2/4/2014}~~

SECTION 32: **REPEAL** “7.18 Human Health Hazards” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.18 Human Health Hazards (Repealed)~~

- ~~1. Adoption of State Statutes. Except as otherwise provided herein, the provisions of Wisconsin Statutes Sections 254.55 through 254.595, as amended, relating to the regulation of human health hazards are adopted by reference.~~
- ~~2. Definitions.~~
 - ~~a. "Groundwater" means all water found beneath the surface of the City of West Allis located in sand, gravel, lime, rock or sandstone, geological formations, or any combinations of these formations.~~
 - ~~b. "Human Health Hazard" means a substance, activity or condition that is known to have the potential to cause acute or chronic illness, infectious disease, or death if exposure to the substance, activity or condition is not abated.~~
 - ~~c. "Imminent Health Hazard" means a condition that exists or has the potential to exist which should, in the opinion of the Health Commissioner or designee, be abated or corrected immediately, or at least within a twenty-four-hour period, to prevent possible severe damage to human health and/or the environment.~~
 - ~~d. "Person" means any individual, firm, corporation, partnership, or other organization.~~
 - ~~e. "Pollution" means the contaminating or rendering unclean or impure the air, land, or waters of the City of West Allis, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.~~
 - ~~f. "Stagnant water" means any water that is not continuously in movement by natural or mechanical means that remains in its same location for more than three days.~~

- g. "Wastewater" means water contaminated by waste materials, urine, feces, toilet paper, other human bodily fluids, water from washing or cleaning, or any other material intended to be deposited in a receptor of human waste, industrial waste, sludge, sewage or any combination thereof.
- 3. Prohibition. No person shall create, construct, cause, continue, maintain, or permit any human health hazard or imminent human health hazard within the City of West Allis.
- 4. Responsibility. The property owner is responsible for maintaining the property in a hazard-free manner and for the abatement of any human health hazard or imminent human health hazard that has been determined to exist on the property.
- 5. Human Health Hazards Enumerated. The following acts, omissions, places, conditions, and things are specifically declared to be human health hazards, but such enumeration shall not be construed to exclude other human health hazards:
 - a. Air Pollution. The escape of excessive smoke, soot, cinders, acids, fumes, gases, fly ash, industrial dust, or other atmosphere pollutants that endanger human health or create noncompliance with applicable state or federal regulations.
 - b. Waste. Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, or bird, animal, or human fecal matter that is not stored in a rodent, animal, and insect-proof container.
 - c. Holes and Openings. Any hole or opening caused by an improperly abandoned cistern, septic tank, or well; or any improperly abandoned, barricaded, or covered up excavation.
 - d. Unburied Carcasses. Carcasses of animals, birds, or fish not intended for human consumption or food, which are not buried or otherwise disposed of in a sanitary manner within 48 hours after death.
 - e. Breeding Places. Stagnant water, rotting lumber, bedding, packing material, scrap metal, or any material or substance in which flies, mosquitos, or disease-carrying insects, rats or other vermin can breed, live, nest or seek shelter.
 - f. Solid Waste. Any solid waste, as defined in Wisconsin Statutes Section 289.01(33), which is stored or disposed of in noncompliance with Chapter NR 500 of the Wisconsin Administrative Code.
 - g. Toxic and Hazardous Materials. Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that is or has the potential to create a health hazard.
 - h. Groundwater Pollution. Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to the chemical and/or biological substances listed in Chapter NR 809 of the Administrative Code titled "Safe Drinking Water."
 - i. Private Water Supply. Any private well that is constructed, abandoned or used and/or any pump installed in non-compliance with Chapter NR 812 of the Wisconsin Administrative Code.
 - j. Noxious Odors. Any use of property, substance or device that emits or causes any foul, offensive, noxious, or disagreeable odor deemed repulsive to the

- physical senses of ordinary persons or to the public as a whole.
- k. Wastewater. The presence of wastewater or sewage effluent from buildings on any exposed ground surface, caused by a damaged, malfunctioning, improperly constructed or inadequately maintained private sewage system or private sewage lateral; also any wastewater or sewage effluent that is not handled and disposed of in compliance with all applicable county and state codes.
 - l. Nonfunctioning and maintenance of building fixtures, including nonfunctioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to ensure a sanitary condition in a public building; any public restroom which is soiled by human waste or other waste and maintained in a filthy and/or unclean manner.
 - m. Unhealthy or Unsanitary Condition. Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy, and unfit for human habitation, occupancy, or use or renders any property unsanitary or unhealthy.
 - n. Surface Water Pollution. The pollution of any stream, lake or other body of surface water within the City of West Allis that creates noncompliance with Chapters NR 102 and NR 103 of the Wisconsin Administrative Code.
6. Inspection. The Health Commissioner or designee may inspect or cause to be inspected any property where a human health hazard or immediate human health hazard is suspected to exist.
7. Enforcement. If the Health Commissioner or designee finds a human health hazard, the hazard shall be ordered abated or removed within a reasonable time period. Notice of the abatement order shall be mailed to the property owner and occupant by certified mail, return receipt requested. Such notice shall be in writing and include a description of the real estate involved, a statement of violations, the corrective actions required, and the penalty for failure to comply with the order. Additionally, the Health Commissioner may post the abatement order on the affected property.
8. Designation of Unfit Building. If the Health Commissioner or designee discovers an unfit dwelling, dwelling unit, building, or section of a building, the Health Commissioner or designee shall designate it as a human health hazard and placard it with a sign, at each entrance or exit to it, stating that it may not be used for human habitation, occupancy, or use. The following conditions shall constitute grounds for declaring a dwelling, dwelling unit, building or section of a building unfit, but such enumeration shall not be construed to exclude other conditions:
- a. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - b. One which lacks sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - c. One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
 - d. One which has been implicated as the source of a confirmed case of asbestosis.
 - e. One which has been confirmed to be a lead hazard, as defined in Wisconsin

Statutes Section 254.11(8g); is the residence of an individual with a confirmed case of lead poisoning, as defined in Wisconsin Statutes Section 254.11(9); and is unlikely to have the lead hazard be adequately and safely temporarily contained, in the opinion of the inspector, until lead hazard abatement occurs.

- f. One which lacks potable water or a properly functioning septic system or well or an adequate and functioning heating system.

9. Occupation of Unfit Building.

- a. No person shall continue to occupy, rent, or lease a dwelling, dwelling unit, building, or section of a building for human habitation or occupancy which are declared unfit for human habitation or occupancy by the Health Commissioner or designee.
- b. Any dwelling, dwelling unit, building, or section of a building condemned as unfit for human habitation or occupancy, and so designated and marked by the Health Commissioner or designee, shall be vacated within a reasonable time, as specified by the Health Commissioner or designee.
- c. No dwelling, dwelling unit, building, or section of a building which has been condemned and marked as unfit for human habitation or occupancy shall again be used for human habitation until written approval is secured from and such placard is removed by the Health Commissioner or designee. The Health Commissioner or designee shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.
- d. No person shall deface or remove the Health Commissioner's placard from any dwelling, dwelling unit, building, or section of a building which has been condemned as unfit for human habitation or occupancy.
- e. No person shall enter or remain in a dwelling, dwelling unit, building, or section of a building that has been condemned and placarded as unfit for human habitation without the written permission of the Health Commissioner or designee. Any person granted permission shall comply with the permission conditions.

10. Abatement. If the owner or occupant fails to comply in the time specified in the order, the Health Commissioner or designee or a person working on the City's behalf may enter the property to abate or remove the human health hazard pursuant to the procedures of this section or any applicable state statutes. 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, occupant, and/or person who has caused or permitted the nuisance and placing the expenses on the property tax roll if said expenses are not paid within thirty (30) days, pursuant to Wisconsin Statutes Section 66.0627.

11. Appeal of Order.

- a. For the purposes of this section, pursuant to Wisconsin Statutes Section 68.16, the City of West Allis is specifically electing not to be governed by Chapter 68 of the Wisconsin Statutes.
- b. The owner or occupant of the property determined to be or containing a

- human health hazard may request a hearing before the Board of Health within seven (7) days of receiving the mailed abatement order. Any request shall be written, shall be filed at the West Allis Health Department, shall explain why the property is not or does not contain a human health hazard, and shall include any evidence that the property owner or occupant wishes to submit in support of the request. Upon receipt of the hearing request, the matter shall be placed on the agenda for the Board of Health to review within thirty (30) days. The appellant shall receive notice of the date, time, and place of the Board of Health meeting by first-class mail at least ten (10) days prior to the date of the meeting. The notice shall also include a notification to the appellant of an opportunity to be heard, respond to, and challenge the abatement order; present and cross-examine witnesses under oath; and be represented by counsel of the appellant's choice and at the appellant's expense.
- c. If the appellant fails to appear at the Board of Health meeting, or if the appellant appears at the Board of Health meeting but no longer wishes to pursue the appeal, the appeal shall be dismissed, and the Health Commissioner or designee may enforce the abatement order. If the appellant appears at the Board of Health meeting and wishes to contest the abatement order, an evidentiary hearing shall be scheduled.
 - d. If the matter proceeds to hearing before the Board, the following procedures shall apply:
 - i. The Health Commissioner or designee shall first present evidence in support of the abatement order.
 - ii. After the Health Commissioner or designee rests, the appellant may present evidence in opposition of the abatement order.
 - iii. The Health Commissioner or designee and appellant may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross-examination.
 - iv. The Health Commissioner or designee and appellant shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Board, extends the time to assure a full and fair presentation.
 - v. Questions by Board members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
 - vi. At the close of testimony, the Health Commissioner or designee and appellant shall be given a reasonable time to make arguments upon the evidence produced at hearing.
 - e. At all stages of the proceedings, the following procedures shall apply:
 - i. The appellant shall be entitled to appear in person or by an attorney of his/her own expense.
 - ii. The Health Commissioner or designee may be represented by a prosecuting City Attorney.
 - iii. The Board 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 Board of Health 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 Board 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. At the close of the hearing, the Board shall deliberate and reach a decision whether to uphold the determination that the property is a human health hazard. The appellant shall be notified in writing of the Board's determination. If the Board upholds the determination that the property is a human health hazard, the property owner or occupant shall comply with the abatement order. If the appellant further contests the determination, the appellant may seek review of the decision with the circuit court within thirty (30) days of the mailing date of the written determination.
- g. If a property owner or occupant does not file a timely written request for a hearing with the Board of Health, the owner or occupant waives the right to assert that the property did not meet the criteria for abatement under this section.

12. Imminent Human Health Hazard Procedure.

- a. If the Health Commissioner or designee determines that an imminent human health hazard exists within the City and that great and immediate danger exists to the public health and safety, the Commissioner or designee may, without notice or hearing, issue an order reciting the existence of an imminent human health hazard constituting imminent danger to the public and requiring immediate action be taken, as s/he deems necessary, to abate the hazard. 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. Such order shall be posted on the property and mailed, by registered mail with return receipt requested, to the owner and/or occupant. In lieu of mailing, the owner and/or occupant may be personally served with the order.
- b. Whenever the owner and/or occupant shall refuse or neglect to remove or abate the condition meeting the criteria set forth in Subsection (12)(a), above, and described in the order, the Commissioner or designee shall, in his/her discretion, or a person working on the City's behalf shall enter upon the premises and cause the nuisance to be removed or abated. 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, occupant or person who has caused or permitted the nuisance and placing the expenses on the property tax roll if said expenses are not paid within thirty (30) days, pursuant to Wisconsin Statutes Section 66.0627.

13. Additional Enforcement. In addition to the penalties listed within this section, the City Attorney or designee or the Health Commissioner or designee may pursue a nuisance enforcement action against a person creating, maintaining, or permitting an imminent human health hazard or human health hazard under Chapter 18 of this Code or Wisconsin Statutes Chapter 821; a human health hazard action under Wisconsin Statutes Section 254.595; or any other legal or equitable action allowed by law.
14. Right of Health Commissioner or Designee to Inspect and Suspend Work. To ensure that abatement or correction is being properly remedied and performed in a safe manner or for any other reason, the Health Commissioner or designee may inspect the property at reasonable times and order work or abatement procedures be suspended, if necessary, to investigate or review the condition or abatement progress.
15. 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. O-2017-0038, 9/19/2017}~~

SECTION 33: **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. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

From: [Marissa Nowling](#)
To: [Tracey Uttke](#); [Clerk - Shared](#)
Subject: Fw: O-2025-0028
Date: Tuesday, April 15, 2025 4:18:39 PM

For inclusion tonight?

Get [Outlook for iOS](#)

From: Carl Skroback <skroback_carl@yahoo.com>
Sent: Tuesday, April 15, 2025 4:16 PM
To: Chad Halvorsen <CHalvorsen@westalliswi.gov>; Marissa Nowling <MNowling@westalliswi.gov>
Subject: O-2025-0028

Warning: Unusual sender <skroback_carl@yahoo.com>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Good afternoon. Today I am emailing both of you on behalf of my wife and myself. We have lived in District 2 since 1998.

Our focus is primarily on Section 7.24 (3) of the proposed Ordinance O-2025-0028.

While we understand the need and desire for reasonable garbage collection service in return for the hauling fee paid through our water bill, we don't understand how the residents as a whole should be responsible for the costs incurred to remove excess waste from a small percentage of our neighbors.

Each single family household can have up to two 96 gallon carts of garbage collected every week. This is more than enough for most of the residents. Yet, there are some that routinely have overflowing garbage carts with excess on the ground. Why should everyone else accept the burden and pay for their excess? They willingly brought (or paid for delivery) those items into their home. They should be individually responsible to incur the cost of disposal.

I mentioned earlier that we have lived here since 1998. In that time, we have observed a decline in how properties are maintained. It used to be that you would only see carts out for collection. Now, you see an uptick in houses with carts AND other items outside of the cart waiting for pickup. Not only is this unsightly, it causes more litter as rodents get to the garbage and debris blows around.

Please oh please, do our community right by having the ordinance reworded so that ALL garbage must be contained inside the carts at all times. Anything outside of the cart will result in a fee. After all, each household can bring up to 1 cubic yard of garbage to the city yard each day it is open for NO FEE! Isn't that more than reasonable already?!

Help spur our city to not only look better, but be more cost effective.

Thank you!

[Sent from Yahoo Mail for iPhone](#)

**CITY OF WEST ALLIS
ORDINANCE O-2025-0028**

**ORDINANCE TO REPEAL AND RECREATE PROVISIONS RELATED TO
PUBLIC HEALTH, SANITATION, AND ANIMALS**

REPEALING AND RECREATING CHAPTER 7

WHEREAS, WAMC Chapter 7 contains outdated language and laws; and

WHEREAS, the common council desires to update the code over time to use more modern language and contemporary rules;

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

SECTION 1: **AMENDMENT** “7.19 Coal Tar Sealant Products” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.19 Coal Tar Sealant Products

1. Definitions. In this section:
 - a. “Coal tar sealant product” means a surface-applied sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, or any variation assigned the Chemical Abstracts Service (CAS) number 65996-93-2, 65996-89-6, or 208007-45-2.
 - b. “High PAH sealant product” means a surface-applied sealing product that contains more than 0.1 percent polycyclic aromatic hydrocarbons by weight.
2. Prohibitions.
 - a. No person may sell or offer for sale a coal tar sealant product or high PAH sealant product, except as provided in sub. (3).
 - b. No person may apply a coal tar sealant product or high PAH sealant product, except as provided in sub. (3).
3. Exemptions. The city engineer may grant an exemption to the prohibitions under sub. (2) to any of the following upon written request:
 - a. A person who is researching the effects of a coal tar sealant product or high PAH sealant product on the environment.
 - b. A person who is developing an alternative technology if the use of a coal tar sealant product or high PAH sealant product is required for research or development~~Whereas, the City of West Allis finds that the City's water resources are a natural asset, which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general~~

health and welfare of the public; and Whereas, the City finds that polycyclic aromatic hydrocarbons (PAHs), which are contained in coal tar sealants and other high PAH sealants, volatilize off sealed pavement and can be inhaled by humans and animals; are broken down by sunlight and abraded by vehicle and foot traffic; can be carried off of sealed pavement as small particles by that same traffic and transported into homes and onto nearby soils; and can be carried by stormwater and other runoff into the water resources of the City; and Whereas, PAHs are an environmental concern because they are toxic to aquatic life, resulting in a loss of species and a lower number of organisms; and Whereas, PAH compounds have been proven to be carcinogenic, mutagenic, and teratogenic to humans according to the International Agency for Research on Cancer; individuals with lifelong exposure to coal tar sealcoat treated pavements and playgrounds have a thirty-eight fold higher risk of cancer; and the American Medical Association therefore advocates for legislation to ban the use of pavement sealcoats that contain PAHs or require use of sealcoat products that contain minimal PAH; and Whereas, environmental impacts and human health risks can be minimized and pavements can be maintained by utilizing alternative products or methods, absent PAHs; and Whereas, the following studies support the City's findings with regard to PAHs: Whereas, the City also finds based on said studies that regulating the amount of contaminants, including PAHs contained in coal tar sealant products and other high PAH sealant products, entering the water resources of the City will improve and protect public health and the water quality of the City and neighboring water resources; Now, therefore, the Common Council of the City of West Allis do ordain as follows: Definitions. Enforcement. Violations of this section will be enforced by the Health Department, Police Department and City Attorney's office. Regulation of the Application and Sale of Coal Tar or Other High PAH Sealant Products. That PAHs, which are contained in coal tar sealants and other high PAH sealants, volatilize off sealed pavement and can be inhaled by humans and animals; are broken down by sunlight and abraded by vehicle and foot traffic; can be carried off of sealed pavement as small particles by that same traffic and transported into homes and onto nearby soils; and can be carried by stormwater and other runoff into the water resources of the City of West Allis. PAHs are an environmental concern because they are toxic to aquatic life, resulting in a loss of species and a lower number of organisms. Environmental impacts and human health risks can be minimized and pavements can be maintained by utilizing alternative products or methods, absent PAHs. That regulating the amount of contaminants, including PAHs contained in coal tar sealant products and other high PAH sealant products, entering the water resources of the City will improve and protect public health and the water quality of and neighboring water resources; and PAH compounds have been proven to be carcinogenic, mutagenic, and teratogenic to humans according to the International Agency for Research on Cancer; individuals with lifelong exposure to coal tar sealcoat treated pavements and playgrounds have a thirty-

eight-fold higher risk of cancer; and the American Medical Association therefore advocates for legislation to ban the use of pavement sealcoats that contain PAHs or require use of sealcoat products that contain minimal PAH. Baldwin AK, Corsi SR, Lutz MA, Ingersoll CG, Dorman R, Magruder C, Magruder M. (2017). Primary sources and toxicity of PAHs in Milwaukee-area streambed sediment. *Environmental Toxicology & Chemistry* 36: 1622-1635. US Environmental Protection Agency, Office of Research and Development, (2011), "Assessment of Water Quality of Runoff from Sealed Asphalt Surfaces". Van Metre PC and Mahler BJ. (2014). PAH concentrations in lake sediment decline following ban on coal-tar-based pavement sealants in Austin, Texas. *Environmental Science and Technology* 48: 7222-7228. Van Metre PC, Mahler BJ. (2010). Contribution of PAHs from coal-tar pavement sealcoat and other sources to 40 U.S. lakes. *Science of the Total Environment* 409: 334-344. Williams ES, Mahler BJ, Van Metre PC. (2012). Coal-tar pavement sealants might substantially increase children's PAH exposures. *Environmental Pollution* 164: 40-41. COAL TAR is a by-product of the process used to refine coal. Coal tar contains high levels of PAHs. COAL TAR SEALANT PRODUCT means a pavement sealant product that contains coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, Refined Tar or any variation assigned the Chemical Abstracts Service (CAS) Numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2 or related substances. HIGH PAH SEALANT PRODUCT means any pavement sealant product that contains greater than 0.1% PAHs by weight, including, but not limited to, coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the Chemical Abstracts Service Number 64742-90-1, 69013-21-4 or related substances. PAVEMENT SEALANT PRODUCT, or sealcoat, is any substance that is typically applied on paved surfaces to protect the surfaces. This may include but is not limited to sealant products that are coal tar or asphalt based. POLYCYCLIC AROMATIC HYDROCARBONS (PAHs) are a group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life. DIRECTOR means the Health Commissioner of Health Department. Except as provided in Subsection (5), no person shall apply any coal tar sealant product or high PAH sealant product within the City. No person shall sell, offer to sell, or display for sale any coal tar sealant product or high PAH sealant product within the City. No person shall allow a coal tar sealant product or other high PAH sealant product to be applied upon property that is under that person's ownership or control. No person shall contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the City. No commercial applicator, residential or commercial developer, or other similar individual or organization shall direct

~~any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the City. Exemptions. The Health Commissioner may exempt a person from a requirement of this section if the Health Commissioner determines that the person is conducting bona fide research concerning the effects of a coal tar sealant product or high PAH sealant product on the environment; the use of the coal tar product or high PAH sealant product is required for said research; and the Health Commissioner determines that said research will not cause significant contamination of the surrounding environment, including soils and aquatic ecosystems, and will not unduly endanger human health.~~

4. Penalty.

- a. Any person who violates this section shall be subjected to forfeiture not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).
- b. Each day that a violation occurs or continues is a separate offense and subject to an additional fine. Each incidence of a violation shall constitute a separate offense. Upon default of payment, the violator shall be subject to imprisonment in the Milwaukee House of Correction or Milwaukee County Jail until payment of such forfeiture and costs are paid but not in excess of the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes.

~~{Ord. O-2018-0020, 5/15/2018}~~

SECTION 2: **ADOPTION** “7.20 Smoking and Vaping” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.20 Smoking and Vaping(Added)

1. State Smoking Law Adopted. Wis. Stat. 101.123 is adopted as though fully set forth herein.
2. Additional Smoking Regulations. To protect the health and comfort of the public and pursuant to Wis. Stat. 101.123(4m), no person may smoke in the following locations:
 - a. On public property within 25 feet of an enclosed place where smoking is prohibited. Notwithstanding this provision, the person in charge of a restaurant, tavern, private club, or retail establishment may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.
 - b. The Farmers Market at 6501 West National Avenue and the sidewalk surrounding the Farmers Market.

- c. Any premises owned or rented by, or under the control of, a school board when the use of all tobacco products on that premises is prohibited under Wis. Stat. 120.12(20).
- d. Within the fenced area of the Liberty Heights Pool located at 1540 South 62nd Street.
- e. On public property that is within 100 feet of any playground equipment owned or maintained by the state, City, or a school district.
- 3. Regulation of Hookahs and Similar Devices. While in a location where smoking is prohibited, no person may inhale or exhale smoke from any hookah or other device used to burn plant products intended for inhalation.
- 4. Regulation of Electronic Vaping Devices. While in a location where smoking is prohibited, no person may inhale or exhale vapor from any electronic vaping device, as defined in Wis. Stat. 134.65(1a)(b).
- 5. Responsibility of Person in Charge
 - a. No person in charge may allow any person to violate subsections (2)-(4) at a location that is under the control or direction of the person in charge.
 - b. A person in charge shall make reasonable efforts to prohibit persons from violating subsections (2)-(4) by doing all of the following:
 - i. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
 - ii. Refusing to serve a person, if the person is violating subsections (2)-(4) in a restaurant, tavern, or private club.
 - iii. Asking a person who is violating subsections (2)-(4) to refrain from doing so and, if the person refuses to do so, asking the person to leave the location.
 - iv. If a person refuses to leave a location after being requested to do so as provided above, the person in charge shall immediately notify an appropriate law enforcement agency of the violation.
- 6. Penalties
 - a. For any violation of subsection (1), the penalties under Wis. Stat. 101.123(8) are hereby adopted as though fully set forth herein.
 - b. Any person who violates subsection (2)-(4) shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation.
 - c. Any person in charge who violates sub. (5) shall be subject to a forfeiture of \$100 for each violation.
 - i. For violations subject to the forfeiture under this paragraph, if the person in charge has not previously received a warning notice for a violation of subsection (5), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
 - ii. No person in charge may be required to forfeit more than \$100 in total for all violations of sub. (5) occurring on a single day.

SECTION 3: ADOPTION “7.21 Animals” of the City Of West Allis
Municipal Code is hereby *added* as follows:

ADOPTION

7.21 Animals(*Added*)

1. Keeping of Wild Animals

- a. Prohibition. Pursuant to Wis. Stat. 169.43, no person may own, possess, keep, harbor, sell, or have custody or control of a live wild animal except as allowed below. Any person who violates this provision shall pay a forfeiture of not more than \$1,000.
- b. Exceptions. A person may own, possess, keep, harbor, or have custody or control of a live wild animal if any of the following applies:
 - i. The act is authorized by state law.
 - ii. The animal cannot survive living outside of water.
 - iii. The person is any of the following:
 - (1) An agent of an institution accredited by the American Zoo and Aquarium Association
 - (2) A licensed veterinarian
 - (3) An agent of a licensed veterinary hospital or clinic, a licensed circus, a licensed or accredited research or medical institution, or a licensed or accredited educational institution.
 - (4) An agent of any government-owned or -operated facility
 - (5) A holder of a valid federal permit to possess a particular wild animal
 - (6) Temporarily transporting a wild animal through the City if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent the animal from escaping.

2. Keeping of Domestic Animals

- a. Prohibition No person may own, possess, keep, harbor, or have custody or control of a live domestic animal, as defined in Wis. Stat. 169.01(7) and Wis. Adm. Code ATCP 10.02, except as allowed below. Any person who violates this provision shall pay a forfeiture of not more than \$500.
 - i. A person make own, possess, keep, harbor, or have custody or control of a dog, cat, rabbit, ferret, mouse, rat, gerbil, hamster, guinea pig, chinchilla, fish, insect native to Wisconsin, non-poisonous amphibian, or indoor pet bird, as defined in Wis. Stat. 169.01(25m).
 - ii. A person may own, possess, keep, harbor, or have custody or control of an animal that is a service animal specifically trained to assist a person who has a disability.
- b. The health commissioner has issued to that person an animal fancier license to

- own, possess, keep, harbor, or have custody or control of that domestic animal. The health commissioner may issue a license only upon payment of the fee listed in the Fee Schedule, inspection of the premises where the animal will be kept, a determination that the particular animal will not endanger the applicant or the public, and verification that the applicant has the proper knowledge, facilities, and capacity to contain and properly care for the animal.
3. Quantity Limited. All adult occupants of a dwelling unit shall ensure their dwelling unit harbors no more than 2 dogs and 4 cats within that dwelling unit, unless at least one occupant first obtains a fancier's permit. Any cats or dogs under 5 months of age shall not be counted. No person may own, keep, or harbor more than the number of dogs or cats allowed by an animal fancier license issued to that person.
4. Dog License. Wis. Stat. 174.05 is adopted as though fully set forth herein. The fee for a dog license is established in the Fee Schedule.
5. Cat License.
- a. License Required. The owner of a cat more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the cat becomes 5 months of age, pay the cat license fee and obtain a license. The owner of a cat shall pay the appropriate license fees listed in the Fee Schedule. A person is not required to license a cat if all the following applies:
- i. The person took custody of an abandoned or stray cat on their property.
 - ii. The person delivered the cat to an entity contracting with the City under Wis. Stat 173.15 (1).
 - iii. The entity released that cat under Wis. Stat. 173.23(1m)(a) to the same person who took custody of it.
 - iv. The person paid the full cost of custody, care, vaccination, microchip implanting, spay or neuter surgery, and any other treatment prior to the entity releasing the cat to that person.
 - v. The person relinquishes possession of the cat on the same parcel where the person took custody of it, and
 - vi. No other cat has been released on the parcel.
- b. Term. The license year for cats shall coincide with the license year for dogs.
- c. Issuance and Display of License. Upon payment of the required cat license fee and upon presentation of evidence that the cat is currently immunized against rabies, the city clerk shall complete and issue to the owner a tag for the cat bearing a serial number and stating the date of its expiration, the owner's name and address, and the name, sex, and whether the cat is spayed or neutered. The owner shall securely attach the tag to a collar and place that collar on the cat for which the license is issued at all times except when that a cat is securely confined on private property. In the event that a license tag issued for a cat is lost, the owner may obtain a duplicate tag upon payment of the duplicate tag fee in the Fee Schedule.
6. Animal Fancier License. A person may apply to the health commissioner for an animal fancier license. The applicant or licensee shall pay the appropriate license fees and late

fees listed in the Fee Schedule.

- a. License year. The license year shall coincide with the license year for dogs.
- b. Qualifications. Before issuing an animal fancier license, the health commissioner may conduct an inspection of any premises where an applicant will keep the animal(s) subject to the license determine if the applicant is qualified. To qualify, the applicant shall prove all of the following:
 - i. All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
 - ii. The quarters in which the animals are kept shall be maintained in a clean condition and good state of repair.
 - iii. Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein.
 - iv. Food supplies shall be stored in rodent-proof containers.
 - v. Food and water containers shall be kept clean.
 - vi. Litter and/or bedding material shall be changed as often as necessary to prevent odor nuisance.
 - vii. Yards, pens, premises and animals shall be kept free of insect infestations.
 - viii. No nuisance caused by odor, noise or animals running at large shall be permitted.
- c. Issuance of License. Upon payment of the required animal fancier license fee and verification of the applicant's qualifications, the health commissioner shall issue to the owner an animal fancier license stating the animal(s) allowed, the date of its expiration, and the owner's name and address where the animals will be kept or harbored. In the event that a license is lost, the owner may obtain a duplicate license upon payment of the duplicate license fee in the Fee Schedule.
- d. Revocation of License. The health commissioner may revoke an animal fancier license in the same manner as a business license under WAMC 9.51 if the licensee no longer qualifies under this paragraph.

7. Animal Waste

- a. No person may allow an animal under that person's control to deposit fecal matter on any private property without the permission of the property owner or occupant.
- b. No person may allow an animal under that person's control to deposit fecal matter on any public property, unless that fecal matter is immediately removed.
- c. The owner or occupant of any private property shall remove animal fecal matter has been deposited on that property and properly dispose of it within 24 hours.

8. Local Rabies Control Program. Wis. Stat. 95.21 is adopted as though fully set forth herein.

9. Animals Running At Large. Every person who owns, possesses, keeps, harbors, or has custody or control of an animal shall keep the animal within 6 feet of the person

and under control at all times unless the animal is on private property with the consent of the owner or occupant. Any person who violates this section shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.

10. Feeding Wild Animals. Wis. Adm. Code NR 19.60 is adopted as though fully set forth herein. Any material placed solely for the purpose of attracting and feeding wild birds is a public nuisance if it attract rats, mice, raccoons, squirrels, or other vermin.
11. Penalty. Any person who violates a provision in this section for which no specific penalty is provided shall pay a forfeiture of not more than \$500.

SECTION 4: **ADOPTION** “7.22 Lead Hazards” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.22 Lead Hazards(*Added*)

Lead Poisoning or Exposure Control. Pursuant to Wis. Stat. 254.154, the City shall enforce the same standards for lead poisoning or lead exposure control as those set forth in Wis. Stat. Ch. 254, Subch. II.

SECTION 5: **ADOPTION** “7.23 Noise And Vibration” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.23 Noise And Vibration(*Added*)

1. Enforcement. The local health officer and any law enforcement officer may enforce the provisions of this section. A repeated or ongoing violation of this section is a public nuisance.
2. Noise Regulation. No person may cause or allow any noise tending to unreasonably disturb the peace and quiet of nearby persons unless the noise cannot be prevented or is necessary for the protection or preservation of property or persons.
 - a. The following noises are presumed to be reasonable:
 - i. The noise is specifically allowed by local, state, or federal law.
 - ii. The noise is caused by construction work performed at construction sites between 7:00 a.m. and 10:00 p.m.
 - iii. The person is causing noise by using outdoor property maintenance equipment between 7:00 a.m. and 10:00 p.m.

- 116

hearing:

- i. The mayor or a designee shall describe the variance sought and establish the amount of time for comments by the applicant and the public. Any city staff may provide comments to the council in writing prior to the public hearing, verbally during the beginning of the hearing as the mayor's designee, or verbally during the public comment portion of the hearing.
 - ii. The variance applicant may provide comments to the council.
 - iii. Any member of the public may provide comments to the council.
- d. Recommendation to the Common Council. After the close of the hearing, the Public Safety Committee shall recommend to the council whether to grant a variance permit and, if granted, impose any conditions necessary to protect the public health, safety and welfare, including a schedule for achieving compliance with those conditions, and an expiration date for the permit. 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.
- e. Common Council Determination. The Common Council shall determine whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate.
- f. Revocation. Noncompliance with any conditions imposed on the variance shall be grounds to revoke the permit using the same procedure to revoke a license under WAMC 9.51.
- g. Extension and Modification. Application for extension of time limits or modification of other conditions specified in the variance permit shall be treated like an application for an initial variance.
- 5. Penalties. Any person violating any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$100 nor more than \$500 for each offense. Each day that any violation continues shall be considered a separate offense.
- 6. 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.

SECTION 6: **ADOPTION** “7.24 Solid Waste And Yard Waste” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.24 Solid Waste And Yard Waste(Added)

1. Definitions. All terms and phrases used in state law shall have the same meaning in the context in which they are used in this section. In addition, the following terms have their corresponding meanings in this section:

Term	Meaning
<u>Director</u>	<u>The public works director or their designee</u>
<u>Eligible properties</u>	<u>Detached one-family, two-family, and three-family dwellings, condominium units, and attached one-family dwellings that are located within the City of West Allis</u>
<u>Terrace area</u>	<u>The right-of-way between a roadway and a sidewalk. If no space exists between a sidewalk and roadway, the part of the sidewalk closest to the edge of the roadway. If no sidewalk exists, the right-of-way closest to the edge of the roadway but not extending into the roadway.</u>

2. Designation. The director is authorized to enforce the provisions of this section.

3. Services Funded by the General Tax

- a. Solid Waste Collection. Based on the schedule determined by the board of public works, the director shall collect solid waste from eligible properties that desire the service, and that service shall be funded by the general tax upon the property of the City if all the following applies:

- i. The solid waste is contained in a receptacle approved by the director or properly presented for bulk pickup. Any object presented for bulk pickup may be removed and discarded. Solid waste is properly presented for bulk pickup if all the following applies:

- (1) All solid waste outside the approved receptacle does not exceed a combined 1 cubic yard in volume.
- (2) The solid waste is no more than 3 objects presented in a manner that they can each be removed or emptied by a single person with ordinary effort.
- (3) The solid waste is presented in a manner that ensures it will not be a source of food or harborage for rodents.
- (4) The solid waste is presented in a manner that does not pose a threat of injury to persons or property.
- (5) No object exceeds 50 pounds in weight.

- ii. There are no more than 2 city refuse receptacles and 2 city recycling receptacles per residential unit served.
- iii. All solid waste presented is in a condition so that no dust, ash, liquid, pet waste, or other material leaks out of the receptacle or into the air when the receptacle is tipped into the vehicle collecting that solid waste.

- iv. The solid waste is placed at or near the collection point.

- (1) The collection point for properties abutting an alley is on or near the property line abutting that alley.
 - (2) The collection point for properties not abutting an alley is on the terrace area or driveway apron adjacent to but not extending into the roadway.
 - v. The receptacle is airtight, watertight, and otherwise in a condition that prevents animals from accessing the contents of the receptacle.
 - vi. The receptacle is readily accessible without interference due to vehicles, snow, or other obstructions and presented with the lid closed and its lid hinge located opposite the alley or roadway.
 - vii. Recyclable solid waste is stored within a recycling receptacle, and nonrecyclable solid waste is stored within a refuse receptacle. The following materials may not be included in any receptacles:
 - (1) Yard waste
 - (2) Acids
 - (3) Explosives and ammunition
 - (4) Paints, lacquers, and varnishes
 - (5) Liquid fossil fuels or their containers
 - (6) Combustible alloys or chemicals
 - (7) Medical waste, unless contained within a proper separate container designed for that medical waste
 - (8) Feces and pet waste, unless contained within a separate airtight container
 - (9) Lithium ion batteries
 - viii. The receptacle weight is reasonable and evenly distributed so it can be maneuvered for collection service.
 - ix. The solid waste presented for collection does not create a danger for the public or the persons who are collecting that solid waste.
 - b. Yard Waste Collection. Based on the schedule determined by the board of public works and subject to any conditions imposed by the director, the director shall collect yard waste, except grass clippings, from eligible properties that desire the service, and that service shall be funded by the general tax upon the property of the City.
 - i. Leaves. Leaves may be placed up to 12 inches into the roadway next to the curb or on the shoulder if there is no curb.
 - ii. Yard and Garden Debris. Yard and garden debris such as weeds, flowers, vines, and fibrous stems, may be placed on the roadway next to curb or on the shoulder if there is no curb. Any fruit, seed, vegetable, or similar garbage that decomposes quickly or could be a food source for rodents may be composted or properly bagged and placed in a refuse receptacle, but may not be placed on the roadway or shoulder.
 - iii. Brush. Up to 1 cubic yard of clean woody vegetative material such as sticks, branches, and shrubs no greater than 4 inches in diameter may

be placed in the terrace area.

- c. Drop-Off Services. The director may accept solid waste and yard waste, except grass clippings, when delivered to the director's designated site by owners or occupants of eligible properties and may charge the fee established in the Fee Schedule to receive that solid waste or yard waste.
- 4. Services Funded by the Special Charge. The director may impose upon the property served the appropriate fee listed in the Fee Schedule for any of the following.
 - a. Minimum Receptacles. The director shall deliver 1 refuse receptacle and 1 recycling receptacle to any eligible property if the property owner desires City service to remove solid waste from that property.
 - b. Maximum Receptacles. A property owner may acquire additional receptacles but may not possess more than 2 refuse receptacles and 2 recycling receptacles for each residential unit located on an eligible property.
 - c. Replacement Receptacle. When an existing receptacle is not capable of being presented in an airtight, watertight condition, the director may remove the non-functioning receptacle and deliver a replacement receptacle.
 - d. Improperly Presented for Collection. When solid waste or yard waste is presented for collection in a manner that does not comply with this section, the director shall either:
 - i. Collect the improperly presented solid waste or yard waste for a fee,
or
 - ii. Leave the improperly presented solid waste or yard waste in its place and notify the owner or occupant to remove the solid waste and properly dispose of it.
 - e. Ineligible Solid Waste. When solid waste or yard waste that is not eligible for collection services from the City is presented for collection, the director shall either:
 - i. Collect that ineligible solid waste or yard waste for a fee, or
 - ii. Leave the in eligible solid waste or yard waste in its place and notify the owner or occupant to remove the solid waste and properly dispose of it.
 - f. Custom Collection Point. When no occupant in a household is physically able to bring a receptacle to the proper collection point, the director and property owner may agree to utilize a custom collection point on the property that is readily accessible without interference due to vehicles, snow, or other obstructions.
 - g. Overflowing Solid Waste. When any property served by a private refuse and recycling disposal service has a designated waste container that cannot be closed due to excessive solid waste within the container or has solid waste stored outside of the designated waste container, the director or the code enforcement director may cause all solid waste inside and outside that container to be removed. This provision applies to commercial containers located on private or public property, but if the removal is from private property, the director or code enforcement director shall comply with Wis.

Stat. 66.0628(2m) before imposing a fee under this provision.

5. Collection of Fees

a. Notice. Except as required by Wis. Stat. 66.0628(2m), the director may impose the fees above by providing the service with or without advance notice. As soon as practicable after providing the service, the director shall notify the property owner by first class mail or email of the following:

- i. The address of the property served
- ii. The type of service rendered
- iii. The date upon which the service was provided
- iv. The cost allocated for the service
- v. The right to contest the fee.

b. Appeal. The City adopts this appeal process in lieu of the process under Wis. Stat. Ch. 68.

- i. Right to Appeal. An aggrieved person may contest a fee imposed under this section by submitting an appeal to the city clerk no later than 30 days after the date on the notice under par. (a).
- ii. Clerk's Duty. If the clerk receives a timely appeal to any fee imposed under this section, the clerk shall place the appeal on the agenda for the next meeting of the administrative appeal review board.
- iii. Board's Duty. The administrative appeal review board shall hear any appeal of a fee imposed under this section. The board shall first take evidence from the director, and then take evidence from the aggrieved person. Upon receiving all evidence, the board shall determine whether the fee was properly imposed and affirm, modify, or rescind the fee.

c. Special Charge. The director may place a fee on the tax roll as a special charge against the property served if that fee has remained unpaid after 30 days have elapsed since the notice of fee was sent and there is no pending appeal. For any fee imposed under this section that was timely appealed, the director may place that fee on the tax roll as a special charge against the property served only in the amount as it is affirmed or modified by the administrative appeal review board.

d. Fee Cancellation. The director may cancel any fee imposed under this section for good cause. The director shall cancel any fee that is rescinded on appeal.

6. Recycling Program. As a responsible unit under Wis. Stat. 287.09(1)(a), the City maintains the following programs to comply with Wis. Stat. 287.09(2):

a. Solid Waste Management Program

- i. Public Education. The director shall, on a regular basis, inform residents of the City of the reasons to recycle, local opportunities to recycle, and the prohibitions in Wis. Stat. 287.07(3) and (4).
- ii. Recyclable Processing System. The director shall develop a system for the processing and marketing of recyclable materials collected by the City.
- iii. Nonrecyclable Processing System. The director shall develop

provisions for the management of postconsumer waste that is not separated for recycling or recovery consistent with the highest feasible priority under Wis. Stat. 287.05(12).

b. Notices About Electronic Waste. The director shall provide information to City residents about the prohibitions under Wis. Stat. 287.07(5)(a), why it is important to recycle electronic devices, and opportunities available to those persons for recycling electronic devices.

7. Public Nuisance. The following conditions are public nuisances for which property owners have an affirmative duty to prevent and abate. Any person who maintains a public nuisance under this section may be required to forfeit up to \$500 for each violation. Each day for which an ongoing violation continues shall constitute a separate offense. This provision does not preclude the City from taking any other lawful action to abate a public nuisance.

a. Placement for Collection. No property owner may allow a receptacle to be placed at a collection point facing a roadway earlier than 6:00 p.m. on the day prior to a scheduled collection. No property owner may allow a receptacle to remain at a collection point facing a roadway later than 8:00 p.m. on the scheduled day of collection.

b. Storage Location. Except when a receptacle is presented for collection, no property owner may allow a receptacle to be stored on that person's property unless it is screened or otherwise stored inconspicuously from public view from the front setback of the property.

c. Container Size. No property owner may allow more solid waste to be stored outdoors on the property than the amount the receptacles on that property can hold.

d. Compost. Outdoor composts are public nuisances unless the property owner who maintains an outdoor compost complies with the following regulations:

i. The compost area may not pose an attraction or harborage for rodents or otherwise present a health nuisance.

ii. The compost area may not be located in the front setback.

iii. The composting materials may not be located within 25 feet from any dwelling unit on the premises or any adjoining premises and not within 3 feet from any property line.

iv. No more than 3 compost areas may be located on a property, the total of which may not cover more than 25 square feet of the property.

v. No compost area may be more than 4 feet in height.

vi. Composting material shall be well-aerated so as to be free of offensive or noxious odors.

vii. No food waste or other such putrescibles shall be composted.

e. Offensive Waste. No property owner may allow any infectious waste, hazardous waste, or any other substance of offensive odor, or a liquid of a hazardous, flammable or deleterious nature, or other hazardous, nauseous or unwholesome substances, or any dead carcass, animal, fowl, carrion, meat, fish, entrails, manure or pet waste, offal, refuse matter, rubbish, recyclables,

tires, ashes, earth, sand or other substances or material of any kind or nature in or upon any location or container not designed for the purpose of storing or disposing of that substance.

f. Grass Clippings. No property owner may allow grass clippings to be discharged or placed in or upon any public property, or to store grass clippings on private property in such a manner that the grass clippings yield an offensive or nauseous odor.

8. Solid Waste Regulations. Any person who violates this subsection may be required to forfeit up to \$500 for each violation. Each day for which an ongoing violation continues shall constitute a separate offense.

a. Batteries, Major Appliances, and Oil. Wis. Stat. 287.07(1m) is hereby adopted.

b. Failure to Recycle. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any material identified under Wis. Stat. 287.07(3) and (4) that is separated for recycling.

c. Separation of Recyclables. The occupants of single-family residences, buildings containing 2 or more dwelling units, and commercial, retail, industrial and governmental facilities in the City shall separate the materials identified in Wis. Stat. 287.07 (3) and (4) from postconsumer waste.

d. Duty on Multi-Family Dwelling Owners. Owners of buildings containing 5 or more dwelling units shall do all of the following:

i. Provide adequate, separate containers for recycling.

ii. Notify tenants at the time of renting or leasing the dwelling and semiannually thereafter of all recycling requirements.

iii. Provide for the collection of recyclable materials separated from solid waste by the tenants and the delivery of the recyclable materials to a recycling facility.

e. Duty on Other Business Property Owners. Owners of commercial, retail, industrial and governmental facilities shall do all of the following:

i. Provide adequate, separate containers for recycling.

ii. Regularly notify all users and occupants of the facilities of all recycling programs.

iii. Provide for the collection of recyclable materials separated from solid waste by the users and occupants and the delivery of the recyclable materials to a recycling facility.

SECTION 7: **ADOPTION** “7.25 Human Health Hazards” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.25 Human Health Hazards(*Added*)

Per Se Human Health Hazards. Pursuant to Wis. Stat. 254.59(7)(a), the following acts, omissions, places, conditions, and things are specifically declared to be human health hazards under Wis. Stat. 254.59:

1. General. Any substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public.
2. Air Pollution. The escape of excessive smoke, soot, cinders, acids, fumes, gases, fly ash, industrial dust, or other atmosphere pollutants that endanger human health or create noncompliance with applicable state or federal regulations.
3. Waste. Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, or bird, animal, or human fecal matter that is not stored in a rodent, animal, and insect-proof container.
4. Holes and Openings. Any hole or opening caused by an improperly abandoned cistern, septic tank, or well; or any improperly abandoned, barricaded, or covered up excavation.
5. Unburied Carcasses. Carcasses of animals, birds, or fish not intended for human consumption or food, which are not buried or otherwise disposed of in a sanitary manner within 48 hours after death.
6. Breeding Places. Stagnant water, rotting lumber, bedding, packing material, scrap metal, or any material or substance in which flies, mosquitos, or disease-carrying insects, rats or other vermin can breed, live, nest or seek shelter.
7. Solid Waste. Any solid waste, as defined in Wisconsin Statutes Section Wis. Stat. 289.01(33), which is stored or disposed of in noncompliance with Wis. Adm. Code Ch. NR 500.
8. Toxic and Hazardous Materials. Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that is or has the potential to create a health hazard.
9. Groundwater Pollution. Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to the chemical and/or biological substances listed in Chapter NR 809 of the Administrative Code titled "Safe Drinking Water."
10. Private Water Supply. Any private well that is constructed, abandoned or used and/or any pump installed in non-compliance with Chapter NR 812 of the Wisconsin Administrative Code.
11. Noxious Odors. Any use of property, substance or device that emits or causes any foul, offensive, noxious, or disagreeable odor deemed repulsive to the physical senses of ordinary persons or to the public as a whole.
12. Wastewater. The presence of wastewater or sewage effluent from buildings on any exposed ground surface, caused by a damaged, malfunctioning, improperly constructed or inadequately maintained private sewage system or private sewage lateral; also any wastewater or sewage effluent that is not handled and disposed of in compliance with all applicable county and state codes.

13. Nonfunctioning and maintenance of building fixtures, including nonfunctioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to ensure a sanitary condition in a public building; any public restroom which is soiled by human waste or other waste and maintained in a filthy and/or unclean manner.
14. Unhealthy or Unsanitary Condition. Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy, and unfit for human habitation, occupancy, or use or renders any property unsanitary or unhealthy.
15. Surface Water Pollution. The pollution of any stream, lake or other body of surface water within the City of West Allis that creates noncompliance with Wis. Adm. Code Chs. NR 102 and NR 103.
16. Inhabitability Conditions. Any property that has any of the following conditions:
 - a. Lacks hot or cold running water.
 - b. Heating facilities not in safe operating condition or are not capable of maintaining a temperature, in all living areas of the property or unit, of at least 67 degrees Fahrenheit during all seasons of the year in which the property or unit may be occupied. Temperatures in living areas shall be measured at the approximate center of the room, midway between floor and ceiling.
 - c. Not served by electricity, or the electrical wiring, outlets, fixtures, or other components of the electrical system are not in safe operating condition.
 - d. Any structural or other conditions that constitute a substantial hazard to the health or safety of the tenant, or create an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the property or unit other than negligent use or abuse of the property or unit by a tenant.
 - e. Not served by plumbing facilities in good operating condition.
 - f. Not served by sewage disposal facilities in good operating condition.
 - g. Lacks working smoke detectors or carbon monoxide detectors.
 - h. Infestation of rodents or insects.
 - i. Excessive mold.

SECTION 8: **ADOPTION** “7.99 Penalty” of the City Of West Allis
Municipal Code is hereby *added* as follows:

ADOPTION

7.99 Penalty(*Added*)

Unless a specific penalty is prescribed, any person who violates any provision of this chapter or willfully violates or obstructs the execution of Wis. Stat. Ch. 252, Wis. Adm. Code Ch. DNS 145, any state statute or rule that relates to the public health, county ordinance that relates to the public health, or order from the state department of health shall forfeit not more than \$500.

SECTION 9: **REPEAL** “7.01 City Health Commissioner” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.01 City Health Commissioner (Repealed)~~

1. How Appointed. See Section 2.24 of this Code.
2. Powers and Duties. **[Ord. 6075, 2/16/1994]**
 - a. State Regulations. The Health Commissioner of the City shall have the powers and duties provided in Sec. 251.06(3) of the Wisconsin Statutes, the rules and regulations of the State Department of Health and Social Services, the regulations of the West Allis Board of Health and the ordinances of the City.
 - b. General Powers. In addition to the powers and duties set forth in Chapter 251 of the Wisconsin Statutes, the Health Commissioner shall:
 - i. Make an annual survey and maintain a continuous sanitary supervision over his territory.
 - ii. Make a sanitary inspection periodically of all school buildings and places of public assemblage, and report thereon to those responsible for the maintenance thereof.
 - iii. Promote the dissemination of information pertaining to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.
 - iv. Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
 - v. Keep and deliver to his successor a record of all official acts.
3. Right to Enter Premises. The Health Commissioner, and any persons acting under him, is hereby authorized to enter into and examine, at any time, all buildings, lots and places of all descriptions, within the City of West Allis, for the purpose of ascertaining the condition thereof, so far as the public health may be affected thereby, and it shall be the duty and right of said Health Commissioner to enter and examine, or cause to be entered and examined, all such buildings, lots and places for the purpose of ascertaining the condition thereof, so far as public health may be affected thereby, and whenever, in his judgment, he shall deem it necessary.
4. Assistance From Police and Others. The police and all magistrates and other civil officers and all citizens shall aid, to the utmost of their power, the Health Commissioner in the discharge of his duties and, on his requisition, the Chief of Police shall serve or detail one or more policemen to serve the notices issued by the Commissioner and to perform such other duties as he may require.
5. Interfering With Commissioner. No person, firm or corporation shall resist or obstruct the Commissioner of Health, or any of his assistants, while in the discharge of any

duty, or who shall refuse or neglect to obey any direction given by the said officer, or his agents, in matters pertaining to his duties.

SECTION 10: **REPEAL** “7.02 Contagious Diseases” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.02 Contagious Diseases~~ (*Repealed*)

1. Definition. Communicable diseases. Such diseases as are, in fact, communicable, and so determined by the State Board of Health, by rule, shall be within the term "communicable disease," as used in this section.
2. Contact Cases in Schools. Upon the appearance of any dangerous communicable disease, the local Health Commissioner shall give written notice to the principal or teacher of each school, and the librarian of each library, of the names of all families where the disease exists. If the rules of the State Board of Health provide for the exclusion from school of persons who live in homes where such disease exists, the Health Commissioner shall request the principal of the school to exclude from school all such persons, until a written order signed by the Health Commissioner, permitting attendance, is presented. When the principal or teacher of a school has been notified of the prevalence of a dangerous communicable disease in the School District, or when the principal or teacher of the school knows or suspects that a dangerous communicable disease is present in the school, he shall, at once, notify the Health Commissioner who must then investigate the matter.
3. Duty to Report Communicable Diseases. It shall be the duty of every physician called to attend a person sick with any of the diseases declared to be dangerous and communicable by the State Board of Health, within twenty-four (24) hours thereafter, to report, in writing or telephone, the name and residence of such persons to the Health Department of the City; and, where a physician is not called, it shall be the duty of the owner or agent of the building, in which such person resides, or of the head of the family or guardian in which such disease occurs to report, in writing or telephone, the name and residence of the patient to the Health Commissioner.
4. Quarantine and Placarding. When the Health Commissioner shall suspect or be informed of the existence of any communicable disease, he shall at once investigate and make or cause such examinations to be made, as are necessary. The diagnosis (report) of a physician, or the notification or confirmatory consent of a parent or caretaker of the patient, or a reasonable belief in the existence of such disease shall be sufficient evidence; and, having any of these, the Health Commissioner shall immediately quarantine, placard, isolate or require restrictions in such manner and upon such persons and for such time as the State Board of Health provides in its rules. The Health Commissioner shall be responsible for the prompt placing and removal of signs, shall investigate evasion of the laws and rules upon communicable disease and

- shall so act as to protect the public.
5. Interference with Placards. No person shall interfere with or obstruct the Health Commissioner or his duly authorized agent in the posting of any placard stating the existence of a case of any communicable disease in or on any place or premises, or the suspected existence of or contact with any such disease, nor shall any person conceal, mutilate, destroy or remove any such placard, except by the permission of the Health Commissioner. Whenever any duly posted placard has been concealed, mutilated, destroyed or removed, it shall be the duty of the occupant of the premises whereon such placard was posted to immediately notify the Health Commissioner thereof.
 6. Public Funerals Prohibited in Certain Cases. A public or church funeral shall not be held for any person who has died of the communicable diseases designated by the State Board of Health as continuing to be dangerous during the funeral.
 7. Parents Duty to Neglected and Affected School Children. Parents shall not permit children afflicted with a dangerous communicable disease to attend school. Neglect or refusal on the part of any principal or teacher to comply with the requirements of this section shall be sufficient cause for his dismissal.
 8. Enforcement of State Regulations. The statutes of the State of Wisconsin, particularly Chapter 143 thereof, and the regulations of the State Board of Health pertaining to communicable diseases, shall be enforced in the City by the Health Commissioner.

SECTION 11: **REPEAL** “7.03 Health Nuisances” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.03 Health Nuisances~~ (*Repealed*)

1. Nuisance Defined. Whatever is dangerous to human life or health, and whatever renders soil, air, water or food impure or unwholesome; whatever building or part or cellar thereof, if overcrowded, or not provided with adequate means of ingress or egress, or is not sufficiently supported, ventilated, sewerred, drained, lighted or cleaned is hereby declared to be a nuisance and unlawful, and every person having aided in creating or contributing to the same, or who may support or continue to retain any of them shall be guilty of a violation of this section and shall, upon conviction thereof, pay for all the expense of the abatement or removal of any of such nuisances.
2. Inspection of Premises. The Health Commissioner or his agents may enter into and examine any place at any time to ascertain health conditions, and no person shall refuse to allow such entrance at reasonable hours.
3. Abatement or Removal. If a health nuisance be found on private property, the Health Commissioner shall order, in writing, its abatement or removal within twenty-four (24) hours; and, if the owner or occupant fails to comply, he shall be in violation of this subsection, and the Commissioner or his agents may abate or remove the nuisance.

4. **Cost of Abatement.** The cost of abatement or removal of a nuisance by health officers may be collected from the owner or occupant, or person causing, permitting or maintaining the nuisance, or such cost may be charged against the premises and, upon certificate of the health official, assessed against the real estate, as are other special taxes.
5. **Expectorating in Public Places.** No person shall spit, expectorate or deposit any sputum, spittle, phlegm, mucous, tobacco juice or wads of tobacco upon any sidewalk, crosswalk, alley or lane, or upon the floor, stairway, aisle of any theater, public hall or building, lodge hall, hotel or factory or any street car, bus or other public conveyance within the corporate limits of the City.
6. **Maintenance of Privies.**
 - a. **Where Prohibited.** No person, firm or corporation shall build or maintain any privy vault or vaults on any lot, part of lot or land fronting on any street or alley within the corporate limits of the City in which water pipes and sewers have been laid.
 - b. **Restrictions on Location.** Any privy vault or vaults maintained on any lot, part of lot or land fronting on any street, alley or public ground, which is not provided with public sewers and water pipes, shall not be located within four (4) feet of the line of any lot, part of lot or land and shall be maintained water tight and in such sanitary conditions, as required by the Plumbing Inspector.
 - c. **Cleaning.**
 - i. Any person, firm or corporation engaged in the business of emptying, cleaning, covering and removing the contents of any privy vault or cesspool shall obtain a license and perform said work, as required by the rules and regulations of the Commissioner of Health of the City.
 - ii. No owner, occupant or agent of any premises, upon which a privy is maintained, shall be permitted to clean or remove the contents without the aid of a licensed scavenger, unless written permission is obtained from the Commissioner of Health and the work performed in the manner as therein directed.
 - iii. The Commissioner of Health shall order the owner or agent of premises, upon which an offensive privy is maintained, to clean the same within the time directed by said order, and in case the owner or agent cannot be found, the Health Commissioner shall cause such offensive privy to be cleaned and the expense therefor to be collected as in cases of the removal or abatement of nuisances.
7. **Cleaning of Rugs and Carpets.**
 - a. **Restrictions.** No person shall beat, shake or sweep any rugs, carpets, mats or similar articles in any public thoroughfare or in any court or area within fifteen (15) feet of any building or buildings occupied by more than two (2) families.

SECTION 12: **REPEAL** “7.032 Smoking Prohibition In Certain Areas” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.032 Smoking Prohibition In Certain Areas~~ (*Repealed*)

1. Findings. The Common Council of the City of West Allis finds that:
 - a. It is recognized that smoking of cigarettes and tobacco products is hazardous to an individual's health and affects the health of nonsmokers when they are in the presence of smoking.
 - b. Numerous scientific studies have found that tobacco smoke is a major contributor to indoor pollution.
 - c. Reliable scientific studies, including studies conducted by the Surgeon General of the United States, have shown that breathing sidestream or secondhand smoke is a significant health hazard to nonsmokers; particularly to children, the elderly, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.
 - d. Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm.
 - e. Air pollution caused by smoking is an offensive annoyance and irritant and smoking results in serious and significant physical discomfort to nonsmokers.
 - f. The 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 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 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." A study has shown that heavy exposure to electronic smoking device vapor damages DNA in cell cultures and causes genetic instability that may lead to cancer. **[Ord. O-2016-0002,**

7/5/2016]

- g. Research 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. **[Ord. O-2016-0002, 7/5/2016]**
 - h. Electronic smoking devices are currently unregulated and have been proven to emit nicotine, ultra-fine 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. **[Ord. O-2016-0002, 7/5/2016]**
 - i. A Harvard University health study found high levels of diacetyl in 39 of 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. **[Ord. O-2016-0002, 7/5/2016]**
 - j. 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 instance, diethylene glycol, an ingredient used in antifreeze and toxic to humans. **[Ord. O-2016-0002, 7/5/2016]**
2. Purpose. This ordinance is adopted for the purpose of:
- a. Protecting the public health, safety, comfort and general welfare of the people of the City of West Allis.
 - b. Clarifying and expanding upon the state's Smoking Ban Law enacted by 2009 Act 12 under the authority created by subsection 101.123(2)(c) of the Wisconsin Statutes and subsection 101.123(4m) as created by the Act.
 - c. Assisting owners, operators and managers in complying with state law and this ordinance.
3. Definitions. Except as set forth below, the definitions of subsection 101.123(1) of the Wisconsin Statutes are hereby adopted. In this section:
- a. "City Buildings" means all City-owned or operated buildings and those portions of buildings leased or operated by the City.
 - b. "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. **[Ord. O-2016-0002, 7/5/2016]**

- c. "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. **[Ord. O-2016-0002, 7/5/2016]**

- 4. Prohibition Against Smoking. No person may smoke in any of the following:
 - a. Any place prohibited by subsection 101.123(2) of the Wisconsin Statutes, which are expressly adopted and incorporated herein.
 - b. Any City building, including the grounds of the Farmers' Market. The grounds of the Farmers' Market shall include all areas where food is displayed or offered for sale except on dates for events specifically designated by the Common Council as community events. This prohibition shall not apply to designated smoking units of Beloit Road Housing.
 - c. Any enclosed indoor area in any place prohibited by Subsection 101.123(2) of the Wisconsin Statutes.
 - d. Any City park or grounds while being used by the West Allis-West Milwaukee School District for school-related events.
 - e. Within the pool area at the Liberty Heights Pool. The pool area shall include the entire area inside the chain-link fencing. **[Ord. O-2012-0001, 1/17/2012]**
 - f. Within one hundred (100) feet of any playground, equipment, or recreational area owned by the City or the West Allis/West Milwaukee School District specifically designed to be used by children that has play equipment installed. Such prohibition shall not apply to a person located on private property. **[Ord. O-2016-0002, 7/5/2016]**
- 5. Exceptions. The prohibition against smoking shall not apply to any of the following: **[Ord. O-2016-0002, 7/5/2016]**
 - a. Those places or areas set forth in Subsection 101.123(3) of the Wisconsin Statutes.
 - b. For the purpose of smoking electronic smoking device liquids in an electronic smoking device only, premises that are validly licensed under Section 9.74 of the Code as of November 1, 2016, and that prohibit minors from entering or remaining on the premises. Such exception shall become invalid if the premises is no longer validly licensed at any time or is unoccupied for a period greater than one (1) year. **[Ord. O-2016-0044, 9/6/2016]**
- 6. Interpretation. Whenever the provisions of the Wisconsin Statutes and this section conflict, the provisions of this section shall apply.

7. Outside Areas. Any person in charge of a restaurant, tavern, private club, or retail establishment that is subject to this ordinance may designate an outside area that is a reasonable distance from the entrance to said establishment where customers, employees, or persons associated with the establishment may smoke. The designated smoking area shall contain receptacles for trash and cigarette butts and shall be kept in a neat and orderly manner, and all trash or cigarette butts shall be placed in a proper receptacle.
8. Statute Adopted. Except as expressly altered by this section, the provisions of Section 101.123 of the Wisconsin Statutes are hereby adopted and incorporated herein.
9. Penalty.
 - a. Any person who violates Subsection (4) or (7) shall forfeit not less than one hundred dollars (\$100.) nor more than two hundred fifty dollars (\$250.) for each violation.
 - b. Any person in charge who violates Subsection 101.123(2m) of the Wisconsin Statutes shall forfeit one hundred dollars (\$100.) for each violation.
 - c. In addition to the forfeiture, any person who violates the provisions of this ordinance shall pay the costs of prosecution, except for the crime laboratories and drug law enforcement surcharge under Subsection 165.755(1)(a) of the Wisconsin Statutes. Each day of violation shall constitute a separate offense.
10. Enforcement. Prior to issuing a citation to a person in charge for a violation of this ordinance, the Police Department shall first issue a written warning notice. Once a person in charge has been issued a warning, she/he may be issued citations for violations of this ordinance but not to exceed one hundred dollars (\$100.) in total for all violations of Section 101.123(2m) of the Wisconsin Statutes occurring on a single day.
11. No person shall use an electronic smoking device on school grounds. [Ord. O-2016-0002, 7/5/2016]

~~{Ord. O-2010-0016, 6/15/2010}~~

SECTION 13: **REPEAL** “7.033 Toxic Substances” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.033 Toxic Substances (Repealed)~~

1. State Laws Adopted.
 - a. The following provisions of the Wisconsin Statutes, as may be amended from time to time, describing, defining and prohibiting conduct, are hereby adopted by reference and made part of this subsection as if fully set forth herein:
Sec. 254.12- Use or sale of lead-bearing paints.
Sec. 254.154- Local authority.

Sec. 254.166- Response to reports of lead poisoning or lead exposure.

Sec. 254.30- Enforcement; penalties.

2. Definitions: For the purpose of this section, the definitions of words and phrases contained in Chapter 254 of the Wisconsin Statutes, and Chapter 163 of the State of Wisconsin Department of Health Services Administrative Code, as the same may be from time to time amended, are hereby adopted and by reference made part hereof with the same force and effect as if fully set forth herein.
3. Interpretation.
 - a. Whenever the word “department” is used, it shall be taken to mean West Allis Health Department for the purposes of inspection or enforcement; however the City of West Allis does not assume the role of the lead state agency for health risk assessment when promulgating rules, regulations, or limits for testing, testing limits, screening methods, or other analogous duties referenced in Chapter 254 of the Wisconsin Statutes
 - b. Whenever the phrase “may promulgate rules” is used, it shall be taken to mean that the West Allis Health Department will follow the State or Federal established rules or guidelines for the specified testing, action, inspection, or activity.
4. Lead Hazards Prohibited.
 - a. No owner of any premises or dwelling shall create or allow to exist on that property any lead hazard. Upon notification of the existence of a lead hazard at any property, the owner shall abate such hazard within thirty (30) days, or such time as specified by the West Allis Health Department.
 - b. Warning Required. The owner of any premises or dwelling that contains a lead hazard shall post an easily read warning label measuring at least eight (8) inches by ten (10) inches on all outside entrance doors. The warning label shall state: WARNING: LEAD HAZARD. EXTREME DANGER TO CHILDREN AND PREGNANT WOMEN.
5. Abatement. Whenever the West Allis Health Department issues orders to abate a lead hazard, the owner of the premises or dwelling subject to the order shall do all of the following:
 - a. Tenants to be Relocated. Tenants shall be relocated away from any premises where abatement activities are being carried out. Rental payments shall be suspended for the duration of an abatement project on a pro-rata basis.
 - b. Written Plan to be Submitted. A specific written plan for the abatement process shall be submitted to the Health Commissioner prior to commencement of any abatement project. The plan shall outline the scope of the work to be done, how the abatement is to be accomplished, who will be doing the work and how waste will be removed and discarded. When the abatement work is to be done by anyone other than the owner of the property, the Health Commissioner shall require information which demonstrates the competence of that person and may require posting of an appropriate performance bond.
 - c. Site Inspection. The Health Commissioner or designee may inspect premises

- or dwelling at which lead hazard abatement work is being performed at any time during the abatement process. Before the abated premises may be reoccupied, the Health Commissioner shall inspect the premises and perform whatever tests are necessary to assure removal of any lead poisoning hazards.
6. Enforcement; Penalties: The City of West Allis adopts Wisconsin Statute Sec. 254.30.

SECTION 14: **REPEAL** “7.035 Noise Control Regulations” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.035 Noise Control Regulations~~ (*Repealed*)

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, as commercial.
 - 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. "Industrial District" means any area of the City designated on the official West Allis Zoning Map as industrial.
- 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 as residential.
 - v. "Root Mean Square" (hereinafter "RMS") means the square root of the mean-square value of an oscillating waveform, where the mean-square value is obtained by squaring the value of amplitudes at each instant of time and then averaging these values over the sample time.
 - w. "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium resulting in compression and rarefaction of that medium and which propagates at finite speed to distant locations. The description of sound may include any characteristics of such sound, including duration, intensity, and frequency.
 - x. "Sound Level Meter" means an instrument, either Type I or Type II, as defined by the most current ANSI specifications. A sound level meter for purposes of this section shall contain at least an A-scale and both fast and slow response.
 - y. "Sound Pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.
 - z. "Sound Reproduction Device" means any device, instrument, mechanism, equipment or apparatus for the amplification of any sounds from any radio, computer, stereo, CD player, musical instrument, television, loudspeaker or other sound-making or sound-producing device or any device or apparatus for the reproduction or amplification of the human voice or other sound.
 - aa. "Stationary Noise" means noise the source of which is either affixed to or operated upon a fixed point of land, building, or other real property.
 - ab. "VdB" means the vibration level as measured in decibels. The reference velocity in the United States is one (1) micro-inch per second. It is calculated as $VdB = 20 \times \log_{10}(v / (1 \times 10^{-6} \text{ in./sec.}))$, 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	L _v (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 regulations under this section. A new or renewal application for a variance shall be filed with the clerk along with payment of the fee listed on the Fee Schedule. 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. Public Hearing. Upon receiving an application under this subsection, the clerk shall schedule the matter for a public hearing before the common council. The clerk shall notify the variance applicant by mail or email of the hearing at least 10 days before the hearing. The clerk shall notify any property owners within

200 feet of the subject property by mail or email at least 10 days before the hearing.

c. Procedure at Hearing

- i. The mayor or a designee shall describe the variance sought. Then, the variance applicant may provide comments to the council.
- ii. After the variance applicant has an opportunity to comment, any member of the public may provide comments to the council.
- iii. Any city staff may provide comments to the common council in writing prior to the public hearing, verbally during the beginning of the hearing as the mayor's designee, or verbally during the public comment portion of the hearing.
- iv. (Reserved).
- v. The amount of time for comments by the applicant and the public shall be set by the mayor prior to the beginning of the hearing.
- vi. (Reserved).
- vii. (Reserved)

d. Recommendation to the Common Council.

- i. After the close of the hearing, the Public Safety Committee shall recommend to the council a variance permit should be issued and, if issued, impose any conditions necessary to protect the public health, safety and welfare, including a schedule for achieving compliance with any noise and vibration limitations and an expiration date for the permit. 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.

e. Common Council Determination.

- i. (Reserved).
- ii. (Reserved).
- iii. The Common Council shall determine whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate.

f. Revocation. Noncompliance with any conditions imposed on the variance shall be grounds to revoke the permit using the same procedure to revoke a license under WAMC 9.51.

g. Extension and Modification. Application for extension of time limits or modification of other conditions specified in the variance permit shall be treated like an application for an initial variance.

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.

-

SECTION 15: **REPEAL** “7.05 Refuse Collection” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.05 Refuse Collection~~ (*Repealed*)

1. Definitions. As used in this Section.

- a. "Bulk refuse" means solid waste, exclusive of construction waste, which cannot be readily stored in approved containers. It includes, but is not limited to, furniture.
- b. "Commercial" means a business enterprise, except manufacturing, and the activities associated therewith. It includes, for the purpose of this Section, all mixed units (buildings, housing, business and residential), churches, public and parochial education institutions and charitable organizations.
- c. "Commercial container" means a receptacle for the storage of refuse on a multi-family or commercial premises, which is constructed, maintained and located as provided in Subsection (4)(b) below.
- d. "Composting" means a controlled biological reduction of organic yard waste to humus.
- e. "Condominium" means a premises subject to a condominium declaration under Chapter 703 of the Wisconsin Statutes, including household activities associated therewith.
- f. "Construction waste" means solid waste resulting from building construction, alteration or repair.
- g. "Department" means the Public Works Department of the City.
- h. "Director" means the Director of the Public Works Department and his duly authorized deputies and agents. **[Ord. O-2004-0012, 4/5/2004]**
- i. "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.
- j. "Hazardous substance" means the meaning given in Wis. Stats. § 292.01(5).
- k. "Hazardous waste" has the meaning given in Wis. Stats. § 291.01(7).

- l. "Infectious waste" means solid waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. It includes isolation wastes, cultures and stocks of infectious agents and associated biologicals, human blood and blood products, pathological waste, contaminated sharps, contaminated animal carcasses, body parts and bedding.
- m. "Inorganic waste" means concrete, asphalt, brick, block, stone, ground and, for purposes of this subsection, sod.
- n. "Manufacturing" has the meaning given in Wis. Stats. § 70.995(a).
- o. "Multi-family" means a premises improved with a building containing four (4) or more dwelling units, including household activities associated therewith.
- p. "Person" means any person, firm, partnership, association, corporation, company or organization, which is acting as a group or unit.
- q. "Premises" means a designated parcel or tract of land and any buildings and structures thereon, established by plat, subdivision or otherwise as permitted by law, which is used or developed as a unit.
- r. "Refuse" means all components of the solid waste stream including, but not limited to, garbage, rubbish, trash and ashes.
- s. "Residential" means a premises improved with a condominium unit or a building containing three (3) or fewer dwelling units, including the household activities associated therewith.
- t. "Residential container" means a receptacle that is approved and issued by the Department for the storage of residential refuse between collections and required for the collection of residential refuse by the Department.
- u. "Rubbish" means solid waste, excluding ashes and garbage., consisting of both combustible and noncombustible solid waste materials. It is specifically limited to small hand-carried objects which can be readily stored in approved refuse containers.
- v. (Reserved)
- w. "Solid Waste" means garbage, rubbish, ash, bulk refuse, yard and construction wastes and all other unwanted or discarded substances and material resulting from community activities.
- x. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter; however, it does not include stumps, roots or shrubs with intact root balls.

2. Collection.

- a. Paid by General Tax. The Department will collect refuse from residential premises or a detached single-family residential unit on a commercial premises funded through the general tax without a separate fee against the property served, except the Department will not collect refuse under this subsection if that refuse is any of the following:
 - i. Prepared or stored in violation of subsection (3).
 - ii. Collected from a multi-family, commercial, or manufacturing

- premises.
 - iii. Collected from a residential premises or detached single-family residential unit on a commercial premises if that unit is an adult family home under Wis. Stat. 50.01(1) or community-based residential facility under Wis. Stat. 50.01(1g).
- b. Paid by Special Assessment. The Department may collect refuse for a fee or special assessment against the property served for any refuse collection that is not paid by the general tax.
3. Preparation, Storage and Disposal.
- a. Residential. Except as provided in Paragraph (b) below, residential wastes shall be prepared and stored as follows:
 - i. Garbage. Garbage shall be drained of all free liquid and packaged by securely wrapping in several thicknesses of paper, placed in plastic bags or other similar means and stored in residential containers.
 - ii. Rubbish. Rubbish shall be stored in residential containers. Rubbish which may become airborne shall be securely wrapped and/or placed in plastic bags prior to being stored in a residential container.
 - iii. Bulk Refuse. Small amounts of bulk refuse will be removed as ordinary refuse. Furniture and other bulk refuse not conforming to size and weight requirements may be collected, in accordance with Subsection (5) below.
 - iv. Construction Wastes. Small quantities of construction wastes resulting from the direct activity of the owner or occupant of the building shall be collected by the Department if securely tied in compact bundles, where applicable, not exceeding four (4) feet in length and seventy-five (75) pounds in weight. Lumber with protruding nails will not be collected. Construction wastes resulting from the activities of a contractor or other non-occupant of the premises will not be collected by the Department.
 - v. Inorganic Waste. Small quantities of inorganic wastes resulting from the direct activity of the owner or occupant of the property may be collected as part of the normal refuse collection, except as provided for under Subsection (5) below.
 - vi. Yard Waste. Yard waste shall not be collected by the Department. Residents wishing to dispose of certain types of yard waste generated on their properties may do so at a site(s) approved by the Director.
 - vii. Ashes. Ashes and similar material shall be dampened and placed in a secure, disposable container and stored with residential refuse.
 - viii. Animals. Small dead animals shall be enclosed in a plastic bag and placed in a secure cardboard box or other secure, disposable container.
 - ix. Manure and Other Noxious Wastes. Animal and fowl manure and/or other noxious wastes from residential properties shall be prepared and stored as residential refuse. Excessive quantities will not be collected

from residential properties.

x. Deleterious Substances. Any substance whose collection, destruction or disposal would be harmful or dangerous to personnel or equipment shall not be included with refuse for collection. The term "deleterious substances" includes, but is not limited to, acids, blasting material, ammunition, paints, lacquers and varnishes, liquid fossil fuels or their containers, and combustible alloys or chemicals. Such deleterious substances shall be disposed of in accordance with rules promulgated by the Director.

xi. Infectious Wastes. Infectious wastes from residential properties shall not be included with refuse for collection and shall not be collected by the Department. Such wastes shall be prepared and disposed of in accordance with federal and state laws and rules promulgated by the Director.

b. Multi-family, Commercial and Manufacturing. Garbage and refuse shall be stored in commercial containers. All other solid wastes shall be stored in accordance with laws, statutes, ordinances and regulations as applicable.

4. Containers.

a. Weight. The Department may decline to collect refuse from any residential container weighing over 75 pounds.

b. Location. Containers shall be stored on the residential premises where the refuse is generated and not upon any other private property, or any street, alley or other public ground; except as provided herein for refuse collection from the premises. Containers shall not be stored on the front side of any home. All containers shall be placed in one area for collection. If a premise abuts an alley, containers shall be placed at the alley edge for collection. Properties not serviced by an alley collection shall locate refuse containers at the curb/street edge of the property on the scheduled day of collection. The Director may, for a fee listed in the Fee Schedule, pick up refuse containers from another location for any household in which no occupant is physically able to comply with the requirements of this paragraph. Containers shall be readily accessible to collectors without interference due to vehicles, snow or other obstructions. Containers shall not be stored in any location which creates or may create a public health hazard. Containers shall not be placed at the curb for collection before 6:00 p.m. on the day prior to the scheduled day of refuse collection and must be removed by 8:00 p.m. on the scheduled day of refuse collection.

c. Multi-family, commercial and manufacturing containers shall be constructed, maintained and located as follows:

i. Construction. Containers shall be of substantial metal or plastic construction with covers which render the container waterproof.

ii. Location. Containers shall be located on the premises where the waste is generated or other private property in accordance with Chapter 12 of this Code; provided; however, the Board of Public Works pursuant

- to Section 11.165 of this Code may permit containers to be located on public property if a premises does not contain a suitable location for collection as determined by the Board. Containers shall not be located within any building on the premise, unless specific written approval is obtained from the Director.
- iii. Capacity Required. The owner, occupant or managing agent of each premises shall provide sufficient containers to ensure adequate storage capacity for twice the normal collection period.
 - iv. Multiple use. Where multiple businesses located upon a single premises utilize a designated refuse storage container and such properties have more than one refuse container, the names and/or addresses of the businesses must be visibly located on the container assigned for their use.
- d. Special Charge. If a residential property does not have a residential container for refuse collection for each dwelling unit, the City shall furnish to that residential customer a residential container for each dwelling unit and assess the cost thereof as a special charge upon the real estate, pursuant to Wis. Stat. § 66.0627(2).
5. Other Collection. Excessive quantities of refuse or refuse not prepared and stored for collection, as provided in Subsection (2) above, shall not be collected by the Department as part of its regular collection services. The owner or occupant of a premises where any such refuse is stored shall be responsible for its disposal. Such owner or occupant may apply to the Department for special collection of any such refuse, including delivery of such refuse to City collection sites. The Director shall promulgate rules governing special collection services and establish fees based upon actual costs for such services.
6. Composting. Yard waste, as herein defined, may be composted on any residential premises for use on the premises. Compost piles or bins shall be well-maintained so as not to pose an attraction or harborage for rodents or otherwise present a health nuisance. Compost piles or bins for composting shall not be located in front of any building or in any required yard under Chapter 12 and one (1) must be at least twenty-five (25) feet from any dwelling unit on the premises or any adjoining premises and at least three (3) feet from any property line. Each pile or bin may occupy a surface area no greater than twenty-five (25) square feet and may not exceed four (4) feet in height. No more than three (3) such piles and/or bins shall be permitted on any premises. Composted material shall be well-aerated so as to be free of offensive or noxious odors. No food waste or other such putrescibles shall be composted.
7. Public Nuisance. Refuse which is prepared or stored on any premises in a manner which creates or may create a public health hazard, safety hazard or blighting condition is hereby declared to be a public nuisance. The Director or Health Commissioner shall order, in writing, the immediate abatement or removal of any such nuisance. If the owner or occupant of the premises fails to comply with such order within the time prescribed, they shall be in violation hereof and the Director or Health Commissioner may cause the immediate abatement or removal of the nuisance. The

cost of such abatement or removal by the Director or Health Commissioner may be collected from the owner or occupant of the premises or upon certification by the Director or Health Commissioner, assessed for real estate as other special taxes. Such costs shall be in addition to any forfeiture imposed for violation hereof. [Ord. O-2004-0012, 4/5/2004]

8. General Regulations.

- a. It shall be unlawful for a person to place, throw or leave any solid, infectious or hazardous waste, slop, dirty water or other liquid of offensive odor, or a liquid of a hazardous, flammable or deleterious nature, or other hazardous, nauseous or unwholesome substances, or any dead carcass, animal, fowl, carrion, meat, fish, entrails, manure, offal, refuse matter, rubbish, recyclables, yard waste, tires, ashes, earth, sand or other substances or material of any kind or nature in or upon any sewer, stream, ditch or other watercourse, sidewalk, gutter, street, alley or upon any private premises or public place, park or grounds in the City of West Allis.
- b. It shall be unlawful for a person to allow grass clippings to be discharged or placed in or upon any sewer, stream, ditch or other watercourse, sidewalk, gutter, street, alley or upon any public place, park or grounds in the City of West Allis, or to store grass clippings on private property in such a manner that the grass clippings yield an offensive or nauseous odor.
- c. It shall be unlawful for a person to allow any slop, dirty water, or hazardous, flammable or deleterious liquid or any liquid of offensive odor or of otherwise nauseous or unwholesome character, to flow from any premises into or upon any street, gutter, sidewalk, alley, road or other public ground, or upon any vacant land in the City of West Allis.
- d. It shall be unlawful for a person to allow fruit from a tree or a shrub located on such person's premises to drop onto and remain upon any street, gutter, sidewalk, alley, road or other public ground.
- e. It shall be unlawful for a person to pick through, sort, scavenge or remove refuse from any premises in the City of West Allis when such refuse is stored in approved containers or otherwise stored for collection in accordance with this ordinance and any applicable Department rules, unless permission has been first obtained from the owner of the premises. This prohibition does not apply to city employees engaged in the collection process or enforcement of the provisions of this section.

9. Penalties. Any person violating the provision of this section shall be subject to the penalties provided in Section 7.16 of this chapter.

10. Director to Establish Rules. The Department is hereby designated as the agency to administer the provisions of this section, and the Director shall prepare, promulgate and enforce such additional rules, regulations and conditions required by this section or deemed necessary for its implementation. Such rules, regulations and conditions shall be subject to approval by the Board of Public Works and shall be filed with the City Clerk.

11. Applicability. The requirements of this section apply to all persons within the City of

West Allis. All property owners shall ensure that their tenants or occupants comply with this section at the property or properties the owner owns regardless of whether the owner occupies the premises. [Ord. O-2016-0025, 5/3/2016]

~~[Ord. 6129 (repeal and recreate), 10/18/1994; Ord. 6166, 6/20/1995; Ord. 6533 (repeal and recreate), 10/3/2000]~~

SECTION 16: **REPEAL** “7.051 Recycling” of the City Of West Allis
Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.051 Recycling (Repealed)~~

1. Purpose. The purpose of this section is to promote recycling and resource recovery through the administration of an effective recycling program, as provided in § 287.11 of the Wisconsin Statutes, and Chapter NR 544, Wis. Administrative Code. **[Ord. 6534, 10/3/2000]**
2. Statutory Authority. This section is adopted as authorized under § 287.09(3)(b) of the Wisconsin Statutes. **[Ord. 6534, 10/3/2000]**
3. Abrogation and Greater Restrictions. It is not intended by this section to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this section imposes greater restrictions, the provisions of this section shall apply.
4. Interpretation. In their interpretation and application, the provisions of this section shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this section, or in effect on the date of the most recent text amendment to this section.
5. Applicability. The requirements of this section apply to all persons within the City of West Allis. All property owners shall comply or shall ensure that their tenants or occupants comply with this section at the property or properties the owner owns regardless of whether the owner occupies the premises. **[Ord. O-2016-0025, 5/3/2016]**
6. Administration. The Director of Public Works shall administer the provisions of this section.

7. Rules. The Director is hereby authorized to prepare, promulgate and enforce such rules and regulations as may be required or deemed necessary for the administration and enforcement of this section. Such rules and regulations shall be subject to the approval of the Board of Public Works and shall be kept on file in the office of the City Clerk.
8. Definitions. As used in this Section:
- a. "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - b. "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
 - c. "Department" means the Public Works Department.
 - d. "Director" means the Director of Public Works or his agents.
 - e. "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - i. Is designed for serving food or beverages.
 - ii. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - iii. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
 - f. "HDPE" means high-density polyethylene, labeled by the SPI code #2.
 - g. "LDPE" means low-density polyethylene, labeled by the SPI code #4.
 - h. "Magazines" means magazines and other materials printed on similar paper.
 - i. "Major appliance" means a residential or commercial air conditioner, furnace, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, water heater, boiler or dehumidifier.
 - j. "Multiple-family dwelling" means a property containing five (5) or more residential units, including those which are occupied seasonally.
 - k. "Newspaper" means a newspaper and other materials printed on newsprint.
 - l. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties, churches, public and parochial education institutions, charitable organizations and, for purposes of this section, includes all mixed-used facilities (properties or buildings housing business and residential units). This term does not include multiple-family dwellings.
 - m. "Office paper" means high-grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high-grade. This term does not include industrial process waste.
 - n. "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
 - o. "Person" means any person, firm, partnership, association, corporation, company or organization acting as a group or unit, as well as an individual.
 - p. "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
 - q. "Plastic container" means an individual, separate, rigid plastic bottle, can, jar

- or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- r. "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7) of the Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles or high-volume industrial waste, as defined in § 289.01(17) of the Wisconsin Statutes. **[Ord. 6534, 10/3/2000]**
 - s. "PP" means polypropylene, labeled by the SPI code #5.
 - t. "PS" means polystyrene, labeled by the SPI code #6.
 - u. "PVC" means polyvinyl chloride, labeled by the SPI code #3.
 - v. "Recyclable materials" includes lead-acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers, waste tires; and, bi-metal containers.
 - w. "Residential properties" means any property containing four (4) or fewer dwelling units and the household activities associated therewith but does not include any community-based residential facility or adult family home. "Residential properties" also includes properties developed as condominiums.
 - x. "Solid waste" has the meaning specified in § 289.01(33) of the Wisconsin Statutes. **[Ord. 6543, 10/3/2000]**
 - y. "Solid waste facility" has the meaning specified in § 289.01(35) of the Wisconsin Statutes. **[Ord. 6543, 10/3/2000]**
 - z. "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
 - aa. "SPI" means Society of the Plastic Industry.
 - ab. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - ac. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter; however, it does not include stumps, roots or shrubs with intact root balls.
9. Separation of Recyclable Materials. Property owners shall ensure that all tenants and occupants of properties the owner owns comply with this section. Tenants and occupants of residential properties, multiple-family dwellings, and nonresidential facilities and properties shall separate the following materials from post-consumer waste: **[Ord. 6543, 10/3/2000; Ord. O-2016-0025, 5/3/2016]**
- a. Lead acid batteries.
 - b. Major appliances.
 - c. Waste oil.
 - d. Yard waste.
 - e. Aluminum containers.

- f. Bi-metal containers.
- g. Corrugated paper or other container board.
- h. Glass containers.

- i. Magazines.
- j. Newspaper.
- k. Rigid plastic containers made of PETE (#1) and HDPE (#2).
- l. Steel containers.
- m. Waste tires.

In addition to the separation of the above listed recyclables, nonresidential properties shall also separate office paper from the waste stream.

10. Preparation, Storage, and Collection of Recyclable Materials. Once separated in accordance with Paragraph (9) above, recyclable materials, to the greatest extent possible, shall be clean and kept free of contaminants such as food, oil or grease and other nonrecyclable wastes. The Department shall collect recyclable materials from residential properties which are prepared and stored as provided in this subsection. Recyclables which are prepared for collection, as described herein, should be screened from public view. Recyclables placed at the curb or alley edge for collection may not be set out before 6:00 p.m. on the day prior to the scheduled day of recyclable collection. The Director may, for a fee listed in the Fee Schedule, pick up recycling containers from another location for any household in which no occupant is physically able to comply with the requirements of this paragraph.

- a. Aluminum containers, bi-metal containers, glass containers, rigid plastic containers (SPI code #1-2) and steel containers shall be prepared and stored in a container as approved by the Director and placed at the curb or alley edge on the day of collection.
- b. Corrugated paper or other container board shall be flattened, reduced to a size no greater than two feet by two feet (2' x 2'), securely bundled and placed at the curb or alley edge on the day of collection.
- c. Magazines and newspaper shall be securely bundled or contained in a typical Kraft (grocery) paper bag and placed at the curb or alley edge on the day of collection.
- d. Lead acid batteries will not be removed by the Department. Persons shall dispose of such batteries by returning them to a retail distributor or recycling facility.
- e. Major appliances will not be removed by the Department. Persons shall contact a private hauler appropriately licensed by the state for the transfer and disposal of said appliances.
- f. Waste oil must be disposed of at an approved waste oil recovery site.
- g. Yard waste shall be managed in accordance with the provisions of Section 7.05 of this Chapter.
- h. Antifreeze shall be disposed of at a drop-off site designed by the Director.
- i. Waste tires may be returned to the retailer or at a drop-off site designated by

the Director.

- j. The Director shall promulgate rules governing special collection and/or drop-off services and establish fees based upon the actual costs providing such services.

11. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

Owners or designated agents of multiple-family dwellings shall do all of the following to recycle materials specified in Paragraphs (9)(e) through (l):

- a. Provide adequate, separate containers for the recyclable materials.
- b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- c. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

12. Responsibilities of Owners or Designated Agents of Nonresidential Facilities and Properties. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in Paragraphs (9)(e) through (m), including office paper.

- a. Provide adequate, separate containers for the recyclable materials.
- b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- c. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

13. Prohibitions on disposal of recyclable material separated for recycling. **[Ord. 6143, 12/6/1994]**

- a. No person may dispose of, in a solid waste disposal facility or burn in a solid waste treatment facility, any of the material specified in Paragraphs (9)(e) through (m), which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- b. This prohibition may be waived by the Director for specific recyclables, if the Wisconsin Department of Natural Resources has granted a variance in accordance with § 287.11(2m) of the Wisconsin Statutes, or NR 544.14, Wisconsin Administrative Code. **[Ord. 6543, 10/3/2000]**

14. Scavenging. **[Ord. 6143, 12/6/1994]**

- a. It shall be unlawful for any person, other than authorized employees of the

Department, to pick through, sort, scavenge or remove recyclable materials from a private residential property, when such recyclables are sorted and stored for collection as prescribed in this section.

- b. It shall be unlawful for any person other than those approved by the owner or manager to pick through, sort, scavenge or remove recyclable materials from multiple-family dwellings and/or private nonresidential facilities or properties.

15. Enforcement. [**Ord. 6143 (repeal, recreate & renumber), 12/6/1994**]

- a. For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the Department may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties and any records relating to recycling activities, which shall be kept confidential, when necessary, to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Department, who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- b. Any person who violates any provision of this section is subject to a forfeiture, as set forth in Subsection (c). The issuance of a citation or summons and complaint shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation or summons and complaint under this section.
- c. Penalties for violation of this ordinance may be assessed as follows:
 - i. Any person who violates paragraph (13) shall be subject to a forfeiture of fifty dollars (\$50) for the first violation, two hundred dollars (\$200) for a second violation, and not more than two thousand dollars (\$2,000) for a third or subsequent violation.
 - ii. Any person who violates a provision of this section, except paragraph (13), shall be subject to a forfeiture of not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000) for each violation.
 - iii. Each and every day that a violation continues constitutes a separate offense.
 - iv. In addition to the forfeiture, the costs of prosecution shall be imposed; and, in default of payment of said forfeiture and costs, punishment shall be suspension of the defendant's operating privilege, pursuant to secs. 343.30 and 345.47 of the Wisconsin Statutes, or by imprisonment in the Milwaukee County House of Correction or Milwaukee County Jail 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.

~~[Ord. 6114, 8/2/1994]~~

SECTION 17: **REPEAL** “7.055 Waste Oil Receptacle Regulations” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.055 Waste Oil Receptacle Regulations~~ (*Repealed*)

1. Authority of Department. The Director of Public Works may, with the approval of the Board of Public Works, from time to time establish appropriately sited and equipped locations for the depositing of used or waste motor oil for the purposes of disposal of the same.
2. Regulations for Use of Disposal Site.
 - a. Only waste motor oil shall be deposited for disposal at such sites. Other forms of grease or fat shall not be disposed of at such sites.
 - b. All waste oil deposited for disposal at such sites shall be deposited within the receptacle provided. The leaving of waste oil at the disposal site in containers other than the receptacle provided shall be prohibited.
 - c. No person shall spill or cause to be spilled any waste motor oil on the ground, either at such waste oil disposal site or anywhere else in the City of West Allis.
3. Violations of this section shall be punished, as provided by Section 7.16(d) of the Revised Municipal Code.

SECTION 18: **REPEAL** “7.06 Noxious Chemicals” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.06 Noxious Chemicals~~ (*Repealed*)

1. Use of Buildings Regulated. It shall be unlawful to construct, erect or rebuild any building, structure or factory in the City to be used for the purpose of manufacturing or compounding odd chemicals, extracts or any other substances which give off or emit any nauseous or offensive odors or smells, unless a permit therefor is first obtained, as herein provided.
2. Building Permit Required. Application for a permit is to be made to the Building Inspector, who shall issue a permit upon satisfactory proof being filed in his office that all the requirements of the municipal building, electrical, wiring, heating, ventilating and plumbing codes are duly met, and that the safety requirements of the Industrial Commission of the State of Wisconsin are complied with. The Building Inspector shall have the power to impose such additional safeguards and requirements as he deems necessary and advisable to properly protect the inhabitants of the City.

3. Storage Prohibited. It shall be unlawful to use any structure, building or factory in the City for the storing of nitric, sulphuric or other acids or chemicals which emit fumes or vapors injurious to health and comfort of the inhabitants of the City.

SECTION 19: **REPEAL** “7.07 Heating Of Occupied Buildings” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.07 Heating Of Occupied Buildings~~ (*Repealed*)

1. Minimum Room Temperatures.
 - a. Every owner or manager of any apartment, hotel, flat or other building, which is leased or rented for residential occupancy (living and sleeping) within the City, shall and is hereby directed to maintain, or to otherwise make available for optional use by any tenants or occupants, sufficient heat for a minimum temperature of 70° Fahrenheit at a distance three (3) feet above floor level whenever the outside temperature shall fall below 50° Fahrenheit.
 - b. Every owner or manager of hospitals, day care centers, nursing homes, elementary schools or natatoriums within the City shall and is hereby directed to maintain, or to otherwise make available for optional use by any tenants or occupants, sufficient heat to comply with Section Ind. 64.05, Wisconsin Administrative Code.
 - c. Every owner or manager of any building which is leased or rented for any other purpose within the City shall and is hereby directed to maintain, or to otherwise make available for optional use by any tenants or occupants, sufficient heat for a minimum temperature of 63° Fahrenheit at a distance three (3) feet above floor level whenever the outside temperature shall fall below 50° Fahrenheit, except that factories, machine shops, printing establishments and garages shall maintain sufficient heat for a minimum temperature of 56° Fahrenheit.
2. Enforcement by Health Commissioner. It shall be the duty of the Health Commissioner of the City or his duly authorized agents to investigate all complaints pertaining to this section and to prosecute all violations thereof.
3. Emergencies. When emergency conditions are found to exist, the Health Commissioner may, subject to the approval of the Common Council, establish such revisions thereto as he shall deem reasonable and necessary to alleviate any such emergency. Actions under this section shall, when appropriate, take into account the applicable provisions of the state and federal governments, including Section Ind. 64.05, Wisconsin Administrative Code.

SECTION 20: **REPEAL** “7.08 Slaughter Houses And Slaughtering” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.08 Slaughter Houses And Slaughtering~~ (*Repealed*)

1. Slaughter Houses Prohibited. No person, firm or corporation shall keep or maintain any slaughterhouse within the limits of the City.
2. Slaughtering Prohibited. No person, firm or corporation shall slaughter or cause to be slaughtered, within the limits of the said City, any cow, steer, calf or beef cattle, pig, hog, sheep or lamb.

SECTION 21: **REPEAL** “7.09 Sale Of Meat” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.09 Sale Of Meat~~ (*Repealed*)

1. Inspections. No meat, sausage or meat product of any kind used for human consumption shall be sold or offered for sale in the City which has not been slaughtered or processed in a slaughter house regularly inspected by the Federal Bureau of Animal Industry or in a slaughter house subject to regulations and inspections equivalent thereto, and does not bear the stamp of the Bureau or the Inspection Department on each primal part, package or container thereof. The Health Commissioner shall determine what constitutes equivalent regulations and inspections. No unwholesome or tainted meat shall be offered for sale or sold in the City. The Health Commissioner may reject, condemn and seize any and all meat which does not bear the stamp of an inspector of the Federal Bureau of Animal Industry or an equivalent thereto and may condemn and seize any tainted, unwholesome or uninspected meat.
2. Processing of Wild Game. It shall be unlawful for any person, firm or corporation operating a food establishment to cut and process wild game, or to have in their possession any wild game with intent to cut and process such game, unless the following requirements are met:
 - a. Storage is provided in a compartment refrigerated at or below 40° F. from receipt of wild game until delivery. Such refrigerated storage and the cutting and processing of wild game shall be in a compartment separate and distinct from any compartment used for the storage or processing of any other food products; and,

- b. All equipment and utensils used for cutting and processing wild game shall be cleansed before use in connection with other food products.
3. Smoked Fish. No person, firm or corporation shall sell or offer for sale any smoked fish which has been processed more than seven (7) days previously. Unless the date of processing is conspicuously posted at the point of sale, it shall be conclusively presumed that the fish were processed more than seven (7) days previously.

SECTION 22: **REPEAL** “7.10 Food Products Regulations” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.10 Food Products Regulations~~ (Repealed)

1. Authority of Health Officer. The health officer of the City is authorized to make, promulgate and enforce such rules and regulations relative to the manufacture, storage, display, sale, handling and transportation of food and food products as may be necessary to fully protect the same from contamination or other unhealthful or unsanitary conditions.
2. Inspection of Premises. The health officer of the City or his duly authorized agent may enter and examine the premises of any bakery, confectionery, cannery, packing house, candy factory, ice cream factory, ice factory, restaurant, hotel, coffee house, chop house, tea room, grocery, meat market, sausage factory, delicatessen store or other place in which food is prepared, produced, manufactured, packed, stored or served for sale, or any basket, wagon or other vehicle, hand steamer or street stand from which food is vended or peddled.
3. Merchandise Display on Sidewalks. It shall be unlawful for the occupant of any store or place of business in the City to occupy, for the purpose of exhibiting merchandise, any part whatsoever of the public sidewalk in front or adjoining such place of business. "Public sidewalk" is defined to include the entire area dedicated as and for a public sidewalk, including both paved and unpaved portions; provided, however, that upon written application, the Common Council may allow such use of the public sidewalk by special permit. Such special permit shall specify the date, time and place allowed for such use of the public sidewalk and whatever further regulations, terms and conditions may be appropriate for the protection of health and safety. **[Ord. 6434, (deleted 7.11), 5/4/1999]**

SECTION 23: **REPEAL** “7.12 Animals, Fowls And Birds” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.12 Animals, Fowls And Birds (Repealed)~~

~~1. Keeping of Certain Animals Prohibited. [Ord. 6158, 4/18/1995; Ord. O-2015-0014, 2/17/2015]~~

~~a. Definitions.~~

- ~~i. Wild Animal. Those species of animal that are not typically domesticated by humans and usually live in nature. Wild animals include, but are not limited to, animals belonging to any or all of the following orders and families.~~

~~(1) Class Mammalia.~~

~~(A) Order Chiroptera (bats).~~

~~(B) Order Artiodactyla (e.g., hippopotamuses, giraffes, camels, deer, cattle, swine, sheep, goats, alpaca, and llama).~~

~~(C) Order Carnivora.~~

~~(a) Family Felidae (e.g., lions, tigers, cougars, leopards, ocelots, servals), but not domestic cats.~~

~~(b) Family Canidae (e.g., wolves, wolf-dog hybrids, coyotes, foxes, jackals), but not domestic dogs.~~

~~(c) Family Ursidae (e.g., bears).~~

~~(d) Family Mustelidae (e.g., weasels, skunks, martens, minks, wild ferrets), but not the domestic ferret species, mustela putorius furo.~~

~~(e) Family Procyonidae (e.g., raccoons, coatis).~~

~~(f) Family Hyaenidae (e.g., hyenas).~~

~~(g) Family Viverridae (e.g., civets, genets).~~

~~(h) Family Mephitidae (e.g., skunks).~~

~~(i) Family Herpestidae (e.g., mongooses).~~

~~(D) Order Edentata (e.g., anteaters, armadillos, sloths).~~

~~(E) Order Marsupialia (e.g., opossums, kangaroos, wallabies), except sugar gliders.~~

~~(F) Order Perissodactyla (e.g., rhinoceroses, tapirs, horses, donkeys).~~

~~(G) Order Primates (e.g., lemurs, monkeys, chimpanzees, gorillas), except humans.~~

~~(H) Order Proboscidea (e.g., elephants).~~

~~(I) Order Rodentia (e.g., squirrels, beavers, porcupines, prairie dogs), but not guinea pigs, rats, mice, gerbils and hamsters.~~

~~(2) Class Reptilia.~~

- (A) Order Squamata.
 - (a) Family Helodermatidae (e.g., Gila Monsters and Mexican beaded lizards).
 - (b) Family Varanidae (e.g., monitor lizard).
 - (c) Family Elapidae (e.g., coral snakes, cobras, mambas).
 - (d) Family Viperidae (e.g., copperheads, cottonmouths, rattlesnakes).
 - (e) Subfamily Atractaspidinae (e.g., burrowing asps).
- (B) Order Crocodilia (e.g., crocodiles, alligators, caimans, gavials).
- (C) Any constricting snake greater than four (4) feet in length or twenty (20) pounds in weight.
- (D) Any venomous snake.
- (3) Class Aves.
 - (A) Order Falconiformes (e.g., eagles, hawks, vultures).
 - (B) Order Rheiformes (e.g., rheas).
 - (C) Order Struthioniformes (e.g., ostriches).
 - (D) Order Casuariiformes (e.g., cassowaries and emus).
 - (E) Order Strigiformes (e.g., owls).
 - (F) Order Galliformes (e.g., turkeys, chickens).
 - (G) Order Anseriformes (e.g., ducks, geese).
- (4) Class Arachnida.
 - (A) Order Scorpiones.
 - (B) Any of the following members of Order Araneae, Family Therididae:
 - (a) Argentina red widow spider: *Latrodectus coralinus*.
 - (b) Brown widow spider: *Latrodectus geometricus*.
 - (c) Red-black widow: *Latrodectus hasselti*.
 - (d) Red widow spider: *Latrodectus bishop*.
 - (e) Black widow spider: *Latrodectus mactans*.
 - (f) Western widow: *Latrodectus Hesperus*.
 - (C) Brown recluse spider: *Loxosceles reclusa*.
- (5) Class Chilopoda.
 - (A) Any of the following members of Order Scolopendromorpha, Family Scolopendridae:
 - (a) Amazon giant banded centipede: *Scolopendra giganea*.
 - (b) Arizona Tiger Centipede: *Scolopendra viridis*.
 - (c) Florida keys centipede: *Scolopendra*

alternans.

(B) Any other venomous chilopoda that is not native to Wisconsin.

(6) Any species of the class Insecta that is not native to Wisconsin.

(7) Any federal or state endangered or threatened species.

ii. Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.

iii. Possess. To own, possess, keep, harbor, or have custody or control of an animal.

b. Intent. It is the intent of the City of West Allis to protect the public against health and safety risks that wild animals pose to the community. By their very nature, wild animals are potentially dangerous and do not adjust well to a captive environment.

c. Possession of Wild Animals. No person shall possess a wild animal.

i. Exceptions. This subsection shall not apply to institutions accredited by the American Zoo and Aquarium Association, licensed veterinarians, licensed veterinary hospitals or clinics, licensed circuses, licensed or accredited research or medical institutions, licensed or accredited educational institutions, an animal certified as having been specially trained to assist an individual with a disability, any government-owned or -operated facility, volunteers working on behalf of a government-owned or -operated facility, a person with a valid federal permit to possess a particular wild animal, or a person temporarily transporting a wild animal through the City if the transit time is not more than twenty-four (24) hours and the wild animal is at all times maintained within a confinement sufficient to prevent the wild animal from escaping.

ii. Registration. Any person that meets the exceptions listed in Subsection (1)(c) 1 shall register each wild animal that he/she possesses and is kept within the City of West Allis with the Health Commissioner.

iii. Escape. If a wild animal escapes the possession of a person, the person shall notify the West Allis Police Department immediately of the following information: the type of wild animal; a description of the wild animal, including size, color, and name of the animal; the nature of how the wild animal escaped; the name and address of the wild animal's owner or custodian; and the location and time where the wild animal was last observed. If the wild animal returns to the possession of a person after notification to the West Allis Police Department, the person shall notify the West Allis Police Department immediately that the wild animal has returned to the person's possession.

(1) Costs. Upon the escape of a wild animal, any person possessing such wild animal shall be responsible for the costs

of the capture or destruction of the wild animal and any City response to the report of escape.

- d. Keeping of Ferrets. All domestic ferrets kept or harbored in the City of West Allis shall be vaccinated against rabies in compliance with the Compendium of Animal Rabies Control of the National Association of State Public Health Veterinarians. Upon request by a law enforcement officer or employee of the West Allis Health Department, the person owning or keeping the ferret shall demonstrate proof of vaccination.

2. Keeping of Rabbits. **[Ord. 6158, 4/18/95; Ord. O-2015-0014, 2/17/2015]**

- a. Rabbits shall be kept in compliance with the provisions of this subsection. The keeping of more than two (2) adult rabbits in any outside or yard area of any dwelling or any building structure accessory thereto is prohibited. For purposes of this ordinance rabbits shall not be considered adults until they have reached the age of five (5) months.
- b. The Health Commissioner may grant exceptions to the number of rabbits allowed in Subsection (2)(a) on a case-by-case basis upon written application. The Health Commissioner's decision to grant or deny an exception shall be based upon the number of rabbits to be kept; the reason(s) for the request; an informal survey of neighborhood residents; and any other factors the Health Commissioner deems relevant.
- c. Persons to whom an exception is granted are required to obtain a rabbit permit from the Health Department. The cost shall be listed in the Fee Schedule, and the permit shall be for one (1) calendar year. Permits may be revoked or denied renewal for cause. The revocation procedure shall be the same as set forth in Section 9.51 of this Code. Any permittee 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 rabbit health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay the fee listed in the Fee Schedule.
- d. Appeals of the decision of the Health Commissioner shall be submitted in writing to the Public Safety Committee of the Common Council within thirty (30) days of notification of the Health Commissioner's decision. The Public Safety Committee shall schedule a hearing on the matter within thirty (30) days of receiving the appeal. The hearing shall be conducted as set forth in Wis. Stat. Section 68.11. The Public Safety Committee shall issue a written decision within twenty (20) days of completion of the hearing, and a copy of the decision shall be mailed to the appellant. The Public Safety Committee's decision shall be the final determination.

3. Cruelty to Animals Prohibited.

- a. Cruelty Prohibited. No person shall cruelly beat, frighten, overburden or abuse any animal or bird, or use any device or chemical substance, except in connection with efforts to control species determined by the Health Commissioner to be a public health hazard or nuisance, if pain, suffering or death may be caused. Reasonable force, however, may be used to drive off

vicious or trespassing animals.

- b. Improper Transport, Abandonment Prohibited. No person shall carry or transport in any vehicle or over any street, alley, sidewalk or public ground in the City any animal or bird so tied and placed as to inflict torture thereto, nor shall animals be abandoned for any reason within the City.
- c. Food and Water. No person owning or having custody of any animal or bird shall neglect or fail to provide it with necessary nourishing food at least once daily and provide a constant supply of clean water to sustain the animal or bird in good health.
- d. Proper Shelter Required. No person shall fail to provide any animal or bird in his charge with shelter from inclement weather to insure the protection and comfort of the animal or bird. When sunlight is likely to cause overheating or discomfort to any animal or bird, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun. Dogs and cats kept outdoors for more than one hour at a time must be provided with moisture-proof and windproof shelter of a size which allows the animal to turn freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable. Automobiles or garages shall not be used as animal shelters, except that during winter months a dog house may be placed inside a garage for shelter. Whenever the outdoor temperature is below 40° Fahrenheit, clean bedding material shall be provided in such shelters for insulation and to retain the body heat of the animal.
- e. Leashes. Chains, ropes or leashes shall be so placed or attached that they cannot be entangled with another animal or object, and shall be of sufficient length in proportion to the size of the animal to allow the animal proper exercise and convenient access to food, water and shelter. Such leash shall be located so as not to allow such animal to trespass on public property or private property belonging to others nor in such a manner as to cause harm or danger to persons or other animals.
- f. Enforcement. This section and sections 7.121 (Dogs and Dog Licenses), 7.122 (Cats and Cat Licenses), 7.123 (Animal Fancier Permit), and 9.61 (Animal Sales and Services License) may be enforced by the Health Commissioner, law enforcement (police) officers, or the Animal Control Officers of the Milwaukee Area Animal Domestic Control Corporation. **[Ord. O-2003-0055, 8/5/2003]**

- 4. Waste Products and Fecal Accumulations. The owner or person in charge of any animal shall not permit solid fecal matter of such animal to be deposited on any street, alley or other public or private property, unless such fecal matter is immediately removed therefrom by said owner or person in charge. At all times when an animal is exercised away from the premises of the owner or person in charge, that individual shall have available for use, and prominently displayed, an appropriate device for removing, containing and transporting feces which may be deposited, until such feces can be properly disposed of by wrapping and placing them into an appropriate refuse container. The owner or person in charge of any private property shall not permit solid

fecal matter of animals to accumulate on such property, including the space between the street or curb and the sidewalk adjacent to such property, for a period in excess of twenty-four (24) hours.

5. Animal Bites.

- a. Whenever a dog, cat or other domesticated animal, or wild animal held captive, bites a person within the City of West Allis, and such bite penetrates or lacerates the skin of the person bitten, such dog, cat, other domesticated animal or wild animal held captive, shall be restricted to the premises of its owner, if within the City, or to a veterinarian's care within Milwaukee County, as a suspect rabies case for a period of ten (10) days.
- b. If during the restricted time, said animal shows signs of illness, lameness or paralysis, the owner or veterinarian shall immediately report such condition to the West Allis Health Department.
- c. During the restricted period, said animal shall not be removed from the restricted premises except to be placed under a veterinarian's care. No such animal shall be placed back into community living before it has been inspected and released by the West Allis Health Department. If the animal has spent the ten (10) day confinement period in the care of a veterinarian, upon its release, a veterinarian's report regarding the disposition of said dog shall be made to the West Allis Health Department.
- d. In the case of an animal bite, the Health Commissioner may issue such other rules and orders which, in his judgment, are necessary to safeguard the health and welfare of any person suffering an animal bite.

6. Elimination of Pigeon Harborages.

- a. Homeless pigeon harborages are hereby declared to constitute a public nuisance.
- b. Homeless pigeon harborages shall mean any place where pigeons, which do not wear any type of ownership identification tag or band, or are not confined in an escape proof cage or pen, are permitted to live, gather or nest.
- c. It shall be the duty of the owner of any premises in the City, or his agent, to make such premises reasonably pigeon proof to prevent such premises from being a homeless pigeon harorage.
- d. In all cases where the Health Commissioner finds a homeless pigeon harorage existing, he shall serve upon the owner of such premises, or his agent, an order requiring such owner or agent, within ten (10) days of receipt of said order, to eliminate such harorage and to take whatever steps are deemed necessary by the Health Commissioner to prevent its recurrence, including the covering of openings, eaves or other places in any building with appropriate wire screenings or other suitable material to prevent pigeons from entering into such building or gathering or nesting thereon. In the event such owner or agent shall neglect or refuse to comply with such order to the satisfaction of the Health Commissioner, such owner or agent shall be subject to the penalties provided for violation of this section; and, in addition, the Health Commissioner may cause the elimination work to be done and the cost thereof shall be assessed against the real estate involved as a special tax and

collected as are other special taxes.

7. Pigeon Keeping. [Ord. 6171, 6/20/1995]

a. Definitions. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates a different meaning is intended:

- i. "Pigeon" means a member of the family Columbidae, and shall include "Racing Pigeons," "Fancy Pigeons" and "Sporting Pigeons," as defined in this section.
- ii. "Racing Pigeon" means a pigeon which, through selective breeding, has developed the distinctive characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc., or the International Federation of Racing Pigeon Fanciers. Also, commonly known as Racing Homer, Homing Pigeon or Carrier Pigeon.
- iii. "Fancy Pigeon" means a pigeon which, through selective breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club or the Rare Breeds Pigeon Club. Examples: Fantails, Pouters, Trumpeters.
- iv. "Sporting Pigeon" means a pigeon which, through selective breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples: Rollers, Tipplers.
- v. "Loft" means a structure for the keeping or housing of pigeons which is located inside a house or garage.
- vi. "Mature Pigeon" means a pigeon aged six (6) months or older.
- vii. "Owner" means the person who keeps or has the care, custody or control of a pigeon or pigeons.

b. Conditions for Keeping of Pigeons. The keeping, breeding, maintenance and flying of pigeons shall be permitted, on the following conditions:

- i. The loft shall be of such sufficient size and design and constructed of such material, that it can be maintained in a clean and sanitary condition.
- ii. There shall be at least one (1) square foot of floor space in any loft for each mature pigeon kept therein.
- iii. The construction and location of the loft shall not conflict with the requirements of any Building Code or Zoning Code of the City.
- iv. All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.
- v. The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the City.
- vi. All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and, at no time shall pigeons be allowed to perch or linger on the buildings or property of

others.

vii. All pigeons shall be fed within the confines of the loft.

viii. No one shall release pigeons to fly for exercise, training or competition, except in compliance with the following rules:

(1) The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of Racing Pigeon Fanciers, the National Pigeon Association, the American Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.

(2) Pigeons will not be released for flying within four (4) hours of feeding.

ix. No owner may have more than twenty-five (25) pigeons in a residentially zoned area.

x. No person may own any type of pigeon other than those defined in sec. 7.12(7)(a).

c. Pigeon Permit. Any person owning a pigeon in the City of West Allis shall first obtain a permit. The Health Commissioner may issue an original or renewal pigeon permit upon submission of a completed application, payment of a fee listed in the Fee Schedule and inspection and approval of the premises for which the permit is to be issued. As part of the inspection process, the Health Commissioner shall conduct an informal survey of neighborhood residents to determine their concerns, if any, regarding pigeons being kept in the area. All permits shall expire on March 31, following the date of issuance, unless sooner revoked for cause. permit may be issued for any premises upon which three (3) or more dwelling units are located. Any permittee 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 bird health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a reinspection fee listed in the Fee Schedule.

d. Right of Entry for Inspection. The Health Commissioner or his designee may enter and inspect any property or loft at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this ordinance.

e. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

8. Feeding of Wild Animals. [Ord. O-2010-0017, 5/18/2010; Ord. O-2011-0080, 2/21/2012]

- a. Definitions.
 - i. As used in this section, "feeding" means to place any material to feed or attract animals in or from the wild.
 - ii. As used in this section, "wild animal" is defined as any nondomesticated animal that lives in nature, including, but not limited to squirrels, raccoons, and deer.
 - b. The feeding of wild animals is prohibited in the City of West Allis.
 - c. This subsection shall not apply to wild birds. Feeding of wild birds shall be done in a manner to ensure that other wild animals are unable to access the bird feed. Premises upon which bird feed is provided shall be cleaned at least once during each twenty-four-hour period to remove food material that has fallen to the ground. The Health Commissioner or his/her designee may order a property owner/occupant to cease the feeding of wild birds if an inspection reveals that evidence of rat activity is present on the property where bird feeding is occurring or on an adjacent property within three hundred (300) feet of the property line where rat activity is present. Such order shall be mailed or served in person to the property owner(s) of the affected properties and posted in a conspicuous place on the affected properties. Any person who continues to feed wild birds after receiving such an order shall be subject to the penalties in Section 7.16. Any person affected by the order may petition the Health Commissioner to lift the order if sixty (60) days have passed since the issuance of the order and the person can demonstrate to the Health Commissioner or his/her designee that no rat activity exists on the property. **[Ord. O-2014-0020, 4/1/2014]**
 - d. This subsection shall not apply to feeding a cat by a person who relinquished possession of that cat in accordance with WAMC 7.122(1)(a), but only if the feeding takes place under direct observation of the person feeding the cat between the hours of sunrise and sunset.
9. Dogs Prohibited at Rogers Playground. **[Ord. O-2011-0015; 5/17/2011]**
- a. No person shall allow any dog to enter or remain at the Rogers Playground, located at South 56th Street and West Rogers Street in the City of West Allis.

SECTION 24: **REPEAL** "7.121 Dogs And Dog Licenses" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.121 Dogs And Dog Licenses~~ (*Repealed*)

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 each neutered male dog, each spayed female dog, and each dog not neutered 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. The Fee Schedule shall separately list fees for any dog that became five (5) months of age after July 1 of the license year. 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.
 - 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.
 - 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 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.
 - 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 25: **REPEAL** “7.122 Cats And Cat Licenses” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.122 Cats And Cat Licenses~~ (*Repealed*)

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. A person is not required to license a cat if all the following applies:
 - i. The person took custody of an abandoned or stray cat on their property,
 - ii. The person delivered the cat to an entity contracting with the City under Wis. Stat 173.15 (1),
 - iii. The entity released that cat under Wis. Stat. 173.23(1m)(a) to the same person who took custody of it,
 - iv. The person paid the full cost of custody, care, vaccination, microchip implanting, spay or neuter surgery, and any other treatment prior to the entity releasing the cat to that person,
 - v. The person relinquishes possession of the cat on the same parcel where the person took custody of it, and
 - vi. No other cat has been released on the parcel.
- b. The yearly license fee shall be listed in the Fee Schedule, with separate fee amounts for each neutered male cat, each spayed female cat, and each cat not 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 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.
- 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.
- 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 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.
 - 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. A cat shall not be deemed at large if the person took custody of a that cat as an abandoned or stray animal and relinquished possession of the cat in accordance with sub. (1)(a). 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 fee listed in the Fee Schedule 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 26: **REPEAL** “7.123 Animal Fancier Permit” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.123 Animal Fancier Permit (Repealed)~~

1. ~~Animal Fancier Defined. "Animal fancier" is any person in a residential dwelling unit who shall keep, harbor, raise or possess any combination of more than two (2) dogs over the age of five (5) months and/or four (4) cats over the age of five (5) months, to a maximum of four (4) dogs and/or six (6) cats.~~
2. ~~Permit Required. The Health Commissioner may issue an original or renewal animal fancier permit upon submission of a completed application, payment of the fee listed on the Fee Schedule and inspection of the premises for which the permit is to be issued. All permits shall expire on December 31 following the date of issuance, unless revoked for cause prior to that date. The late fee listed on the Fee Schedule shall be paid whenever the annual fee for a renewal is paid on or after April 1 or after the permit year. No permit may be issued for any premises upon which three (3) or more dwelling units are located. The cost for a duplicate permit shall be listed in the Fee Schedule.~~
3. ~~Conditions for Issuing and Maintaining of Permit. Upon application for issuance or renewal, an inspection shall be made to determine compliance with the following provisions:~~
 - a. ~~All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.~~
 - b. ~~The quarters in which the animals are kept shall be maintained in a clean condition and good state of repair.~~
 - c. ~~Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein.~~
 - d. ~~Food supplies shall be stored in rodent-proof containers. Food and water containers shall be kept clean.~~
 - e. ~~Litter and/or bedding material shall be changed as often as necessary to prevent odor nuisance.~~
 - f. ~~Feces shall be removed daily from yards, pens and enclosures, and shall be wrapped and stored in tightly covered metal containers until final disposal. Exception may be made for feces which are properly composted in a manner which creates no vermin, odor or aesthetic nuisance.~~
 - g. ~~Yards, pens, premises and animals shall be kept free of insect infestations.~~
 - h. ~~No nuisance caused by odor, noise or animals running at large shall be permitted.~~
4. ~~Revocation of Permit. The Health Commissioner may revoke an animal fancier permit for serious and/or repeated noncompliance with the provisions of this 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 animal health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a reinspection fee as listed in the Fee Schedule.

SECTION 27: **REPEAL** “7.127 Containment Of Dogs” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.127 Containment Of Dogs~~ (*Repealed*)

1. Definitions.
 - a. Unless otherwise noted in this section, all words and phrases have the same meaning as those found in WAMC 7.125(1).
 - b. "City Officer" means a City employee working within his or her official capacity.
 - c. "Electric Fence" means an electrical system, whether by underground wire or a wireless perimeter, that is designed to keep a pet or other domestic animal within a set of predefined boundaries by using an audible tone, mild electric shock, vibration, and/or similar means, and without the use of an actual physical barrier. An electric fence shall not be sufficient to comport with the requirements of WAMC 7.125(3)(a).
 - d. "Public Right-of-Way" means all of the area dedicated to public use existing between property lines adjacent thereto and is intended to include, but not limited to, roadways, streets, parkways, alleys and sidewalks.
2. Dogs Running At Large. Wis. Stat. 174.042, as it may be amended in the future, is hereby adopted as though fully set forth herein.
3. Containment of Dogs via Electric Fence. Any dog owner who utilizes an electric fence to help contain a dog is required to install, place, or maintain the electronic fence boundary at a distance of at least three (3) feet from any public right-of-way to ensure a safe distance between pedestrians and the dog.
4. Penalty. Any person who violates any part of this section shall forfeit for each violation an amount as indicated in Subsection 7.16, 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.
5. Exemptions. Any dog owner who has installed an electric fence prior to the enactment of this ordinance shall be exempt from the requirements of this section. In order to utilize this exemption to a violation of this section, a dog owner who utilizes an electric

fence to contain a dog must provide documentation to the requesting City officer or City Clerk's office, which memorializes the date of installation of the electric fence. Failure to provide documentation will result in this exemption being void. Any alteration, additions, upgrades, or improvements made to the electric fence after the date of enactment of this section shall void this exemption and require the dog owner to comply with the requirements of this section.

SECTION 28: **REPEAL** “7.128 Rabies Control Program” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.128 Rabies Control Program~~ (*Repealed*)

~~Wis. Stat. 95.21, as it may be amended from time to time, is hereby adopted as though fully set forth herein.~~

SECTION 29: **REPEAL** “7.13 Stagnant Water Pits, Holes And Excavations” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.13 Stagnant Water Pits, Holes And Excavations~~ (*Repealed*)

1. Definitions. "Hazardous depression is defined as any excavation, pit, hole, gully, ditch or depression of any nature whatsoever wherein water is accumulated and retained for more than twenty-four (24) hours; or, wherein trash, debris or odorous or otherwise objectionable material accumulates; or, which, in the judgment of the Health Commissioner otherwise constitutes a danger to the public health, welfare or safety. Drainage ditches installed or maintained by the City are not included. "Building Excavation" is defined as the excavation made for the basement or foundation of a building.
2. Public Nuisance. Hazardous depressions are hereby determined to constitute a public hazard and a nuisance.
3. Abatement.
 - a. Hazardous depressions. In all cases where the Health Commissioner finds a hazardous depression constituting a public hazard or nuisance, he shall serve upon the owner of the premises, where located, a notice requiring the abatement thereof within ten (10) days of the date of the notice by filling in the depression, together with such additional measures as are, in the judgment of the Health Commissioner, necessary for abatement. In the event the owner of

the premises shall neglect or refuse to abate in the manner prescribed in the notice, the Health Commissioner shall cause the abatement work to be done and the cost thereof, on the Health Commissioner's certificate, shall be assessed against the premises as a special tax and collected as are other special taxes. Filling, in all cases, shall be done with materials and in a manner approved by the Director of Public Works to insure that natural drainage is not unduly blocked or hampered.

- b. Building excavations. Building excavations shall be fenced unless construction commences immediately after the excavation is completed. If a building excavation constitutes a hazardous depression, it shall be subject to abatement by the Health Commissioner, as herein before set forth. Provided, that in any event, if construction on the building excavation is not commenced within six (6) months after breaking ground, the Building Inspector shall serve an order upon the owner of the premises and the holder of any encumbrance of record that the erection of a building begin forthwith or that the excavation be filled within (15) days to lot grade. In the event the owner or encumbrance holder neglects or refuses to abate such hazard or nuisance in accordance with the order, the Building Inspector shall, either through available public agency or by contract or arrangement with private persons, fill the excavation in a manner approved by the Director of Public Works as to drainage, and the cost thereof shall be charged against the real estate and shall be a lien on such real estate and be assessed and collected as a special tax.

SECTION 30: **REPEAL** “7.159 Appeal By Operator” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.159 Appeal By Operator~~ (*Repealed*)

~~Any establishment operator aggrieved by an order of the Department may make appeal to the Public Safety Committee of the Common Council within thirty (30) days after issuance of the order. A written request for appeal, briefly stating the basis upon which it is requested, shall be submitted to the Health Commissioner, who shall notify the Committee of the appeal and schedule a hearing at which the operator has the option of appearing. The Health Commissioner, or a representative, shall attend the hearing but shall have no vote. The findings of the Committee to reaffirm, set aside or modify the order shall be conveyed to the appellant by the Health Commissioner, in writing, within fifteen (15) working days of the hearing.~~

SECTION 31: **REPEAL** “7.16 Penalties” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.16 Penalties (Repealed)~~

~~Every person, firm or corporation convicted of a violation of any of the provisions of this chapter 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 forfeitures and costs, but not in excess of the number of days set forth in sec. 800.095(1)(b)(1) of the Wisconsin Statutes, or by suspension of operating privileges, pursuant to sees. 343.30 and 345.47 of the Wisconsin Statutes. Each and every day during which a violation continues constitutes a separate offense. In addition, where appropriate, legal or equitable actions may be commenced to enjoin any person, firm, or corporation from violating any of the provisions of this chapter.~~

~~{Ord. 6114, 8/2/1994; Ord. 6171, 6/20/1995; Ord. No. O-2008-0054, 5/5/2009; Ord. O-2010-0017, 5/18/2010; Ord. O-2011-0005, 2/1/2011; O-2014-0006, 2/4/2014}~~

SECTION 32: **REPEAL** “7.18 Human Health Hazards” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.18 Human Health Hazards (Repealed)~~

1. Adoption of State Statutes. Except as otherwise provided herein, the provisions of Wisconsin Statutes Sections 254.55 through 254.595, as amended, relating to the regulation of human health hazards are adopted by reference.
2. Definitions.
 - a. "Groundwater" means all water found beneath the surface of the City of West Allis located in sand, gravel, lime, rock or sandstone, geological formations, or any combinations of these formations.
 - b. "Human Health Hazard" means a substance, activity or condition that is known to have the potential to cause acute or chronic illness, infectious disease, or death if exposure to the substance, activity or condition is not abated.
 - c. "Imminent Health Hazard" means a condition that exists or has the potential to exist which should, in the opinion of the Health Commissioner or designee, be abated or corrected immediately, or at least within a twenty-four-hour period, to prevent possible severe damage to human health and/or the environment.
 - d. "Person" means any individual, firm, corporation, partnership, or other organization.
 - e. "Pollution" means the contaminating or rendering unclean or impure the air,

- land, or waters of the City of West Allis, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.
- f. "Stagnant water" means any water that is not continuously in movement by natural or mechanical means that remains in its same location for more than three days.
 - g. "Wastewater" means water contaminated by waste materials, urine, feces, toilet paper, other human bodily fluids, water from washing or cleaning, or any other material intended to be deposited in a receptor of human waste, industrial waste, sludge, sewage or any combination thereof.
- 3. Prohibition. No person shall create, construct, cause, continue, maintain, or permit any human health hazard or imminent human health hazard within the City of West Allis.
 - 4. Responsibility. The property owner is responsible for maintaining the property in a hazard-free manner and for the abatement of any human health hazard or imminent human health hazard that has been determined to exist on the property.
 - 5. Human Health Hazards Enumerated. The following acts, omissions, places, conditions, and things are specifically declared to be human health hazards, but such enumeration shall not be construed to exclude other human health hazards:
 - a. Air Pollution. The escape of excessive smoke, soot, cinders, acids, fumes, gases, fly ash, industrial dust, or other atmosphere pollutants that endanger human health or create noncompliance with applicable state or federal regulations.
 - b. Waste. Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, or bird, animal, or human fecal matter that is not stored in a rodent, animal, and insect-proof container.
 - c. Holes and Openings. Any hole or opening caused by an improperly abandoned cistern, septic tank, or well; or any improperly abandoned, barricaded, or covered up excavation.
 - d. Unburied Carcasses. Carcasses of animals, birds, or fish not intended for human consumption or food, which are not buried or otherwise disposed of in a sanitary manner within 48 hours after death.
 - e. Breeding Places. Stagnant water, rotting lumber, bedding, packing material, scrap metal, or any material or substance in which flies, mosquitos, or disease-carrying insects, rats or other vermin can breed, live, nest or seek shelter.
 - f. Solid Waste. Any solid waste, as defined in Wisconsin Statutes Section 289.01(33), which is stored or disposed of in noncompliance with Chapter NR 500 of the Wisconsin Administrative Code.
 - g. Toxic and Hazardous Materials. Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that is or has the potential to create a health hazard.
 - h. Groundwater Pollution. Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to the chemical and/or biological substances listed in Chapter NR 809 of the Administrative Code titled "Safe Drinking Water."

- i. Private Water Supply. Any private well that is constructed, abandoned or used and/or any pump installed in non-compliance with Chapter NR 812 of the Wisconsin Administrative Code.
 - j. Noxious Odors. Any use of property, substance or device that emits or causes any foul, offensive, noxious, or disagreeable odor deemed repulsive to the physical senses of ordinary persons or to the public as a whole.
 - k. Wastewater. The presence of wastewater or sewage effluent from buildings on any exposed ground surface, caused by a damaged, malfunctioning, improperly constructed or inadequately maintained private sewage system or private sewage lateral; also any wastewater or sewage effluent that is not handled and disposed of in compliance with all applicable county and state codes.
 - l. Nonfunctioning and maintenance of building fixtures, including nonfunctioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to ensure a sanitary condition in a public building; any public restroom which is soiled by human waste or other waste and maintained in a filthy and/or unclean manner.
 - m. Unhealthy or Unsanitary Condition. Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy, and unfit for human habitation, occupancy, or use or renders any property unsanitary or unhealthy.
 - n. Surface Water Pollution. The pollution of any stream, lake or other body of surface water within the City of West Allis that creates noncompliance with Chapters NR 102 and NR 103 of the Wisconsin Administrative Code.
6. Inspection. The Health Commissioner or designee may inspect or cause to be inspected any property where a human health hazard or immediate human health hazard is suspected to exist.
7. Enforcement. If the Health Commissioner or designee finds a human health hazard, the hazard shall be ordered abated or removed within a reasonable time period. Notice of the abatement order shall be mailed to the property owner and occupant by certified mail, return receipt requested. Such notice shall be in writing and include a description of the real estate involved, a statement of violations, the corrective actions required, and the penalty for failure to comply with the order. Additionally, the Health Commissioner may post the abatement order on the affected property.
8. Designation of Unfit Building. If the Health Commissioner or designee discovers an unfit dwelling, dwelling unit, building, or section of a building, the Health Commissioner or designee shall designate it as a human health hazard and placard it with a sign, at each entrance or exit to it, stating that it may not be used for human habitation, occupancy, or use. The following conditions shall constitute grounds for declaring a dwelling, dwelling unit, building or section of a building unfit, but such enumeration shall not be construed to exclude other conditions:
- a. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - b. One which lacks sanitation facilities adequate to protect the health or safety of the occupants or of the public.

- c. One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- d. One which has been implicated as the source of a confirmed case of asbestosis.
- e. One which has been confirmed to be a lead hazard, as defined in Wisconsin Statutes Section 254.11(8g); is the residence of an individual with a confirmed case of lead poisoning, as defined in Wisconsin Statutes Section 254.11(9); and is unlikely to have the lead hazard be adequately and safely temporarily contained, in the opinion of the inspector, until lead hazard abatement occurs.
- f. One which lacks potable water or a properly functioning septic system or well or an adequate and functioning heating system.

9. Occupation of Unfit Building.

- a. No person shall continue to occupy, rent, or lease a dwelling, dwelling unit, building, or section of a building for human habitation or occupancy which are declared unfit for human habitation or occupancy by the Health Commissioner or designee.
- b. Any dwelling, dwelling unit, building, or section of a building condemned as unfit for human habitation or occupancy, and so designated and marked by the Health Commissioner or designee, shall be vacated within a reasonable time, as specified by the Health Commissioner or designee.
- c. No dwelling, dwelling unit, building, or section of a building which has been condemned and marked as unfit for human habitation or occupancy shall again be used for human habitation until written approval is secured from and such placard is removed by the Health Commissioner or designee. The Health Commissioner or designee shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.
- d. No person shall deface or remove the Health Commissioner's placard from any dwelling, dwelling unit, building, or section of a building which has been condemned as unfit for human habitation or occupancy.
- e. No person shall enter or remain in a dwelling, dwelling unit, building, or section of a building that has been condemned and placarded as unfit for human habitation without the written permission of the Health Commissioner or designee. Any person granted permission shall comply with the permission conditions.

10. Abatement. If the owner or occupant fails to comply in the time specified in the order, the Health Commissioner or designee or a person working on the City's behalf may enter the property to abate or remove the human health hazard pursuant to the procedures of this section or any applicable state statutes. 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, occupant, and/or person who has caused or permitted the nuisance and placing the expenses on the property tax roll if said expenses are not paid within thirty (30) days, pursuant to Wisconsin Statutes Section 66.0627.

11. Appeal of Order.

- a. For the purposes of this section, pursuant to Wisconsin Statutes Section 68.16, the City of West Allis is specifically electing not to be governed by Chapter 68 of the Wisconsin Statutes.
- b. The owner or occupant of the property determined to be or containing a human health hazard may request a hearing before the Board of Health within seven (7) days of receiving the mailed abatement order. Any request shall be written, shall be filed at the West Allis Health Department, shall explain why the property is not or does not contain a human health hazard, and shall include any evidence that the property owner or occupant wishes to submit in support of the request. Upon receipt of the hearing request, the matter shall be placed on the agenda for the Board of Health to review within thirty (30) days. The appellant shall receive notice of the date, time, and place of the Board of Health meeting by first-class mail at least ten (10) days prior to the date of the meeting. The notice shall also include a notification to the appellant of an opportunity to be heard, respond to, and challenge the abatement order; present and cross-examine witnesses under oath; and be represented by counsel of the appellant's choice and at the appellant's expense.
- c. If the appellant fails to appear at the Board of Health meeting, or if the appellant appears at the Board of Health meeting but no longer wishes to pursue the appeal, the appeal shall be dismissed, and the Health Commissioner or designee may enforce the abatement order. If the appellant appears at the Board of Health meeting and wishes to contest the abatement order, an evidentiary hearing shall be scheduled.
- d. If the matter proceeds to hearing before the Board, the following procedures shall apply:
 - i. The Health Commissioner or designee shall first present evidence in support of the abatement order.
 - ii. After the Health Commissioner or designee rests, the appellant may present evidence in opposition of the abatement order.
 - iii. The Health Commissioner or designee and appellant may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross-examination.
 - iv. The Health Commissioner or designee and appellant shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Board, extends the time to assure a full and fair presentation.
 - v. Questions by Board members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
 - vi. At the close of testimony, the Health Commissioner or designee and appellant shall be given a reasonable time to make arguments upon the evidence produced at hearing.
- e. At all stages of the proceedings, the following procedures shall apply:

- i. The appellant shall be entitled to appear in person or by an attorney of his/her own expense.
- ii. The Health Commissioner or designee may be represented by a prosecuting City Attorney.
- iii. The Board 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 Board of Health 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 Board 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. At the close of the hearing, the Board shall deliberate and reach a decision whether to uphold the determination that the property is a human health hazard. The appellant shall be notified in writing of the Board's determination. If the Board upholds the determination that the property is a human health hazard, the property owner or occupant shall comply with the abatement order. If the appellant further contests the determination, the appellant may seek review of the decision with the circuit court within thirty (30) days of the mailing date of the written determination.
- g. If a property owner or occupant does not file a timely written request for a hearing with the Board of Health, the owner or occupant waives the right to assert that the property did not meet the criteria for abatement under this section.

12. Imminent Human Health Hazard Procedure.

- a. If the Health Commissioner or designee determines that an imminent human health hazard exists within the City and that great and immediate danger exists to the public health and safety, the Commissioner or designee may, without notice or hearing, issue an order reciting the existence of an imminent human health hazard constituting imminent danger to the public and requiring immediate action be taken, as s/he deems necessary, to abate the hazard. 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. Such order shall be posted on the property and mailed, by registered mail with return receipt requested, to the owner and/or occupant. In lieu of mailing, the owner and/or occupant may be personally served with the order.
- b. Whenever the owner and/or occupant shall refuse or neglect to remove or

abate the condition meeting the criteria set forth in Subsection (12)(a), above, and described in the order, the Commissioner or designee shall, in his/her discretion, or a person working on the City's behalf shall enter upon the premises and cause the nuisance to be removed or abated. 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, occupant or person who has caused or permitted the nuisance and placing the expenses on the property tax roll if said expenses are not paid within thirty (30) days, pursuant to Wisconsin Statutes Section 66.0627.

13. Additional Enforcement. In addition to the penalties listed within this section, the City Attorney or designee or the Health Commissioner or designee may pursue a nuisance enforcement action against a person creating, maintaining, or permitting an imminent human health hazard or human health hazard under Chapter 18 of this Code or Wisconsin Statutes Chapter 821; a human health hazard action under Wisconsin Statutes Section 254.595; or any other legal or equitable action allowed by law.
14. Right of Health Commissioner or Designee to Inspect and Suspend Work. To ensure that abatement or correction is being properly remedied and performed in a safe manner or for any other reason, the Health Commissioner or designee may inspect the property at reasonable times and order work or abatement procedures be suspended, if necessary, to investigate or review the condition or abatement progress.
15. 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. O-2017-0038, 9/19/2017}~~

SECTION 33: **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. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2025-0649**

**RESOLUTION REJECTING ALL BIDS RECEIVED AS SHOWN ON THE
ATTACHED BID REPORT FOR ROGERS PARK PROJECT, 2025 PROJECT NO. 23**

WHEREAS, The Board of Public Works reports that it duly advertised for bids for Roger Park Project as hereinafter described; and that the bids received as shown on the attached bid report were reviewed and does hereby recommend and deem it to be for the best interests of the City of West Allis that all bids for 2025 Project No. 23 be rejected;

NOW THEREFORE, BE IT RESOLVED BE IT RESOLVED By the Common Council of the City of West Allis that all bids for 2025 Project No. 23 for Rogers Park Project be hereby rejected and the Board of Public Works is hereby authorized and directed to place said installation plans and specifications on file and funding be moved to 2026 budget.

SECTION 1: **ADOPTION** “R-2025-0649” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2025-0649(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

2025-23 Rogers Park Play Surface Replacement		
Owner: West Allis WI, City of		
04/09/2025 10:30 AM CDT		
Bidder	Bidder	Bidder
C.W. Purpero, Inc	Zignego	Poblocki Paving Corporation
\$515,073.00	\$630,573.98	\$763,997.00

**CITY OF WEST ALLIS
RESOLUTION R-2025-1827**

**RESOLUTION TO AMEND AN EXISTING PROFESSIONAL SERVICE
CONTRACT WITH RASMITH TO PROVIDE CONSTRUCTION MANAGEMENT
OF PRIVATE PROPERTY IMPROVEMENTS FOR AN AMOUNT NOT TO
EXCEED \$35,000**

WHEREAS, The Common Council passed resolution R-2019-0616 on April 23, 2024, for an agreement with raSmith to provide construction management of private property improvements for an amount not exceed \$327,750; and

WHEREAS, The remaining balance of said contract is approximately \$27,250, which will partially cover the proposed work in 2025; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of West Allis that the proposal dated May 12th, 2025 submitted by raSmith for furnishing Engineering Consulting Services to provide construction management of private property improvements for an amount not to exceed \$35,000 be and is hereby accepted. Funding for this purchase will be reimbursed through the MMSD Private Property Infiltration and Inflow Reduction Agreement No. M10005WE04, DNR Safe Drinking Water Loan Program Project No. 5404-11 and through Special Assessments.

BE IT FURTHER RESOLVED that the City Engineer be and is hereby authorized to enter into a Professional Services Contract with raSmith.

BE IT FURTHER RESOLVED that the City Engineer be and is hereby authorized to make such substantive changes, modifications, additions and deletions to and from the various provisions of the proposal from raSmith as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof and to protect the interests of the City, including but not limited to, any and all changes necessary to preserve the intent of the Common Council of the City of West Allis.

SECTION 1: **ADOPTION** “R-2025-1827” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2025-1827(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2025-1890**

**RESOLUTION TO AUTHORIZE THE RENEWAL OF A 3-YEAR CONTRACT
WITH CDW-G FOR \$103,179.40 PER YEAR FOR CONTINUED USE OF
MICROSOFT 365 SOFTWARE PRODUCTS**

WHEREAS, in May of 2019 the City made a decision to move away from upgrading our on-premise e-mail platform and instead invested in Microsoft's cloud based M365 platform. Microsoft licenses their M365 products through software resellers, and CDW-G was selected as the reseller to purchase the licenses for the City of West Allis; and

WHEREAS, Having a cloud based e-mail system now allows employees in the City to access their City e-mail account from any computer using their favorite browser. This has enabled a more flexible workforce, allowing employees to work remotely more easily; and

WHEREAS, The M365 platform also comes with dozens of other software products offering rich functionality that improves communication and collaboration across the City. TEAMS has become the standard for holding internal virtual meetings and the chat feature within TEAMS is now a popular way for employees to communicate with each other. Tools like OneDrive and SharePoint have enabled file sharing and co-collaboration of shared documents. Planner is used to organize information and prioritize work for project teams; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of West Allis that the quote dated May 13th, 2025 for providing Licensing for our M365 products for 3 years at a cost of \$103,538.40 per year be and is hereby accepted. The account where this will be charged to is account # 100-1101-517.32-01.

BE IT FURTHER RESOLVED, that the Information Technology Department be and is hereby authorized to enter into a contract for the aforesaid services.

SECTION 1: **ADOPTION** "R-2025-1890" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2025-1890(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis



CDW Government, LLC
Microsoft Enterprise 6.6 Agreement Pricing
Enterprise Quote
City of West Allis

Date 5/13/25
Account Manager Neal Zolt
[3647202](#)
VSL Specialist Nicole Schluster
Channel Price Sheet Month April

Unless otherwise noted, All Quotes expire upon current month's end

Annual Payment
Customer to make three annual payments to CDW-G

Microsoft Part #	Description	Level	Quantity	Price	Year 1		Price	Year 2		Price	Year 3				
					Extended			Extended			Extended				
U4S-00002	O365 G1 GCC Sub Per User	D	520	\$	114.84	\$	59,716.80	\$	114.84	\$	59,716.80	\$	114.84	\$	59,716.80
AAA-11894	O365 G3 GCC Sub Per User	D	145	\$	264.13	\$	38,298.85	\$	264.13	\$	38,298.85	\$	264.13	\$	38,298.85
105-00001	Power Automate Premium GCC Sub Per User	D	1	\$	172.26	\$	172.26	\$	172.26	\$	172.26	\$	172.26	\$	172.26
DDJ-00001	Power BI Pro GCC Sub Per User	D	1	\$	136.63	\$	136.63	\$	136.63	\$	136.63	\$	136.63	\$	136.63
NYH-00001	Teams AC with Dial Out US/CA GCC Sub Add-on	D	665	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
WFK-00004	Teams Premium GCC Sub Per User	D	22	\$	130.50	\$	2,871.00	\$	130.50	\$	2,871.00	\$	130.50	\$	2,871.00
VA1-00001	Teams Rooms Pro GCC Sub Per Device	D	4	\$	459.36	\$	1,837.44	\$	459.36	\$	1,837.44	\$	459.36	\$	1,837.44
P3U-00001	Visio P2 GCC Sub Per User	D	1	\$	146.42	\$	146.42	\$	146.42	\$	146.42	\$	146.42	\$	146.42
					Year 1 Total	\$	103,179.40	Year 2 Total	\$	103,179.40	Year 3 Total	\$	103,179.40		
					Three Year Total	\$	309,538.20								

Notes

Renewal of EA 5940221 5/31/2025

Terms & Conditions

Terms and Conditions of sales and services projects are governed by the terms at:
<http://www.cdwg.com/content/terms-conditions/product-sales.aspx>

**CITY OF WEST ALLIS
RESOLUTION R-2025-1892**

**RESOLUTION TO APPROVE BID OF UPI CONSTRUCTION LLC FOR STREET
RECONSTRUCTION IN S. 83RD ST. FROM W. GRANT ST. TO W. BECHER ST.
AND S. 91ST ST. FROM W. ROGERS ST. TO DEAD END IN THE CITY OF WEST
ALLIS IN THE AMOUNT OF \$1,533,942.40**

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 UPI Construction LLC for 2025 Project No. 8 be accepted.

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that the bid of UPI Construction LLC for 2025 Project No. 8 for the installation of concrete curb and gutter, concrete pavement, concrete sidewalk, driveway replacement, sanitary sewer relay, storm sewer installation and relay, water main relay, building services and utility adjustments in:

South 83rd Street from West Grant Street to West Becher Street
South 91st Street from West Rogers Street to Dead End

for the sum of One Million, Five Hundred Thirty Three Thousand, Nine Hundred Forty Two and 40/100 dollars (\$1,533,942.40) 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 work will be performed with funding from Bond Funds, Water Utility Funds, Sanitary Sewer Funds, Storm Water Management Funds, and Capital Projects cash reserves (future reimbursement from special assessments).

SECTION 1: **ADOPTION** “R-2025-1892” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2025-1892(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2025-1894**

**RESOLUTION TO APPROVE BID OF LALONDE CONTRACTORS, INC. FOR
TRAFFIC SIGNAL INSTALLATION ON S. 53RD ST. AND W. BURNHAM ST.
INTERSECTION IN THE CITY OF WEST ALLIS IN THE AMOUNT OF \$254,359.09**

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 2025 Project No. 7 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 2025 Project No. 7 for the installation of a traffic signal, concrete sidewalk, concrete curb and gutter, signing, pavement marking, and street lighting in:

South 53rd Street & West Burnham Street Intersection

for the sum of Two Hundred Fifty Four Thousand, Three Hundred Fifty Nine and 09/100 dollars (\$254,359.09) 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 work will be performed with funding for this project was approved in the 2022, 2023, and 2024 Capital Budgets. Sources of funds include an allocation from the federal ARPA grant, cash on hand in capital projects and utility funds, as well as debt financing. Costs will be charged under project number NEWDPW, unless otherwise assigned by the Finance Department.

SECTION 1: **ADOPTION** “R-2025-1894” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2025-1894(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2025-1895**

**RESOLUTION TO APPROVE BID OF LALONDE CONTRACTORS INC., FOR
ALLEY RECONSTRUCTION IN S. 84TH ST. TO S. 85TH ST./W. LINCOLN AVE.
TO W. GRANT ST. IN THE CITY OF WEST ALLIS IN THE AMOUNT OF \$81,453.73**

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 2025 Project No. 11 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 2025 Project No. 11 for the installation of concrete alley pavement, concrete curb and gutter, asphalt patching and utility adjustments in:

S. 84th Street to South 85th Street/W. Lincoln Avenue to W. Grant Street

for the sum of Eighty One Thousand, Four Hundred Fifty Three and 73/100 dollars (\$81,453.73) 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 work will be performed with funding from Bond Funds, Water Utility Funds, Sanitary Sewer Funds, Storm Water Management Funds, and Capital Projects cash reserves (future reimbursement from special assessments).

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2025-1896**

**RESOLUTION REJECTING ALL BIDS RECEIVED AS SHOWN ON THE
ATTACHED BID REPORT FOR PRIVATE PROPERTY WORK: LEAD SERVICE
LINE REPLACEMENTS, 2025 PROJECT NO. 17 AND REBID THE PROJECT**

WHEREAS, The Board of Public Works reports that it duly advertised for bids for Private Property Work: Lead Service Line Replacements as hereinafter described; and that the bids received as shown on the attached bid report were reviewed and does hereby recommend and deem it to be for the best interests of the City of West Allis that all bids for 2025 Project No. 17 be rejected due to a procedural error in the bidding process;

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis that all bids for 2025 Project No. 17 for Private Property Work: Lead Service Line Replacements be hereby rejected and the Board of Public Works is hereby authorized and directed to rebid said project as soon as possible for award at the next Common Council meeting.

SECTION 1: **ADOPTION** “R-2025-1896” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2025-1896(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

2025-17 Private Property Work: Private Water Service Replacements				
Owner: City of West Allis				
05/14/2025 10:30 AM CDT				
Bidder	Bidder	Bidder	Bidder	Bidder
Five Star Energy Services	MJ Construction	American Sewer Services, Inc.	Mid City Corporation	IHC Construction Co. LLC
\$313,625.00	\$354,900.00	\$394,875.00	\$463,125.00	\$997,880.00

**CITY OF WEST ALLIS
RESOLUTION R-2025-1897**

**RESOLUTION TO CREATE A PROFESSIONAL SERVICE CONTRACT WITH
RASMITH TO PROVIDE CONSTRUCTION MANAGEMENT OF LEAD SERVICE
LINE REPLACEMENTS FOR AN AMOUNT NOT TO EXCEED \$45,000**

WHEREAS, by the Mayor and Common Council of the City of West Allis that the proposal dated May 13th, 2025 submitted by raSmith for furnishing Engineering Consulting Services to provide construction management of lead service line replacements for an amount not to exceed \$45,000 be and is hereby accepted. Funding for this purchase will be reimbursed through the DNR Safe Drinking Water Loan Program Project Nos. 5404-10 & 5404-11 and through Special Assessments.

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Engineer be and is hereby authorized to enter into a Professional Services Contract with raSmith.

BE IT FURTHER RESOLVED that the City Engineer be and is hereby authorized to make such substantive changes, modifications, additions and deletions to and from the various provisions of the proposal from raSmith as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof and to protect the interests of the City, including but not limited to, any and all changes necessary to preserve the intent of the Common Council of the City of West Allis.

SECTION 1: **ADOPTION** “R-2025-1897” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2025-1897(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

Record #	License Type	First Name	Last Name	Business Address	DBA/Trade/Business Name	Legal Name
ALC-23-13	Class A Beer	Zaghum	Abbas	9127 W. Lincoln Ave.	Lucky 7	Lucky 7 West Allis LLC
ALC-22-185	Class A Beer	Brandon	Grebe	5132 W Lincoln Ave	Grebe's Bakery	Grebe's Bakery
ALC-22-39	Class A Beer	Simranjeet	Singh	6000 W National Ave	Fast Fuel Convenience	Fast Fuel Convenience 2 LLC
ALC-22-174	Class A Beer	Satwinder	Singh	10537 W Greenfield Ave	Pantry41 #105	Spring West LLC
ALC-22-45	Class A Liquor and Beer	Daniel	Nowak	6735 W. Lincoln Ave.	Tall Guy & A Grill Catering	Tall Guy And A Grill Catering
ALC-22-103	Class A Liquor and Beer	Maria	Rupena	7641 W Beloit Rd	Rupena's Foods	Rupena's Inc
ALC-22-30	Class A Liquor and Beer	Jun	Xiao	10704 W Oklahoma Ave	New Asian Supermarket	New Asian Supermarket
ALC-22-20	Class A Liquor and Beer	Jasmeet	singh	979 S 60th St	County Beer & Liquor	County Beer & Liquor
ALC-22-101	Class A Liquor and Beer	Hemant	Khuttan	9131 W Cleveland Ave	Cleveland Liquor	Cleveland Liquor LLC
ALC-25-7	Class A Liquor and Beer	Jagpal	Waraich	6843 W Beloit Rd West Milwaukee	EZ MART	A1 Inc
ALC-22-22	Class A Liquor and Beer	Jaswinder	Singh	8423 W Cleveland Ave	Class One Liquor Inc	Class One Liquor Inc
ALC-23-21	Class B Beer	June	Boyce	1212 South 70th Street	Home2Suites	70th Street Hotel Associates, LLC
ALC-24-31	Class B Beer	Russell	Miller	6753 W. Rogers Street	St. Barnabas Congregation (St. Augustine Site)	
ALC-22-161	Class B Beer / Class C Wine	Waner	Liang	11102 W National Ave	Szechuan Restaurant	Yong Shun LLC
ALC-22-110	Class B Beer / Class C Wine	Yong	Lai	2945 S 108th St	Fortune Restaurant	Fortune Restaurant Corp
ALC-22-44	Class B Beer / Class C Wine	Phounpraseuth	Vechsathol	2237 S 108th St	Singha Thai Restaurant	Singha Thai Ltd
ALC-22-158	Class B Tavern	Daniel	McGuire	6235 W National Ave	McGuire's Bar	McGuire's Bar
ALC-22-17	Class B Tavern	Chezare	Misko	1939 S 108th St	Wisconsin Athletic Club	Wisconsin Athletic Club LLC
ALC-25-1	Class B Tavern	Andrew	Ahles	5906 W. Burnham St.	Silly Goose Bar	Silly Goose Bar MKE, LLC
ALC-22-154	Class B Tavern	Justin	Fernandez	8531 W. Greenfield Ave.	Mama Mia Italian Cuisine	MAPA Inc
ALC-23-22	Class B Tavern	Jennifer	Pierce	1022 S. 60th St.	Blaque Bar & Bites	Blaque Bar & Bites Corporation
ALC-23-25	Class B Tavern	Dina	Wagner	6801 W Beloit Rd	Happy Tap	MLSD INC
ALC-22-91	Class B Tavern	Jeffrey	Raush	9440 W National Ave	Heart Breakers	Milwaukee Entertainment LLC
ALC-22-176	Class B Tavern	Philip	Lehmann	1501 S. 70th St.	Phylo's	Phylo's LLC
ALC-22-95	Class B Tavern	Scott	Rodriguez	9534 W Greenfield	Stingers	HMSR LLC
ALC-24-28	Class B Tavern	Melissa	Schrubbe	7534 W Beloit Rd	The VainGlorious Lion	DHV Enterprises LLC
ALC-22-123	Class B Tavern	Melissa	Schrubbe	1641 S 68th St	GM's Dog House	DHV Enterprises LLC
ALC-22-86	Class B Tavern	David	Zarate	6309 W National Ave	Z&S Bar	Z&S BAR, LLC
ALC-22-62	Class B Tavern	Gina	Jaeckel	837 S 108th St	Kip's Inn	Kip's Inn, Inc
ALC-22-2	Class B Tavern	Jay	Stamates	6139 W. Beloit Rd.	Shotskis	6139 Beloit Tavern LLC
ALC-22-67	Class B Tavern	Mark	Swieczak Sr	5641 W Beloit Rd	Cataros Italian Villa	
ALC-22-200	Class B Tavern	Marla	Schalliol Poytinger	6325 W. National Ave.	Slingshot Bar	SSBMKE INC
ALC-22-27	Class B Tavern	Michelle	Alexander	7411 W Becher St	Mishe's	Mishe's LLC
ALC-22-42	Class B Tavern	Kyle	Ida	6001 W Madison St	Layman Brewing	Layman Brewing LLC
ALC-22-152	Class B Tavern	Michelle	Felten	8001 W Greenfield Ave	Tomken's	Tomken's Inc
ALC-22-159	Class B Tavern	Tu	Nguyen	10534 W Greenfield Ave	Pho Saigon	Pho Saigon Restaurant LLC
ALC-23-28	Class B Tavern	Kenneth	Peters	9638 W. National Ave.	Nico's Pizza	Nicos Pizza of West Allis
ALC-22-205	Class B Tavern	Frank	zoboroski	7127 W National Ave	Brass Boar's Den	HayKar Z LLC
ALC-22-81	Class B Tavern	John	mackowski	11904 W Greenfield Ave	Brass Monkey	ZJ Squared Ventures
ALC-23-29	Class B Tavern	Neil	Modi	1657 S 108th St	Pallas Restaurant & Aris Sports Bar	AP Food Services Inc
ALC-22-128	Class B Tavern	Anthony	Sternig	2950 S 108th St	Buffalo Wild Wings #409	Blazin' Wings Inc
ALC-22-124	Class B Tavern	Benjamin	Buss	6201 W Mitchell St	Stalley Cats	Stalley Cats
ALC-22-121	Class B Tavern	Joseph	La Susa	6038 W Lincoln Ave	Corvina Wine Company	Corvina Wine Company LLC
ALC-22-99	Class B Tavern	Kristine	Budiac	8031 W Greenfield Ave	Paulie's Pub & Eatery	Paulie's Pub & Eatery LLC
ALC-22-102	Class B Tavern	Kristine	Budiac	1430 S 81st St	Paulie's Field Trip	Field Trip LLC
ALC-22-127	Class B Tavern	Douglas	Ross	6200 W Greenfield Ave	Six Points Pub & Grille	Escape Horse Inn LLC

ALC-22-65	Class B Tavern	Richard Kinnee	2201 S 55th St	Cocktails & Dreams	Dick & Gloria's Cocktails & Dreams LLC
ALC-22-181	Class B Tavern	Troy Meyer	9427 W. Greenfield Ave.	Crawdaddy's On Greenfield	Crawdaddy's On Greenfield LLC
ALC-22-5	Class B Tavern	Christina Gajewski	8924 W Schlinger Ave	Shepherd's Hideaway	Shepherd's Sports Lounge Inc
ALC-25-4	Class B Tavern	Daniel Zierath	5832 W. Lincoln Avenue	ODB's	Sale 59, LLC
ALC-22-109	Class B Tavern	Debra Hosseini	813 S 60th St	Gus' Deli	Gus' Deli LLC
ALC-22-155	Class B Tavern	William Potocic	8101 W Greenfield Ave	State Fair Inn	Potocic Enterprises LLC
ALC-22-18	Class B Tavern	Philip Kleist	7207 W National Ave	Tap City Usa	Tap City USA LLC
ALC-24-25	Class B Tavern	Frank Orcholski	7216 W Lincoln Ave	Jimmy B's	West Allis DDF LLC
ALC-22-125	Class B Tavern	Christopher Paul	8340 W Beloit Rd	Capri Di Nuovo	Capri Restaurant Group
ALC-22-6	Class B Tavern	Christina Timber	1139 S 70th St	The Gage	Timber Events LLC
ALC-22-204	Class B Tavern	Maria Rupena	7621 West Beloit Road	Villa Del Rupena's	Rupena's Inc

Application for: Temporary Public Entertainment Permit

Jesus Gil

Name of Event: Culto en la Calle (Evangelism)

Date(s): May 23, 2025

Location: 5401 W Burnham st. West Allis WI. 53219

Event Start and End Time: 5-9pm

Type of Entertainment: Temporary Public event



MUNICIPAL COURT MONTHLY FINANCIAL REPORT

County Name Milwaukee		County Code Number 40		Report for Month/Year April 2025	
Municipal Name West Allis Municipal Court		Municipal Code Number 292		Telephone Number 414-302-8181	
I. MUNICIPAL COURT OFFICIAL	Total Amount Collected	Share to be retained by Municipality	Share to be sent to County	Share to be sent to State	
1. Forfeitures for Municipal Ordinance Violations (Except for Municipal Ordinances in Conformity with Ch 348, Stats.)	\$ 24,079.05	\$ 24,079.05			
Adjustment (if applicable)	\$.00	\$.00			
2. Municipal Court Costs (Chapter 814, Subchapter II, s. 814.65, Stats.)	\$ 8,336.44	\$ 7,251.44		\$ 1,085.00	
Adjustment (if applicable)	\$.00	\$.00		\$.00	
3. Penalty Surcharges (s. 757.05, Stats.)	\$ 5,503.11			\$ 5,503.11	
Adjustment (if applicable)	\$.00			\$.00	
4. County Jail Surcharges (s. 302.46(1)(a), Stats.)	\$ 2,167.60		\$ 2,167.60		
Adjustment (if applicable)	\$.00		\$.00		
5. Driver Improvement Surcharges (s. 346.655, Stats.)	\$ 6,897.00		\$ 2,890.20	\$ 4,006.80	
Adjustment (if applicable)	\$.00		\$.00	\$.00	
6. Crime Lab and Drug Enforcement Surcharges (s. 165.755(4), Stats.)	\$ 2,821.00			\$ 2,821.00	
Adjustment (if applicable)	\$.00			\$.00	
7. Domestic Abuse Surcharges (s. 973.055(2)(b), Stats.)	\$.00			\$.00	
Adjustment (if applicable)	\$.00			\$.00	
8. Truck Weight Restrictions (Municipal Ordinances in Conformity with Ch. 348, Stats., s. 66.12(3)(c))	\$.00	\$.00		\$.00	
Adjustment (if applicable)	\$.00	\$.00		\$.00	
9. Ignition Interlock Device Surcharge (s. 343.301(5), Stats.)	\$ 361.00		\$ 361.00		
Adjustment (if applicable)	\$.00		\$.00		
10. GPS Tracking Surcharge (for violations of ordinances conforming to s. 813.12 or s.813.125, Stats.)	\$.00			\$.00	
Adjustment (if applicable)	\$.00			\$.00	
11. Safe Ride Program (s. 85.55, Stats.)	\$ 864.00			\$ 864.00	
Adjustment (if applicable)	\$.00			\$.00	
12. Totals	\$ 51,029.20	\$ 31,330.49	\$ 5,418.80	Pay This Amount \$ 14,279.91	

Continue onto the next page.



MUNICIPAL COURT MONTHLY FINANCIAL REPORT

II. CERTIFICATION OF MUNICIPAL COURT OFFICIAL

I hereby certify that this report reflects all actions requiring forfeitures, court costs and surcharges collected during the month designated.

Name: Paul M. Murphy Signature: Paul M. Murphy Date: 5-6-25

III. TREASURER'S CERTIFICATION

I hereby certify that the above amount due the state has been received. After so certifying, a copy of this report will be returned to the signer of this report as a receipt, and the stated amount will be remitted to the Department of Administration with this report.

Treasurer: Corinne Zurad Date: 5-6-2025

In the event the Department of Administration has questions about this report and payment, who should we contact?

Name:	Telephone Number	Email Address
<u>Ann Drosen</u>	<u>414-302-8181</u>	<u>adrosen@westalliswi.gov</u>

**DoorMaster Garage Door Co.
LLC**
5441 W. Coldspring Road
Greenfield, WI 53220-3172
USA
nate@doormasterco.com



Estimate

WI 414-327-1218 IL 847-683-0333

ADDRESS
Aurora-West Allis Memorial PO Box 343930 Milwaukee, WI 53235-3930

SHIP TO
Aurora-West Allis Memorial PO Box 343930 Milwaukee, WI 53235-3930

ESTIMATE #	DATE	
4695	04/28/2025	

DATE	ACTIVITY	QTY	RATE	AMOUNT
	Quote West Ambulance Door Section Replacement 1) We will remove and haul away the 3 damaged panels on the door 2) We will install 3 new brown sections, 1 bottom, 1 intermediate and 1 window section on the door 3) We will check the door and any safety devices for proper function 4) We will lube and check all hinges, rollers, cables and springs *This includes the \$1,540 ER call from (04/26/2025) Parts, Handling, Labor, Shipping and Freight tax-exempt \$5,090	1	5,090.00	5,090.00

SUBTOTAL	5,090.00
TAX	0.00
TOTAL	\$5,090.00

Accepted By

Accepted Date



Incident Report

Reported by: LEWIS, JASMINE

Incident Types Label AHC : ADMIN : ACCIDENT : PROPERTY
DAMAGE

Report Disposition	Related Number:	
CLOSED	MTPL-2025-04-26-06157	
Report Recorder	Manager/Supervisor Notified	
LEWIS, JASMINE		
Incident Occurred Date	Incident Occurred End Date	Incident Discovered / Called In
04/26/2025 at 0128	04/26/2025 at 0131	04/26/2025 at 0128
Location		
WEST ALLIS : SECURITY SENSITIVE AREAS : EMERGENCY DEPARTMENT : AMBULANCE BAY		
Report Synopsis/Overview		
PS was notified that EMS had hit ambulance bay on door causing damages. Nursing staff contacted house supervisor as well as maintenance.		

*** Dispatch Information ***

Dispatch Initial Call Type: UNIT ASSIST: PATIENT ISSUES
Dispatch Final Call Type: UNIT ASSIST: PATIENT ISSUES

Officer Times (userid: dis/enr/arr/clr):
JASMINE LEWIS (JLEWIS2151): 0129:34/0129:43/0129:44/0150:06

ALEXIA IRVING (AIRVING2154): 0129:41/0129:44/0129:44/0150:07

Reporting Person Information:

Dispatch Notes:
4/26/2025 1:30:45 AM : BOYEFESO
PT came in through with Ambulance and is now wondering around the hospital, PSO was sent to Nursing station in search of the PT.
PT walked out of hospital out the hyperbaric entry at 0129hrs see case report: WALS2504-0320

*** Dispatch Information End ***

Contact # 1 (PUBLIC SAFETY)	
Full Name	
JASMINE LEWIS	

Prepared By:	Submitted Date
LEWIS, JASMINE(JLewis2151)	04/26/2025 0432
Signature	Reviewed By/Date
	RILEY, EDWARD 04/27/2025 1624

Case Number

WALS2504-0320

Age	Date of Birth	Gender	Race
35	12/23/1989	FEMALE	BLACK
Department		Title	
PUBLIC SAFETY			

Addresses				
Street Number	Street Direction	Street Name	Street Type	Apt./Suite
8901	WEST	8901 W LINCOLN AVE	AVENUE	
City	State	Zip	Country	Address Type
WEST ALLIS	WI	53227	USA	WORK

Phones :

(N/A) 4143287425

Contact # 2 (NURSE)				
Full Name				
KERRI SIMAZ				
Age	Date of Birth	Gender	Race	
48	01/22/1977	FEMALE	WHITE	
Department		Title		
EMERGENCY DEPARTMENT		CHARGE NURSE		

Addresses				
Street Number	Street Direction	Street Name	Street Type	Apt./Suite
8901	WEST	8901 WEST LINCOLN AVENUE	AVENUE	
City	State	Zip	Country	Address Type
WEST ALLIS	WI	53227	USA	WORK

Phones :

(WORK) 4143286111

Contact # 3 (NURSING SUPERVISOR)				
Full Name				
JESSICA BRZEZINSKI				
Age	Date of Birth	Gender	Race	
		FEMALE	WHITE	
Notes				
UNABLE TO GET DOB				

Addresses				
Street Number	Street Direction	Street Name	Street Type	Apt./Suite
		8901 W LINCOLN		
City	State	Zip	Country	Address Type
WEST ALLIS	WI	53227		WORK

Digital Media List

Prepared By:

LEWIS, JASMINE(JLewis2151)

Submitted Date

04/26/2025 0432

Signature

Reviewed By/Date

RILEY, EDWARD 04/27/2025 1624

Digital Media # 1

Title

Description

Digital Media # 2

Title

Description

Digital Media # 3

Title

Description

Digital Media # 4

Title

Description

Digital Media # 5

Title

Description

Narrative text

On Saturday, April 26, 2025, at approximately 1:45am, I, Public Safety Lead Officer (PSLO) Jasmine Lewis was approached by Registered Nurse (RN) Kerri Simaz regarding property damages made in the ambulance bay 1.

I was informed that Med 1 West Allis Fire Department Paramedics were parked in Ambulance Bay 1 was trying to leave and hit the garage door. Simaz stated that since PS was already on a call, she took the report due to the paramedics having to leave.

Simaz stated that the paramedics stated that the light was green when they were backing out, but the garage door fell onto the ambulance. After reviewing camera footage, at approximately 1:31am, it shows the light on the wall red when they were attempting to back out. The ambulance is shown stopping fast, then the light turns green, and they proceed to successfully back all the way out.

Prepared By:

LEWIS, JASMINE(JLewis2151)

Submitted Date

04/26/2025 0432

Signature**Reviewed By/Date**

RILEY, EDWARD 04/27/2025 1624

I was informed by Simaz that House Supervisor Jessica Brzezinski was informed and that she contacted maintenance. The on-call maintenance person stated that they will be contacting their supervisor and then contacting the door company to come out to do repairs.

A cone was placed in front of ambulance bay 1 door until repairs are completed.

When I went to observed the damages, Simaz open the garage door, and it was making loud cracking noise.

Photos of the damages has been added to the digital media.

End Of Report.

Prepared By:		Submitted Date	
LEWIS, JASMINE(JLewis2151)		04/26/2025 0432	
Signature		Reviewed By/Date	
		RILEY, EDWARD 04/27/2025 1624	



CLERKIN, SINCLAIR & MAHFOUZ, LLP

ATTORNEYS AT LAW

May 8, 2025

VIA CERTIFIED MAIL ONLY

City of West Allis
Attn.: City Attorney's Office
7525 W Greenfield Ave
West Allis, WI 53214

RECEIVED
MAY 13 2025
WEST ALLIS
CITY ATTORNEY

Re: TORT CLAIM FOR DAMAGES

Date of Loss: 2/15/2025
Our File No.: 029984411-800
Our Client's Insured: Robbie Madsen Jr
Tort Claim Amount: \$6,683.00

Dear Sir or Madam:

This firm has been retained by USAA General Indemnity Company to pursue a tort claim for damages arising from the negligence of Mason Grosz in a motor vehicle collision that occurred during the course and scope of their employment with West Allis City. As of the date of this letter, USAA General Indemnity Company has incurred damages in the amount of \$6,683.00, and it intends to seek the amount of that loss.

On behalf of USAA General Indemnity Company, we are seeking repayment of \$6,683.00, which includes any deductible paid by its policyholder Robbie Madsen Jr. Payment should be made payable only to "CSM in trust for USAA General Indemnity Company". **Please mail all payments to our TX office at: 2929 North Central Expressway, Ste 320, Richardson, TX 75080.** The firm's tax identification number is: 20-3335151.

All future correspondence on the referenced claim MUST come to this firm. Please do not communicate with my client concerning this matter without prior written authorization from our firm.

If you believe there are other responsible parties, or if you wish to discuss this tort claim, please contact Michael Massey at mmassey@clerkinlaw.com or (858) 859-8049.

Sincerely yours,

Clerkin, Sinclair, & Mahfouz, LLP

2929 NORTH CENTRAL EXPRESSWAY
SUITE 320
RICHARDSON, TX 75080
619-308-6550

WWW.CLERKINLAW.COM

CLAIMANT CONTACT INFORMATION

Name: CSM OBO USAA ASO Robbie Madsen Jr.
Address: 2929 North Central Expressway, Suite 320
Richardson, TX 75080

Phone: (619) 308-6550
Email: MMassey@clerkinlaw.com

RECEIVED
MAY 13 2025
WEST ALLIS
CITY ATTORNEY



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: 02/15/2025 Time of day: 8:06 AM
Location: W Orchard St & S 74th St, West Allis, WI

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 February 15, 2025, at approximately 8:06 AM, USAA General Indemnity Company's insured vehicle was parked and unoccupied near W Orchard St & S 74th St, in West Allis, WI, when it was struck on the left rear corner by a West Allis City vehicle (License plate number: 75149), driven by Mason Grosz who failed to maintain a proper lookout, causing a collision with the USAA General Indemnity Company insured vehicle.

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:  Michael Massey on behalf of USAA General Indemnity Company a/s/o Robbie Madsen Jr. Date: 05/08/2025

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: \$ 6,683.00

SAVE

PRINT

LIMITED POWER OF ATTORNEY

United Services Automobile Association, on behalf of itself and its subsidiaries and affiliates ("USAA") hereby appoints Clerkin, Sinclair & Mahfouz, LLP ("Law Firm") to act as its attorney-in-fact for the sole and limited purpose of executing settlement agreement documents, including Settlement Agreements, Stipulations for Settlement, Stipulations for Judgment, Installment Agreements, and Releases, in the name of and on behalf of USAA and its subsidiaries and affiliates, received from the responsible party or their insurer on subrogation claim files placed with Law Firm for collection and/or litigation. Law Firm is herein authorized by and on behalf of USAA to bind USAA to enter into settlement agreements by settlement or stipulation in regards to collection and/or litigation of the subrogation claim files USAA has placed with Law Firm.

This Limited Power of Attorney is executed in connection with the Master Engagement Agreement for Legal Services # 0000012231 entered into between USAA and Law Firm. Except as expressly stated herein, no other rights, powers duties, or authority is extended to Law Firm by the terms of this Limited Power of Attorney.

This Limited Power of Attorney will remain in effect until written revocation of the Limited Power of Attorney by USAA, but in no event shall it remain in effect after written notification to terminate the Master Engagement Agreement described above.

Dated: 08/06/2024

UNITED SERVICES AUTOMOBILE ASSOCIATION

BY: Yolanda H Monsivais

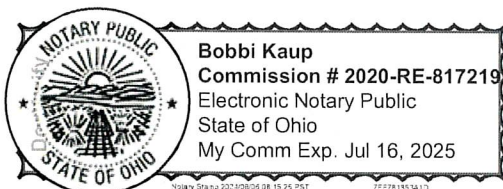
Yolanda Monsivais

Recovery Litigation Manager

Subscribed and sworn before me this _____ day of 08/06/2024, 20____.

State of: Ohio

County of: Mercer



Notarial act performed by audio-visual communication

Bobbi Kaup

(Notary Public)

5/8/25, 10:29 AM

Guidewire ClaimCenter (Sylvia Gutierrez - on vacation) Claim 029984411-800

Claims

Claim #029984411-800

Search

Adjuster's Office

Team

DR Assignment

Go to (Alt+F)

Pol: 029984411-7102 Ins: Mr Madsen DoL: 02/15/2025 Adj: Brandon Nelson (Complex COS - Laws) Policy Based Location: Wisconsin

Financials: Line Items

Filter By:

All Exposures

All Cost Types

All Line Category Reasons

Click to Total	Type	Date Issued	Amount	View details	Exposure	Vehicle/Party	Coverage	Cost Type	Cost Category	Line Category	Line Category Reason	Payee/Payer	Payment Status
<input type="checkbox"/>	Payment	03/10/2025	\$41.20		(1) 1st Party Vehicle - Robbie Madsen, Jr.	2017 TOYOTA TUN CRMAX 4X4 SRS/TRD PRO (5TFDW5F19HX676253)	Collision	Expense	Collision	Vehicle	Appraisal fee	ALACRITY SOLUTIONS GROUP LLC	Complete
<input checked="" type="checkbox"/>	Payment	04/07/2025	\$1,243.70		(2) 1st Party Vehicle - Robbie Madsen, Jr.	2017 TOYOTA TUN CRMAX 4X4 SRS/TRD PRO (5TFDW5F19HX676253)	Rental Reimbursement	Indemnity	Rental Reimbursement	Loss of Use	Standard indemnity	EAN SERVICES	Sent
<input checked="" type="checkbox"/>	Payment	04/24/2025	\$4,914.57		(1) 1st Party Vehicle - Robbie Madsen, Jr.	2017 TOYOTA TUN CRMAX 4X4 SRS/TRD PRO (5TFDW5F19HX676253)	Collision	Indemnity	Collision	Vehicle	Standard indemnity	Robbie Madsen, Jr.	Sent
Selected Total			\$6,158.27										

Payment 04/18/2025 \$24.73

Total \$6,183.00

Activity Assignment Status

https://cc-prod-pcprod.usaa.gamma-2.us-east-1.guidewire.net/cc/ClaimCenter.do

1/1

1SL09FXHJR
25-005598

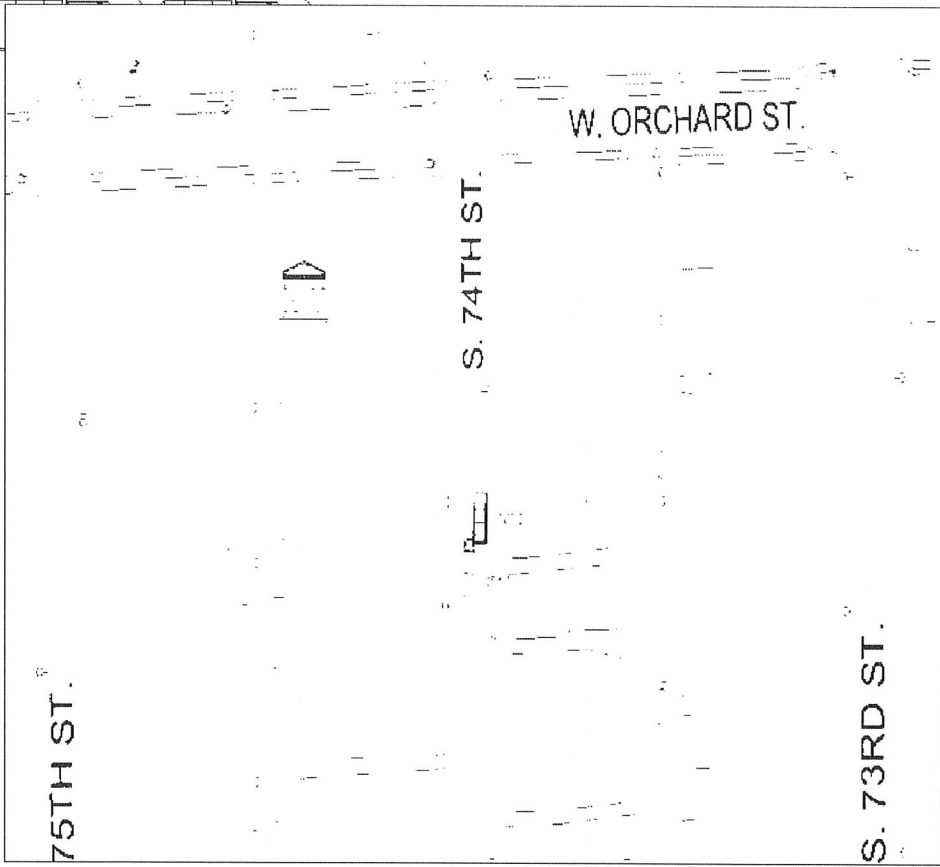
WISCONSIN MOTOR VEHICLE
CRASH REPORT

WEST ALLIS POLICE DEPARTMENT
11301 WEST LINCOLN AVENUE
WEST ALLIS, WI 53227
(414) 302-8000

1SL09FXHJR

Document Number Override		Primary Crash Document #		Agency Crash Number		Investigating Officer/Deputy OFFICER L. CARLSON	
Crash Date 02/15/2025		Crash Time 08:06 AM		Date Arrived 02/15/2025		Time Arrived 08:26 AM	
Date Notified 02/15/2025		Time Notified 08:08 AM		Total Units 02		Total Injured 00	Total Killed 00
On Emergency	Hit and Run	Lane Closure	Work Zone	Trailer or Towed		Reporting Threshold	
Government Property	Active School Zone	School Bus Related NO		Tags SUPPLEMENTAL			
<input checked="" type="checkbox"/> Reportable		Crash Type DT4000 (STANDARD CRASH)			Amended		Secondary Crash

Description

Diagram 	Reconstruction By Photos By CARLSON Additional Information PHOTOS
--	---

☒ I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.

UNIT 2 WAS LEGALLY PARKED FACING NB IN FRONT OF 1533 S 74. UNIT 2 WAS PLOWING THE STREET AND STRUCK THE REAR DRIVER SIDE BUMPER AND TAILLIGHT OF UNIT 2.

1SL09FXHJR

25-005598

WISCONSIN MOTOR VEHICLE CRASH REPORT

WEST ALLIS POLICE DEPARTMENT
11301 WEST LINCOLN AVENUE
WEST ALLIS, WI 53227
(414) 302-8000

Location

ON 1533 S 74TH ST 277 FT S OF W ORCHARD ST (HOUSE/BUILDING 1533) IN THE CITY OF WEST ALLIS IN MILWAUKEE COUNTY	Latitude 43.0142329	Longitude -88.004884604
	X Coordinate 418112.125	Y Coordinate 4762885
	Structure Type HOUSE/BUILDING	


Crash Scene

First Harmful Event PARKED MOTOR VEHICLE		First Harmful Event Location ON ROADWAY	
Manner of Collision 00 - NO COLLISION W/VEHICLE IN TRANSPORT		Light Condition DAYLIGHT	
Road Surface Condition(s) SNOW		Roadway Factor(s) NONE	
Environment Factor(s) WEATHER CONDITIONS			
Weather Condition(s) CLOUDY			
Animal Type		Relation To Trafficway TRAFFICWAY - ON ROAD	
Crash Classification - Location PUBLIC PROPERTY		Crash Classification - Jurisdiction NO SPECIAL JURISDICTION	
Tribal Land		Access Control NO CONTROL	Special Study
Within Interchange Area NO	Junction Location NON-JUNCTION	Intersection Type NOT AN INTERSECTION	

Unit Summary

UNIT 01	Unit Status IN TRANSIT		Vehicle Operating As Classification C CLASS		Unit Type TRUCK	
	Vehicle Type SNOW PLOW				Operating As Endorsements	
	Total Occs 1	Train/Bus # Recorded	Total # Citations Issued 0	Total Trailers 0	Total HazMat Types 0	
	Insurance? YES	Direction Of Travel NORTHBOUND	Pre Crash Tire Mark	Speed Limit 25	Total Lanes 2	
	Most Harmful Event: Collision With PARKED MOTOR VEHICLE		Special Function NO SPECIAL FUNCTION		Emergency Motor Vehicle Use NOT APPLICABLE	
	Traffic Way TWO-WAY, NOT DIVIDED		Traffic Control NO CONTROL		Traffic Control Inoperative/Missing NO	
	Surface Type BLACKTOP (BITUMINOUS)		Road Curvature STRAIGHT		Road Grade LEVEL	
	Truck Bus or HazMat TRUCK OR TRUCK COMBINATION > 10,000LBS GVWR/GCWR					

Vehicle

UNIT VEHICLE 01	License Plate Number 75149		Plate Type MUN - MUNICIPAL	St WI	Country of Issuance UNITED STATES
	Vehicle Identification Number 1HTWYSBT19J057257		Make INTERNATIONAL	Year 2009	Model BOSS
	Color WHI - WHITE		Body Style CB - CAB CHASSIS		Bus Use
	Initial Contact Point 01 - RIGHT FRONT CORNER		Vehicle Damage		
	Extent Of Damage NO DAMAGE		00 - NO DAMAGE		
					

Wisconsin Motor Vehicle Crash
Form DT4000

This report does not include any CJIS data.
2 of 5

Crash Date 02/15/2025
Crash Time 08:06 AM

1SL09FXHJR
25-005598

WISCONSIN MOTOR VEHICLE
CRASH REPORT

WEST ALLIS POLICE DEPARTMENT
11301 WEST LINCOLN AVENUE
WEST ALLIS, WI 53227
(414) 302-8000

UNIT VEHICLE	Towed Due To Damage NOT TOWED		Vehicle Removed By OPERATOR			
	What Driver Was Doing GOING STRAIGHT		Vehicle Factors			
	Driver Prior Action Other		NOT APPLICABLE			
	Driver Actions OTHER CONTRIBUTING ACTION					
01 01	Owner Name WEST ALLIS CITY		Owner Address 11301 W LINCOLN AVE WEST ALLIS, WI 53227 , US			
	Sequence Of Events					
01 02 03 04	Event PARKED MOTOR VEHICLE					
	Event					
	Event					
	Event					
UNIT	Policy Holder					
	Insurance Company CITIES-&-VILLAGES-MUTUAL-INS-CO		ORGANIZATION/COMPANY WEST ALLIS CITY			
INDIVIDUAL	Individual					
	DRIVER MASON DONALD GROSZ (414) 216-8164		Citations Issued 0	Sex MALE		
	Address 1425 S 59TH ST WEST ALLIS, WI 53214 , US		Date of Birth 08/13/1999	Race WHITE		
	Driver License Number G6205449929300 STATE: WISCONSIN COUNTRY: UNITED STATES					
01 001	Safety Equipment		On Duty Crash WINTER-HWY-MAINTENANC		Safety Equipment	
	Row 01 - FRONT ROW	Seat Position 07 - LEFT	SHOULDER & LAP BELT			
	Helmet Use		Helmet Compliance			
	Eye Protection		Tint Compliance			
	Injury		Injury Severity NO APPARENT INJURY		Airbag NON DEPLOYED	
	Ejected NOT EJECTED	Ejection Path NOT EJECTED/NOT APPLICABLE		Trapped/Extricated NOT TRAPPED		
	Medical Transport NOT TRANSPORTED		EMS Agency Identifier		EMS Run #	
	Hospital		Date of Death		Time of Death	
	Distracted By		Distracted By Source NOT APPLICABLE (NOT DISTRACTED)			
	Distracted By Action NOT DISTRACTED					

Wisconsin Motor Vehicle Crash
Form DT4000

This report does not include any CJIS data.
3 of 5

Crash Date 02/15/2025
Crash Time 08:06 AM

1SL09FXHJR
25-005598

WISCONSIN MOTOR VEHICLE
CRASH REPORT

WEST ALLIS POLICE DEPARTMENT
11301 WEST LINCOLN AVENUE
WEST ALLIS, WI 53227
(414) 302-8000

UNIT INDIVIDUAL 01 001	Non Motorist		Striking Unit #	Location	
	Prior Action				
	Action				
	Action Other				
	To/From School				
	Drug & Alcohol		Suspected Alcohol Use NO		Suspected Drug Use NO
	Alcohol Test Given TEST NOT GIVEN		Alcohol Test Type		Alcohol Test Results
	Drug Test Given TEST NOT GIVEN		Drug Test Type		Drug Test Results
	Drug Type				
	Individual Condition APPEARED NORMAL				
UNIT BUS TRUCK 01 01	Carrier				
	<input checked="" type="checkbox"/> Use Vehicle Owner Same as Carrier		Source VEHICLE-SIDE		
	Name WEST ALLIS CITY USDOT# 0000		Address 11301 W LINCOLN AVE WEST ALLIS, WI 53227 , US		
	GVWR MORE THAN 26,000 LB		Vehicle Configuration SINGLE UNIT TRUCK (3 OR MORE AXLES)		Cargo Body Type DUMP
	US DOT # 0000		Carrier Type NOT IN COMMERCE/GOVERNMENT		Permitted Load NOT APPLICABLE
	OS/OW Load		WI Permit Number	Permitted Vehicle On Permitted Route	Escort Vehicle Required By Permit
	Measured Height		Measured Length	Measured Width	Measured Weight
	Escort Vehicle Present				

Unit Summary

UNIT 02	Unit Status LEGALLY PARKED		Vehicle Operating As Classification D CLASS		Unit Type TRUCK
	Vehicle Type UTILITY TRUCK/PICKUP TRUCK				Operating As Endorsements
	Total Occs 0	Train/Bus # Recorded	Total # Citations Issued 0	Total Trailers 0	Total HazMat Types 0
	Insurance? YES	Direction Of Travel NORTHBOUND	Pre Crash Tire Mark	Speed Limit 25	Total Lanes 2
	Most Harmful Event: Collision With MOTOR VEH IN TRANSPORT		Special Function NO SPECIAL FUNCTION		Emergency Motor Vehicle Use NOT APPLICABLE
	Traffic Way TWO-WAY, NOT DIVIDED		Traffic Control NO CONTROL		Traffic Control Inoperative/Missing NO
	Surface Type BLACKTOP (BITUMINOUS)		Road Curvature STRAIGHT		Road Grade LEVEL

Wisconsin Motor Vehicle Crash
Form DT4000

This report does not include any CJIS data.
4 of 5

Crash Date 02/15/2025
Crash Time 08:06 AM

1SL09FXHJR

25-005598

WISCONSIN MOTOR VEHICLE
CRASH REPORTWEST ALLIS POLICE DEPARTMENT
11301 WEST LINCOLN AVENUE
WEST ALLIS, WI 53227
(414) 302-8000

Truck Bus or HazMat NO				
Vehicle				
UNIT 02 VEHICLE	License Plate Number NP7177	Plate Type LTK - LIGHT TRUCK	St WI	Country of Issuance UNITED STATES
	Vehicle Identification Number 5TFDW5F19HX676253	Make TOYOTA	Year 2017	Model TUN
	Color SIL - SILVER (ALUMINUM)	Body Style 2D - 2DR	Bus Use	
	Initial Contact Point 07 - LEFT REAR CORNER	Vehicle Damage		
	Extent Of Damage MINOR DAMAGE	06 - REAR, 07 - LEFT REAR CORNER		
	Towed Due To Damage NOT TOWED	Vehicle Removed By OWNER		
	What Driver Was Doing LEGALLY PARKED	Vehicle Factors		
	Driver Prior Action Other	NOT APPLICABLE		
UNIT 02 VEHICLE	Driver Actions NO CONTRIBUTING ACTION			
	Owner Name ROBBIE A MADSEN JR (262) 321-9645	Owner Address 825 NEWMAN RD MOUNT PLEASANT, WI 53406 , US		
Sequence Of Events				
UNIT 01 02 03 04	Event MOTOR VEH IN TRANSPORT			
	Event			
	Event			
	Event			
Policy Holder				
UNIT	Insurance Company PROGRESSIVE-ADVANCED-INSURANCE-CO	INDIVIDUAL ROBBIE MADSEN		

Rental Company: Enterprise Rent-A-Car
Invoice: 4402D79DNLH
Alternate Invoice Number: 79DNLH

Bill To: USA77TL

USAA INSURANCE (GUIDEWIRE)
 ATTN:PEGUES.JAZELE USAA RS
 9800 FREDERICKSBURG RD
 SAN ANTONIO, TX 7828

RENTER INFORMATION:

Renter: MADSEN,ROBBIE
 Address: 825 NEWMAN RD
 MOUNT PLEASANT, WI 53406
 Home Phone: (262) 321-9645
 Office Phone: (262) 909-7151

RENTAL INFORMATION:
Rental Branch Location:

ENTERPRISE RENT-A-CAR(4402)
 9501 WASHINGTON AVE
 RACINE, WI 534063755

ADDITIONAL CLAIM INFORMATION:

Claim Number: 029984411-800
 Claim Type: Insured
 Vehicle Condition: Total Loss
 Date Of Loss: 02/15/2025
 Insured Name: MADSEN,ROBBIE
 Owner's Vehicle: 2017 TOYOTA
 Customer notified of last day: No
 ERAC Reference Only:
 Escalation Reason: Beyond 30 day authority
 Policy Max Date: 04092025
 CAT Claim: False
 USAA Reviewed: No
 Policy Max Notification Date:
 Date Rental Escalated: 03212025
 Unresponsive shop call attempts:
 MOI: DRP
 CAT:
 Total Loss Settlement Offer Date:

Repair Facility:

TOTAL LOSS
 ST. LOUIS, MO 63105

RENTAL DETAIL:

Rental Period: 02/19/2025 to 04/03/2025 (44 days)

Billed Period: 02/19/2025 to 04/03/2025 (44 days)

Description	Quantity	Rate	Amount
TIME & DISTANCE	44	\$26.00	\$1144.00
SALES TAX	1	5.00%	\$59.22
TITLE AND REGISTRATION FEES	44	\$0.92	\$40.48
Total Charges:			\$1243.70
Less Amount Received:			\$0.00
Total Amount Due:			\$1243.70

VEHICLES RENTED:

Effective Date	Time	Year	Make	Model	VIN	Mileage
02/19/2025	1:29 PM	2024	VOLK	JETT	3VW5M7BU9RM076973	1861

Rental Invoice

Please Return This Portion with Remittance

Make Payment To:

ENTERPRISE RENT-A-CAR

P.O. BOX 840086

KANSAS CITY, MO 641840086

Federal ID: 43-0724835

Total Charges:

\$1243.70

Less Amount Received:

\$0.00

Total Amount Due.....

\$1243.70

Please Include on your Check:

Invoice:4402D79DNLH

CALIBER - MOUNT PLEASANT WI
RESTORING THE RHYTHM OF YOUR LIFE
6940 Washington Ave, Mount Pleasant, WI 53406
Phone: (262) 735-8032
FAX: (262) 735-8038

Workfile ID: 559e50ec
Federal ID: 33-0730794
State ID: N/A
Federal EPA: WI0000940965
State EPA: N/A

Supplement of Record 1 with Summary

RO Number: 3361003868

Written By: Marisa Perales, 3/7/2025 8:18:20 AM
Adjuster: Wagner, Michael, (800) 531-8722 Business

Insured:	Madsen, Robbie	Policy #:	029984411	Claim #:	02998441100000800001
Type of Loss:	Collision	Date of Loss:	2/15/2025 8:00 AM	Days to Repair:	15
Point of Impact:	07 Left Rear				

Owner:

Madsen, Robbie
825 NEWMAN RD
MT PLEASANT, WI 53406-4035
(262) 321-9645 Cell

Inspection Location:

Robbie Madsen, Jr.
825 N Newman Rd
Mt Pleasant, WI 53406
Other

Insurance Company:

USAA GENERAL INDEMNITY COMPANY
DRP-1357
Visit us at USAA.com or Call #8722
P.O. Box 33490
San Antonio, TX 78265
(800) 531-8722 Business

VEHICLE

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

VIN:	5TFDW5F19HX676253	Interior Color:	Graphite	Mileage In:	140,102	Vehicle Out:	3/21/2025
License:	NP7177	Exterior Color:	SILVER	Mileage Out:			
State:	WI	Production Date:	8/2017	Condition:		Job #:	

TRANSMISSION

Automatic Transmission
Overdrive
4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Heated Mirrors
Power Driver Seat

DECOR

Dual Mirrors
Privacy Glass
Console/Storage

Overhead Console

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Alarm
Message Center
Steering Wheel Touch Controls
Telescopic Wheel
Backup Camera
Home Link

RADIO

AM Radio

FM Radio

Stereo
Search/Seek
CD Player
Auxiliary Audio Connection
Satellite Radio

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Traction Control
Stability Control
Front Side Impact Air Bags
Head/Curtain Air Bags
Hands Free Device

SEATS

Cloth Seats
Bucket Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint
Metallic Paint

OTHER

Fog Lamps

TRUCK

Rear Step Bumper
Power Rear Window
Trailer Hitch
Trailer Package

Supplement of Record 1 with Summary

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	#	For Supplements Use Estimate Share Within CCC One		1			
2	#	Have Questions or Non-CCC User?		1			
3	#	Call 800.637.8511 - Press 2 for Repair Facility		1			
4	#	Then Press 2 for Technical Support,		1			
5	#	Then Press 4 for "All Other"		1			
6	PICK UP BOX						
7		R&I R&I box assy				2.5	
8		Repl LT Side panel w/o TRD Pro	656000C111	1	1,693.78	11.9	4.9
9	**	Repl A/M LT Wheelhouse liner	656380C040	1	96.00	Incl.	
10		Repl LT Stone guard	662440C020	1	35.17	0.2	
11		R&I Fuel door				Incl.	
12		Blnd Fuel door					0.2
13		R&I R&I tailgate assy				Incl.	
14	*	Rpr Tail gate				<u>1.0</u>	2.3
		Note: DAMAGE TO LT EDGE ONLY- SEE PHOTOS- PRIOR RUST RT SIDE LOWER					
15		Overlap Major Adj. Panel					-0.4
16		R&I R&I outside handle				0.3	
17		R&I Access cover				0.2	
18	**	S01 Repl A/M Gate trim panel	657170C080	1	<u>124.80</u>	0.2	
		Note: TABS BROKEN					
19	*	S01 Repl LT Side trim panel	662490C091	1	<u>144.31</u>	0.2	
		Note: PART IS WARPED AND TAB BROKEN					
20		Repl LT Decal "TRD 4X4 OFF ROAD" dark	759960C080A2	1	104.18	0.3	
21		Repl LT Stone deflector	756410C070	1	22.94	0.2	
22		Repl LT Hinge	661200C020	1	59.36	0.2	0.2
23		Clear Coat					2.5
24	REAR LAMPS						
25	**	Repl A/M LT Combo lamp assy	815600C101	1	126.00	Incl.	
26	#	Repl Corrosion Protection		1		T	0.2
27	#	Rpr Disconnect Battery				0.2	
28	#	Rpr Pre-Repair diagnostic scan				0.5	
29	#	Subl Pre-Repair diagnostic scan		1	50.00	T	
30	#	Rpr Post-Repair diagnostic scan				0.5	
31	#	Subl Post-Repair diagnostic scan		1	70.00	T	
32	#	Repl Caulk/Seam Sealer		1	30.00	T	0.5
33	#	Repl Cavity Wax		1	18.00	T	0.5
34	#	Cover Car for Overspray		1	5.00	T	0.3
35	#	Subl Hazardous Waste Disposal		1	10.00	T	
36	#	Refn Weld Zone Refinish				T	1.0

Supplement of Record 1 with Summary

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

SUBTOTALS	2,589.54	19.7	10.9
-----------	----------	------	------

NOTES

Estimate Notes:

Gave Customer The Original Estimate: Y(N):N- WILL CALL AND GIVE AT PICK UP

DTP Image Attached (Y/N):Y

Drivable (Y/N):Y

Date Repair is Scheduled:2/19

Prior or Unrelated Damages (Y/N): Y - PRIOR BODYWORK, RT BEDSIDE, ROOF, REAR CAB PANEL,RUST RT SIDE LOWER TAILGATE.STONE CHIPS
FT END

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			2,406.54
Body Labor	19.7 hrs @	\$ 68.00 /hr	1,339.60
Paint Labor	10.9 hrs @	\$ 68.00 /hr	741.20
Paint Supplies	10.9 hrs @	\$ 47.00 /hr	512.30
Miscellaneous			183.00
Pre-Tax Discount		-0.5 %	-25.91
Subtotal			5,156.73
Sales Tax	\$ 5,156.73 @	5.0000 %	257.84
Grand Total			5,414.57
Deductible			500.00
CUSTOMER PAY			500.00
INSURANCE PAY			4,914.57

Supplement of Record 1 with Summary

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

SUPPLEMENT SUMMARY

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
Changed Items							
18	**	Repl A/M KEYSIQ Gate trim panel NOTE: TABS BROKEN	657170C080	1	-192.00	-0.2	
18	**	S01 Repl A/M Gate trim panel NOTE: TABS BROKEN	657170C080	1	<u>124.80</u>	0.2	
19		Repl LT Side trim panel NOTE: PART IS WARPED AND TAB BROKEN	662490C091	1	-222.01	-0.2	
19	*	S01 Repl LT Side trim panel NOTE: PART IS WARPED AND TAB BROKEN	662490C091	1	<u>144.31</u>	0.2	
SUBTOTALS					-144.90	0.0	0.0

TOTALS SUMMARY

Category	Basis	Rate	Cost \$
Parts			-144.90
Pre-Tax Discount		-0.5 %	0.73
Subtotal			-144.17
Sales Tax	\$ -144.17 @	5.0000 %	-7.21
Total Supplement Amount			-151.38
NET COST OF SUPPLEMENT			-151.38

CUMULATIVE EFFECTS OF SUPPLEMENT(S)

Estimate	5,565.95	Marisa Perales
Supplement S01	-151.38	Marisa Perales
Job Total:	\$ 5,414.57	
CUSTOMER PAY:	\$ 500.00	
INSURANCE PAY:	\$ 4,914.57	

Supplement of Record 1 with Summary

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

=====

Caliber Collision is the industry leader in quality collision repair. Since day one, our highest purpose has been to get people just like you back on the road as quickly as possible and fully restored to the rhythm of your life. You can be sure we do everything possible to ensure your complete satisfaction including:

- ☐ Personalized, high quality service from the largest collision repair company in the U.S.
- ☐ Consistently ranked among the highest customer satisfaction scores in the industry.
- ☐ Approved by every major insurance company in the U.S.
- ☐ Expedited car rental and towing services to get you back on the road again in no time.
- ☐ Repair work backed by a written, lifetime warranty honored at every location.
- ☐ 24/7/365 customer service to answer questions and put your mind at ease.

This is a preliminary estimate based on visible damage. There may be additional repairs needed once the vehicle is taken apart by our I-CAR Gold Class technicians to identify any additional damage.

If an insurance company has written an estimate for you, please provide us with a copy. Properly endorsed insurance company checks are welcome as payment for the repair of your vehicle. Caliber Collision gladly accepts all major credit cards, debit cards, cashier's and traveler's checks. See your Caliber Collision center for details on acceptance of personal checks.

Before leaving your vehicle with us, please remove all important personal and valuable items from your vehicle. Caliber Collision is not responsible for belongings left in your vehicle.

Please let us know how we can be of further assistance, and when we can schedule an appointment for your vehicle to be repaired.

Caliber Collision - Restoring The Rhythm Of Your Life

=====

AVOID DELAYS BY GETTING CLAIM AND PAYMENT INFORMATION IN JUST A FEW CLICKS!

VISIT: <http://www.usaa.com/bodyshop>

MEMBER NUMBER: Use Policy Number

LOSS NUMBER: Use digits 16, 17, & 18 of the claim number (Ex. 012345670000000[003]001)

LOSS DATE: Use Date of Loss

If you choose to repair your vehicle at a STARS facility, please visit the following link for information regarding the USAA STARS Limited Lifetime Warranty:

https://content.usaa.com/mcontent/static_assets/Media/usaa-stars-limited-lifetime-warranty.pdf

If you do not choose to repair your vehicle at a STARS facility, please note that USAA STARS Limited Lifetime Warranty will not apply to repairs to your vehicle.

Please Present A Copy Of This Estimate To A Repair Facility Of Your Choice

*USAA Subsidiaries include: United Services Automobile Association(USAA), USAA Casualty Insurance Company(CIC), USAA General Indemnity Company(GIC) USAA County Mutual Insurance(CMI) and Garrison Property Casualty Insurance Company. Garrison Property and Casualty Insurance Company, a subsidiary of USAA Casualty Insurance Company, is authorized to use the USAA logo, a registered trademark of United Services Automobile Association.

This is not an authorization to repair. Failing to present this estimate to the repairing garage before repair may result in additional expenses to you. A USAA appraiser must authorize any supplement to this estimate. Repairs to this

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

vehicle may require specific welding equipment as recommended by the manufacturer.

Visit us @ USAA.com or Call #8722

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATP 132, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide ARM8193, CCC Data Date 02/17/2025, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2024 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. CFC=Carbon Fiber. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. STS=Stainless Steel. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Intelligent Solutions Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

USAAs Quality Replacement Parts Program

The following information summarizes USAAs Quality Replacement Parts program:

USAA utilizes a Quality Replacement Parts (QRP) program to help manage repair costs while maintaining a high standard of quality and safety for vehicle repairs. USAAs QRP program includes parts that are required to be equivalent in quality, safety, fit, and performance of the part(s) being replaced on your vehicle. The application of USAAs QRP program will comply with all state/federal laws where applicable and may be superseded by policy/endorsement language when applicable.

USAA provides a Limited Parts Warranty on Quality Replacement Parts that are authorized for use on USAA approved repair estimates and installed during vehicle repairs. USAAs warranty on sheet metal, and plastic QRP body parts is valid for the greater of the following time periods: (1) the remaining period of the Original Equipment Manufacturer (OEM) vehicle factory warranty; or (2) three years from the date of the repair completion. USAAs warranty on mechanical and electrical QRP parts is valid for the greater of the following time periods: (1) the remaining period of the Original Equipment Manufacturer (OEM) vehicle factory warranty; or (2) the same warranty period that would be provided by the Original Equipment Manufacturer (OEM) for an equivalent OEM replacement part.

Excluded from USAAs QRP warranty are the following conditions: (1) normal wear and tear; (2) damage caused by accident and/or acts of nature; (3) intentional acts; (4) improper use or modification; (5) improper installation; and/or (6) improper maintenance of the vehicle.

Any express warranty not provided herein is hereby excluded and disclaimed. Any implied warranties of merchantability and fitness for any particular purpose which may exist are expressly limited to the QRP warranty period(s) as cited above. The USAA QRP warranty period(s) will comply with and be superseded by state/federal law where applicable.

USAA shall not be liable to any person for any special, incidental, or consequential damages, whether arising out of breach of warranty, breach of contract or otherwise. Limitations or exclusions of liability may be superseded by state/federal law where applicable.

The following questions and answers may help you understand more about USAAs QRP program:

Q. What types of parts are utilized in the QRP Program?

A. In addition to the use of OEM parts in certain instances, the following types of parts may be utilized in the QRP Program:

- ☐ New aftermarket parts: Parts provided by manufacturers and distributors other than the Original Equipment Manufacturer.
- ☐ Recycled parts: Parts from a vehicle of the same make and model.
- ☐ Reconditioned, remanufactured, and rebuilt parts: Parts that are rebuilt or repaired to OEM specifications.
- ☐ Optional OEM parts: New OEM or OEM equivalent parts provided by distributors other than the Original Equipment Manufacturer.

Q. What assurances do I have that QRP parts are of high quality?

A. USAAs QRP program maintains high standards to utilize parts that are equivalent in quality, safety, fit, and performance of the part(s) being replaced on your vehicle. QRP parts carry an equal or better warranty when compared to OEM parts and are backed by USAAs Limited Parts Warranty.

Q. Do I have a choice of which parts are used to repair my vehicle?

A. As the owner of the vehicle, you have the right to choose the types of parts that are utilized in the repairs to your vehicle. If you choose to utilize parts that differ from USAAs approved estimate, you will be responsible for any

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

additional part costs and labor differences. As well, USAAs Limited Parts Warranty will not be applicable to parts that deviate from USAAs approved estimate.

Q. Will using a non-OEM part void the warranty on my vehicle?

A. QRP parts utilized in your vehicles repair carry an equal or better warranty when compared to OEM parts. Additionally, QRP parts are backed by USAAs Limited Parts Warranty, which includes the duration of the OEM warranty period.

Q. If an issue arises with a QRP part utilized in the repair to my vehicle, what is the resolution process?

A. If you experience a problem, contact your repair shop to discuss the concern. The shop will assess the situation and can work directly with the QRP supplier and/or USAA where necessary to resolve the issue.

Q. What should I do if my repair shop refuses to use QRP parts?

A. You have the right to choose where, how, and by whom your vehicle will be repaired. Repair shops have the right to conduct business in accordance with their own practices, including charging more than a competitive cost for repairs. Should you choose a repair shop that refuses to utilize the QRP parts listed on the USAA approved estimate, you will be responsible for any additional part costs and labor differences in the final repair bill. As well, the USAA Limited Parts Warranty will not apply.

If you have questions about the program or warranty, log on to <http://usaa.com> or call 1-800-531-USAA (8722).

Supplement of Record 1 with Summary

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

PARTS SUPPLIER LIST

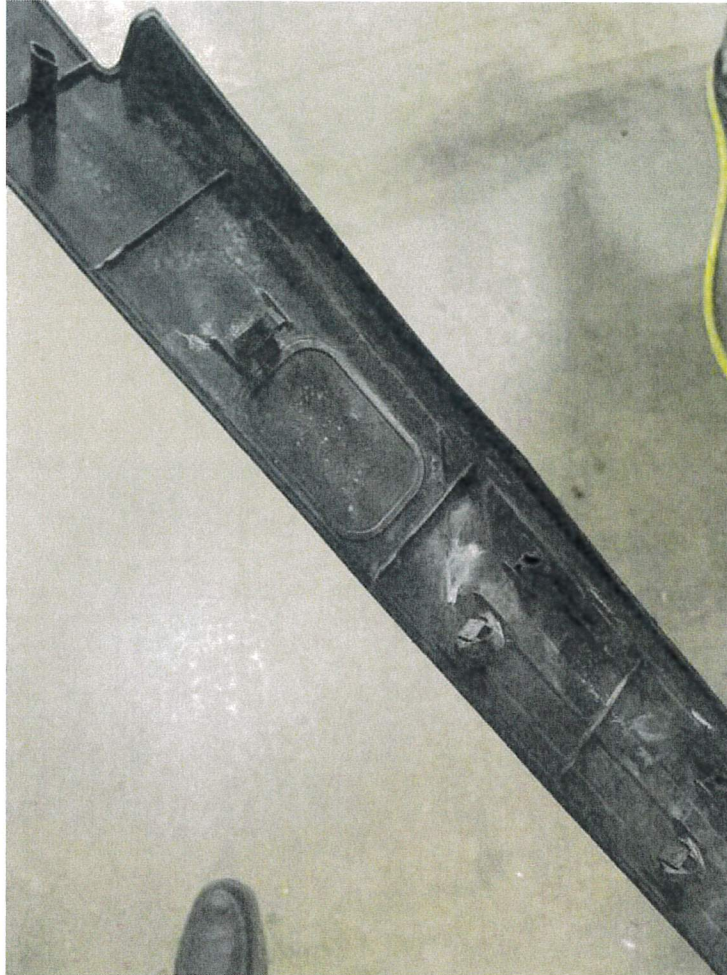
Line	Supplier	Description	Price
9	Keystone, Inc 4550 RIVERS AVE NORTH CHARLESTON SC 29405 (843) 552-4303	#TO1762105 A/M LT Wheelhouse liner Quote: 2887146133 Expires: 04/19/25	\$ 96.00
18	Keystone, Inc 4550 RIVERS AVE NORTH CHARLESTON SC 29405 (843) 552-4303	#TO1904102 A/M Gate trim panel Quote: 2887167873 Expires: 04/19/25	\$ 124.80
25	Keystone, Inc 4550 RIVERS AVE NORTH CHARLESTON SC 29405 (843) 552-4303	#TO2800193 A/M LT Combo lamp assy Quote: 2887172962 Expires: 04/19/25	\$ 126.00



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO2
File Date	: 03/05/2025
Label	: LT TAIL LAMP
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



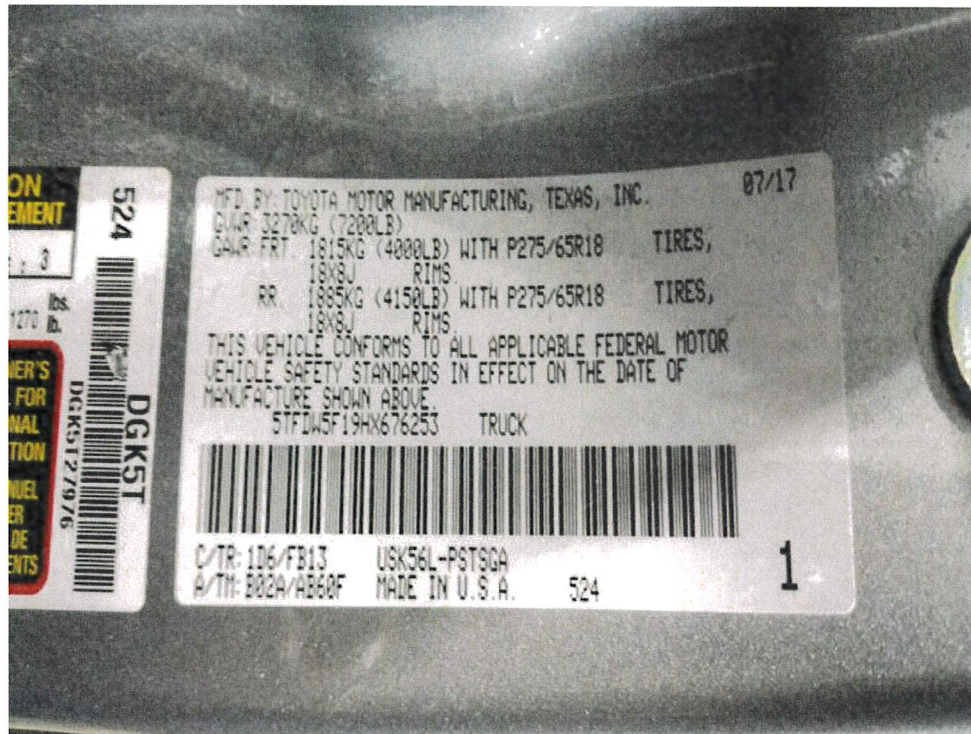
Claim Reference Id	: 029984411000000800001
File Name	: PHOTO14
File Date	: 02/20/2025
Label	: LT SIDE GATE
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



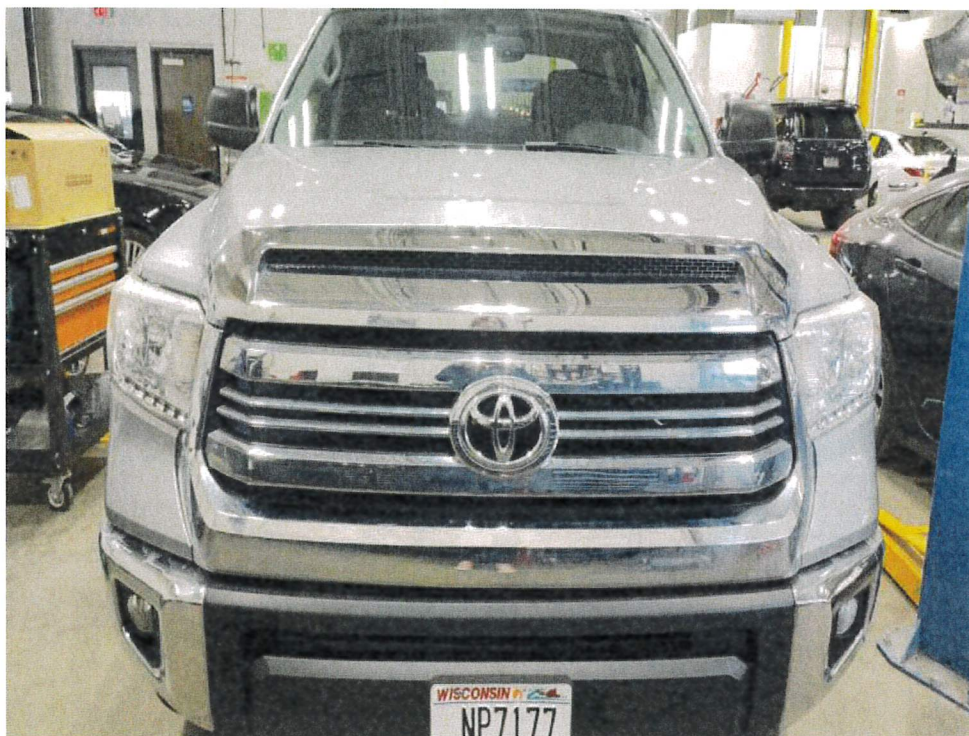
Claim Reference Id	: 029984411000000800001
File Name	: PHOTO9
File Date	: 03/05/2025
Label	: LT BEDSIDE UPPER TRIM
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO17
File Date	: 03/05/2025
Label	: LT SIDE TAIL GATE
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO20
File Date	: 03/04/2025
Label	: VIN Number
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO12
File Date	: 02/20/2025
Label	: Front
Note	: Owner:Robbie,Madsen Style:2017,TOYO,Tundra 4WD SR5 CrewMax w/5.5' Bed Insured:Robbie,Madsen LossDate:02/15/2025 PolicyNumber:029984411 ClaimRepresentative:Wagner ShopName:CALIBER - MOUNT PLEASANT WI Claimant:Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDemnITY COMPANY InsuredIsOwner:Y Estimator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO8
File Date	: 02/20/2025
Label	: Left Rear
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



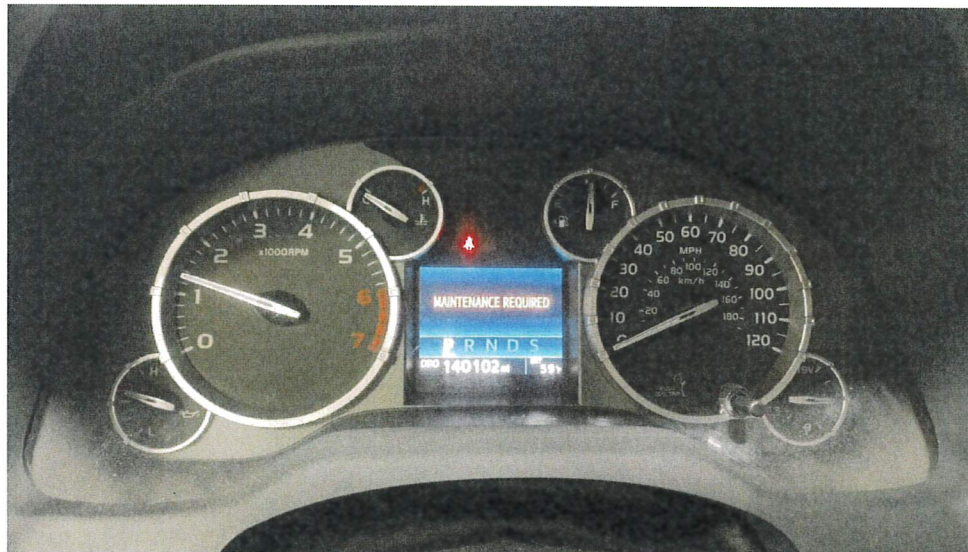
Claim Reference Id	: 029984411000000800001
File Name	: PHOTO26
File Date	: 03/05/2025
Label	: LT BEDSIDE AND INNER
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO29
File Date	: 02/20/2025
Label	: Left Front
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO23
File Date	: 02/20/2025
Label	: Right Rear
Note	: Owner:Robbie,Madsen Style:2017,TOYO,Tundra 4WD SR5 CrewMax w/5.5' Bed Insured:Robbie,Madsen LossDate:02/15/2025 PolicyNumber:029984411 ClaimRepresentative:Wagner ShopName:CALIBER - MOUNT PLEASANT WI Claimant:Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDEMNITY COMPANY InsuredIsOwner:Y Estimator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



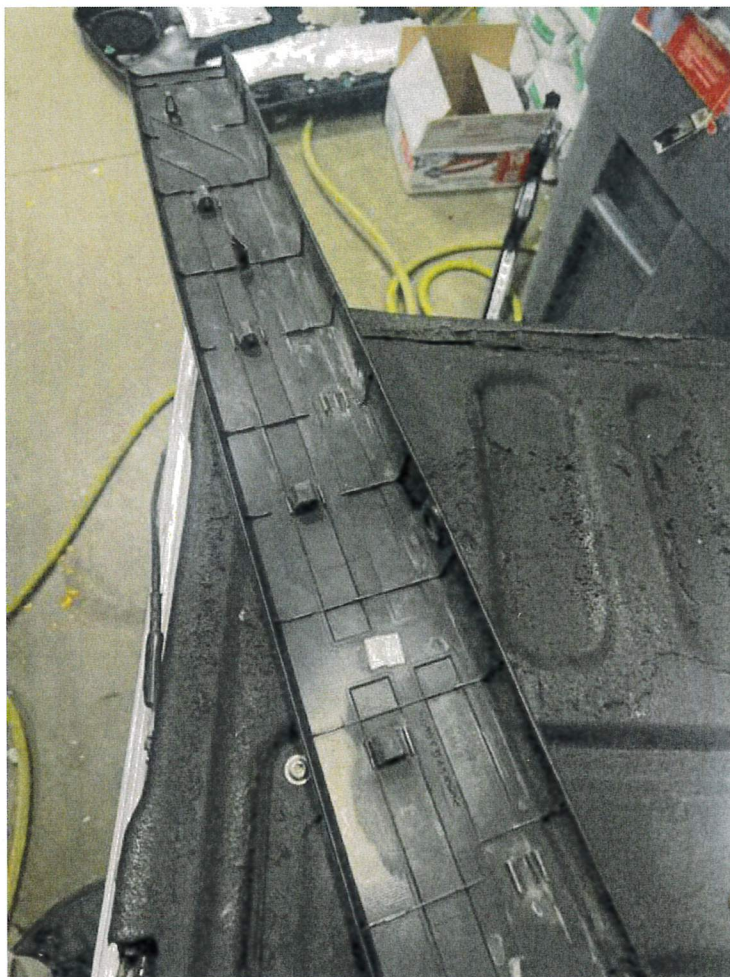
Claim Reference Id	: 029984411000000800001
File Name	: PHOTO11
File Date	: 02/20/2025
Label	: Odometer
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO27
File Date	: 02/20/2025
Label	: Photo 01
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 02998441100000800001
File Name	: PHOTO28
File Date	: 02/20/2025
Label	: Photo 02
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO6
File Date	: 03/05/2025
Label	: TAIL GATE UPPER TRIM
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



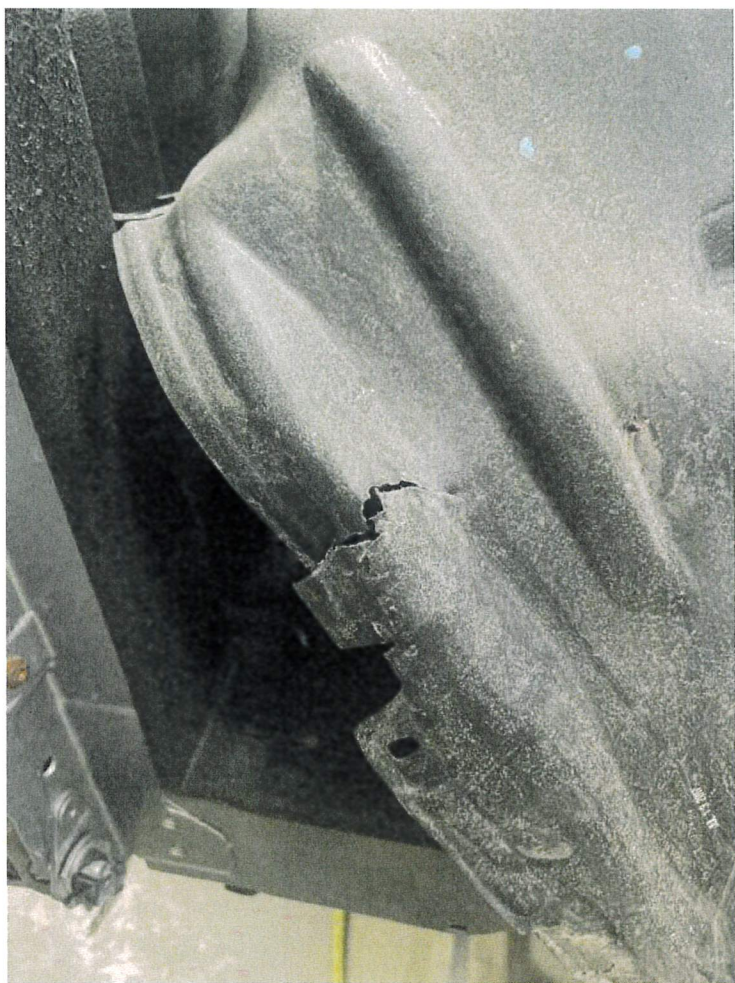
Claim Reference Id	: 02998441100000800001
File Name	: PHOTO7
File Date	: 02/20/2025
Label	: Left Fender
Note	: Owner:Robbie,Madsen Style:2017,TOYO,Tundra 4WD SR5 CrewMax w/5.5' Bed Insured:Robbie,Madsen LossDate:02/15/2025 PolicyNumber:029984411 ClaimRepresentative:Wagner ShopName:CALIBER - MOUNT PLEASANT WI Claimant:Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDemnity COMPANY InsuredIsOwner:Y Estimator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO18
File Date	: 02/20/2025
Label	: Rear
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO4
File Date	: 03/05/2025
Label	: LT BEDSIDE
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO22
File Date	: 03/05/2025
Label	: LT BEDSIDE LINER
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO10
File Date	: 02/20/2025
Label	: Right Fender
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



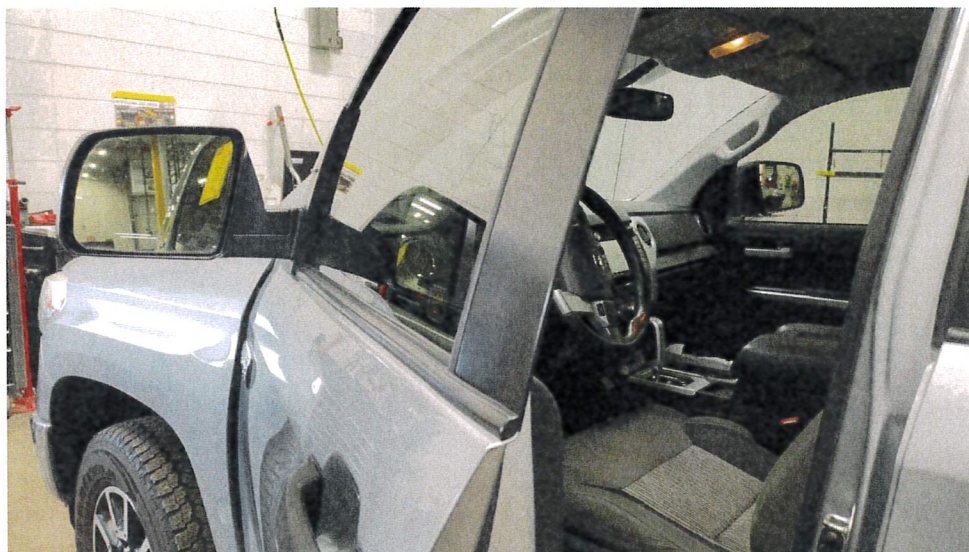
Claim Reference Id	: 029984411000000800001
File Name	: PHOTO16
File Date	: 02/20/2025
Label	: LT BEDSIDE
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO19
File Date	: 02/20/2025
Label	: Right Front
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO3
File Date	: 02/20/2025
Label	: Left QP
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



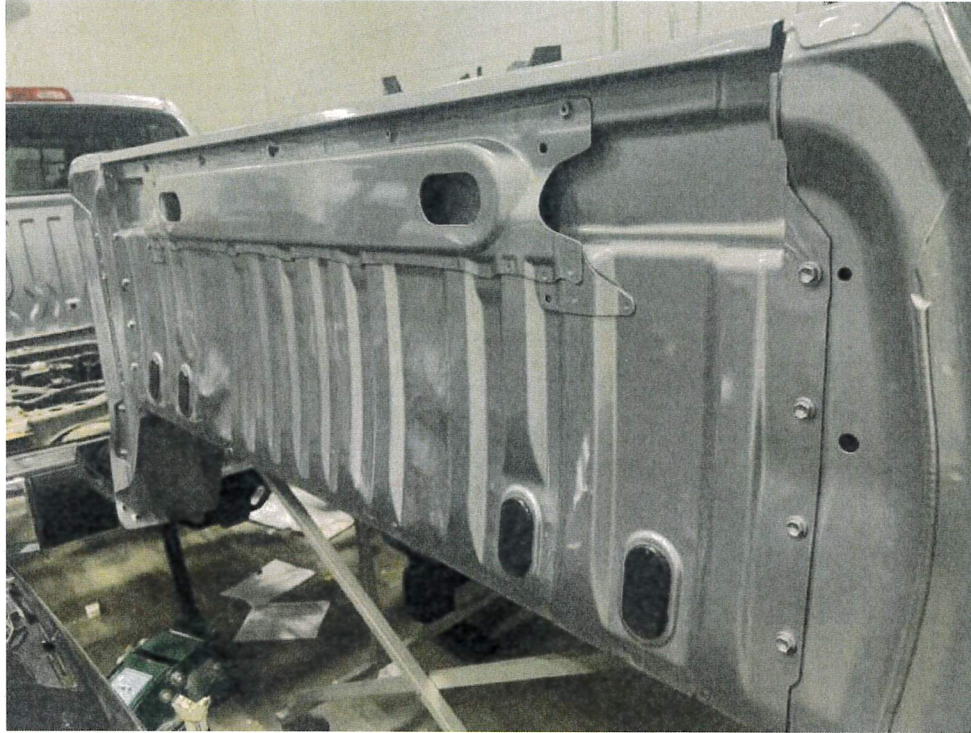
Claim Reference Id	: 029984411000000800001
File Name	: PHOTO25
File Date	: 02/20/2025
Label	: Interior
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO21
File Date	: 02/20/2025
Label	: Right QP
Note	: Owner:Robbie,Madsen Style:2017,TOYO,Tundra 4WD SR5 CrewMax w/5.5' Bed Insured:Robbie,Madsen LossDate:02/15/2025 PolicyNumber:029984411 ClaimRepresentative:Wagner ShopName:CALIBER - MOUNT PLEASANT WI Claimant:Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDEMNITY COMPANY InsuredIsOwner:Y Estimator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 02998441100000800001
File Name	: PHOTO5
File Date	: 03/05/2025
Label	: LT SIDE GATE LOWER HINGE
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO24
File Date	: 03/05/2025
Label	: PRIOR FT BEDPANEL
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO13
File Date	: 02/20/2025
Label	: LT BEDSIDE
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01



Claim Reference Id	: 029984411000000800001
File Name	: PHOTO15
File Date	: 03/05/2025
Label	: LT BEDSIDE INNER
Note	: Owner:Robbie,Madsen Style:2017,TO YO,Tundra 4WD SR5 CrewMax w/5.5' Be d Insured:Robbie,Madsen LossDate:02 /15/2025 PolicyNumber:029984411 Cla imRepresentative:Wagner ShopName:CA LIBER - MOUNT PLEASANT WI Claimant: Robbie,Madsen VIN:5TFDW5F19HX676253 InsuranceCompany:USAA GENERAL INDE MNITY COMPANY InsuredIsOwner:Y Esti mator:Marisa,Perales
Photo Location	: CALIBER - MOUNT PLEASANT WI
Photo Taken By	: Marisa Perales
Estimate Indicator	: E01

CALIBER - MOUNT PLEASANT WI
RESTORING THE RHYTHM OF YOUR LIFE
6940 Washington Ave, Mount Pleasant, WI 53406
Phone: (262) 735-8032
FAX: (262) 735-8038

Workfile ID: 559e50ec
Federal ID: 33-0730794
State ID: N/A
Federal EPA: WI0000940965
State EPA: N/A

Supplement of Record 3 with Summary

RO Number: 3361003868

Written By: Mark Maj, 4/18/2025 11:44:43 AM
Adjuster: Wagner, Michael, (800) 531-8722 Business

Insured: Madsen, Robbie Policy #: 029984411 Claim #: 029984411000000800001
Type of Loss: Collision Date of Loss: 2/15/2025 8:00 AM Days to Repair: 15
Point of Impact: 07 Left Rear

Owner:

Madsen, Robbie
825 NEWMAN RD
MT PLEASANT, WI 53406-4035
(262) 321-9645 Cell

Inspection Location:

Robbie Madsen, Jr.
825 N Newman Rd
Mt Pleasant, WI 53406
Other

Insurance Company:

USAA GENERAL INDEMNITY COMPANY
DRP-1357
Visit us at USAA.com or Call #8722
P.O. Box 33490
San Antonio, TX 78265
(800) 531-8722 Business

VEHICLE

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

VIN: 5TFDW5F19HX676253 Interior Color: Graphite Mileage In: 140,102 Vehicle Out: 4/14/2025
License: NP7177 Exterior Color: SILVER Mileage Out: 140,102
State: WI Production Date: 8/2017 Condition: Job #:

TRANSMISSION

Automatic Transmission
Overdrive
4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Heated Mirrors
Power Driver Seat

DECOR

Dual Mirrors
Privacy Glass
Console/Storage

Overhead Console

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Alarm
Message Center
Steering Wheel Touch Controls
Telescopic Wheel
Backup Camera
Home Link

RADIO

AM Radio

FM Radio

Stereo
Search/Seek
CD Player
Auxiliary Audio Connection
Satellite Radio

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Traction Control
Stability Control
Front Side Impact Air Bags
Head/Curtain Air Bags
Hands Free Device

SEATS

Cloth Seats
Bucket Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint
Metallic Paint

OTHER

Fog Lamps

TRUCK

Rear Step Bumper
Power Rear Window
Trailer Hitch
Trailer Package

Supplement of Record 3 with Summary

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	#	For Supplements Use Estimate Share Within CCC One		1			
2	#	Have Questions or Non-CCC User?		1			
3	#	Call 800.637.8511 - Press 2 for Repair Facility		1			
4	#	Then Press 2 for Technical Support,		1			
5	#	Then Press 4 for "All Other"		1			
6	PICK UP BOX						
7		R&I R&I box assy				2.5	
8		Repl LT Side panel w/o TRD Pro	656000C111	1	1,693.78	11.9	4.9
9	**	Repl A/M LT Wheelhouse liner	656380C040	1	96.00	Incl.	
10		Repl LT Stone guard	662440C020	1	35.17	0.2	
11		R&I Fuel door				Incl.	
12	*	Blnd Fuel door					0.2
13		R&I R&I tailgate assy				Incl.	
14	*	Rpr Tail gate				1.0	2.3
		Note: DAMAGE TO LT EDGE ONLY- SEE PHOTOS- PRIOR RUST RT SIDE LOWER					
15		Overlap Major Adj. Panel					-0.4
16		R&I R&I outside handle				0.3	
17		R&I Access cover				0.2	
18	**	S01 Repl A/M Gate trim panel	657170C080	1	124.80	0.2	
		Note: TABS BROKEN					
19	*	S01 Repl LT Side trim panel	662490C091	1	144.31	0.2	
		Note: PART IS WARPED AND TAB BROKEN					
20		Repl LT Decal "TRD 4X4 OFF ROAD" dark	759960C080A2	1	104.18	0.3	
21		Repl LT Stone deflector	756410C070	1	22.94	0.2	
22		Repl LT Hinge	661200C020	1	59.36	0.2	0.2
23		Clear Coat					2.5
24	REAR LAMPS						
25	**	Repl A/M LT Combo lamp assy	815600C101	1	126.00	Incl.	
26	#	Repl Corrosion Protection		1		T	0.2
27	#	Rpr Disconnect Battery				0.2	
28	#	Rpr Pre-Repair diagnostic scan				0.5	
29	#	Subl Pre-Repair diagnostic scan		1	50.00	T	
30	#	Rpr Post-Repair diagnostic scan				0.5	
31	#	Subl Post-Repair diagnostic scan		1	70.00	T	
32	#	Repl Caulk/Seam Sealer		1	30.00	T	0.5
33	#	S03 Repl Cavity Wax		1	17.00	T	0.5
34	#	Cover Car for Overspray		1	5.00	T	0.3
35	#	Subl Hazardous Waste Disposal		1	10.00	T	
36	#	Refn Weld Zone Refinish				T	1.0

Supplement of Record 3 with Summary

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

37	#	S02	Repl	SUPPLEMENT CREATED TO RE-UPLOAD AS A TOTAL LOSS	1			
SUBTOTALS						2,588.54	19.7	10.9

NOTES

Estimate Notes:

Gave Customer The Original Estimate: Y/N):N- WILL CALL AND GIVE AT PICK UP

DTP Image Attached (Y/N):Y

Drivable (Y/N):Y

Date Repair is Scheduled:2/19

Prior or Unrelated Damages (Y/N): Y - PRIOR BODYWORK, RT BEDSIDE, ROOF, REAR CAB PANEL,RUST RT SIDE LOWER TAILGATE.STONE CHIPS

FT END

ESTIMATE TOTALS

Category	Basis		Rate	Cost \$
Parts				2,406.54
Body Labor	19.7 hrs	@	\$ 68.00 /hr	1,339.60
Paint Labor	10.9 hrs	@	\$ 68.00 /hr	741.20
Paint Supplies	10.9 hrs	@	\$ 47.00 /hr	512.30
Miscellaneous				182.00
Pre-Tax Discount			-0.5 %	-25.91
Subtotal				5,155.73
Sales Tax	\$ 5,155.73	@	5.5000 %	283.57
Grand Total				5,439.30
Deductible				500.00
CUSTOMER PAY				500.00
INSURANCE PAY				4,939.30

Supplement of Record 3 with Summary

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

SUPPLEMENT SUMMARY

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
Changed Items							
33	#	Repl	Cavity Wax	1	-18.00 T	-0.5	
33	#	S03	Repl	Cavity Wax	1	17.00 T	0.5
SUBTOTALS					-1.00	0.0	0.0

RATE CHANGES

Sales Tax \$ 5156.73 0.5 (5 % to 5.5 %) = 25.78

TOTALS SUMMARY

Category	Basis	Rate	Cost \$
Parts			0.00
Miscellaneous			-1.00
Subtotal			-1.00
Sales Tax	\$ -1.00 @	5.5000 %	-0.06
Additional Supplement Taxes			25.79
Total Supplement Amount			24.73
NET COST OF SUPPLEMENT			24.73

CUMULATIVE EFFECTS OF SUPPLEMENT(S)

Estimate	5,565.95	Marisa Perales
Supplement S01	-151.38	Marisa Perales
Supplement S02	0.00	Marisa Perales
Supplement S03	24.73	Mark Maj

Job Total:	\$	5,439.30
CUSTOMER PAY:	\$	500.00
INSURANCE PAY:	\$	4,939.30

Supplement of Record 3 with Summary

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

=====

Caliber Collision is the industry leader in quality collision repair. Since day one, our highest purpose has been to get people just like you back on the road as quickly as possible and fully restored to the rhythm of your life. You can be sure we do everything possible to ensure your complete satisfaction including:

- ☐ Personalized, high quality service from the largest collision repair company in the U.S.
- ☐ Consistently ranked among the highest customer satisfaction scores in the industry.
- ☐ Approved by every major insurance company in the U.S.
- ☐ Expedited car rental and towing services to get you back on the road again in no time.
- ☐ Repair work backed by a written, lifetime warranty honored at every location.
- ☐ 24/7/365 customer service to answer questions and put your mind at ease.

This is a preliminary estimate based on visible damage. There may be additional repairs needed once the vehicle is taken apart by our I-CAR Gold Class technicians to identify any additional damage.

If an insurance company has written an estimate for you, please provide us with a copy. Properly endorsed insurance company checks are welcome as payment for the repair of your vehicle. Caliber Collision gladly accepts all major credit cards, debit cards, cashier's and traveler's checks. See your Caliber Collision center for details on acceptance of personal checks.

Before leaving your vehicle with us, please remove all important personal and valuable items from your vehicle. Caliber Collision is not responsible for belongings left in your vehicle.

Please let us know how we can be of further assistance, and when we can schedule an appointment for your vehicle to be repaired.

Caliber Collision - Restoring The Rhythm Of Your Life

=====

AVOID DELAYS BY GETTING CLAIM AND PAYMENT INFORMATION IN JUST A FEW CLICKS!

VISIT: <http://www.usaa.com/bodyshop>

MEMBER NUMBER: Use Policy Number

LOSS NUMBER: Use digits 16, 17, & 18 of the claim number (Ex. 012345670000000[003]001)

LOSS DATE: Use Date of Loss

If you choose to repair your vehicle at a STARS facility, please visit the following link for information regarding the USAA STARS Limited Lifetime Warranty:

https://content.usaa.com/mcontent/static_assets/Media/usaa-stars-limited-lifetime-warranty.pdf

If you do not choose to repair your vehicle at a STARS facility, please note that USAA STARS Limited Lifetime Warranty will not apply to repairs to your vehicle.

Please Present A Copy Of This Estimate To A Repair Facility Of Your Choice

*USAA Subsidiaries include: United Services Automobile Association(USAA), USAA Casualty Insurance Company(CIC), USAA General Indemnity Company(GIC) USAA County Mutual Insurance(CMI) and Garrison Property Casualty Insurance Company. Garrison Property and Casualty Insurance Company, a subsidiary of USAA Casualty Insurance Company, is authorized to use the USAA logo, a registered trademark of United Services Automobile Association.

This is not an authorization to repair. Failing to present this estimate to the repairing garage before repair may result in additional expenses to you. A USAA appraiser must authorize any supplement to this estimate. Repairs to this

Supplement of Record 3 with Summary

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

vehicle may require specific welding equipment as recommended by the manufacturer.

Visit us @ USAA.com or Call #8722

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide ARM8193, CCC Data Date 03/17/2025, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2024 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. CFC=Carbon Fiber. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. STS=Stainless Steel. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Intelligent Solutions Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

USAAs Quality Replacement Parts Program

The following information summarizes USAAs Quality Replacement Parts program:

USAA utilizes a Quality Replacement Parts (QRP) program to help manage repair costs while maintaining a high standard of quality and safety for vehicle repairs. USAAs QRP program includes parts that are required to be equivalent in quality, safety, fit, and performance of the part(s) being replaced on your vehicle. The application of USAAs QRP program will comply with all state/federal laws where applicable and may be superseded by policy/endorsement language when applicable.

USAA provides a Limited Parts Warranty on Quality Replacement Parts that are authorized for use on USAA approved repair estimates and installed during vehicle repairs. USAAs warranty on sheet metal, and plastic QRP body parts is valid for the greater of the following time periods: (1) the remaining period of the Original Equipment Manufacturer (OEM) vehicle factory warranty; or (2) three years from the date of the repair completion. USAAs warranty on mechanical and electrical QRP parts is valid for the greater of the following time periods: (1) the remaining period of the Original Equipment Manufacturer (OEM) vehicle factory warranty; or (2) the same warranty period that would be provided by the Original Equipment Manufacturer (OEM) for an equivalent OEM replacement part.

Excluded from USAAs QRP warranty are the following conditions: (1) normal wear and tear; (2) damage caused by accident and/or acts of nature; (3) intentional acts; (4) improper use or modification; (5) improper installation; and/or (6) improper maintenance of the vehicle.

Any express warranty not provided herein is hereby excluded and disclaimed. Any implied warranties of merchantability and fitness for any particular purpose which may exist are expressly limited to the QRP warranty period(s) as cited above. The USAA QRP warranty period(s) will comply with and be superseded by state/federal law where applicable.

USAA shall not be liable to any person for any special, incidental, or consequential damages, whether arising out of breach of warranty, breach of contract or otherwise. Limitations or exclusions of liability may be superseded by state/federal law where applicable.

The following questions and answers may help you understand more about USAAs QRP program:

Q. What types of parts are utilized in the QRP Program?

A. In addition to the use of OEM parts in certain instances, the following types of parts may be utilized in the QRP Program:

- ☐ New aftermarket parts: Parts provided by manufacturers and distributors other than the Original Equipment Manufacturer.
- ☐ Recycled parts: Parts from a vehicle of the same make and model.
- ☐ Reconditioned, remanufactured, and rebuilt parts: Parts that are rebuilt or repaired to OEM specifications.
- ☐ Optional OEM parts: New OEM or OEM equivalent parts provided by distributors other than the Original Equipment Manufacturer.

Q. What assurances do I have that QRP parts are of high quality?

A. USAAs QRP program maintains high standards to utilize parts that are equivalent in quality, safety, fit, and performance of the part(s) being replaced on your vehicle. QRP parts carry an equal or better warranty when compared to OEM parts and are backed by USAAs Limited Parts Warranty.

Q. Do I have a choice of which parts are used to repair my vehicle?

A. As the owner of the vehicle, you have the right to choose the types of parts that are utilized in the repairs to your vehicle. If you choose to utilize parts that differ from USAAs approved estimate, you will be responsible for any

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

additional part costs and labor differences. As well, USAAs Limited Parts Warranty will not be applicable to parts that deviate from USAAs approved estimate.

Q. Will using a non-OEM part void the warranty on my vehicle?

A. QRP parts utilized in your vehicles repair carry an equal or better warranty when compared to OEM parts. Additionally, QRP parts are backed by USAAs Limited Parts Warranty, which includes the duration of the OEM warranty period.

Q. If an issue arises with a QRP part utilized in the repair to my vehicle, what is the resolution process?

A. If you experience a problem, contact your repair shop to discuss the concern. The shop will assess the situation and can work directly with the QRP supplier and/or USAA where necessary to resolve the issue.

Q. What should I do if my repair shop refuses to use QRP parts?

A. You have the right to choose where, how, and by whom your vehicle will be repaired. Repair shops have the right to conduct business in accordance with their own practices, including charging more than a competitive cost for repairs. Should you choose a repair shop that refuses to utilize the QRP parts listed on the USAA approved estimate, you will be responsible for any additional part costs and labor differences in the final repair bill. As well, the USAA Limited Parts Warranty will not apply.

If you have questions about the program or warranty, log on to <http://usaa.com> or call 1-800-531-USAA (8722).

Supplement of Record 3 with Summary

RO Number: 3361003868

2017 TOYO Tundra 4WD SR5 CrewMax w/5.5' Bed 4D P/U 8-5.7L Flex Fuel Sequential MPI SILVER

PARTS SUPPLIER LIST

Line	Supplier	Description	Price
9	Keystone, Inc 4550 RIVERS AVE NORTH CHARLESTON SC 29405 (843) 552-4303	#TO1762105 A/M LT Wheelhouse liner Quote: 2887146133 Expires: 04/19/25	\$ 96.00
18	Keystone, Inc 4550 RIVERS AVE NORTH CHARLESTON SC 29405 (843) 552-4303	#TO1904102 A/M Gate trim panel Quote: 2887167873 Expires: 04/19/25	\$ 124.80
25	Keystone, Inc 4550 RIVERS AVE NORTH CHARLESTON SC 29405 (843) 552-4303	#TO2800193 A/M LT Combo lamp assy Quote: 2887172962 Expires: 04/19/25	\$ 126.00

Type of Permit: *Seasonal Memorial Day to Labor Day Weekend- Alcohol Only*
Number: *TEMP-25-13*

Record

Business Name: *Kip's Inn*

Date submitted: *May 9, 2025*

Location: *837 S 108 ST*

Applicant: *Kim Engebregtsen*

Current Class B License Number: *ALC-22-62*

Application Valid Friday of Memorial Day to Labor Day

Sunday Times:

Monday Times:

Tuesday Times:

Wednesday Times:

Thursday Times:

Friday Times:

Saturday Times:

Additional Hours Information, if any:

Description of Requested Area:

Type of Entertainment Requested, if any:



City of West Allis

Application Summary for Special Exception to Zoning and Special Event Permit

Applicant	Guy Rehorst
Event Name	Touch of Honey
Event Location	Location is 59th St between National and Greenfield Ave and incorporates the existing Kegel's beer garden.
Event Date	May 4, 2025
Event Start and End Times	9AM to 6PM
Description of Event	A street celebration featuring music on Kegels stage from the Whiskey Belles, Food trucks and crafters on 59th st. If any of the cells are blank, the information is not applicable to this application.
Will any part of this event take place inside of a building or structure?	No
Is this a commercial or residential property?	Commercial
Will you have one or more tents in excess of 400 square feet?	No
Does the event involve members of the public going onto residential property?	
What is the maximum capacity of the people on the premises?	Event is being held on the street
When and what is the expected peak attendance?	2PM, 300 people
Provide number and location of garbage and recycling containers at the event.	8 containers will be placed on the street.
Provide details regarding the timely removal of garbage and recycling materials during and after the event, include the name of the company which will be removing the materials.	Garbage and recycling will be placed in Still & Oak and Kegels dumpsters. Special pickup will be requested for the following Monday from Waste Management
Are you requesting police presence?	No
Describe the desired police presence:	
Will there be alcohol available?	Yes
Describe the type of alcohol and who will be selling/providing it:	Beer, Wine and cocktail sales on the Kegels beer garden by Kegels and Still & Oak.
Will there be live music/entertainment or amplified sound be used?	No
Describe music/entertainment:	
Does this event involve closing the street, sidewalk or impede any other public property?	<u>Yes</u>
Total Estimated Costs:	<u>\$0</u>

**CITY OF WEST ALLIS
RESOLUTION R-2025-1868**

**RESOLUTION AMENDING THE FEE SCHEDULE TO ADD RENTAL FEE FOR
72ND STREET PEDESTRIAN PLAZA**

WHEREAS, the city desires to maximize the usage of its public spaces and allow limited, planned, private events by creating a reservation system for the public;

NOW THEREFORE, be it resolved by the Council of the City Of West Allis, in the State of Wisconsin, as follows:

SECTION 1: **ADOPTION** “Economic Development” of the City Of West Allis Fee Schedule is hereby *added* as follows:

ADOPTION

Economic Development(*Added*)

1. Facility Rental. The economic development executive director shall collect the following facility rental fees, as applicable.

Type	Fee Amount	Authority
72nd Street Pedestrian Plaza	\$25.00 per day	

2. (Reserved)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

**CITY OF WEST ALLIS
ORDINANCE O-2025-0033**

ORDINANCE TO AMEND LIMITED USE CRITERIA FOR AUTOMOTIVE USES

AMENDING SECTIONS 19.16, 19.32, AND 19.33

WHEREAS, pursuant to Wis. Stat. 62.23(7)(am), the council may regulate and restrict by ordinance the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, mining, residence or other purposes; and

WHEREAS, the common council may adopt amendments to an existing zoning ordinance after first submitting the proposed amendments to the city plan commission for recommendation and report and after providing class 2 notice of the proposed amendments and hearings thereon; and

WHEREAS, a hearing was held on the proposed amendments by the common council;

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

SECTION 1: **AMENDMENT** “19.16 Definitions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

19.16 Definitions

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

Term	Definition
Accessory Building	Any building other than the principal building
Accessory Dwelling Unit	A dwelling unit other than the principal dwelling unit
Accessory Structure	Any structure other than a principal building
Accessory Use	A subordinate use which is clearly and customarily incidental to the principal use on the lot
Adult Day Care Center	The use of a lot in the manner described in Wis. Stat. 49.45(47)(a)
Adult-Oriented	The use of a lot in the manner described in WAMC 9.59

Entertainment	
Advanced Manufacturing	The act of converting raw materials into finished products by using manual or mechanized transformational techniques in a manner that does not produce any vibration, odor, emission, or noise outside of a building.
Alcohol Beverage Sales	The retail sale of alcohol beverages in the manner described in Wis. Stat. 125.25 and 125.51(2)
Ambulance Services	The use of a lot in the manner described under Wis. Stat. 256.01(2)
Animal Boarding	The use of a lot to shelter, feed, and care for animals at the direction of the animals' owners, for compensation, but not within the practice of veterinary medicine under Wis. Stat. 89.02(6)
Animal Breeding	The use of a lot to: - allow animals to copulate for compensation; or - birth the offspring of an animal for compensation
Animal Sales	The retail sale of a dog, cat, or rabbit, except any sale by a person who is also using the same lot as an animal shelter
Animal Shelter	The use of a lot by a humane society, animal welfare society, animal rescue group, or other nonprofit group to shelter, feed, and care for animals in a manner that is not an animal boarding service
Animal Training	The use of a lot to teach animals, for compensation, to react in specific manners to a person's commands
Automobile Part Sales	The retail sale automobile components or accessories
Bed and Breakfast	The use of a lot in the manner described in Wis. Stat. 97.01(1g)
Bicycle Parking Space (indoor)	An area measuring at least 2 feet wide and 6 feet long located inside a building and properly designated for the parking of 1 bicycle
Bicycle Parking Space (outdoor)	An area measuring at least 2 feet wide and 6 feet long located outside a building that includes an anchored structure designed to allow 1 bicycle to be locked to it using common bicycle locks
Bicycle Rack	A structure used to provide bicycle parking space
Building	A structure that shields persons or property from the elements
Building Height	The vertical distance measured from the average established grade at the front lot line to the highest point of a building, including all appurtenances
Building Area	The total area of a building bounded by its exterior walls
Building Coverage	The sum of all building areas on a lot
Car Wash Service	The washing and cleaning of motor vehicles for compensation

Child Care Center	The use of a lot in the manner described in Wis. Stat. 49.136(1)(ad)
Class 1 Collocation of Mobile Service Facility	The use of a lot in the manner described in Wis. Stat. 66.0404(1)(d)
Class 2 Collocation of Mobile Service Facility	The use of a lot in the manner described in Wis. Stat. 66.0404(1)(e)
Civic Institution	Unless more specifically defined, the use of a lot by a governmental entity
Commercial Light Industrial Flex	The light industrial use of a lot to distribute goods that are also sold in an on-site retail space
Community Living Arrangement	The use of a lot in the manner described in Wis. Stat. 46.03(22) , 48.743(1) , 48.02(6) , or 50.01(1)
Conditional Use	A use that is allowed upon meeting all conditions specified in the code and those imposed by the common council
Crematory	The use of a lot in the manner described in Wis. Stat. 440.70(8)
Donation Center	The receiving of donated goods from the public for redistribution to the public at no cost
Drive-Through Service	The delivery of products or services to customers while the customer is inside a vehicle
Dry Cleaning	The use of a lot in the manner described in Wis. Stat. 77.996(2)
Dwelling Unit	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
Electric Vehicle Charging	The use of a lot to supply electrical power in excess of 120 volts to charge fully integrated batteries that set vehicles into motion
Employment Agency	The use of a lot in the manner described in Wis. Stat. 111.32(7)
Event Space	The use of a lot for the gathering of individuals at a specific time for direct or indirect compensation
Family Child Care Home	The use of a lot in the manner described in Wis. Stat. 66.1017(1)(a)
Floor Area Ratio	The numerical value obtained through dividing the gross floor area by the total area of the lot (diagram)
Food Production	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
Fuel Sales	The retail sale of vehicle fuel

Funeral Establishment	The use of a lot in the manner described in Wis. Stat. 445.01(6)
General Retail	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
General Service	Unless more specifically defined, the sale of services within a building that has a gross floor area of 8,000 square feet or greater
Gross Floor Area	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
Group Child Care Center	The use of a lot in the manner described in Wis. Stat. 49.136(1)(k)
Heavy Motor Vehicle Sales	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
Heavy Motor Vehicle Service	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,001 pounds or greater for compensation
Home-Based Business	The use of a lot in the manner described in Wis. Adm. Code SPS 361.04(3m) , except a home office
Home Office	The accessory use of a dwelling unit to carry on that occupation to carry on an occupation for which clients do not meet at the dwelling unit and no packages are sent from the dwelling unit
Hospital	The use of a lot in the manner described in Wis. Stat. 50.33(2)
Hotel	The use of a lot in the manner described in Wis. Stat. 97.01(7)
Industrial	Unless more specifically defined, the use of a lot for creating products by combining or connecting other materials
Instruction/Training	The use of a lot for teaching one particular skill or conducting a class on one subject
Large Retail Development	The use of a lot or combination of lots for retail sales with a display area of 50,000 square feet or more
Laundry (self-service)	The use of a display area laundry services performed by the customer through the use of self-service machines
Light Industrial	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 detectable 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

Light Motor Vehicle Sales	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
Light Motor Vehicle Sales (indoor)	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
Light Motor Vehicle Service	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,000 pounds or less for compensation
<u>Light Motor Vehicle Service (limited)</u>	<u>Auto glass services including glass repair, replacement, tint, & vinyl graphic enhancements for motor vehicles having a gross weight rating of 10,000 pounds or less for compensation</u>
Limited Use	A use that is allowed upon meeting all conditions specified in the code
Lodging House	Conducting the activities described in Wis. Stat. 779.43(1)(b)
Lot	A distinct parcel, tract, or area of land established by plat, subdivision, or other instrument recorded in the office of the register of deeds
Lot Coverage	The percentage of the lot which is occupied by buildings (diagram)
Lot Line, Front	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
Lot Line, Rear	The portion of a lot that borders an alley. If no alley exists, the portion of a lot opposite a front lot line.
Lot Line, Side	The portion of a lot that is not a front or rear lot line
Lot Width	The shortest distance between side lot lines at a point midway between the front and rear lot lines
Massage Therapy	The use of a lot in a manner described in Wis. Stat. 460.01(4) for compensation
Medical Clinic	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
Medical Services	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

Mobile Service Support Structure	The use of a lot in a manner described in Wis. Stat. 66.0404(1)(n)
Narcotic Treatment Service	The use of a lot in a manner described in Wis. Stat. 51.4224(1)(a) outside of a hospital
Neighborhood Retail	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
Neighborhood Service	Unless more specifically defined, the sale of services within a building that has a gross floor area of less than 8,000 square feet
Nicotine Sales	The use of 10% or more of a gross floor area for the retail sale of any cigarettes, tobacco products, nicotine products, and any electronic nicotine delivery system or other device used to ingest cigarettes, tobacco products, or nicotine products
Nominal Price Retail	The retail sale of primarily inexpensive general merchandise at a price of \$10.00 per item or less
Outdoor Dining	The use of a lot for consumption of food outside of a building on the premises of a restaurant
Outdoor Display	The presentation outside of a building of goods offered for retail sale or examples of goods offered for retail sale
Outdoor Storage	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
Parking Lot	A structure that is not a building which is built at grade and used to facilitate the ingress, egress, and parking of motor vehicles
Parking Structure	A building used to facilitate the ingress, egress, and parking of motor vehicles
Pawnbroker	The purchasing and selling of articles or jewelry in a manner described in Wis. Stat. 134.71(1)(e)
Payday Lender	The use of a lot in a manner described in Wis. Stat. 62.23(7)(hi)1.b.
Permitted Use	A use that is allowed without any specified conditions
Principal Building	The building on a lot in which a principal use is primarily conducted
Principal Dwelling Unit	The dwelling unit or units located within the principal building
Principal Use	A primary or predominant use of a premises
Production/Repair	The accessory use of a lot to produce or service items similar to

	those sold on-site at retail as a principal use
Public Park	A lot that is primarily used for recreational activity and open to the public at no cost
Public Utility Service Structure	A structure that is exclusively used to provide public utilities
Recreation	The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants
Recreation (indoor)	The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants entirely within a building
Religious Institution	The use of a lot for the assembly of persons for religious purposes and related use for religious ceremonies, purposes, and events
Research Laboratory	The use of a lot for testing, investigation, development, or verification of scientific processes to advance technology
Residential Care Service	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
Restaurant	The use of a lot in the manner described in Wis. Stat. 97.01(14g)
Restricted Manufacturing	The preparation, processing, assembling, or packing of a product that may be lawfully advertised as blind-made under Wis. Stat. 47.03(3)(a)
Rummage Sales	The sale of tangible goods from a lot used for residential purposes only if, in a calendar year, the seller's total revenue from all sales on that lot does not exceed \$2,000 and goods are offered for sale not more than 5 days
School	The use of a lot for teaching more than one skill or conducting classes on more than one subject
Secondhand Article or Jewelry Sales	The purchasing and selling of articles or jewelry in the manner described in Wis. Stat. 134.71(1)(g) or (h)
Self-Service Storage	A type of light industrial use of a lot in a manner described in Wis. Stat. 704.90(1)(g)
Setback	The distance between a lot line and a building or structure
Short-Term Rental	The use of a lot in a manner described in Wis. Stat. 66.0615(1)(dk)
Site Plan	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

Sport Shooting Range	The use of a lot in the manner described in Wis. Stat. 66.0409(1)(c)
State Fair Use	The use of a lot in a manner authorized under Wis. Stat. 42.01
Structure	Any object that is affixed to the ground and not created by nature
Substation	A structure used for the transmission or distribution of electrical power, light, heat, water, gas, sewer, telegraph or telecommunication services
Tavern	The retail sale of alcohol beverages in the manner described in Wis. Stat. 125.26 and 125.51(3)
Theater	The use of a lot for the exhibition of a motion picture or performing arts to the public
Thrift Retail	The receiving of donated goods from the public for on-site sale of those goods to the public
Use	A constant, occasional, or isolated act taking place with or without the knowledge of any person occupying a lot
Utility Pole	A structure described in Wis. Stat. 66.0414(1)(x) or any structure designed solely for the collocation of small wireless facilities
Veterinary Services	The use of a lot for the practice of veterinary medicine under Wis. Stat. 89.02(6)
Warehousing, Private	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
Warehousing, Public	A type of light industrial use of a lot in the manner described in Wis. Stat. 99.01(3)
Waste Services	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)
Wireless Support Structure	A structure described in Wis. Stat. 66.0414(1)(zp) that actually used to support small wireless facilities
Yard	Any part of a lot that is not within a building
Yard, Front	The part of a lot from the front lot line to the principal building and any adjacent land (see image)
Yard, Rear	The part of a lot from the rear lot line to the principal building and any adjacent land (see image)
Yard, Side	The part of a lot that is not a rear or front yard

SECTION 2: **AMENDMENT** “19.32 Principal Uses” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.32 Principal Uses

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.

Light Motor Vehicle Sales

Residential & Lodging	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
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	P	P	P	P				
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	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			
	RA	RA	RA		R	C-	C-	C-	C-				

Retail	-1	-2	-3	RB	C	1	2	3	4	I-1	I-2	P	SF
Alcohol Beverage Sales							P	P	P	P	P		
Animal Sales													
General Retail								P	P	P	P		
Large Retail Development								C	C	C	C		
Nicotine Sales													
Neighborhood Retail						P	P	P	P	P	P		
Nominal Price Retail									L				
Pawnbroker Sales									C				
Secondhand Jewelry Sales									C				
Thrift Retail									C				
Service	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Animal Boarding								L	L	L	P		
Animal Breeding													
Animal Shelter										C	C		
Animal Training						L	L	L	L	L	P		
Dry Cleaning								C	C	C	C		
Employment Agency						L	L	L	L	P	P		
Food Production (limited)						L	L	L	L	L	L		
Food Production						C	C	C	C	P	P		
General Service								P	P	P	P		
Laundry (self-service)						C	P	P	P	P	P		
Massage Therapy						C	C	C	C	C	C		
Neighborhood Service						P	P	P	P	P	P		
Payday Lender									C	C	C		
Restaurant						C	C	C	C	C	C		
Restaurant (limited)						L	L	L	L	L	L		
Tavern						P	P	P	P	P	P		
	RA	RA	RA		R	C-	C-	C-	C-				

Civic & Institutional	-1	-2	-3	RB	C	1	2	3	4	I-1	I-2	P	SF
Adult Day Care Center	C	C	C	C	C		P	P	P	P	P	C	
Child Care Center (8 or fewer children)	C	C	C	C	C		P	P	P	P	P	P	
Civic Institution					C	C	C	C	C	C	C		
Event Space or Theater (less than 5,000 sq. ft.)					C	P	P	P	P	P	P		
Event Space or Theater (5,000 or more sq. ft.)						C	C	C	C	P	P		
Funeral Establishment							C	C	C	C	C		
Group Child Care Center	C	C	C	C	C		C	C	C	C	C	C	
Religious Institution	C	C	C	C	C		C	C	C	P	P	C	
School	C	C	C	C	C		C	C	C	C	C	C	
Parks & Recreation	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Instruction/Training (30 or fewer persons at one time)						P	P	P	P	P	P		
Instruction/Training (31 or more persons at one time)						C	C	C	C	C	C		
Public Park	C	C	C	C	C	C	C	C	C	C	C	P	
Recreation (indoor)						C	C	C	C	P	P	P	
Recreation										C	P	P	
Sport Shooting Range									P	P	P		
Industrial	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Advanced Manufacturing								C	C	P	P		
Commercial Light Industrial Flex								C	C	C	P		
Light Industrial										L	L		
Heavy Industrial											C		
Restricted Manufacturing								C	C	C	C		

Medical	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Ambulance Services										C	P		
Hospital					C			C	C	C	C		
Medical Clinic						P	P	P	P	P	P		
Medical Service							P	P	P	P	P		
Narcotic Treatment Service									L	L	L		
Veterinary Services						C	C	C	C	P	P		
Automotive	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Automobile Parts Sales								P	P	P	P		
Car Wash Service									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		
<u>Light Motor Vehicle Service (limited)</u>							<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>		
Infrastructure	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Class 1 Collocation of Mobile Service Facility	C	C	C	C	C	C	C	C	C	C	C	C	C
Class 2 Collocation of	P	P	P	P	P	P	P	P	P	P	P	P	P

Mobile Service Facility													
Mobile Service Support Structure	C	C	C	C	C	C	C	C	C	C	C	C	C
Parking Lot										L	L		
Parking Structure										L	L		
Public Utility Service Structure (at least 25 sq. ft. or at least 6 feet above grade) (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	C	C	C	C	C	C	C	C	C	C	C	C	
Substation										C	P	C	
Utility Pole										C	C		
Other	RA -1	RA -2	RA -3	RB	R C	C- 1	C- 2	C- 3	C- 4	I-1	I-2	P	SF
Adult-Oriented Entertainment								C	C	C	C		
Donation Center								C	C	C	C		
Research Laboratory								C	C	C	P		
State Fair Use													P

SECTION 3: **AMENDMENT** “19.33 Limited Use Criteria” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.33 Limited Use Criteria

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

1. Residential & Lodging

Principal Use	District(s)	Criteria
1-Unit Dwelling	C-1	Permitted if located above the grade-level floor
1-Unit Dwelling	C-2, C-3, C-4	Permitted if located on a lot platted or recorded prior to the adoption of this ordinance which meets the building size and location requirements of the RB district under WAMC 19.41
1-Unit Dwelling	C-2, C-3, C-4	Permitted if located on a lot that has another principal use
2-Unit Dwelling	RA-1, RA-2	Permitted on lots with a side or rear lot line adjacent to or separated by an alley from a lot in a commercial or industrial district. Common Council may grant exceptions for lots that share a side lot line with a lot adjacent to a commercial or industrial district
2-Unit Dwelling	C-1	Permitted if located above the grade-level floor
2-Unit Dwelling	C-2, C-3, C-4	Permitted if located on a lot platted or recorded prior to the adoption of this ordinance which meets the building size and location requirements of the RB district under WAMC 19.41
2-Unit Dwelling	C-2, C-3, C-4	Permitted if located on a lot that has another principal use
Short-Term Rental	RB, RC, C-1, C-2, C-3, C-4	Permitted if structure is a 1-Unit, 2-Unit, or 3-4 Unit Dwelling

2. Retail

Principal Use	District(s)	Criteria
Nominal Price Retail	C-4	Permitted if the lot is located more than 1,000 feet from any lot where another Nominal Price Retail use is located

3. Service

Principal Use	District(s)	Criteria
Animal	C-3, C-4	Permitted if all activity takes place indoors and no noise from the activity is audible from a lot used for

Boarding		residential purposes
Animal Boarding	I-1	Permitted if no noise from the activity is audible from a lot used for residential purposes
Animal Training	C-3, C-4	Permitted if all activity takes place indoors and no noise from the activity is audible from a lot used for residential purposes
Animal Training	I-1	Permitted if no noise from the activity is audible from a lot used for residential purposes
Employment Agency	C-1, C-2, C-3, C-4	Permitted if not providing transportation for temporary employees to work sites
Food Production (limited)	C-1, C-2, C-3, C-4, I-1, I-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
Restaurant (limited)	C-1, C-2, C-3, C-4, I-1, I-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

Principal Use	District(s)	Criteria

5. Parks & Recreation

Principal Use	District(s)	Criteria

6. Industrial

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

7. Medical

Principal Use	District(s)	Criteria
Narcotic Treatment Service	C-4, I-1, I-2	Permitted if the lot is located at least 1,000 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

Principal Use	District(s)	Criteria
Car Wash Service	I-2	Permitted if not located on a lot which shares a lot line with a lot zoned residential
<u>Light Motor Vehicle Service (limited)</u>	<u>C-2, C-3, C-4, I-1, I-2</u>	<u>Permitted when on-site services are performed indoors.</u>

9. Infrastructure

Principal Use	District(s)	Criteria
Parking Lot	I-1, I-2	Permitted only if at least 20% of the lot is landscaped (See Subch. IV)
Parking Structure	I-1, I-2	Permitted only if at least 20% of the lot is landscaped (See Subch. IV)

10. Other

Principal Use	District(s)	Criteria

SECTION 4: **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. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

4-15-25 Common Council Consideration of an Ordinance text Amendment/Automotive Uses

An ordinance amendment for Council consideration relative to automotive uses. The change is summarized as creating a new use classification of “Light Vehicle Services (limited)” and a new definition for such uses. The intent being to create a new use classification (“Light Motor Vehicle Services - Limited”) which is intended to separate auto glass services from light auto repair uses. A summary of the existing ordinance regulations and some additional data is shared in the bullet points below. A proposed ordinance amendment option is also shared for your consideration.

The Common Council should consider the changes, discuss, and then direct Planning and Zoning Department accordingly (for example to proceed with preparation of an ordinance amendment for public hearing).

Here are some current background facts of the existing ordinance:

- [Light motor vehicle services](#) are considered [conditional uses](#) in all of our commercial (except C-1) and industrial districts.
- The [conditional use criteria](#) require that no conditional use permit may be issued when adjacent to a lot zoned residential or used as residential. It’s common for zoning district lines to run down the centerline of streets and alleys.
- 64% of all commercial properties in the city are directly abutting residential or abutting but separated by an alley. The other 36% of commercial properties in the city don’t abut residential.
- There are approximately 66 light motor vehicle services in West Allis (services/repair shops). Some of these properties were established prior to the current zoning ordinance and therefore considered legal non-conforming uses.
- Legal non-conforming (legacy) uses that are in business may continue to operate. If those places go out of business, another similar use (example another light motor vehicle service use) may take their place as long as it’s done within 12 months. After a lapse in that term, the property would need to be used in accordance with the zoning ordinance.

Catalyst - Dynamic Auto Glass

Recently an auto glass and window tinting business approached the City with interest in leasing commercial property at 8123 W Greenfield Ave. The lot is zoned C-2, but the conditional use criteria restrict light vehicle service uses as the commercial lot abuts a residential zoning district. The business has reached their alderpersons to seek Common Council consideration of a zoning ordinance text amendment.

While this is one property, ordinance amendments should be considered within the balance of the city overall. If you direct staff to proceed, we will prepare a formal ordinance amendment for further consideration and action before the City Plan Commission and Common Council (which requires a public hearing).

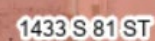
Any questions please contact me. Thank you!

Steve Schaer, AICP

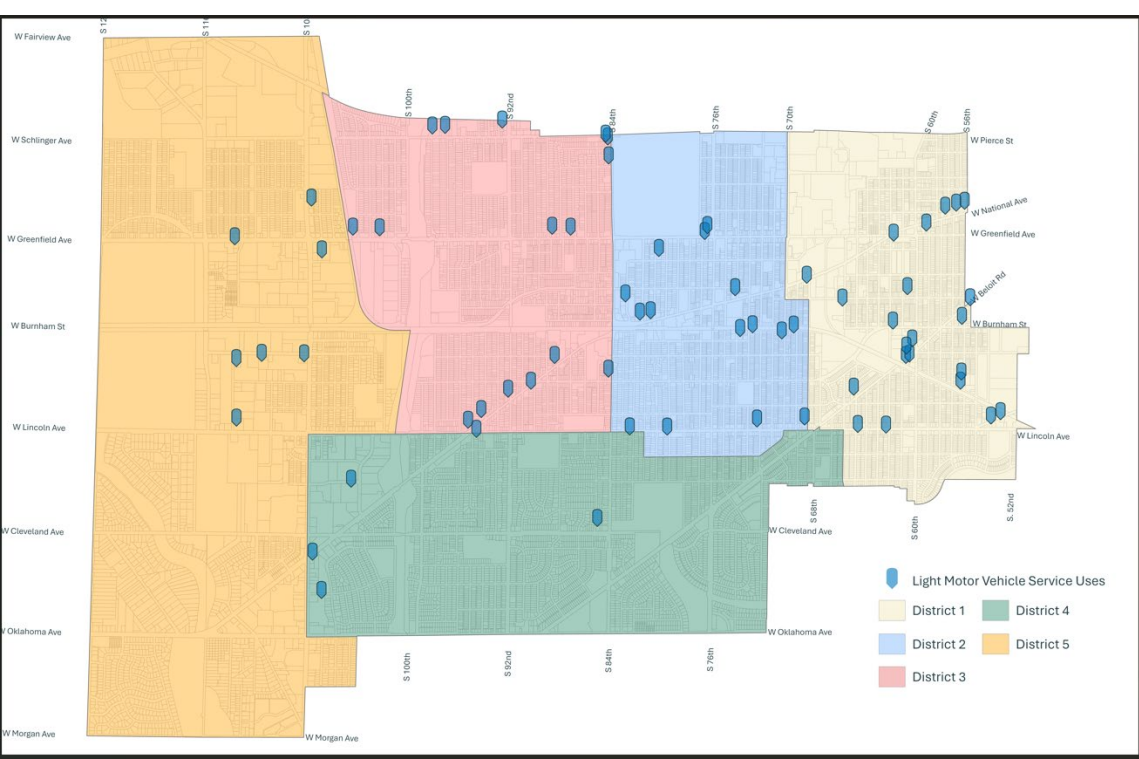
Director of City Planning | Planning, Zoning, and Housing Offices

City of West Allis

www.westalliswi.gov



Auto Service Business	Location	District
1 Allis Automotive Repair	6205 W Lincoln Ave	1
2 Auto Body Specialists	6024 W Mitchell St	1
3 Bamrah Motors	5538 W National Ave	1
4 Dunhams Transmissions	6047 W Beloit Rd	1
5 El Patron	5330 W Lincoln Ave	1
6 Expert Car Care Inc	6803 W National Ave	1
7 Fairview Motors	1965 S 60 St	1
8 Fremuts Garage	6500 W Beloit Rd	1
9 K&K Autobody	6125 W Burnham St	1
10 Kwik Finish Colors Autobody	1361 S 59 St	1
11 Magic Aut Repairs	1230 S 60 St	1
12 Mission Auto Body	1412 S 62 St	1
13 Mr G's Consumer Car Care	6023 Beloit Rd	1
14 Quinn Auto Body	5710 W National Ave	1
15 R&D Auto Repair	5630 W Mobile St	1
16 R&R Auto Service	5525 W Beloit Rd	1
17 Reyes Auto Body	6607 W Mitchell St	1
18 Richlen & Sons Inc	6808 W Lincoln Ave	1
19 Richlen Garage	6427 W Lincoln Ave	1
20 RSR Services	6036 W Beloit Rd	1
21 Ruiz Auto Repair	5237 W Electric Ave	1
22 Super Speed Auto Body	5612 W National Ave	1
23 Uncle Willie's Auto Service	5606 W Burnham St	1
24 Upham Auto Care	2081 S 56 St	1
25 A-1 Motors	7623 W Greenfield Ave	2
26 Big Boyz Mufflers and More	8108 W National Ave	2
27 Buds Transmissions (out of business?)	1462 S 81 St	2
28 CM Best Mufflers & Brakes	8205 W Lincoln Ave	2
29 D&R Automotive	8200 W National Ave	2
30 Fleet Auto Services	7400 W National Ave	2
31 Gallegos Automotive	7606 W Greenfield Ave	2
32 Lincoln Auto Service & Tires	7202 W Lincoln Ave	2
33 Mid Coast Automotive	1904 S 74 St	2
34 Miller Auto	1910 S 73 St	2
35 Motor Service & Machine	1903 S 69 St	2
36 Precision Auto Body	1645 S 83 St	2
37 Sunbusters Glass Tinting	1927 S 70th St	2
38 Total Auto Repair	7905 W Lincoln Ave	2
39 ABC Auto & Tire	8704 W Greenfield Ave	3
40 Alarmtronix	855 S 84 St	3
41 Amplified Audio and Remote Start	729 S 84 St	3
42 Brownell Quality Collision	10414 W Greenfield Ave	3
43 Concurs	9508 W National Ave	3
44 Fairview Sales & Services	8400 W Becher St	3
45 J&S Accel Auto and Truck Repair	662 S 93 St	3
46 Komptech Automotive Services	8832 W Greenfield Ave	3
47 Llc	9400 W National Ave	3
48 Mufflers Plus	9200 W National Ave	3
49 Otto's Automotive	9802 W Schlinger Ave	3
50 Superior Window Tinting	723 S 84 St	3
51 West Allis Auto Body	8808 W National Ave	3
52 West Allis Auto Repair	9009 W National Ave	3
53 West Allis Car Care	10204 W Greenfield Ave	3
54 Your Auto Repair	9706 W Schlinger Ave	3
55 Auto Repair Shop (in business?)	8440 W Cleveland Ave	4
56 The Mechanics	9435 W Lincoln Ave	4
57 Goodyear Auto Service	10757 W National Ave	4
58 International Auto Collision Center	10221 W Arthur Ave	4
59 A&W Auto Service	1212 S 108 St	5
60 Caliber	11330 W Lincoln Ave	5
61 Montez Auto Repair	11321 W Greenfield Ave	5
62 Prestige	11133 W Rogers St	5
63 Safelite Auto Glass	10708 W Orchard St	5
64 Scott's Automotive	2042 S 114th St	5
65 Southtown Tire and Auto	2906 S 108 St	5
66 Ziebart of West Allis	2021 S 108 St	5





Definition include a new definition to offer distinction

Current
(to remain)

Light Motor Vehicle
Service

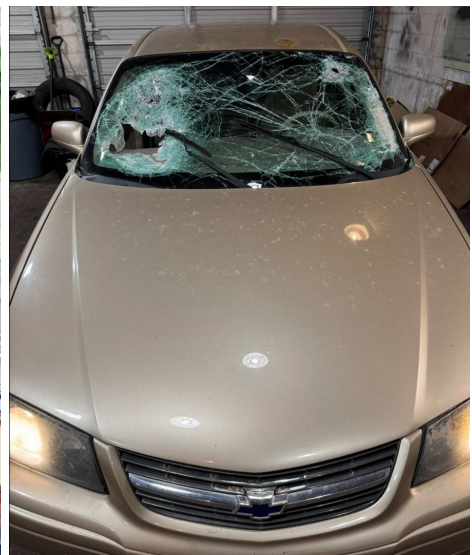
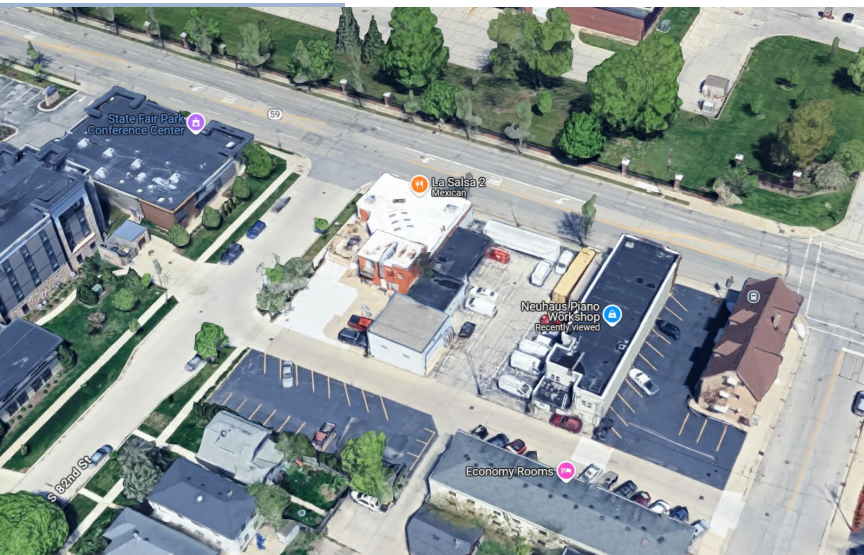
The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,000 pounds or less for compensation

Proposed
(new)

Light Motor Vehicle
Service (limited)

Auto glass services including glass repair, replacement, or tint enhancement for motor vehicles having a gross weight rating of 10,000 pounds or less for compensation

New use and definition



Ordinance update consideration (Automotive Uses)

Existing Principal Use Table

Automotive	RA-1	RA-2	RA-3	RB	RC	C-1	C-2	C-3	C-4	I-1	I-2	P	SF
Automobile Parts Sales								P	P	P	P		
Car Wash Service									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		

Existing Limited Use Criteria

8. Automotive		
Principal Use	District(s)	Criteria
Car Wash Service	I-2	Permitted if not located on a lot which shares a lot line with a lot zoned residential

Proposed Principal Use Table

Automotive	RA-1	RA-2	RA-3	RB	RC	C-1	C-2	C-3	C-4	I-1	I-2	P	SF
Automobile Parts Sales								P	P	P	P		
Car Wash Service									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		
Light Motor Vehicle Service (limited)							L	L	L	L	L		

New limited use classification

Proposed Limited Use Criteria

8. Automotive		
Principal Use	District(s)	Criteria
Car Wash Service	I-2	Permitted if not located on a lot which shares a lot line with a lot zoned residential
Light Motor Vehicle Service (limited)	C-2,C-3, C-4, I-1, I-2	Permitted when on-site services are performed indoors. Site plan subject to design review.

New limited use criteria

**CITY OF WEST ALLIS
ORDINANCE O-2025-0036**

**ORDINANCE TO REZONE PROPERTY IN THE 6900 BLOCK OF W. ORCHARD
ST. FROM RC RESIDENTIAL TO C-2 COMMERCIAL (TAX KEY 453-0001-010)**

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 shall be 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:

The zoning map is hereby amended to rezone 69** West Orchard St. (tax key 453-0001-010) from RC to C-2 in alignment with the 2045 comprehensive plan.

SECTION 1: AMENDMENT “19.01 Zoning Map” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

19.01 Zoning Map

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 \(link\)](#)

Effective ~~March 7~~May 23, 2025

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after May 23, 2025.

SECTION 3: **MAP UPDATE** The Official West Allis Zoning Map and 2045 Comprehensive Land Use Map will be updated to reflect changes with the passage of this ordinance.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

4-15-25 Common Council Consideration of an Ordinance map amendment for Council consideration 69 W. Orchard St. Tax Key 453-0001-010)**

Alderspersons Grob and Turner,

Reaching out to confirm if Shotski's or Tanner Paul has contacted you about sponsoring a zoning ordinance map amendment for a small property just east of their building and the adjacent alley. The lot is owned by Tanner Paul and is just east of the existing alley. Includes a handful of parking spaces and their refuse area. See pic below.

We've been in contact with both the owner of Shotzi's and Leon of The Iron Pig Food Truck who would like to use the lot (Tax Key Parcel 453-0001-010) east of Tanner Paul/Shotzky's for a BBQ food trailer (smoker trailer). This small parking lot with refuse area is owned Tanner Paul and zoned RC residential. The Tanner Paul property west of the alley is zoned C-2 Commercial. From the zoning perspective, before Leon may use the small parking lot to run a smoker, there are a few things we'll need to consider before he may start cooking:

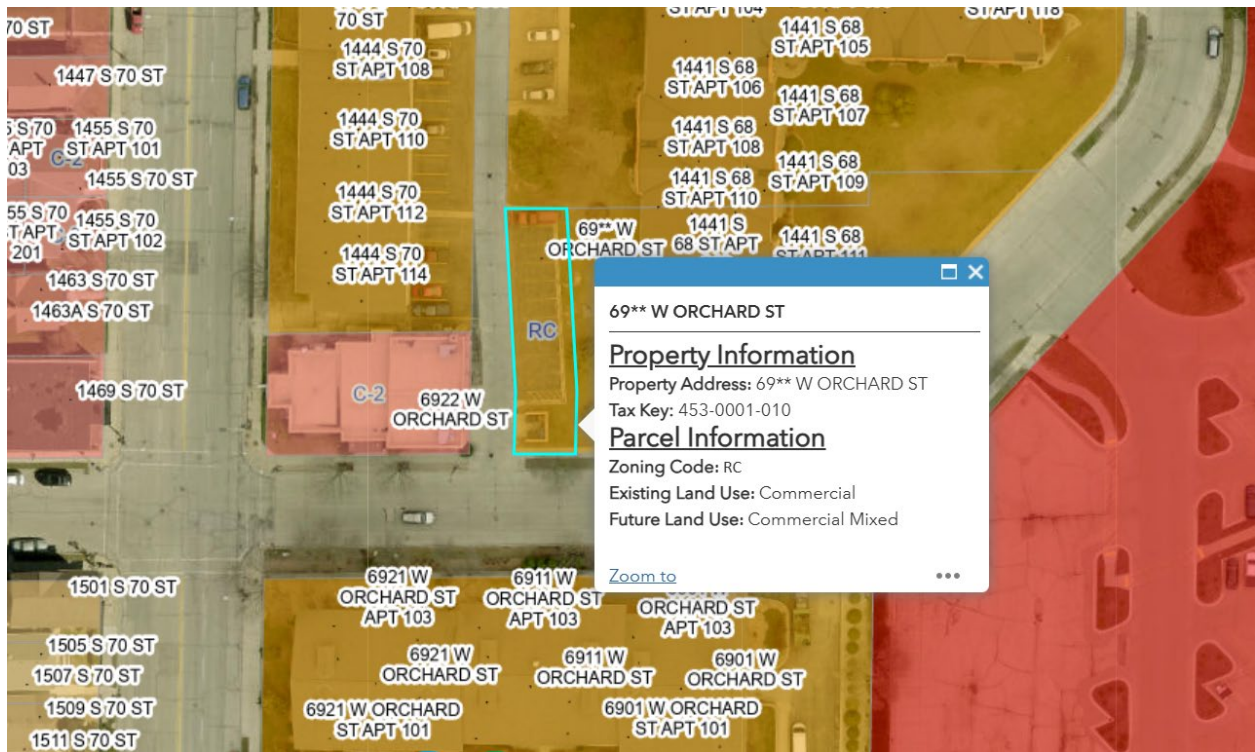
1. Zoning is residential (RC, dense residential district) and in order to operate a commercial business the land will need to be rezoned commercial. This process involves Plan Commission and Common Council land use consideration.
2. Site plan – will need you to prepare a site plan showing the location of your proposed setup (structure details, smoker details, dimensions of the area, floor plan, fencing considerations to secure and screen the site, landscaping). Site review requires Plan Commission and may be bundled in the rezoning land use process above.
3. Health/Food Code compliance through our Health Department.

Our Planning, Code Enforcement, and City Attorney's Office met with Leon, about his vision which might also include vacation of part of the alley (south end near Orchard St), but at minimum just rezoning the parcel east of the alley that Tanner Paul owns.

We advised Leon that he needs an alder to sponsor the zoning change. Sponsorship would just get the matter before Council to discuss the idea, and Council would then decide on how best to direct staff to proceed (for example with a zoning change from RC to C-2 Commercial), or not. The Tanner Paul property is zoned C-2. The rest of the area is zoned RC. (see subject area image and zoning map below).

Steve Schaer, AICP

Director of City Planning | Planning, Zoning, and Housing Offices
City of West Allis



**CITY OF WEST ALLIS
RESOLUTION R-2025-1908**

**RESOLUTION TO APPROVE AN ALLOCATION OF UP TO \$1,000,000 TO THE
COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF WEST ALLIS TO
RAZE AND REMOVE STRUCTURES THROUGH AN AGREEMENT WITH F
STREET 92, LLC FOR THE PROPERTY LOCATED AT 1405 S. 92 ST. (PARCEL ID:
450-0502-000)**

WHEREAS, F-Street 92, LLC, a real estate developer, has entered into a Land Contract with the CDA to provide equitable title to the property located at 1405 S. 92nd Street (the “Property”); and,

WHEREAS, Community Development Authority of City of West Allis (CDA) has determined that all existing improvements (a church, a rectory building, and a school building) should be razed and removed as soon as practicable to facilitate redevelopment of the Property; and,

WHEREAS, to assist with the successful completion of the demolition of the Property, the City of West Allis, through the CDA, has determined it is necessary to provide funding as financial incentive to secure timely redevelopment of the vacant and blighted property; and,

WHEREAS, the CDA has approved a Letter of Interest (Agreement) with F-Street for the Property that is hereby attached as Exhibit A; and,

WHEREAS, the CDA has agreed to provide financing for the demolition of Property’s existing improvements up to \$1 million dollars to F-Street 92, LLC; and,

WHEREAS, the City of West Allis Common Council has determined that an allocation of up to \$1,000,000 to the CDA for the purpose of supporting the Property’s redevelopment is an appropriate use of public funds; and,

WHEREAS, the funds will be loaned to F-Street 92, LLC at 6.5% over a 12-month term secured with a promissory note and mortgage; and,

WHEREAS, the allocation of funds will be made from the City of West Allis Operating Reserve Funds.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis, that the Common Council hereby approves the allocation of up to \$1,000,000 to the Community Development Authority for the acquisition of the Property at 1405 S. 92 St., and authorizes the CDA to proceed with the assignment of the Offer to Purchase Agreement with F Street 92, LLC in accordance with the terms of the agreement.

BE IT FURTHER RESOLVED that the Economic Development Executive Director, or his/her designer, is hereby authorized to take all necessary steps to implement and administer

the provisions of this resolution, including the execution of any agreements or documents necessary to effectuate the allocation and development.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized to make such non-substantive changes, modifications, additions and deletions to and from the various provisions of the contract, including any and all attachments, exhibits, addendums and amendments, as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof, and to prepare and deliver such other and further documents as may be reasonably necessary to complete the transactions contemplated therein.

BE IT FURTHER RESOLVED that up to \$1,000,000 be allocated from City of West Allis Operating Reserve upon acceptance of the agreement by the City's Finance Director.

SECTION 1: **ADOPTION** "R-2025-1908" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

A D O P T I O N

R-2025-1908(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis



NEW LICENSE APPLICATION SUMMARY FOR COMMITTEE REVIEW

Record #: ALC-25-12

Applicant's Full Name:
Jatinder Kaur

Agent's Full Name:
Jatinder

License Type(s):
Class A Liquor and Beer

Legal Name:
9730 Enterprises LLC

Trade/Business Name:
Sunny Liquor West Allis

Business Address:
9730 W Greenfield Ave, West Allis, WI,

Types of Entertainment:

Premise Description:

Alcohol will be stored:

Alcohol beverages will be stored on ground floor shelves and in basement of the building.

Alcohol will be sold/consumed:

Alcohol will be sold over the counter.

Alcohol beverage receipts location:

Alcohol beverage receipts will be kept in files on premises

Hours of Operation:

Sunday: 9:00 am to 9:00 pm

Thursday: 9:00 am to 9:00 pm

Monday: 9:00 am to 9:00 pm

Friday: 9:00 am to 9:00 pm

Tuesday: 9:00 am to 9:00 pm

Saturday: 9:00 am to 9:00 pm

Wednesday: 9:00 am to 9:00 pm

Date Applied:

April 22, 2025

Legal Notice Published On:

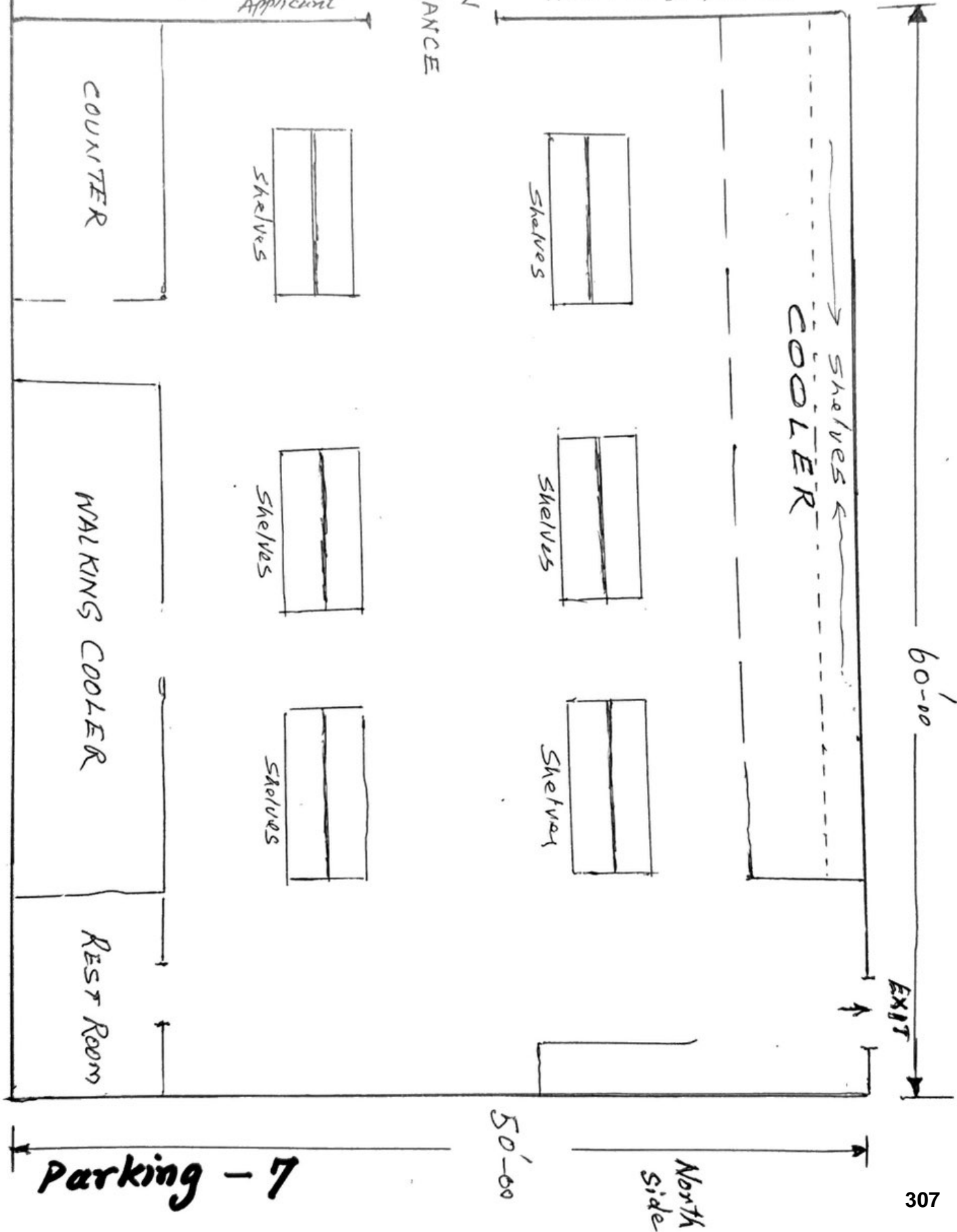
May 12, 2025

9730 Enterprises LLC

Jatinder Kaur
Applicant

ENTRANCE
MAIN

Address:
9730 West Greenfield Ave.
WEST ALLIS, WI-53214





City Clerk
clerk@westalliswi.gov

May 14, 2025

Jatinder Kaur
325 Wellington Drive
Union Grove, Wisconsin 53182

RE: Class A Liquor and Beer License Application Review for Sunny Liquor West Allis at 9730 W Greenfield Ave, West Allis, WI,

City of West Allis Applicant:

Attendance Required:

Your hearing for your license application(s) is scheduled before the Economic Development Committee -

Date: May 20, 2025

Time: 7:00 pm

Location: Art Gallery, City of West Allis, City Hall, 7525 W. Greenfield Avenue, West Allis.

Please note that attending the hearing is required. If you do not attend, your application may be denied.

In the event of a denial, you must wait six months from the date of the decision to reapply.

If you are unable to attend the hearing, please contact the clerk's office at clerk@westalliswi.gov by 4 pm on the day of the meeting or earlier.

Arrival Instructions:

1. Park in the lot on the south side (rear) of the building.
2. Once inside, proceed straight back to the Common Council Chambers and wait for the Common Council to take a break for their recess committee meetings.
3. Sometime after 7 pm, when the Common Council takes a break for the recess committee meetings, go to Art Gallery.

Room Locations:

Room 128: Exit the Common Council Chambers and head towards the parking lot. Room 128 will be on your left through the wooden doors, just before the glass doors leading to the parking lot. Please wait in the back area until your application is called.

Art Gallery: Exit the Common Council Chambers and go down the stairs to the lower level. The Art Gallery will be directly ahead of you at the bottom of the stairs. Please find a suitable area to wait until your application is called.

If you use a wheelchair or have mobility concerns, please approach a staff member for assistance.

Committee Recommendation:

When you appear before the committee, they will likely make a recommendation. This recommendation will be voted on when the Common Council starts after the committee meetings are finished. The typical recommendations are:

1. Approval (with or without changes or conditions).
2. Denial.
3. Hold until a future meeting date.

Common Council Decision:

The Common Council will consider the Committee recommendations and either approve, deny, or hold the application. As the final decision-makers, their decision may differ from the committee's recommendation.

- If your license is approved by the Common Council and all requirements have been met, you will receive a notification within the next two days. This notification will allow you to view and print out your license.
- If your license is denied by the Common Council, you will receive a letter advising you of such and reminding you that you cannot reapply for six months.
- If your license is held by the Committee or the Common Council, you will receive another notice at a later date to appear before the committee.

This is the typical process and may vary from time to time if there are extenuating circumstances.

If you have any questions, email clerk@westalliswi.gov.

Non-Discrimination Policy: *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.*



NEW LICENSE APPLICATION SUMMARY FOR COMMITTEE REVIEW

Record #: ALC-25-13

Applicant's Full Name:
kalim Beg

Agent's Full Name:
Kalim

License Type(s):
Class A Beer

Legal Name:

Trade/Business Name:
Kal Service

Business Address:
10731 W Oklahoma Ave

Types of Entertainment:

Premise Description:

Alcohol will be stored:
In The beer cooler.

Alcohol will be sold/consumed:
Over the counter

Alcohol beverage receipts location:
In the store and in the office,

Hours of Operation:

Sunday: 6am to 9pm

Thursday: 6am to 9pm

Monday: 6am to 9pm

Friday: 6am to 9pm

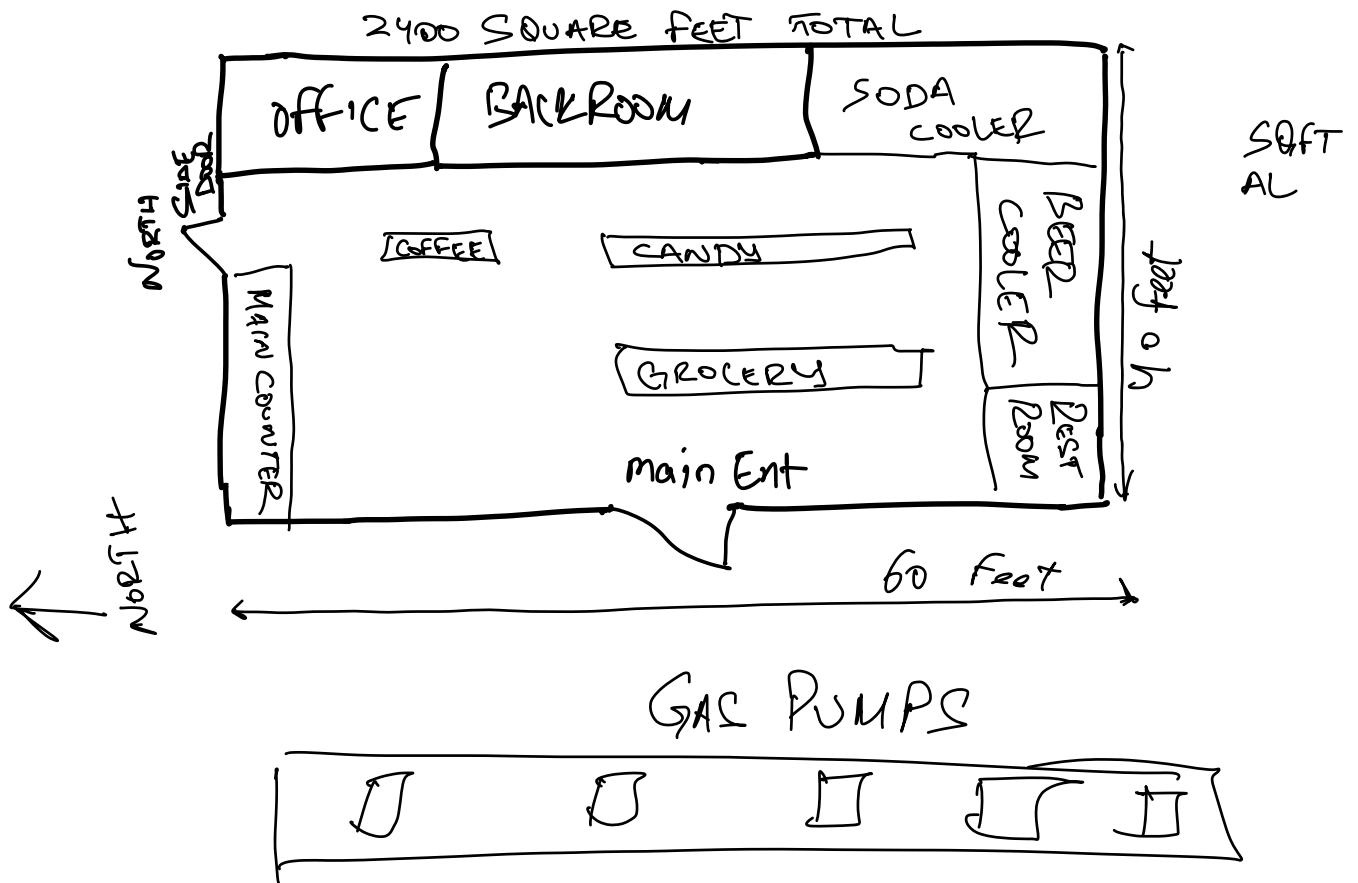
Tuesday: 6am to 9pm

Saturday: 6am to 9pm

Wednesday: 6am to 9pm

Date Applied:
April 28, 2025

Legal Notice Published On:
May 16, 2025





City Clerk
clerk@westalliswi.gov

May 14, 2025

kalim Beg
14052 N saddlebrook circle
Mequon, WI 53097

RE: Class A Beer License Application Review for Kal Service at 10731 W Oklahoma Ave

City of West Allis Applicant:

Attendance Required:

Your hearing for your license application(s) is scheduled before the Economic Development Committee -

Date: May 20, 2025

Time: 7:00 pm

Location: Room 128, City of West Allis, City Hall, 7525 W. Greenfield Avenue, West Allis.

Please note that attending the hearing is required. If you do not attend, your application may be denied.

In the event of a denial, you must wait six months from the date of the decision to reapply.

If you are unable to attend the hearing, please contact the clerk's office at clerk@westalliswi.gov by 4 pm on the day of the meeting or earlier.

Arrival Instructions:

1. Park in the lot on the south side (rear) of the building.
2. Once inside, proceed straight back to the Common Council Chambers and wait for the Common Council to take a break for their recess committee meetings.
3. Sometime after 7 pm, when the Common Council takes a break for the recess committee meetings, go to Room 128.

Room Locations:

Room 128: Exit the Common Council Chambers and head towards the parking lot. Room 128 will be on your left through the wooden doors, just before the glass doors leading to the parking lot. Please wait in the back area until your application is called.

Art Gallery: Exit the Common Council Chambers and go down the stairs to the lower level. The Art Gallery will be directly ahead of you at the bottom of the stairs. Please find a suitable area to wait until your application is called.

If you use a wheelchair or have mobility concerns, please approach a staff member for assistance.

Committee Recommendation:

When you appear before the committee, they will likely make a recommendation. This recommendation will be voted on when the Common Council starts after the committee meetings are finished. The typical recommendations are:

1. Approval (with or without changes or conditions).
2. Denial.
3. Hold until a future meeting date.

Common Council Decision:

The Common Council will consider the Committee recommendations and either approve, deny, or hold the application. As the final decision-makers, their decision may differ from the committee's recommendation.

- If your license is approved by the Common Council and all requirements have been met, you will receive a notification within the next two days. This notification will allow you to view and print out your license.
- If your license is denied by the Common Council, you will receive a letter advising you of such and reminding you that you cannot reapply for six months.
- If your license is held by the Committee or the Common Council, you will receive another notice at a later date to appear before the committee.

This is the typical process and may vary from time to time if there are extenuating circumstances.

If you have any questions, email clerk@westalliswi.gov.

Non-Discrimination Policy: *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.*

**CITY OF WEST ALLIS
ORDINANCE O-2025-0042**

**ORDINANCE TO CREATE NONINTOXICATING BEVERAGE LICENSE
REGULATING CANNABIDIOL- AND THC-INFUSED BEVERAGES**

CREATING SECTION 9.74

WHEREAS, Wis. Stat. 66.0433 says the common council "may grant licenses to persons it considers proper for the sale of beverages containing less than 0.5 percent of alcohol by volume to be consumed on the premises where sold and to manufacturers, wholesalers, retailers and distributors of these beverages"; and

WHEREAS, 2019 Wisconsin Act 68 created regulations that allow the production and sale of certain consumable goods containing cannabidiol and delta-9-tetrahydrocannabinol derived from hemp; and

WHEREAS, the market has also introduced beverages containing delta-8-tetrahydrocannabinol and delta-10-tetrahydrocannabinol, which have similar psychotropic effects on the consumer, and the introduction of other variants is likely in the future; and

WHEREAS, the common council finds it proper to regulate the sale of beverages that contain cannabidiol and tetrahydrocannabinols derived from cannabis plants by and to its citizens, for the benefit of the public health and welfare;

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

SECTION 1: **AMENDMENT** "6.03 Public Welfare And Peace" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

6.03 Public Welfare And Peace

1. Destruction of Property.

- a. Fences, Walls, Trees, etc. No person shall willfully, maliciously or wantonly destroy, remove, throw down or injure any fence, hedge or wall enclosing any orchard, garden or any field whatever on land belonging to or lawfully occupied by another, or to open or leave open, throw down, injure, remove or destroy any gate or bars in such fence, hedge or wall, or cut down, root up, sever, injure, destroy or carry away, when severed, any fruit, shade, ornamental or other tree or any shrub, root, plant, fruit, flower, grain or other vegetable production in the City.

- b. Park Property, Statues, etc. No person shall break or otherwise injure any tree, shrub or plant; break, soil or deface any fountain, statue or other ornamental structure; damage any grass plot; or, in any way, injure, soil or deface any square, sidewalk or ground in the City or any public property in any public park or any other public place, which has been declared to be a public park and under the control of the City, whether the same shall be owned, leased or held in trust by the City, or held in trust for the use of the City.
 - c. Gardens, Crops, etc. No person shall enter any enclosed or unenclosed garden or orchard located within the City, without the consent of the owner, tenant, lessee or his or her agent and there cut down, injure, damage, destroy, pull out, eat or carry away any portion of the garden, including any growing thing, crop, seed, soil, fertilizer, water supply, tools, implements, racks, support or any other protective device or any other thing useful for the development, cultivation, maintenance and use of the garden.
- 2. Posting Signs, Advertisements or Displays. No person shall put up, erect, fasten, post, paint or maintain any sign, picture, poster, advertisement, symbol, structure, display or any other item of any description upon any curb, sidewalk, fence, board, barrel, box, case, railing, pole, post, barricade, material, bridge, structure or building of any kind placed upon any street, alley, public way or public ground. **[Ord. O-2008-0003, 2/5/2008]**
- 3. Open Air Meetings.
 - a. Where Prohibited. No person shall hold any open air meetings for any purpose whatsoever on West Greenfield Avenue between South 69th Street and South 76th Street or on any side street or in any alley abutting thereon, within one hundred twenty (120) feet on either side of West Greenfield Avenue.
 - b. Permit Required. Any person properly qualified may secure a permit for use of the park located at South 70th Street and West National Avenue for such purpose, providing permission is first obtained from the Park Board of the City.
- 4. Disorderly Conduct with a Motor Vehicle.
 - a. No person shall, within the City of West Allis, on public or private property, by or through the use of a motor vehicle, motorcycle, snowmobile, minibike, all-terrain vehicle or any other motorized vehicle, engage in violent, dangerous, abusive, unreasonably loud or otherwise disorderly conduct, including but not limited to unnecessary, deliberate or intentional: spinning of wheels, squealing of tires, revving of the engine, blowing of the horn, causing the engine to backfire, causing the vehicle in motion to raise one or more of its wheels off the ground or causing the vehicle to otherwise be operated in an erratic or dangerous manner under circumstances which tend to cause or provoke a disturbance.
 - b. Any person who shall violate this subsection shall upon conviction be subject to a forfeiture in the amount of \$300.00 for each offense.
- 5. Diseased and Infected Trees, Hedges, etc.
 - a. Inspection by Superintendent of Forestry and Public Grounds; Notice;

Removal. The Superintendent of Forestry and Public Grounds (hereafter “the Superintendent”) may inspect trees, vines, hedges, plants, logs and branches within the City right-of-way and those trees, vines, hedges, plants, logs, and branches as the Superintendent determines may pose a danger to persons using the City right-of-way in order to determine whether they are healthy or diseased. If any such tree, vine, hedge, plant, log or branch is found dead, diseased, infected or infested and, in the opinion of the Superintendent, is likely to spread any disease or is found to harbor destructive insects or, if any tree, vine, hedge, plant, log or branch is dangerous to the public, the Superintendent shall give a written order to the owner, agent or occupant of such premises of such condition and direct that the owner, agent or occupant to remove and destroy the tree, vine, hedge, plant, log or branch. The owner, agent, or occupant of such premises of such condition will have thirty (30) days from the date of the order to correct the defect. The owner, agent, or occupant may request an extension to correct the defects which will only be granted for good cause at the discretion of the Superintendent of Forestry and Public Grounds. The owner, agent, or occupant who received the order may appeal the order to the Administrative Appeals Review Board (hereafter “the Board”) by submitting a written objection to the City Clerk’s Office within 30 days of the order. Upon receipt of a timely appeal, the Board shall hold a hearing on the appeal, during which the Board may review any pertinent information and may accept oral and written statements from any person. In the event the owner, agent or occupant shall fail to comply with the orders within the time specified, the Superintendent may enter upon and remove or contract for the removal of the diseased, infected or infested trees, vines, hedges, plants, logs or branches or any part thereof.

- b. Transportation Permit Required. No person, firm or corporation shall carry or transport in, out of or through the City, any dead, diseased, infected or infested trees, vines, hedges, plants, logs and branches. All commercial and professional arborists shall, upon removal of any dead, diseased, infected or infested trees, vines, hedges, plants, logs and branches, get a permit from the Superintendent to carry or transport the same to an approved and designated disposal area, as directed by the Superintendent.
- c. Sale and Planting of Cottonwood Trees Prohibited. No person shall hereafter sell or plant within the City any *populus sargentii*, commonly known as the plains cottonwood, or the *populus deltoides*, commonly known as the eastern cottonwood, both such species also commonly known as the cottonwood poplar.

6. Fraud on Tavern Keeper.

- a. No person, having obtained food, lodging, beverage or other service at a tavern, shall intentionally abscond without paying for it; nor, while a patron at a tavern, shall intentionally defraud the keeper thereof in any transaction arising out of such relationship.
- b. Under this subsection, prima facie evidence of any intent to defraud or to abscond is shown by:

The refusal of payment upon presentation when due and the return unpaid of any bank check or order for the payment of money given by any patron to any tavern in payment of any obligation arising out of such relationship as patron; or,

The failure or refusal of any patron at a tavern to pay, upon written demand, the established charge for food, beverages of any kind or other services actually rendered; or,

The giving of false information or the presenting of false or fictitious credentials for the purpose of obtaining credit, food, beverages or other services; or,

The drawing, endorsing, issuing or delivering to any tavern of any check, draft or order for payment of money upon any bank or other depository, in payment of established charges for food, beverages of any kind or other service, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

7. Consumption and Possession of Alcohol Beverages and CBD/THC Beverages

- a. No person may consume ~~alcohol beverages~~ or possess alcohol beverages or CBD/THC beverages in an open container while upon any public way or City-owned property. This provision does not apply to any of the following:
 - i. Any premises where a government-issued license or permit allows the consumption of alcohol
 - ii. Within a community event declared under this subsection if the alcohol beverage was lawfully obtained at the the community event or a licensee or permittee adjacent to the community event
 - iii. At the farmers market if the alcohol beverage was lawfully obtained at the farmers market
 - iv. The consumption of fermented malt beverages on a commercial quadricycle
- b. (Reserved).
- c. (Reserved).
- d. No person licensed or permitted to sell alcohol beverages may knowingly allow another person to leave that licensed or permitted premises while carrying an alcohol beverage in an open container, except to enter a community event adjacent to the premises. No person may leave a premises licensed or permitted to sell alcohol beverages while carrying an alcohol beverage in an open container, except to enter a community event adjacent to the premises.
- e. The Common Council may, by resolution, designate a specified public way or city-owned property to be the location of a community event. The resolution shall describe the premises of the community event, the date and time of the community event, and any other conditions upon the consumption of alcohol

- beverages on the premises of that community event.
- f. (Reserved).

8. Fireworks Prohibited.

- a. Definition. In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion, which does not have another common use, but does not include any of the following:
 - i. Fuel or lubricants.
 - ii. A firearm cartridge or shotgun shell.
 - iii. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 - iv. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - v. A cap containing not more than one quarter (1/4) gram of explosive mixture, if the cap is used or possessed or sold for use, in a device which prevents direct bodily contact with the cap when it is in place for explosion.
 - vi. A model rocket engine.
 - vii. Tobacco or a tobacco product.
- b. Prohibition.
 - i. No person may sell any fireworks in the City of West Allis.
 - ii. Exceptions. This section does not prohibit a resident, wholesaler, dealer or jobber from selling fireworks at wholesale, if that wholesaler, dealer or jobber ships or delivers the fireworks outside of this state in sealed opaque containers by, as defined in secs. 194.01(5), (11) and (14) of the Wisconsin Statutes, common motor carrier, contract motor carrier or private motor carrier engaged in the business of shipping or delivering property, or to a person or group granted a permit under sec. 167.10 of the Wisconsin Statutes.
- c. Possession and Use, State Statutes Adopted. Possession and use of fireworks shall be regulated according to the provisions of sec. 167.10 of the Wisconsin Statutes, as the same are from time to time amended, which are hereby adopted and incorporated by reference herein.
- d. Enforcement.
 - i. In addition to other penalties prescribed under this section, the City may petition the Circuit Court for an order enjoining any violation of this ordinance or of sec. 167.10 of the Wisconsin Statutes.
 - ii. Any fireworks stored, handled, sold, possessed or used by the person who violates any provision of this section shall be seized. The fireworks shall be destroyed after conviction for a violation and otherwise returned to the owner.
- e. Penalties.
 - i. Any person who shall violate any provision of this section shall, upon conviction, pay a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), together with the

costs of the action and, upon default of payment thereof, shall be imprisoned in the Milwaukee County House of Correction for a period not to exceed ninety (90) days or until such forfeiture and costs are paid. Each day during which a violation of this section is permitted to exist shall be deemed to be a separate violation.

SECTION 2: **AMENDMENT** “9.48 Definitions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

9.48 Definitions

In this chapter, the words and phrases below have the corresponding meanings:

Term	Definition
Adult-oriented entertainment	Any of the following: - Any image that depicts specified anatomical area or sexual activities - Any device marketed as an object used for sexual activities - Any live performance in which a person acts out sexual activities or exposes or simulates the exposure of specified anatomical areas - Any video in which a person exposes or simulates the exposure of specified anatomical areas
Amusement device	See Wis. Stat. 77.54(65m)(b)
Approved payment plan	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>CBD/THC beverage</u>	<u>A beverage containing cannabidiol, any tetrahydrocannabinol, or both</u>
Entertainment device	Any equipment designed to provide amusement to the user including, but not limited to: amusement devices, jukeboxes, and other similar devices
Indoor premises	Any part of the premises that is an enclosed place as that term is defined in Wis. Stat. 101.123(1)(ak)
Outdoor premises	Any part of the premises that is not an indoor premises.
Outstanding debt	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

Premises	The area within which the activity licensed under this chapter may occur.
Public entertainment	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. This term does not include any activity or equipment licensed by the State of Wisconsin.
Specified anatomical areas	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
Sexual activities	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

SECTION 3: **ADOPTION** “9.74 Nonintoxicating Beverage” of the City Of West Allis Municipal Code is hereby *added* as follows:

A D O P T I O N

9.74 Nonintoxicating Beverage(*Added*)

1. License Required. Pursuant to Wis. Stat. 66.0433, no person may act as a retailer of any CBD/THC beverage without first obtaining a nonintoxicating beverage license. A license issued under this section authorizes face-to-face retail sales of CBD/THC beverages sales to consumers at the premises described in the retail license to be consumed either on the premises where sold or off the premises.
2. Exceptions. No license is required under this section if any of the following applies:
 - a. The person is a pharmacy or physician approved under Wis. Stat. 961.34(2).
 - b. The beverage contains 0.5 percent or more of alcohol by volume
3. Application Process. The application process in WAMC 9.50 is adopted.
4. Regulations.
 - a. Underage Persons. No person may procure for, sell, dispense or give away any CBD/THC beverage to any person who has not yet attained the legal

- drinking age for alcohol beverages.
- b. Packaging. No person may procure for, sell, dispense or give away any CBD/THC beverage unless in an original closed container and labeled in a manner that clearly indicates:
- i. The product is for use only by adults aged 21 years or older.
 - ii. The quantity of CBD/THC contained within the product.
5. Discipline Process. The discipline process in WAMC 9.51 is adopted.

SECTION 4: 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. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

**CITY OF WEST ALLIS
RESOLUTION R-2025-1913**

**RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO
ANNUALLY TEMPORARILY CLOSE STREETS BETWEEN S. 108TH ST. AND S.
112TH ST. AT W. THEO TRECKER WAY**

WHEREAS, unlawful vehicle cruising has continued to be a serious issue in this area;
and,

WHEREAS, the Engineering Department over the years has investigated a number of
permanent and temporary options for closing these street to through traffic at W. Theo Trecker
Way in order to discourage cruising; and,

WHEREAS, the Engineering Department, along with the Department of Public Works
and District Alderpersons have implemented annual temporary closures at S. 109th St. with
success and cost savings compared to permanent options; and,

WHEREAS, other streets in the area have submitted a petition to have the same
annual temporary closure of the street.

NOW THEREFORE, BE IT RESOLVED By the Common Council of the City of
West Allis that the Director of Public Works, City Engineer, and Police Chief are directed and
authorized to annually temporarily close S. 109th St, S. 110th St., S. 111th St., and S. 112th St.
at W. Theo Trecker Way as necessary and that the initial annual temporary closing shall be
done upon receipt of a petition via the District Alderpersons.

BE IT FURTHER RESOLVED By the Common Council of the City of West Allis that the
Director of Public Works is directed and authorized to use the appropriate budget account or
accounts to pay for the work.

SECTION 1: **ADOPTION** “R-2025-1913” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2025-1913(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis

Petition for annual seasonal closure of the north end of S 110th St and W Theo Trecker Way during the months of summer

Background:


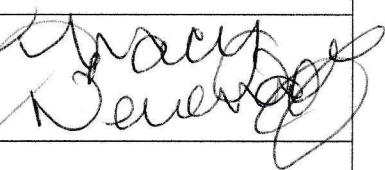
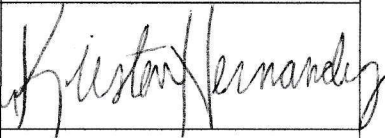

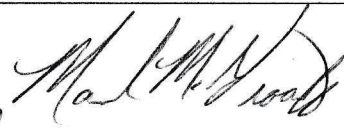

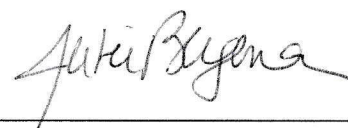

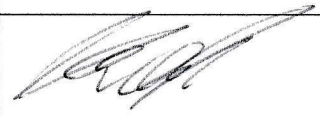

Currently, observed for the last 5 years, the traffic increased more during the summer months in the residential neighborhood on S 110th Street between W Walker St and W Theo Trecker Way. The seasonal nature of this activity is likely from observed cruisers off of the adjacent Highway 100. This is further evidenced by appearance of trash, cans, bottles and cigarette butts left both in lots and curbside when not previously there the night before. Increased traffic leads to safety concerns for our residents, especially the youngest family members.


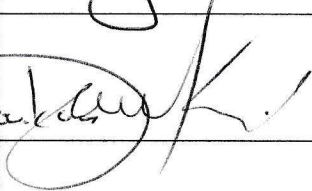
The City of West Allis has demonstrated precedent for temporary closure of one end of a street in the past in response to residents concerns over high volume of cruising traffic. Each summer the intersection of S 109th St and W Theo Trecker Way has an annual, seasonal closure with stone barricades which has been observed for at least the last 5 summers and reportedly longer in conversations with other neighbors and Alder-persons.

Petition:

We, the undersigned concerned citizens affix our signatures in support of an annual seasonal closure of the north end of S 110th St and W Theo Trecker Way during the months of summer intending to decrease the traffic from cruising drivers and the risks this brings to our neighborhood if left unattended.

Date	Printed Name	Address	Contact number / email	Signature
		708 S 110 th St West Allis, WI 53214		
4-6-25	Cade Heder	S 110 th St 709 West Allis, WI 53214	414-531-0262 Cade.Heder@gmail.com	Cade Heder
4/6-25	ROGER HETT	714 S 110 th St West Allis, WI 53214	414-778-0149	Roger W. Hett
4-6-25	Cecily Lyons	715 S 110 th St West Allis, WI 53214	920-562-7013 CecilyLyons@aol.com	Cecily Lyons
4/7/25	Aaron Heidersheid	721 S 110 th St West Allis, WI 53214	920-373-2688 aaron.heidersheid@gmail.com	Aaron Heidersheid
		722 S 110 th St West Allis, WI 53214		

Date	Printed Name	Address	Contact number / email	Signature
4-10	Tim Nowakowski	728 S 110 th St West Allis, WI 53214	414-331-9101	
4-6-25	Brad Louden	729 S 110 th St West Allis, WI 53214	Bradley Louden 48@gmail.com	Brad Louden
4-6-25	Tracy Newenborg	734 S 110 th St West Allis, WI 53214	trnewenborg@yahoo.com	
		735 S 110 th St West Allis, WI 53214		
4-6-25	Kristen Hernandez	740 S 110 th St West Allis, WI 53214	(262) 903-2034 khernandez24@gmail.com	
4-7-25	Elisa Manning	741 S 110 th St West Allis, WI 53214	(920) 210-5574 elim42283@yahoo.com	
4-6-25	Mark McGroarty	805 S 110 th St West Allis, WI 53214	414 257-2805 mcgroart@exxpe.com	
		806 S 110 th St West Allis, WI 53214		
4-6-25	Dylan Broda	818 S 110 th St West Allis, WI 53214	414 556-9693 djbroda@milwaukee.gov	
4-7-25 3/7 Jab	Julie Bergeman	818 S 110 th St West Allis, WI 53214	414-861-0790 jbergeman@yahoo.com	
4-6-25	Jeremy Macali	819 S 110 th St West Allis, WI 53214	(414) 745-0110 Footin4badguys@gmail.com	
4/7/25	John Eizberger	824 S 110 th St West Allis, WI 53214	(262) 853-6135 jeizberger@gmail.com	
4-6-25	Jeremy Macali	825 S 110 th St West Allis, WI 53214	(414) 745-0110 Footin4badguys@gmail.com	

Date			Phone / email	Signature
4/6/25	Bill Kuck	830 S 110 th St West Allis, WI 53214	414 308-4081 bill.kuck@yahoo.com	
4/6/25	Daniel Kaiser	831 S 110 th St West Allis, WI 53214	414-840-5921 daniel.kaiser2@yahoo.com	
		837 S 110 th St West Allis, WI 53214		
		838 S 110 th St West Allis, WI 53214		

Petition drafted and signatures collected by Jeremy Macali of 819 110th St.

Notes:

722 = In Texas, not back until May 2025

837 = Deceased owner.



City Clerk
clerk@westalliswi.gov

April 22, 2025

Raul Colin
1554 S Layton Blvd
Milwaukee, WI 53215

RE: Operator's License Application Review

Dear Raul;

Your application for an Operator's/Bartender License is scheduled for a televised hearing before the Public Safety Committee on: **May 6, 2025 at 7:00 pm in Room 128 at 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.

Please park in the parking lot on the south side of the building. After entering the building, walk straight back to the Common Council Chambers. When the Common Council begins their recess meetings (sometime after 7PM), you will then go to Room 128.

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.



May 13, 2025

Raul Colin

RE: Notice of Non-Renewal for BART-295 for 2025-2027 Operator's License

Licensee:

Upon consideration of your application to renew your Operator's License with the City of West Allis and pursuant to Wis. Stat. § 125.12(3), you are hereby notified of the City's intention to not renew the Operator's License previously issued to you.

The basis for this decision includes:

The Licensee no longer meets the qualifications for licensure pursuant to Wis. Stat. § 125.04(5)(a) due to an arrest or conviction records subject to state law.

The Licensee no longer meets the qualification for licensure pursuant to Wis. Stat. § 125.04(5)(b) due to the licensee being a habitual law offender.

The Licensee has provided untrue information to the committee responsible for approving license applications.

The Licensee has failed to appear at committee meetings to provide further information responsive to their renewal application.

The Licensee has violated a provision of Wis. Stat. Chpt. 125 or West Allis Municipal Code associated with the licensed activity.

The licensee has sold or given away alcohol beverages to known habitual drunkards in violation of Wis. Stat. 125.12(2)(ag)3.

At the previous hearing on May 6, 2025 the Public Safety Committee for the City of West Allis reviewed your renewal application and a motion was made to issue the notice of non-renewal. At that time, you had requested a hearing related to this potential non-renewal. Pursuant to Wis. Stat. § 125.12(2)(b) the hearing has been scheduled for Tuesday, May 20th 2025, in room 128, of the West Allis City Hall, located at 7525 W. Greenfield Avenue, West Allis, WI 53214.

Please leave a comment letting us know you received this notice and that you plan on attending the hearing.

It is VERY IMPORTANT to notify us by 4PM the day of your hearing if you will not be attending and the reason why. Please be aware your license could still be denied if you are absent, or the committee could choose to reschedule your hearing.

You may elect to be represented by counsel at this hearing but please be aware that no lawyer will be appointed for you. You may present evidence at this hearing, including providing witnesses or cross-examining witnesses, to present your defense to this notice of non-renewal.

If you have additional questions, please contact the West Allis City Attorney's Office at 414-302-8450.

Sincerely,

Allison Childs

Assistant City Attorney

City of West Allis

Record #	License Type	Agent First Name	Agent Last Name	Business Address (License Location)	DBA/Trade/Business Name	Change your hours of operation?	Changes to your Current Entertainment Types?	Change any of the litter and noise answers above?
ALC-23-1	Class B Beer / Class C Wine	Samantha	Schneider	1436 S 92 St	The Bread Pedalers	Yes	No	Yes
ALC-22-203	Class B Beer / Class C Wine	Dana	Spandet	8121-8125 W National Ave	Flour Girl & Flame	No	Yes	Yes
ALC-22-113	Class B Tavern	Fatima	Garcia Silva	10114 W Greenfield Ave	Las Fajitas Mexican Restaurant	Yes	No	No
ALC-22-179	Class B Tavern	Robert	Anderson	6827 W National Ave	Stallywood	Yes	No	No