

**CITY OF WEST ALLIS
ORDINANCE O-2022-0143**

**ORDINANCE TO REMOVE SPECIFIC FEE AMOUNTS AND CORRECT LEGISLATIVE
ERRORS**

AMENDING VARIOUS SECTIONS

WHEREAS, the City created a Fee Schedule for ease of reference; and

WHEREAS, many old references to fee amounts were still present within the municipal code, creating potential conflicts or confusion; and

WHEREAS, the council seeks to update language, correct typographical errors, and clarify the code on a regular basis;

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

SECTION 1: **AMENDMENT** “4.25 Towing Contracts” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

4.25 Towing Contracts

1. Declaration of Policy. The public interest requires that there be available to the City and all Departments thereof the services of a qualified and responsible towing contractor on a twenty-four (24) hour a day basis to remove from public ways and places any wrecked, disabled or abandoned vehicles or any vehicle which constitutes an obstruction or hazard to vehicular or pedestrian traffic.
 - a. Danger to the public shall be eliminated as quickly as possible.
 - b. Impediments to traffic shall be removed and normal traffic flow restored as soon as possible.
 - c. Towed vehicles shall be placed where directed by an authorized agent of the City or where they are safe and secure until the owner, his agent or representative, can determine further disposition thereof.
2. Definitions.
 - a. A vehicle is deemed to be wrecked or disabled within the meaning of this section when it cannot safely be moved under its own power.
 - b. A vehicle is deemed to be abandoned within the meaning of this section whenever it has remained standing on any highway, public place or in any building in the City more than twenty-four (24) hours.
 - c. A vehicle is deemed to constitute an obstruction or hazard to vehicular or pedestrian traffic whenever it shall, while stationary and unable to proceed, block the lane of traffic which would otherwise be open for travel by motor vehicles or pedestrians. A vehicle shall also be deemed to constitute an obstruction or hazard to vehicular traffic when it is parked in violation of the snow emergency regulations and the winter parking regulations of Section 10.11 of this Code.

3. Removal of Vehicles. Any wrecked, disabled or abandoned vehicle or any vehicle which constitutes an obstruction or hazard to vehicular or pedestrian traffic is hereby declared to be a public nuisance and may be abated or removed as provided in Section 6.015 of this Code.
4. Towing Contract Let by Bid. The Board of Public Works shall take bids for the West Allis towing contract and submit same to the Common Council for approval. An advertisement for bids shall be published in the official City newspaper by the Board of Public Works for two (2) successive weeks before the date established for taking of bids. Bids shall be upon forms provided by the Board. The towing contract shall be awarded to that responsible bidder whose bid shall result in the lowest overall cost for the service provided and who, in the judgment of the Common Council, shall render the most satisfactory and dependable service to the City.
5. Minimum Qualifications for Bidders.
 - a. Bidders shall have their business locations in the City or within three (3) miles of the City's boundaries at a place properly zoned for such purpose. No business activities pursuant to the towing contract shall be conducted from or in connection with residential property in the City or from any place not properly zoned for such purpose.
 - b. Bidders may qualify for contract only by presenting evidence that they meet the following requirements:
 - i. Experience in the towing and winching of vehicles.
 - ii. Financial responsibility.
 - iii. Adequate towing equipment and storage facilities; that the bidder shall have in service at least four (4) towing vehicles, plus one (1) flatbed vehicle, and have inside storage for five (5) vehicles and outside storage for ten (10) vehicles on the same premises and shall have trained personnel available twenty-four (24) hours a day, seven (7) days a week.
 - iv. Certificate for law enforcement wrecked or disabled towing.
 - c. Bidders shall post a surety bond in the amount of five thousand dollars (\$5,000) as a guaranty of satisfactory performance of the contract; such bond to be approved by the City Attorney as to form and execution.
 - d. Bidders shall file, with the executed contract, proof of worker's compensation insurance and liability insurance in minimum amounts of \$500,000/\$1,000,000/\$500,000 covering all operations, premises, storage of vehicles and the contents thereof, and vehicles used in carrying out the work required under the contract. The liability policy shall be endorsed to name the City of West Allis as an additional insured. The insurance policies shall provide for a thirty (30) day notice to the City in the event of cancellation.
6. Contract; Terms to be Included.
 - a. The contract shall be subject to approval by the Common Council and shall be executed by the Mayor and City Clerk/Treasurer on behalf of the City and shall be approved as to form by the City Attorney.
 - b. The term of the contract shall be for a period of three (3) years, except that the contract shall be terminable at will by the Common Council for such cause as shall seem sufficient to the Council.
 - c. The contractor shall bind himself as follows: within thirty (30) minutes of notification by a commanding officer of the Police Department, the Director of Public Works or other duly authorized officer or employee of the City to be on site and prepared to remove the vehicle as directed by such officer or employee of the City. Such thirty (30) minute response time shall not be

- applicable if the Chief of Police or Director of Public Works is satisfied that a bona fide emergency prevented the towing contractor from responding.
- d. The bidder agrees to have at least two (2) vehicles available to respond to calls from authorized City of West Allis representatives during declared snow emergencies.
 - e. The contractor's compensation for the rendition of services shall be paid by the owner of the vehicle or by his agent or representative or, where applicable, by the City according to the fee schedule submitted with the contractor's bid. In the case of abandoned or unclaimed vehicles sold by the City under secs. 68.28 or 342.40 of the Wisconsin Statutes, the City shall pay only the portion of the compensation which is in excess of the value of the vehicles obtained by the contractor or upon disposal by him. It shall be unlawful for the towing contractor to charge in excess of the fee schedule submitted with the contractor's bid, where an authorized agent of the City has called for the contractor's services.
 - f. Contractor shall notify the Chief of Police of all vehicles which have remained unclaimed in his custody for a period of thirty (30) days or, in case of abandoned vehicles, for a period of ten (10) days, including make, model, year and date of possession. If it is determined by the Chief of Police or any member of his Department designated by him that the cost of towing and storing charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination that the vehicle is not stolen or otherwise wanted for evidence or other reason.

The Chief of the Police may authorize the contractor to dispose of such vehicles and to advise the Department of Transportation of the disposition of any such vehicle according to the provisions of sec. 342.40(3)(e) of the Wisconsin Statutes. In addition, the contractor shall be responsible for complying with the provisions of sec. 342.40(3)(c) relating to notice to owners and lienholders.

- g. The contractor shall submit to the Chief of Police, on or before the tenth day of each month, a sworn statement covering all operations performed under the towing contract for the preceding month. The statement shall contain the following information:
 - i. Name and address of owner of vehicle.
 - ii. Date of removal of vehicle.
 - iii. Make and model of the vehicle.
 - iv. Location from which the vehicle was removed.
 - v. Location to which the vehicle was removed.
 - vi. The total charge made for such removal.
- h. The Chief of Police is hereby authorized to assign to the contractor any cause of action which may accrue to the benefit of the City, pursuant to sec. 342.40(3)(b) of the Wisconsin Statutes, for the costs of towing, impounding and disposing of an abandoned vehicle. Any vehicle not disposed of under Section (6)(e) of this contract shall be disposed of in accordance with the provisions of sec. 342.40(3)(c) of the Wisconsin Statutes.

The Chief of Police, or any member of his Department designated by him, shall dispose of any vehicle not disposed of under subsection (6)(e) of this ordinance by sealed bid or auction after the contractor has complied with the

provisions of subsection (6)(e) of this ordinance. Notice of such sale shall be done by publishing it in the official City newspaper.

- i. The contractor shall agree to hold the City harmless for any and all claims and damages resulting from operations conducted under the towing contract, including damage or loss to vehicles and personal property contained in said vehicles held in storage by the contractor. The contractor further agrees to defend any claim on behalf of the City and to pay all costs, damages and attorneys fees which may result from such claims. The insurance policies required in subsection (5)(d) shall reflect the terms of this paragraph.

The contractor shall agree to hold the City harmless from any and all claims and damages resulting from any and all operations conducted under the towing contract, and shall agree to defend any claims on behalf of the City, and to pay all costs, damages and attorneys fees which may result from such claims. The certificates of insurance required by section (5)(d) shall reflect the terms of this paragraph.

- j. The bidder agrees to post a list of prices in conformity with the bid. The list of prices shall be conspicuously posted and in a form designed to give reasonable notice to a person retrieving a towed vehicle.

7. Police Department Fees for Services.

- a. Storage of Vehicles. In addition to any other fees set forth herein, the West Allis Police Department is authorized to charge ~~ten dollars (\$10) per day~~ a fee for the storage of vehicles outside the West Allis Police Department and ~~fifteen dollars (\$15) per day~~ for the indoor storage of vehicles at the West Allis Police Department in the amount listed in the Fee Schedule. The same rates shall apply to the storage of vehicles on any other property owned by the City of West Allis and designated by the Chief of Police for such purpose.
- b. Administrative fee. The West Allis Police Department is authorized to charge a ~~twenty-five dollar (\$25) administrative~~ fee listed in the Fee Schedule for West Allis Police Department services related to the towing of vehicles. Said fees shall be collected by the City's vehicle towing contractor along with that company's regular towing charges and paid to the City on a monthly basis.

SECTION 2: AMENDMENT “5.03 Fire Chief” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

5.03 Fire Chief

1. Appointment and Term. See Section 2.20 of this Code.
2. Duties. The Chief of the Fire Department shall have command and supervision over all the members, apparatus and operations of the Fire Department, subject to the rules and regulations which may be prescribed by the Board of Police and Fire Commissioners and by the Common Council. He shall keep all appliances belonging to the City and used for the purpose of the Fire Department in good repair and ready for immediate and efficient service.
3. To Appoint Subordinates. The Chief shall appoint subordinates subject to the approval

of the Board of Police and Fire Commissioners. Such appointments shall be made by promotion, when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the Board of Police and Fire Commissioners and kept on file with the City Clerk.

4. To Make Rules for Department. The Chief may make rules and regulations for the good government of the Fire Department, consistent with the regulations prescribed by the Board of Police and Fire Commissioners.
5. Emergency Destruction of Property. The Chief and his assistants may direct the firemen to remove, tear down or otherwise dispose of any building or other structure when it shall become absolutely necessary to do so for the purpose of stopping or checking the progress of a fire.
6. Other Duties; Fire Inspector.
 - a. The Chief shall perform all duties delegated to him by the laws of Wisconsin, particularly sec. 101.14(2) of the Wisconsin Statutes, and by the ordinances of the City.
 - b. An Annual Fire Prevention Inspection Fee shall be charged to the property owner for required inspections of each building, structure and premises.
 - c. The fee for required annual fire inspections shall be listed in the Fee Schedule.as follows:

i. Residential:-

| Building Type | Fee |
|----------------------|-----------------|
| 3 - 36 units | \$5.00 per unit |
| 37 - 60 units | \$200.00 |
| 61 - 100 | \$225.00 |
| 100 or more units | \$250.00 |

ii. Commercial:-

| Building Type | Fee |
|------------------------------|------------------|
| Under 1,000 sq. ft. | \$10.00 per unit |
| 1,000 to 5,000 sq. ft. | \$25.00 |
| 5,000 to 25,000 sq. ft. | \$50.00 |
| 25,000 to 100,000 sq. ft. | \$100.00 |
| 100,000 to 250,000 sq. ft. | \$200.00 |
| 250,000 to 500,000 sq. ft. | \$300.00 |
| 500,000 to 1,000,000 sq. ft. | \$500.00 |
| Over 1,000,000 sq. ft. | \$750.00 |

iii. Industrial:-

| Building Type | Fee |
|--------------------------------|------------|
| Under 5,000 sq. ft. | \$50.00 |
| 5,000 to 25,000 sq. ft. | \$100.00 |
| 25,000 to 100,000 sq. ft. | \$150.00 |
| 100,000 to 175,000 sq. ft. | \$250.00 |
| 175,000 to 350,000 sq. ft. | \$500.00 |
| 350,000 to 1,000,000 sq. ft. | \$750.00 |
| 1,000,000 to 2,000,000 sq. ft. | \$1,250.00 |
| Over 2,000,000 sq. | \$2,000.00 |

iv. Churches and Schools:-

| Building Type | Fee |
|------------------------------|------------|
| Under 1,000 sq. ft. | \$10.00 |
| 1,000 to 5,000 sq. ft. | \$25.00 |
| 5,000 to 25,000 sq. ft. | \$50.00 |
| 25,000 to 100,000 sq. ft. | \$100.00 |
| 100,000 to 250,000 sq. ft. | \$200.00 |
| 250,000 to 500,000 sq. ft. | \$300.00 |
| 500,000 to 1,000,000 sq. ft. | \$500.00 |
| Over 1,000,000 sq. ft. | \$750.00 |

- d.
 - i. The fee for hotels and motels shall be the same as for residential property, except that the fee shall be calculated on a per room basis.
 - ii. The fee for mobile homes shall be the same as for residential property, except that the fee shall be calculated on a per mobile unit basis.
 - iii. Premises located within the City shall be inspected, pursuant to Sec. 101.14 of the Wisconsin Statutes.
 - iv. Square footage above refers to total floor area of any building or structure.
- e. The annual fee shall constitute a special charge against the property inspected. The annual fee shall be extended upon each year's tax roll for collection. If not paid on or before July 31 of each year, the fee shall become a lien on the property inspected and shall automatically be extended upon the current tax roll as a delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. The annual fee represents payment for fire inspections for the year in which payment is due.
- f. All buildings owned by the United States government, the State of Wisconsin, Milwaukee County, the Milwaukee Area Technical College, the West Allis - West Milwaukee School District, the Milwaukee Metropolitan Sewerage District and the City of West Allis, shall be exempt from this fire inspection

fee.

- g. Severability. If any provision, clause, sentence, paragraph, section or part of this ordinance, or application thereof to any person, firm, corporation or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of said provision, clause, sentence, paragraph, section or part of this ordinance to other persons, firms, corporations or circumstances, but shall be confirmed in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation or circumstance involved. It is hereby declared to be the legislative intent of the Common Council that this ordinance would have been adopted had such invalid provision or provisions not been included.

7. Ambulance Fee. **[Ord. 6044, 10/5/1993; Ord. 6595, 11/20/2001]**

- a. Whenever an ambulance of the City of West Allis shall convey a person, a fee shall be charged for such service to the person, his/her insurance company, or his/her estate. **[Ord. O-2009-0031, 11/17/2009; Ord. O-2016-0059, 12/20/2016; Ord. O-2017-0058, 12/5/2017]**
- b. The fee shall be established annually by the Common Council and shall be kept in the City Clerk's office. **[Ord. 6537, 10/17/2000; Ord. O-2005-0029, 6/7/2005; Ord. O-2009-0031, 11/17/2009; Ord. O-2016-0059, 12/20/2016; Ord. O-2017-0058, 12/5/2017]**
- c. The Fire Chief or his designee shall be responsible for obtaining the name, address, identification number and health insurance data of the person conveyed, as possible. The Treasurer shall be responsible for the billing and collection of the fee from the person conveyed.

8. Fire Department Service Fees.

- a. The Fire Chief may impose a fee ~~of up to \$500~~ listed in the Fee Schedule if the Fire Department provides any of the following services:
 - i. A qualified response to a vehicle accident that does not involve a vehicle fire. The fee shall be charged to the vehicle owner(s). The owner of any such vehicle that is legally parked shall not be charged a fee for such service. The owner of a vehicle that is registered to an address within the City of West Allis at the time of the event shall not be charged a fee for this service.
 - ii. A qualified response to a vehicle fire, whether it involves a crash or not, within the City limits. The fee shall be charged to the vehicle owner(s).
 - iii. A qualified response to a structure fire within the City limits. The fee shall be charged to the owner of the property.
- b. (Reserved.)
- c. The Fire Department has made a qualified response when all the following conditions are met:
 - i. The Fire Department responds with a fire apparatus (engine or truck). An ambulance only response does not qualify.
 - ii. The accident or fire takes place within City limits (mutual aid responses are not billed).
 - iii. The responding fire company takes one (1) or more of the following actions to mitigate the results of the accident or fire.

- (1) Extricate occupants from vehicle.
 - (2) Clean up fluids/deploy absorbent material.
 - (3) Deploy hoseline for safety.
 - (4) Render vehicles safe.
 - (5) Return roadway/scene to navigable and/or safe condition (including securing an area to maintain scene safety from electrical hazards resulting from the crash: downed power lines, power poles, etc.).
- d. There will be no bill issued if a fire apparatus responds and only provides traffic control, scene safety (roadway blocking), or assistance with medical care.
 - e. The Fire Chief, or his or her-designee, shall be responsible for obtaining the name, address, identification number, and insurance data of the owner, if possible. The Treasurer shall be responsible for the billing and collection of the fee.

SECTION 3: **AMENDMENT** “6.017 Abandoned Shopping Carts” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

6.017 Abandoned Shopping Carts

1. Purpose. The Common Council finds that abandoned shopping carts in the City create potential hazards to aesthetics and the safety of the public, interfere with pedestrian and vehicular traffic, and create a public nuisance. The accumulation of abandoned carts, sometimes wrecked and/or dismantled, on public and private property tends to create conditions that reduce property values, promote blight and deterioration and result in a public nuisance.
2. Definitions.
 - a. "Abandoned Cart" means any cart that has been removed from the owner's business premises or parking area of the retail establishment on which the cart owner's business premises are located; or any unattended cart that is located more than 100 feet from the owner's business entrance and not contained within a cart corral on the owner's property. The owner's business premises may include a multi-store shopping center with shared areas of parking and public access.
 - b. "Cart" means a basket that is mounted on wheels or a similar device generally used in a retail or commercial establishment by a customer for the purpose of transporting goods of any kind.
3. Requirements of Cart Owners.
 - a. Every owner of carts shall securely mark or cause the cart to be marked and identified conspicuously with the name, address, and telephone number of the owner. Every cart shall be marked within three (3) months of the publication date of this ordinance.
 - b. All owners shall ensure that all carts are secured from public access after close of business hours.
 - c. Within three (3) months of passage of this ordinance, each owner of shopping carts shall notify the Police Chief of its email address.

- d. Every owner of shopping carts shall, upon being given notice as set forth in Subsection (5), pick up or cause to be picked up all carts belonging to the owner being held by the City. The owner of said carts shall first pay the fee set forth in Subsection (6) for collection and storage of each cart.
 - e. When picking up a cart from the City storage facility, the owner shall supply proof that it is the owner of the cart. The presence of the markings set forth in Subsection (3)(a) shall be prima facie evidence of ownership.
4. Collection of Carts by City. Any member of the Police Department or Department of Public Works may take possession of any abandoned cart. Each abandoned cart that is collected by a City employee shall be transported to a facility designated by the Director of Public Works. The date, time and location of where the cart was located and the owner's name shall be logged by the collecting employee.
 5. Notice. Within twenty-four (24) hours of collection, the City agency collecting or storing the cart shall notify the cart's owner, by email and within three (3) business days or as soon thereafter as reasonably possible by regular mail, of the fact that the cart was collected by the City and is in storage. The notice shall also inform the owner of the requirement that the fees set forth in Subsection (6) must be paid prior to the City returning the cart to the owner and where the cart can be collected and at what times.
 6. Collection and Storage Fees. Prior to a cart being returned to its owner, the owner shall pay the ~~fee listed in the Fee Schedule~~ following fees for each cart:
 - a. ~~Collection fee: (\$15.-), plus:~~
 - i. ~~Storage for one (1) to fifteen (15) days: (\$10.-). Storage for sixteen (16) to thirty (30) days: (\$20.-). Storage for thirty-one (31) to sixty (60) days: (\$30.-). Storage for sixty-one (61) to ninety (90) days: (\$40.-).~~
 7. Disposition of Carts Held in Excess of 90 Days. Any cart not claimed by its owner within 90 days after notification shall be deemed the property of the City pursuant to sec. 170.105 of the Wisconsin Statutes. The carts may be disposed of pursuant to Section 2.683 of the West Allis Revised Municipal Code or if no reasonable bid is obtained, the carts may be destroyed. "Reasonable bid," as used in this subsection, shall mean at least the sum of the collection fee and the maximum storage fee set forth in Subsection (6).

[Ord. O-2010-0001, 1/5/2010]

SECTION 4: AMENDMENT “6.13 Property Registration” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

6.13 Property Registration

1. Purpose.
 - a. Property owner registration of residential and commercial properties is essential for the proper enforcement of the City's Building, Zoning, Fire and Health Codes and to safeguard persons, property and general welfare.
 - b. The Common Council of the City of West Allis has determined that, in order to best safeguard the health, safety, and general welfare of the public, it is necessary to

maintain a listing of current property owner contact information so that City agencies may expeditiously process property-related enforcement issues.

- c. The Common Council of the City of West Allis has further determined that in order to expeditiously process enforcement issues, the property owner shall provide owner contact information and designate a registered contact person and if the owner does not reside in the State of Wisconsin, designate a person or legal entity located within the State of Wisconsin for service of process.

2. Definitions. In this section:

- a. "Commercial" means use of property that is not classified by the City Assessor as residential and includes classifications of mixed use, multifamily, commercial, manufacturing, industrial and institutional property classifications.
- b. "Registered Contact Person" means a person designated by the property owner to be contacted regarding related enforcement issues for the subject property. The property owner may be listed as the registered contact person, except where the owner's residency is not within the State of Wisconsin. The property owner may designate more than one registered contact person. The owner shall authorize the City to serve any legal process on the contact person and service shall have the same effect as having served the owner.
- c. "Domicile" means the owner's true, fixed and permanent residence and to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time. The domicile address shall not be a post office box or similar depository.
- d. "Entity" means the legal owner of the property and includes the mortgagee in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, a corporation, or other property ownership type.
- e. "Owner" means each person who jointly or severally is vested with all or part of legal title to (or beneficial ownership of) the premises, and who has the right to use and enjoyment of the premises. The term includes, but is not limited to, a mortgagee in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, and a corporation or other property ownership type.
- f. "Owner-occupied" means the owner's residence and domicile is on the subject property.
- g. "Person" means an individual.
- h. "Physical address" means a unit-specific building or house number and street name and not a post office box or commercial alternative to a post office box.

3. Exceptions. The following are exempt from registering as required under this section.

- a. Land parcels of owner-occupied one-, two-, and three-family residential classified properties where the ownership is recorded with the Milwaukee County Register of Deeds.
- b. Land parcels classified by the Assessor's as a residential vacant lot and where the legal property owner's domicile is adjacent to the vacant lot.
- c. Owners of owner-occupied condominium units where the ownership is recorded with the Milwaukee County Register of Deeds and a Condominium Association declaration is established, and the association has an appointed condominium agent.
- d. Government-owned properties, including federal, state, county, City of West Allis and West Allis/West Milwaukee School District properties, Milwaukee Metropolitan Sewerage District properties, Milwaukee Area Technical College properties, and property owned by public utilities where ownership is recorded with the Milwaukee County Register of Deeds Office.

- e. Owners of properties which are currently registered in accordance with RMC 18.10 or RMC 18.11. **[Ord. O-2016-0039, 8/2/2016]**

4. Registration Required.

- a. The following shall file with the City the required registration form provided by the City, for registering the property in compliance with this section:
 - i. Residential or Commercial Property Owner: one (1) registration for each tax-key-numbered parcel classified as residential or commercial, including properties classified as a vacant lot.
- b. Exceptions. See Subsection (3) for exceptions to registration.

5. Registration Information Required.

- a. The property owner is legally responsible for compliance with the registration requirements of this section and submittal of the required form with required information.
- b. The registration form shall be provided by the City to the property owner by first-class mail to the last known address of the property owner. The City may allow electronic filing of registration information.
- c. Information required to be submitted to the City shall be typed or printed legibly and shall include the following:
 - i. In the case of a person or persons owning the property: legal name; domicile residence address, with street address, city, state, zip code; email address; and phone number for emergency contact. The domicile address shall not be a post office box or similar depository.
 - ii. In the case of property ownership by corporation, limited partnership, limited liability partnership, or other similar ownership as registered with the State of Wisconsin: Wisconsin corporation identification number; legal name of entity; registered agent's legal name; domicile residence address of registered agent including city, state, zip code; email address; and phone number for emergency contact. The domicile address shall not be a post office or similar depository.
 - iii. In the case of a trust, trustee or life estate holder: Wisconsin Registration Identification Number; legal name of representative; domicile residence address of representative, including street address, city, state, zip code; email address; and phone number for emergency contact of the representative. The domicile address shall not include a post office box or similar depository.
 - iv. The property owner shall designate and state on the registration a registered contact person. The registered contact person may be the property owner. The listing of the contact person shall include his/her address, city, state, zip code; email address; and phone number.
 - v. The property address and tax key number of the property being registered.

6. Registration and Changes In Information.

- a. Initial Registration. Beginning in the calendar year 2010, each owner of a property required to be registered by this Section shall file the required registration form and pay the required fee listed on the Fee Schedule. ~~The registration form shall be sent by first-class mail. Any registration filed after December 1, 2010 or, in the case of change of ownership, later than stated in (b) through (c) below, shall result in the fee being increased to one hundred fifty dollars (\$150.). The increased fee may be waived by the City.~~
- b. Registration. Any change of ownership after the initial registration shall be filed within 30 days of conveyance. Any registration filed after 30 days of conveyance shall result in the fee being tripled. The increased fee may be waived or rescinded by the City.
- c. Recording After Death. In the event of death of the property owner required to be registered under this section, the subsequent owner shall file a new registration form within 60 days after conveyance from the estate or other acquisition of interest.

- d. Registering After Conveyance, Change of Ownership. In the event of any conveyance of any property required to be recorded under this section, the new owner shall file a new registration within 30 days of the date of conveyance, or if the conveyance is by sale after foreclosure, then within 30 days of the date of court confirmation of the sale.
 - e. Change of Contact Information. If any information listed on a properly filed registration changes, other than ownership events listed in Subparagraphs (a) through (d) above, a revised registration form shall be filed within 30 days of the change of information. There shall be no fee to change contact information for a registered owner or his designated registered contact person(s). The City may periodically require property owners to verify recorded contact information for changes.
7. Failure To Register.
- a. The property owner is responsible for compliance with the registration requirements of this section.
 - b. Failure of the owner of the property to file the required registration form, failure to file a change of information form, or failure to file the required fee is a violation of this Code. Notice of violation shall be outlined in written form and served upon the owner of the property. The City shall serve such notice and order by first-class mail to the last known address of the property owner.
 - c. Such notice and order shall include the following:
 - i. The address or tax key number of the property so affected.
 - ii. A statement of violation, including the corresponding reference to the Code requirement.
 - iii. An order for remedial action to correct such violation.
 - iv. Statement of time for compliance to the Code requirement.
 - v. Statement of fee due.
 - vi. Statement of penalty.
 - vii. Statement of appeals process.
 - d. The time period for compliance may be extended at the discretion of the City. A request for time extension may be considered after receiving a written communication from the property owner, registered contact person, or legal representative stating reasonable cause.
 - e. Failure of the property owner to comply with the notice and order may be cause for the City to file a court action for violation of this code and be subject to the penalties in Subsection (11).
8. Falsification of Registration Form.
- a. No person shall knowingly or intentionally submit information on the registration form that she/he knows to be false or misleading. Falsification shall be subject to penalties as stated in Subsection (11).
9. Registration Fee.
- a. The registration fee shall be listed in the Fee Schedule per new registration.
10. Appeals.
- a. A property owner or owner's agent may appeal any compliance order to the City of West Allis Administrative Review Board pursuant to Section 2.48, by filing a written request for a hearing with the City Clerk within twenty (20) days of the date of the issuance of the order.
 - b. The appeal and hearing procedure shall conform to the standard rules and hearing procedures of the Administrative Review Board.
 - c. If the Administrative Review Board upholds the Order of the City, the property owner may appeal the decision within thirty (30) days to the circuit court.
 - d. If a property owner does not file a timely written request for a hearing with the Administrative Review Board, he or she waives the right to assert that the property did not meet the criteria for registration under this section.
11. Penalties.

- a. Any property owner or entity violating the provisions of this ordinance shall be required to forfeit not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500.), along with the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(4) of the Wisconsin Statutes.

SECTION 5: AMENDMENT “7.035 Noise Control Regulations” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.035 Noise Control Regulations

1. Statement of Purpose. The City of West Allis recognizes that excessive noise and vibration are serious threats to the public health and welfare, public safety, quality of life and property values. Current science and technology permit abatement of noise and vibration sources which were not available in the past. Therefore, it is the policy of the City to prevent and abate excessive noise and vibration which may jeopardize the public health, safety or welfare or which would cause harm to property values or which would impair the quality of life within the City.
2. Definitions. All terminology used in this section, not defined below or elsewhere within the West Allis Revised Municipal Code, shall be given the definitions provided by applicable publications of the American National Standards Institute (hereinafter "ANSI") or its successor body.
 - a. "A-Weighted Sound Level" means the sound pressure level in decibels as measured on a sound level meter using the "A" weighting network. The level so read is designated as db(A) or dB(A).
 - b. "Ambient Noise" means the sound level of the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources from near and far.
 - c. "Authorized Emergency Vehicle" means the definition of this term as set forth in Sec. 340.01(3), Wis. Stats., and any subsequent modification, revision, or amendment of that term as set forth in that section of the Wisconsin Statutes.
 - d. "Commercial District" means any area of the City designated on the official West Allis Zoning Map, pursuant to Chapter **12** of this Code, as C-1, C-2, C-3, C-4, or PDD-2.
 - e. "Construction" means any activity necessary or incidental to the erection, demolition, assembling, altering, installing, repairing or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling.
 - f. "Day" means the hours between 7:00 a.m. and 9:59 p.m.
 - g. "dB(A)" means the symbol designation of a noise level, reported in decibels, using the A-weighting network of a sound level meter, as defined in ANSI S1.4, Specification for Sound Level Meters. For example, noise will be reported as seventy-two (72) dB(A). For purposes of this section, the noise shall be measured using the slow exponential time weighting characteristic of the sound level meter unless otherwise noted.
 - h. "Decibel" means a unit of measure of the volume of a sound.

- i. "Emergency Work" means short-term operations which are necessary to protect the public health, safety and welfare of the citizens, including emergency utility and public works operations.
- j. "Impulse Noise" means any sound of short duration, usually less than one (1) second, with an abrupt increase, rapid decay, and a peak value that exceeds the ambient noise level by more than ten (10) dB(A). Examples of sources of impulse noise include explosions, drop forge impacts, and the discharge of firearms.
- k. "Manufacturing District" means any area of the City designated on the official West Allis Zoning Map, pursuant to Chapter **12** of this Code, as M-1.
- l. "Maximum Sound Level" (hereinafter "Lmax") means the maximum sound level over a measurement interval determined by using a sound level meter set to "fast" response time.
- m. "Motor Vehicle" means any vehicle, including a combination of two (2) or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail.
- n. "Night" means the hours between 10:00 p.m. and 6:59 a.m.
- o. "Noise Disturbance" means any sound or vibration which:
 - i. May disturb or annoy reasonable persons of normal sensitivities; or
 - ii. Causes, or tends to cause, an adverse effect on the public health and welfare; or
 - iii. Endangers or injures people; or
 - iv. Endangers or injures personal or real property.
- p. "Person" means any individual, association, partnership, joint venture, company, or corporation.
- q. "Place of Public Entertainment" means any building that is open to the public for entertainment purposes.
- r. "Plainly Audible Sound" means any sound for which the information content is unambiguously communicated to the listener, such as, but not limited to, understandable speech, comprehension of whether a voice is raised or normal, repetitive bass sounds, or comprehension of musical rhythms, without the aid of any listening device.
- s. "Power Tool" means any device powered mechanically, by electricity, by gasoline, by diesel fuel, or by any other fuel, which is intended to be used, or is actually used for, but shall not be limited to, the performance of such functions as cutting, nailing, stapling, sawing, vacuuming or drilling.
- t. "Real Property Boundary" means an imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
- u. "Residential District" means any area of the City, designated on the official West Allis Zoning Map, pursuant to Chapter **12** of this Code, as RE, RA-1, RA-2, RA-3, RA-4, RB-1, RB-2, RC-1, RC-2, or PDD-1.
- v. "Root Mean Square" (hereinafter "RMS") means the square root of the mean-square value of an oscillating waveform, where the mean-square value is obtained by squaring the value of amplitudes at each instant of time and then averaging these values over the sample time.
- w. "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium resulting in compression and rarefaction of that medium and which propagates at finite speed to distant locations. The description of sound may include any characteristics of such sound, including duration,

intensity, and frequency.

- x. "Sound Level Meter" means an instrument, either Type I or Type II, as defined by the most current ANSI specifications. A sound level meter for purposes of this section shall contain at least an A-scale and both fast and slow response.
 - y. "Sound Pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.
 - z. "Sound Reproduction Device" means any device, instrument, mechanism, equipment or apparatus for the amplification of any sounds from any radio, computer, stereo, CD player, musical instrument, television, loudspeaker or other sound-making or sound-producing device or any device or apparatus for the reproduction or amplification of the human voice or other sound.
 - aa. "Stationary Noise" means noise the source of which is either affixed to or operated upon a fixed point of land, building, or other real property.
 - ab. "VdB" means the vibration level as measured in decibels. The reference velocity in the United States is one (1) micro-inch per second. It is calculated as $VdB = 20 \times \log_{10}(v / (1 \times 10^{-6} \text{ in./sec.}))$, 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 ~~made filed with~~ to 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 license & health committee shall recommend to the council whether 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.

[Ord. 6225, 4-11-1996; Ord. O-2006-0030, 6-6-2006; Ord. O-2013-0047, 11-19-2013]

SECTION 6: **AMENDMENT** “7.12 Animals, Fowls And Birds” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.12 Animals, Fowls And Birds

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 gigantea*.
- (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~~ **thirty dollars (\$30.) annually**, and the permit shall be for one (1) calendar year. ~~An additional fee of fifteen dollars (\$15.) shall be paid whenever the annual fee for a renewal is paid on April 1 or later. The cost for a duplicate permit shall be fifteen dollars (\$15.).~~ 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.~~ **a first reinspection fee of ten dollars (\$10.). Any licensee or applicant that requires a second or subsequent reinspection during the licensing year due to the Health Department finding a violation of this section or state statute or state regulation relating to rabbit health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code shall pay a second or subsequent reinspection fee of fifteen dollars (\$15.). [Ord. O-2017-0018, 4/18/2017]**
 - d. Appeals of the decision of the Health Commissioner shall be submitted in writing to the License and Health Committee of the Common Council within thirty (30) days of notification of the Health Commissioner's decision. The License and Health 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 License and Health 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 License and Health 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 harborage.
- d. In all cases where the Health Commissioner finds a homeless pigeon harborage 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 ~~of thirty dollars (\$30.)~~, 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. ~~An additional fee of fifteen dollars (\$15.) shall be paid whenever the annual fee for a~~

~~renewal is paid on April 1 or later. The cost for a duplicate permit shall be fifteen dollars (\$15.). No 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 first reinspection fee listed in the Fee Schedule of ten dollars (\$10.). Any licensee or applicant that requires a second or subsequent reinspection during the licensing year due to the Health Department finding a violation of this section or state statute or state regulation relating to bird health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code shall pay a second or subsequent reinspection fee of fifteen dollars (\$15.). [Ord. O-2017-0018, 4/18/2017]~~

- 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

theifthe 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 7: AMENDMENT “7.122 Cats And Cat Licenses” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.122 Cats And Cat Licenses

1. Licenses for Cats.

- a. Any person owning, keeping or harboring a cat more than five (5) months of age on January 1 of each year, shall annually or within thirty (30) days from the date such cat becomes five (5) months of age, pay, in a manner provided by the City Treasurer, a cat license fee and obtain a license for such cat. 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 ~~sum of twenty-five (\$25.00)~~ to the City of West Allis, plus the daily boarding fee to the Milwaukee Area Domestic Animal Control Commission, for keeping the cat for each day or fraction thereof during which the cat was impounded. The possession of any unlicensed cat may be obtained by the owner after obtaining a license and paying the fee provided herein. If any cat has been impounded for seven (7) days and has not been reclaimed by its owner, the cat may be disposed of by the Milwaukee Area Domestic Animal Control Commission in the most humane manner. **[Ord. 6524 (repeal & recreate) 7/5/2000]**

SECTION 8: CORRECTION “7.157 Special Inspection Requests” of the City Of West Allis Municipal Code is hereby *corrected* as follows:

CORRECTION

~~7.157 Special Inspection Requests (Repealed)~~

~~Inspections made at the request of any operator of any establishment for which a license or permit is issued under the terms and conditions of this Code, outside of the normal working hours of the Department, shall be subject to a fee of fifty dollars (\$50). This fee is payable at the time of the requested inspection and is in addition to any other fees or charges.~~

SECTION 9: AMENDMENT “8.13 Permits” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

8.13 Permits

1. Permit Required. No person shall operate or utilize a weight and measuring device or system, including a pricing system and timing device, or any accessories relating thereto, which are used commercially within the City in determining the weight, measure, or count of commodities or items sold or purchased or offered or exposed for sale on the basis of weight, measure, or count without first obtaining a Weighing/Measuring Equipment Operation Permit from the West Allis Health Commissioner. Each device requires its own permit. Only a person who complies with the requirements of this section shall be entitled to receive and retain a permit. Permits shall be issued only in the name of the operator of the weight and measuring devices and shall not be transferable.
2. Permit Application. A written application for the permit(s) required by this section shall be filed with the Health Commissioner upon forms provided by the Health Commissioner. Initial permit fees shall be paid at the time the application is filed. Renewal permit fees shall be paid prior to the expiration of a permit, and no person shall operate any weights and measuring device until all renewal fees have been paid. Any renewal permit fee paid on July 1 or later shall be subject to a late fee as listed in the Fee Schedule ~~of fifteen dollars (\$15).~~ A permittee or applicant shall notify the Health Commissioner in writing if any information listed in the application form has changed within ten (10) days of such change. **[Ord. O-2017-0018, 4/18/2017]**
 - a. All matters submitted in writing to the City by any applicant or permittee pertaining to any permit issued under this section shall be true.
3. Permit Expiration. All permits shall expire on June 30.
4. Permit Fees. ~~The fee schedule for weights and measuring devices is as follows: [Ord. O-2017-0018, 4/18/2017]~~
 - a. All permittees shall pay an annual fee for each weights and measuring devices as follows listed in the Fee Schedule.

| Device Scales | Annual Fee |
|-----------------------------|------------|
| 0 — 100 pounds capacity | \$15 |
| 100 pounds or more capacity | \$40 |
| Linear measuring devices | \$10 |
| Timing devices | \$5 |
| Liquid measuring devices | \$15 |
| Pricing systems | \$30 |

- b. ~~If any weights and measuring device requires a reinspection due to the Health Department finding a violation of this chapter or state statute or state regulation relating to weights and measuring devices, the permittee shall pay, at the time of reinspection, the applicable reinspection fee per each device requiring reinspection.~~

| Device Scales | First Reinspection Fee | Second Reinspection Fee |
|-----------------------------|------------------------|-------------------------|
| 0 — 100 pounds capacity | \$15 | \$30 |
| 100 pounds or more capacity | \$40 | \$80 |
| Linear measuring devices | \$10 | \$20 |
| Timing devices | \$5 | \$10 |
| Liquid measuring devices | \$15 | \$30 |
| Pricing systems | \$30 | \$60 |

- e. ~~The cost for a duplicate permit shall be fifteen dollars (\$15.).~~

5. Conditions of Permit.

- a. Every applicant procuring a permit thereby consents to the entry of the Health Department, police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or state laws.
- b. The permittee and/or employees and agents of the permittee shall cooperate with the Health Department and police investigations. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the permitted premises and providing complete and truthful responses to police and Health Department inquires. A permittee shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.
- c. The permittee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.

SECTION 10: **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 |
| 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 11:**AMENDMENT** “10.105 All-Night Parking” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.105 All-Night Parking

1. Regulated. No person, firm or corporation nor any officer, member or agent, servant or employee of any firm, partnership or corporation, shall suffer any vehicle of any kind or description to be parked on any public highway or municipal parking lot in the City of West Allis between the hours of 3:00 a.m. and 6:00 a.m., except as otherwise provided in Subsection **(2)**.
2. Definitions. In this section, the following words and phrases shall have the designated meanings:
 - a. "Public highway or highway" means all public ways and thoroughfares and bridges on the same within the corporate limits of the City of West Allis. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel, but does not include private roads or driveways as defined in Subsection **(b)**.
 - b. "Private road or driveway" means every way or place in private ownership and used for vehicular travel only by the owner or those having express or implied permission from the owner.
 - c. "Roadway" means that portion of a highway between the regularly established curblines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway, the term "roadway" refers to each roadway separately but not to all such roadways collectively.
 - d. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile, an all-terrain vehicle, and an electric personal assistive mobility device shall be considered a vehicle for purposes of this subsection.
3. Night Parking Permits. No vehicle shall be parked on any public street between the hours of 3:00 a.m. and 6:00 a.m. of any day except passenger vehicles with a night parking permit that is parked in accordance with the following provisions: **[Ord. O-2017-0056, 11/21/2017]**
 - a. Night parking permits may be purchased subject to rules and regulations promulgated by the Chief of Police.
 - b. Application for such permit shall contain the name, address and the phone number of the applicant and vehicle owner. It shall also bear the license plate number of the vehicle for which the permit is intended and other information that from time to time may be required.
 - c. The permit fee, shall be paid upon application as per below. No part of any permit fee shall be refundable at any time. A duplicate permit shall be issued for a fee listed in the Fee Schedule ~~of ten dollars (\$10)~~; if the original permit is lost or stolen. Permit fees include applicable state sales tax.
 - d. The following permits are available with permit fees per the method listed:

| | In Person or Via Mail | Online |
|-----------|----------------------------------|--------|
| Monthly | See Fee Schedule | |
| Quarterly | | |
| Annual | | |

- e. The information regarding municipal parking regulations shall be given to all new applicants for permits or those who have not had a permit in the last calendar year. If a permit is issued, it shall bear the expiration date of the permit. When in use, the permit shall be attached to the driver's side rear window in the upper left corner. In the event that the vehicle for which the permit was issued does not have a rear driver's window, the permit shall be attached to the driver's side window in the upper right corner.
 - f. Any vehicle that is issued a night parking permit shall be restricted to night parking on the even-numbered side of the street on those nights with an even calendar date before midnight and the odd-numbered side of the street on those nights with an odd calendar date before midnight.
 - g. Motor vehicles bearing special registration plates issued pursuant to Wisconsin Statutes Section 341.14(1), (1a), (1e), (1m), (1q) or (1r) or Section 343.51 shall adhere to the alternate-side parking restrictions unless that vehicle is parked within a disabled parking zone established under Section 10.065(7). Any vehicle lawfully parked within a disabled parking zone established under Section 10.065(7) is exempt from alternate-side parking restrictions.
4. Prohibited practices.
- a. No person, firm, partnership, corporation, nor any officer, member, agent, servant or employee of any firm, partnership or corporation, shall suffer any vehicle of any kind or description to be parked on any public highway in the City of West Allis when such vehicle is displaying a forged, counterfeited or duplicated City of West Allis night parking permit, any object mimicking the appearance of such a permit, or any such permit which has been issued for a vehicle other than the one upon which it is displayed. Any penalty imposed under this section shall be in addition to any forfeiture imposed for violation of the parking regulations.
 - b. Vehicles in excess of 8,000 pounds curb weight, mobile homes, any type of trailer (either attached or detached from a vehicle), boats, motorized camping vans, snowmobiles, all-terrain vehicles, electric personal assistive mobility devices, golf carts, tractors, and vehicles equipped with truck campers and/or utility trailers, as defined in Section 12.06 of this Code, shall not be eligible for a night parking permit and shall not remain on any public highway or municipal parking lot in the City of West Allis between the hours of 3:00 a.m. and 6:00 a.m. **[Ord. O-2017-0056, 11/21/2017]**
 - c. No one may use the municipal parking permit for any other vehicle than for which it was purchased.
 - d. Where South 56 Street lies on the boundary between West Allis and the Village of West Milwaukee, all-night parking permit issued by the Village of West Milwaukee shall be valid in West Allis, to the same extent as if such permits had been issued by West Allis; provided, however, that the provisions of this paragraph shall be effective only during such time as the Village of West Milwaukee authorizes a reciprocal privilege on such street for municipal

parking permits issued by West Allis.

5. Exceptions.

- a. On commercial blocks, any vehicle may be parked for one (1) hour between the hours of 3:00 a.m. and 6:00 a.m. without a permit where businesses are open between such hours.
- b. On divided highways where a service drive or frontage road parallels such highway, vehicles which are parked on the service drive or frontage road shall be exempt from the provisions set forth in Paragraph (2).
- c. This section shall not apply to licensed physicians and surgeons in emergency situations.

[Ord. 6206, 1/16/1996; Ord. 6525, 7/5/2000; Ord. 6625, 9/3/2002; Ord. O-2006-0024, 5/5/2006; Ord. O-2007-005, 2/20/2007; Ord. O-2009-0025, 9/1/2009; Ord. O-2015-0043, 9/1/2015; Ord. O-2016-0057, 12/6/2016]

SECTION 12: AMENDMENT “10.106 Residential Daytime Parking Privileges” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.106 Residential Daytime Parking Privileges

1. Intent. The Common Council recognizes that certain residential premises in the City, improved prior to May 21, 1985, do not permit location of the minimum off-street parking spaces required under Section 12.20 of this Code; and, in such cases, parking time restrictions may unduly inconvenience occupants of such premises with respect to parking of their automobiles; and, a limited daytime parking privilege, as hereinafter provided for the occupants of such premises, will not adversely affect the public interest in lessening traffic congestion on City streets. **[Ord. O-2010-0053, 12/21/2010]**
2. Permit.
 - a. The permit shall permit parking of the automobile for which it is issued on the street and in the block where the permit applicant resides, regardless of posted time limits, during those hours when all night parking prohibitions are not in effect.
 - b. The City Engineer shall issue the permit upon receipt of a proper application and the required fee and verification of eligibility for the permit.
 - c. The permit shall display the number, date of issue and expiration date of the permit, the license number, make and year of the automobile for which issued and the street and block in which the permit allows parking.
3. Application. The application form shall contain the name and address of applicant, the license number, make and year of the applicant's automobile, the location where the vehicle is to be parked, the month of issuance and the date of expiration of the permit applied for and a sworn statement that the information contained in the applicant is true and correct. Falsification of any of the above information shall be grounds for the immediate revocation of the parking permit.
4. Permit Fee. Permits shall be issued for each month, calendar quarter or semiannual period. There shall be no proration or refund of the required fee. The fee shall be listed

~~in the Fee Schedule seven dollars (\$7.) per month, nineteen dollars (\$19.) per calendar quarter or thirty-five dollars (\$35.) per semiannual period, sales tax included.~~

However, if the applicant has a valid all-night parking permit under Section 10.105 of this Code for the same month, calendar quarter or semiannual period for which application is made, the corresponding fee shall be waived. **[Ord. 6180 (repeal & recreate), 9/5/1995]**

5. Eligibility.
 - a. The permit shall be issued to an occupant of a residential lot containing not more than three (3) dwelling units, only if: **[Ord. O-2010-0053, 12/21/2010]**
 - i. The lot does not have the minimum off-street parking places required by Sec. 12.20 of this Code; and
 - ii. As a result of lot size, configuration or building improvements, the minimum number of off-street parking spaces required by Sec. 12.20 of this Code cannot be provided on the lot.
 - b. The total number of permits issued for each residential lot shall not exceed the deficiency in the number of off street parking spaces determined under subparagraph (a); however, in no event shall more than one permit be issued for any one dwelling unit.
6. No Guarantee. Permits issued under this section shall not be construed as a guarantee of a parking space, shall not be transferable and shall not be applicable to any other parking restriction exemptions.
7. Display of Permit. The permit shall be placed in the lower left hand corner of the windshield, or in such other conspicuous place as the Police Department may designate, while the motor vehicle is in a parked position. Failure to properly display the permit shall be deemed a waiver of the parking privileges conferred by the permit.
8. Temporary Contractor Permits. **[Ord. O-2014-0014, 2/18/2014]**
 - a. "Contractor" means a person, business, corporation or other entity that undertakes a contract to provide materials or labor to perform a service or do a job at a location in the City.
 - b. Subsection (5) notwithstanding, a contractor is eligible for up to three (3) permits for an identified vehicle or vehicles per address per month. Such permit(s) shall be valid for one (1) month, with a one-month extension if the criteria set forth in Subsections (c) and (d) are met.
 - c. A fee ~~listed in the Fee Schedule of fifteen dollars (\$15.) per month~~ is paid.
 - d. The permit shall describe the block of the street for which the permit is valid, and the contractor shall be limited to parking on that block.
 - e. Any contractor wishing to extend a permit beyond the two-month period set forth in Subsection (8)(b) shall first receive the concurrence of the Alderpersons representing the district in which the block is located. Such permits may be extended by aldermanic approval for an additional two (2) months for a total of four (4) months.
 - f. Any person aggrieved by the issuance or nonissuance of a permit under this subsection may appeal to the Safety and Development Committee of the Common Council.

SECTION 13: AMENDMENT “10.107 Residential Parking Privileges For Commuter Impacted Areas” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

10.107 Residential Parking Privileges For Commuter Impacted Areas

1. Purpose. To reduce commuter traffic, encourage the use of mass transit facilities, reduce the hazards to health and safety associated with heavy commuter traffic and to provide parking for residents who do not have adequate off-street parking facilities available to them, it is declared necessary to establish a permit system, as hereinafter provided, whereby vehicles bearing a valid residential parking permit may park in excess of posted time limits on certain designated streets between the hours of 8:00 a.m. and 9:00 p.m. of any day. It is intended that this reduction will reduce automobile commuting and its accompanying energy waste and air pollution, reduce the total vehicle miles of travel in the affected area and alleviate traffic congestion, illegal parking and related health and safety standards. **[Ord. 6211, 3/5/1996]**
2. Definitions.
 - a. "Residential parking area" shall mean a contiguous or nearly contiguous area containing public street(s) or portion thereof primarily abutted by residential property or residential and non-business property, such as schools, parks, churches, hospitals and nursing homes.
 - b. "Commuter vehicle" shall mean a motor vehicle parked in a residential area by a person not a resident thereof.
 - c. "Dwelling unit" shall mean one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed, shall be included with each dwelling unit.
3. Area and Street Eligibility. A residential street(s) or part(s) thereof shall be deemed eligible for designation as a residential parking area, if each of the following criteria are met:
 - a. At least one side or fifty percent (50%) of each street or portion for which residential parking is requested must be zoned residential.
 - b. On streets that have restricted parking, a majority of the on-street parking spaces must be occupied by commuter vehicles a majority of the time between 8:00 a.m. and 6:00 p.m., except Sunday and holidays.

The City Engineer, or his designee, shall prepare and file with the Common Council a written report regarding eligibility of a street(s) or portion thereof for designation as a residential parking area. No hearing shall be held and no area designated unless it is not found that the criteria set forth above are met.
4. Area and Street Designation. The Common Council shall designate residential parking areas or remove the designation in the case of an established permit parking area. Prior to designation or withdrawal of such designation once it is established, the Common Council, upon due notice, shall hold a public hearing. During such hearing, any interested person shall be entitled to appear and be heard. In determining whether an area identified as eligible for residential permit parking shall be designated, or such designation removed, as residential permit parking area, the Common Council shall consider:
 - a. The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.
 - b. The willingness of the residents of the street or portion thereof to pay the cost for residential permit parking.
5. Issuance of Permit. Following designation of residential permit parking area, the City Engineer shall issue appropriate permits, as hereinafter provided. A permit shall be issued upon application and payment of the applicable fee, only to the owner or

operator of a motor vehicle who resides on property immediately adjacent to the street(s) or portion(s) thereof within the residential permit parking area. Not more than one residential parking permit may be issued to each dwelling unit in the residential parking area. A duplicate permit shall be issued only if all or part of the original permit is produced at the time that the duplicate permit is applied for, or if proof of theft of the vehicle is demonstrated to the satisfaction of the City Engineer. A residential parking permit will not be issued to the owner or operator of a motor vehicle having an outstanding parking warrant.

6. Application. The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, the motor vehicle's make, model, registration number and the number of the applicant's operator's permit. The motor vehicle's registration and the operator's drivers license or operator's affidavit of residence shall be required to be presented to the City Engineer at the time of making said application in order to verify that the applicant legally resides at the address for which the permit is requested. The owner or operator of any motor vehicle applying for a residential parking permit shall have valid State of Wisconsin motor vehicle license plates on the vehicle. Only one residential parking permit shall be issued per dwelling unit. The permit shall be renewed monthly upon such conditions and procedures as the City Engineer shall specify. The permit shall display the motor vehicle's license and expiration date.
7. Parking Permits. A residential parking permit is valid only when visible and properly displayed on the vehicle when parked in the designated area where the resident resides. Use of said permit shall be restricted to streets designated for residential permit parking within the designated area. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed on the rear left side window of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space on residential streets designed for permit parking. A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing or parking of motor vehicles is prohibited or set aside to specific types of vehicles, nor exempt the holder from the observance of any parking or traffic regulation other than the specified hourly parking limit. Residential parking permit privileges may be temporarily suspended by the City for snow removal, emergency or construction purposes.
8. Transferability and Violations.
 - a. Only the registered motor vehicle named on the residential parking permit shall be eligible to display the permit. Any transference of this permit to a vehicle other than that named on the permit shall constitute a violation of this section.
 - b. It shall constitute a violation of this section for any person to falsely represent himself/herself as eligible for a residential parking permit or to furnish any false information in an application to the City Engineer in order to obtain a residential parking permit.
 - c. The City Engineer is authorized and directed to revoke the residential parking permit of any permittee found to be in violation of this section and, upon written notification thereof, the permittee shall surrender such permit to the Engineer. Failure, when so requested to surrender a revoked parking permit, shall constitute a violation of this section.
 - d. It shall be a violation of this section for any person to copy, reproduce or resell a permit.
9. Permit Fees. Permits shall be issued for each month, calendar quarter or semiannual

period. There shall be no proration or refund of the required fee. The fee shall be listed in the Fee Schedule ~~seven dollars (\$7.) per month, nineteen dollars (\$19.) per calendar quarter or thirty-five dollars (\$35.) per semiannual period, sales tax included.~~

However, if the applicant has a valid all-night parking permit under Section 10.105 of this Code for the same month, calendar quarter or semiannual period for which application is made, the corresponding fee shall be waived. **[Ord. 6180 (repeal & recreate), 9/5/1995]**

10. Severability. The provisions of this section shall be severable. If any provision of this section is invalid or if the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or application which can be given effect without the invalid provision or application. It is expressly declared that if any provision of this section is declared invalid that, notwithstanding, the Common Council would have passed the other provisions of this section.
11. Temporary Contractor Permits. **[Ord. O-2014-0014, 2/18/2014]**
 - a. "Contractor" means a person, business, corporation or other entity that undertakes a contract to provide materials or labor to perform a service or do a job at a location in the City.
 - b. Subsection (5) notwithstanding, a contractor is eligible for up to three (3) permits for an identified vehicle or vehicles per address per month. Such permit(s) shall be valid for one (1) month, with a one-month extension if the criteria set forth in Subsections (c) and (d) are met.
 - c. A fee listed in the Fee Schedule ~~of fifteen dollars (\$15.) per month~~ is paid.
 - d. The permit shall describe the block of the street for which the permit is valid, and the contractor shall be limited to parking on that block.
 - e. Any contractor wishing to extend a permit beyond the two-month period set forth in Subsection (11)(b) shall first receive the concurrence of the Alderpersons representing the district in which the block is located. Such permits may be extended by aldermanic approval for an additional two (2) months for a total of four (4) months.
 - f. Any person aggrieved by the issuance or nonissuance of a permit under this subsection may appeal to the Safety and Development Committee of the Common Council.

[Ord. 6211, 3/5/1996]

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

AMENDMENT

10.13 Off-Street Parking Lots

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

- iii. Commercial, business or industrial lots or lands upon which a principal building (nonresidential) is located and upon which more than three (3) motor vehicles are habitually parked or stored.
- iv. Included in the definition of off-street parking lots are used car lots and parking or storage lots maintained in conjunction with an industrial or commercial building or business. This enumeration is not exclusive. Not included are parking lots maintained in conjunction with a church, school or playground where use is occasional rather than daily, and safety and other problems are minimized.
- b. ~~License Required: Fees. No person, firm or corporation shall construct, operate or maintain an off-street parking lot without first having secured a license from the Code Enforcement Director. Premises licensed under Section 9.125 of this Code for used automobile dealers purposes shall conform to all provisions of this section, but shall be exempt from payment of any fee under this section. The license year shall extend from May 1 to April 30. Licenses shall be issued only upon compliance with minimum construction and maintenance standards, as set forth herein(Reserved).~~
- c. ~~Application. A license shall be granted only upon written application filed with the Code Enforcement Director, giving the licensee's name, address, the location of the off-street parking lot, the zoning and the dimensions of the lot. A plan or sketch shall be submitted with the application showing entrances and exits, type of surfacing to be installed and the location and dimensions of any buildings or structures thereon. The Building Inspector may require such additional information as in his judgment may be necessary in the public interest. Prior approval of the Board of Public Works shall be required for all driveway installations(Reserved).~~
- d. Minimum Construction and Maintenance Standards. Off-street parking lots shall be designed, constructed and maintained with macadam, concrete, sealcoat or similar suitable surface to eliminate dust, dirt and mud. Entrances and exits shall be clearly visible and marked where, in the judgment of the Building Inspector, safety requires it. The Building Inspector may impose such additional construction and maintenance requirements as are necessary to eliminate dust, mud and dirt and to safeguard the public safety. Lots and adjoining sidewalks and driveways shall be kept reasonably clean. No vehicles shall be permitted to project into the public sidewalk, alley or street, not shall any vehicles be allowed to encroach upon abutting premises owned by others. Wheel chocks, guard rails or bumper posts, so designed and permanently constructed as to prevent the intentional or accidental movement of any automobile from the premises onto or across the public highway or public sidewalk or onto premises owned by others, shall be provided on each off-street parking lot, as herein defined.
- e. Issuance of Permit. Upon an application properly executed and minimum construction and maintenance standards being duly met, the Code Enforcement Director shall issue an off-street parking lot license.
- f. Exceptions.
 - i. Parking Emergencies. The Chief of Police may declare off-street parking emergencies during such times as State Fair week and similar events, during which the provisions of this subsection shall not apply.
 - ii. Churches, Schools, Playgrounds. Off-street parking lots maintained in conjunction with a church, school or playground, where the use is

occasional, and dust, dirt, mud and safety and other problems are minimized, shall be exempt from the provisions of this subsection.

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

2. Vocational School Parking Lot. No motor vehicle shall be parked in the parking lot immediately adjacent to the West Allis Vocational School, 1216 S. 71 St., and commonly known as the Vocational School parking lot, unless permission has been obtained from the Director of the Vocational School and the vehicle has been marked with an identifying tag or insignia issued for that purpose.

3. Municipal Market Site.

- a. No operator of any vehicle shall park a vehicle on the Municipal Market Site for a period of time longer than one (1) hour from May 1 to December 1 on market days only, between the hours of 1 p.m. and 9 p.m.
- b. Parking at any other time on the Municipal Market Site shall be prohibited, except at such times and under such terms and regulations as the Market Commission may establish.

4. Library Parking Lots.

- a. The following regulations are established for parking on lots operated in connection with municipal branch libraries:
 - i. Parking of vehicles shall be restricted to library patrons and employees.
 - ii. Vehicles may be parked only between the hours of 8:00 a.m. and 10:00 p.m. Parking during any other hours is prohibited.

5. Extensions.

- a. Application. The owner or owners of lots or lands ordered improved by the Code Enforcement Director to conform with the surfacing and/or drainage requirements of this section may apply to the Safety & Development Committee for an extension of time in which to comply with any such order. All such orders shall contain a statement regarding an owner's rights under the provisions of this subsection. Applications for an extension shall be filed with City Clerk within thirty (30) days of the date of the service of the order for improvement.
- b. Hearings. The Safety & Development Committee shall fix a reasonable time for a hearing of an application. Notice of hearing shall be mailed to the applicant and to the owners of the land immediately adjacent to the land included in the application extending one hundred fifty (150) feet therefrom and the owners of the land directly opposite thereto extending one hundred fifty (150) feet from the street frontage of such opposite land. In addition, notice shall be published in the official City newspaper as a Class 1 notice, pursuant to Chapter 985 of the Wisconsin Statutes. The Safety & Development Committee shall have the power to adjourn the hearing at the request of the applicant for good and sufficient reason. At the hearing, the applicant and any parties in interest may appear and may offer testimony which is relevant to the hearing. The proceedings at such hearing, including the findings and decision of the Committee, shall be summarized, reduced to writing and entered as a matter of public record in the office of the City Clerk.
- c. Grant of Extension. Within a reasonable time after hearing, the Safety & Development Committee shall grant an extension for a period not to exceed three (3) years from the date of the order for improvement, if it finds that any such extension will not have a substantial adverse effect upon the health,

safety or property interests of individual persons or the public generally. In making its findings, the Safety & Development Committee shall consider, among other things, hazards or injury to persons or property which may result in the absence of proper drainage and/or proper surfacing. In granting any such extension, the Committee may stipulate such conditions as may be necessary for the protection of any such health, safety or property interests. Only one extension shall be granted for any off-street parking lot. A copy of the decision of the Committee shall be mailed to or served on the applicant and other persons appearing of record at the hearing.

- d. Application Fee. ~~A fee of twenty five dollars (\$25.)~~ A fee listed in the Fee Schedule shall accompany an application to defray a portion of the publication and administrative costs in processing the application. The fee shall not be refunded in whole or in part under any circumstances.
- e. Penalties. The proper filing of an application for extension within the time provided herein shall toll all penalties provided for any violations of the order for improvements until a final decision has been issued on the merits of such application.
- f. Exceptions. This subsection shall not apply to off-street parking lot improvements required in connection with the erection, enlargement or expansion of any building or structure.

SECTION 15: AMENDMENT “10.14 Municipal Parking Lots” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.14 Municipal Parking Lots

- 1. Definitions. The word "vehicle," as used herein, shall mean any device in, upon or by which any person or property is or may be transported upon a highway.
- 2. Designation.
 - a. Municipal Parking Lots. All municipal off-street parking lots shall be established by ordinances by the Common Council.
- 3. Marking of Municipal Parking Lots. The Department of Public Works shall place lines or markings designating the parking space for each vehicle. No person shall park any vehicle across such lines or markings or outside the area so designated.
- 4. Municipal Parking Lots Restrictions.
 - a. Vehicles may be parked on municipal parking lots only between the hours and, only for the time periods as indicated by official signs placed thereon, pursuant to action of the Common Council.
 - b. Regulations established for parking on municipal parking lots shall not apply to City staff permit and designated lease holders.
 - c. Additional restrictions are located in RMC Sections 10.035, 10.10 (3), 10.11, 10.105.
- 5. Municipal Parking Lot Permits Required. **[Ord. O-2017-0032, 9/5/2017]**
 - a. No vehicle shall be parked on any municipal parking lot between the hours of 3:00 a.m. and 6:00 a.m. of any day or in excess of four (4) hours Monday through Friday from 8:00 a.m. to 5:00 p.m. of the day except licensed passenger vehicles parked in accordance with the following provisions:

- i. Parking permits may be purchased subject to rules and regulations promulgated by Director of Public Works/City Engineer.
- ii. Applications for such permits shall contain the name, address and phone number of the applicant and vehicle owner, and length of vehicle. It shall also bear the license plate number of the vehicle for which the permit is intended and other information that from time to time may be required.
- iii. The permit fee shall be paid upon application as per below. No part of any permit fee shall be refundable at any time. A duplicate permit shall be issued for a fee listed in the Fee Schedule ~~of ten dollars (\$10)~~; if the original permit is lost or stolen. Permit fees include applicable state sales tax.
 - (1) The ~~following~~ municipal parking lot permits are available with permit fees listed in the Fee Schedule ~~per the method listed~~:

| | In Person or Via Mail | Online |
|-----------|-----------------------|--------|
| Monthly | \$15 | \$13 |
| Quarterly | \$45 | \$35 |
| Annual | \$100 | \$80 |

- (2) When in use, the permit shall be attached to the driver's side rear window in the upper left corner. In the event that the vehicle for which the permit was issued does not have a rear driver's window, the permit shall be attached to the driver's side window in the upper right corner.
- (3) Trucks in excess of twenty (20) feet, mobile homes, camping or travel trailers, motorized camping vans, snowmobile, an all-terrain vehicle, and an electric personal assistive mobility device, trucks equipped with truck campers and utility trailers, as defined in Section 12.16 of this Code, shall not be eligible for a municipal parking lot permit.

[Ord. O-2016-0057, 12/6/2016]

SECTION 16: AMENDMENT “18.10 Registration Of Properties Pending Foreclosure” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

18.10 Registration Of Properties Pending Foreclosure

- 1. Findings. The Common Council finds that a significant relationship exists among properties in the foreclosure process, the prevalence of blight and abandoned buildings, increased calls for police service, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Property owners involved in foreclosure have less incentive to maintain their properties, and properties

in foreclosure have a higher incidence of building code violations than properties not in foreclosure. The foreclosure process may also result in abandonment. Abandoned buildings become havens for vandalism, arson and drug crimes, draining valuable governmental resources and creating a significant reduction in quality of life for the surrounding neighborhood. Registration, inspection and aggressive monitoring of properties in the foreclosure process help to stabilize and improve affected neighborhoods and aid in code enforcement efforts, as well as public safety. A mortgagee that does not register, inspect, secure, and maintain, as required in this section, places an undue and inappropriate burden on the taxpayers of the City and poses an increased risk to public health, safety and welfare.

2. Purpose and Scope. The purpose of this section is to establish a registration program to monitor all real properties pending foreclosure to identify at-risk properties and to regulate the securing and maintenance of abandoned properties in foreclosure. This section is intended to reduce and prevent neighborhood blight; to ameliorate conditions that threaten public health, safety and welfare; to promote neighborhood stability and occupancy by preserving the condition and appearance of properties; and to maintain property values and assessments. It is declared a matter of public policy and an exercise of the City's police power that mortgagees initiating foreclosure proceedings against a property are required to register with the City of West Allis. This registration process will give City departments the means of contacting those responsible for the foreclosure proceedings and mortgages at issue, those responsible for the inspections required in this section, and those responsible for the securing and maintenance of abandoned property as required in this section. The purpose of the registration fee is to partially recover administrative costs associated with this registry. Nothing in this section shall be construed as waiving, relieving, or otherwise excusing an owner of property from complying with applicable building codes and ordinances. The owner shall at all times comply with applicable building codes and ordinances, and the owner shall at all times remain responsible and liable therefor. Nothing in this section is intended to affect the right to foreclose as provided by state law.
3. Definitions. In this section:
 - a. "Abandoned property" means any real property that is in mortgage default, bank owned (REO) and/or is vacant as a result of the relinquishment of occupancy, possession or control by a mortgagor and those claiming by, through or under the mortgagor, including tenants, whether or not the mortgagor relinquished equity and title. A property may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, which would lead a reasonable person to conclude that the property is abandoned, including:
 - i. Violation of the lawn regulations as set forth in Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
 - ii. Accumulation of newspapers, circulars, flyers, or mail.
 - iii. Past-due utility notices.
 - iv. Accumulation of junk, litter, trash, or debris.
 - v. Absence of window treatments, such as blinds, curtains, or shutters.
 - vi. Absence of furnishings and personal items.
 - vii. Statements by neighbors, delivery agents, or similarly situated persons that the property is vacant.
 - viii. Any of the items specified in Sec. 846.102(2), Wis. Stats.
 - ix. Violation of the minimum standards for buildings and structures set forth in Section 13.28(9) of the Revised Municipal Code.

- x. Broken or open doors or windows or the exterior of a building's structure otherwise is not secured from the elements or entry by trespassers.
 - xi. Graffiti has not been removed from the buildings, structures, or equipment on the property as required by Section 18.08 of the Revised Municipal Code.
 - xii. The buildings, structures, or premises are otherwise dilapidated, deteriorated, or create a dangerous condition.
 - xiii. Snow and/or ice have been allowed to accumulate and remain on the public sidewalk abutting the property contrary to Section 11.12 of the Revised Municipal Code.
 - xiv. Any real property located in the City, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the mortgagee or trustee, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- b. "Accessible structure" means a building that is accessible through a compromised door, wall, window, or similar building feature and that is unsecured in a manner that allows access to interior space by unauthorized persons.
 - c. "Agent" means a person or entity, including a servicing company, acting on behalf of the mortgagee regarding the mortgage or mortgage loan, the foreclosure proceedings, or the mortgaged property, including the inspection, maintenance and securing duties required in this section, except that an attorney shall not be deemed to be an agent if the attorney is retained solely to represent the mortgagee or agent in connection with the foreclosure proceedings in court.
 - d. "Department" means the City of West Allis Code Enforcement Department.
 - e. "Director" means the Code Enforcement Director.
 - f. "Foreclosure" means the process prescribed by Chapter 846, Wis. Stats. and the process for nonjudicial sale authorized by a power of sale clause in a mortgage.
 - g. "Mortgage" means a written instrument creating a lien on real property whereby the property is used as security or collateral for performance of an act or payment of funds. For purposes of this section, mortgage also includes a land contract.
 - h. "Mortgagee" means the person or entity that lends money to a borrower for the purpose of purchasing a piece of real property or the person or entity to which the mortgage has been granted or assigned.
 - i. "Mortgagor" means the person or entity that obtained a mortgage to purchase or refinance a piece of real property.
 - j. "Occupied property" means a residential property with a structure on which any person, including an owner, operator, or tenant, but not a trespasser, lives, sleeps, cooks, or otherwise maintains actual possession.
 - k. "Person" means any person, firm, organization, or corporation.
 - l. "Residential property" means a property used in whole or in part for residential purposes, including single-family, two-family, and multifamily dwelling; mixed-use commercial and residential structures, but not residential condominium units.

- m. "Servicing company" means a person or entity that provides services to the mortgagee or to an agent of a mortgagee, including debt servicing, collection of payments, administration of escrow and insurance accounts, managing loss mitigation, foreclosing, and securing and managing properties on behalf of the mortgagee or the mortgagee's agent.

4. Registration Required.

- a. Within five (5) working days of filing with the court of the foreclosure proceedings against a residential property, the mortgagee or agent shall register the property in the name of the mortgagee with the Department on a form or by an electronic process prescribed by the Director. This form shall include all of the following:
 - i. Information identifying the property by address and tax key number.
 - ii. The mortgagor of record and the mortgagee of record.
 - iii. The Register of Deeds recording document number for the mortgage being foreclosed and the date of recording.
 - iv. The current owner of the note or instrument secured by the mortgage, and the registered agent and registered office for that owner.
 - v. The date of recording of the lis pendens for commencement of the foreclosure proceedings.
 - vi. The case number of the foreclosure action and the plaintiff in the foreclosure action.
 - vii. The servicing company or other agent acting on behalf of the mortgagee, and the registered agent and registered office for that servicing company or agent.
 - viii. Contact information for a person with the mortgagee or agent who will be responsible for inspecting, securing, and maintaining the property as required under this section.
- b. A mortgagee or agent for a residential property in foreclosure proceedings for whom the proceedings were initiated prior to the effective date of this section and who remains subject to the foreclosure proceedings shall register with the City within thirty (30) days of the effective date of this section. The mortgagee or agent shall be subject to the requirements of this section, except for the initial inspection under Subsection (7)(a).

5. Amendment. Within twenty (20) days of a change in information for the registration of a property, including a change in ownership of the mortgage or a change in agent, servicing company or contact person, the mortgagee or the mortgagee's agent shall file an amended registration with the Department on a form or by an electronic process prescribed by the Director.

6. Termination of Registration.

- a. To terminate a registration, the mortgagee or the mortgagee's agent shall file a registration termination with the Department on a form or by an electronic process prescribed by the Director within ten (10) days of either of the following, whereupon the duties of the mortgagee or the agent under this section shall cease:
 - i. A court-confirmed sale of the property in foreclosure with the deed having been issued in the foreclosure proceedings and the deed or evidence of the deed having been recorded in the Register of Deeds office.
 - ii. A court order dismissing the foreclosure proceedings and a discharge of the lis pendens having been recorded in the Register of Deeds

office.

- b. The mortgagee or agent shall provide in the termination filing the Register of Deeds recording information for one (1) of the following:
 - i. The deed or the evidence of the deed, as provided in Subsection (6)(a)(1).
 - ii. The lis pendens discharge, as provided in Subsection (6)(a)(2).
 - c. If the court dismisses the foreclosure proceedings due to a discharge or satisfaction of the mortgage, the mortgagee or agent shall also provide with the termination filing the Register of Deeds recording information for the discharge or satisfaction of the mortgage.
7. Inspection of Abandoned Property.
- a. Initial Inspection. Whenever a mortgagee or agent initiates foreclosure proceedings against a property, the mortgagee or agent shall cause a physical inspection to be made of the property not later than thirty (30) days from the date of filing of the foreclosure proceedings. One (1) or more photographs shall be taken of the property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.
 - b. Periodic Inspections. The mortgagee or agent shall perform a reinspection of the property subject to the foreclosure proceedings at least once every thirty (30) days following the initial inspection until a registration termination is filed. One (1) or more photographs shall be taken at each reinspection and shall be dated and preserved.
 - c. Records. A mortgagee or agent shall maintain written records, including photographs, of any inspection or reinspection required by this section, and, in the case of abandoned property, records of actions taken under Subsection (9). Written records and photographs of inspection and reinspection shall be made available to the Department upon request.
8. Notification of Abandoned Property. If inspection of the property required under Subsection (7) shows the property is abandoned, or if the mortgagee or agent otherwise becomes aware of abandonment, the mortgagee or agent shall file notification of the abandoned property within five (5) business days on a form or by an electronic process prescribed by the Director or his or her designee, that includes a description of the external condition of the property and whether there is an accessible structure on the property. The notification filing shall identify the person authorized by the mortgagee to enter upon the property and to conduct repairs or maintenance and secure access, as required in Subsection (9).
9. Duty to Secure, Maintain, and Post Abandoned Property.
- a. The property maintenance duties of a mortgagee or agent with an abandoned property shall be limited to the following:
 - i. Ensuring that there are no accessible structures on the premises.
 - ii. Ensuring that there are no conditions upon the property presenting an immediate risk to public health, safety, or welfare, including:
 - (1) Removing or abating fire hazards.
 - (2) Removing or containing potentially toxic materials and explosives.
 - (3) Securing the perimeters of swimming pools, ponds, or other bodies of water.
 - (4) Maintaining public walkways and thoroughfares free from ice, snow, mud, and other debris consistent with the requirements of Section 11.12 of the Revised Municipal Code.

- (5) Mowing grass and eliminating weeds and other plant growth consistent with the requirements of Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
- b. A mortgagee or agent shall include a statement in the abandonment notification identifying action taken or planned to be taken to comply with the requirements of Subsection (9)(a).
- c. Upon filing notification of the abandoned property or at the time that notification is required to be made, and until there has been a registration termination filed regarding the abandoned property, the Director may make a finding that the condition of the property constitutes an immediate threat to public health, safety and welfare and, upon such finding, may issue a written order to the mortgagee or agent, or both, to abate the condition. Upon failure to comply with the Director's order within ten (10) days, the mortgagee or agent, or both, shall be responsible and shall be subject to a penalty in the same manner and to the same extent as the owner of the property under any of the following Revised Municipal Code sections:
 - i. Sections 7.05 and 7.051, refuse and recycling collection; littering of premises.
 - ii. Sections 11.07(7) and 11.12, sidewalks to be kept clean and unobstructed.
 - iii. Section 6.015, abandoned vehicles.
 - iv. Section 18.03, public nuisances.
 - v. Section 7.035, noise control.
 - vi. Section 7.06, noxious chemicals.
 - vii. Section 13.35, swimming pools.
 - viii. Section 18.08, graffiti abatement.
 - ix. Sections 13.28(9) and 13.28(10), maintenance of premises.
 - x. Section 7.14(3), rat harborages.
 - xi. Section 13.18, condemnation of unsafe structures.
- d. The minimum requirements of a mortgagee or agent for preservation and protection of residential property, absent a specific order of the Director to abate a condition of the premises, shall be consistent with 24 CFR 203.377 and the rules, regulations and other requirements published by the Federal Housing Administration (FHA) of the United States Department of Housing and Urban Development for the preservation and protection of single-family residential properties secured by FHA loans, as those requirements may be amended by FHA mortgagee letters or otherwise, and as applied by the FHA to the State of Wisconsin, including guidelines related to winterization and heating systems. The Director may issue a written order to the mortgagee or agent, or both jointly and severally, to abate the condition. The mortgagee or agent, or both, shall be held liable for failure to abate and for repayment to the City of the reasonable costs incurred by the City related to abatement of conditions that are subject to FHA guidelines specified in this subsection, or which are subject to an order under Subsection (9)(c) and which threaten public health, safety, and welfare.
- e. A mortgagee or agent, upon receiving information or determining that the residential property is abandoned, and until the property is no longer abandoned, shall post and maintain signs affixed or adjacent to all entrances to the building indicating:

- i. The name, address and telephone number of the agent authorized by the mortgagee to be responsible for maintenance and management of the property, as specified under Subsection (8).
- ii. That no trespassing is allowed upon the premises without consent of the agent.

10. Fees.

- a. The fee for registration of property pending foreclosure shall be ~~three hundred dollars (\$300)~~ listed in the Fee Schedule and shall be due upon registration.
- b. The registration form and fee may be transmitted electronically or by any other means to be determined by the Director or his or her designee. The annual registration shall be valid from the date the property was initially obligated to register pursuant to the governing ordinance, the registration form is completed and filed with the Department or its designee and the registration fee is received by the Department or its designee.
- c. There shall be no fee for filing an amended registration or for filing a registration termination.

11. Penalties.

- a. Failure to Register or to File Amendment. Any mortgagee or agent that fails to register as required under Subsection (4), fails to file an amendment as required under Subsection (5), or fails to file a termination as required under Subsection (6), shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
- b. Failure to Inspect. Any mortgagee or agent that fails to inspect or reinspect a property as required under Subsection (7) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
- c. Failure to Notify about Abandoned Property. Any mortgagee or agent that fails to file notification of an abandoned property as required under Subsection (8) shall be jointly and severally responsible and, upon conviction, shall forfeit not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
- d. Failure to Secure and Maintain Abandoned Property. Any mortgagee or agent having a duty to register abandoned property that fails its duty to secure and maintain the property as required under Subsection (9) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than eight

hundred dollars (\$800) nor more than two thousand five hundred dollars (\$2,500), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

- e. Failure to Maintain Records or to Post. Any mortgagee or agent that fails to maintain or provide records required in Subsection (7), or to post signage as required in Subsection (9) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

[Ord. O-2015-0042, 9/1/2015; Ord. O-2016-0018, 3-15-2016]

SECTION 17: AMENDMENT “18.11 Registration Of Real Property With Mortgage Loans In Default” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.11 Registration Of Real Property With Mortgage Loans In Default

1. Findings. The Common Council recognizes the findings in Section 18.10(1), and further finds that a significant relationship exists among mortgage loan defaults, blighted properties, and decline and disinvestment in neighborhoods. Property owners in default under mortgage loans face financial difficulty, may face foreclosure or collection proceedings, and may struggle to remain in ownership or to maintain or repair their properties, leading to code violations and public health, safety, and welfare concerns. Without the registration requirement of this section, mortgagees and agents might not provide address-specific default information. Registration of properties in mortgage loan default may help connect borrowers to beneficial information, programs, and resources, including those provided by nonprofit organizations and other third-party providers, such as credit counseling and information about foreclosure avoidance, loan modification, forbearance, repayment plans, and refinancing possibilities. Registration may also identify properties at risk of disinvestment and decline, future foreclosure, and possible abandonment.
2. Purpose and Scope. The purpose of this section is to establish a registration program to identify properties and owners at risk for foreclosure, risk of being non-code-compliant, or risk of or in abandonment; to identify properties experiencing disinvestment or lack of maintenance and repair; and to provide opportunities for connecting owners to beneficial information, programs, and resources. This section is intended to promote and retain home ownership and occupancy, to reduce blight and disinvestment, and to maintain property values and assessments. It is declared a matter of public policy and an exercise of the City's police power that a mortgagee who has

sent a notice of default to a mortgagor regarding a mortgage loan against a property is required to register with the City of West Allis or its designee, periodically inspect the property, and report abandonment. The purpose of the registration fee is to partially recover administrative costs associated with this registry. Nothing in this section shall be construed as waiving, relieving, or otherwise excusing an owner of property from complying with applicable building code or other code provisions, and the owner shall at all times remain responsible and liable therefor. Nothing in this section is intended to affect the right to foreclose on a property as provided by state law or the duty of a mortgagee or agent to preserve and protect property under 24 CFR 203.377, and the rules, regulations and other requirements published by the Federal Housing Administration (FHA) of the United States Department of Housing and Urban Development for the preservation and protection properties secured by FHA loans, as those requirements may be amended by FHA mortgagee letters or otherwise, and as applied by the FHA to the State of Wisconsin, including guidelines related to winterization and heating systems.

3. Definitions. In this section:

- a. "Abandoned property" has the definition provided in Section 18.10(3)(a).
- b. "Accessible structure" has the definition provided in Section 18.10(3)(b).
- c. "Agent" means a person or entity, including a servicing company, acting on behalf of the mortgagee regarding the mortgage, the mortgage loan in default, or the mortgaged property, including acting to perform the inspection and other duties required in this section, except that an attorney shall not be deemed to be an agent if the attorney is retained solely to represent the mortgagee or agent in connection with the default or enforcement of remedies regarding the default.
- d. "Default" means a default by the mortgagor to the mortgagee or owner of the note of loan payments or other covenants that caused the mortgagee or agent or servicing company to send a notice of default to the mortgagor; the sending of which will permit foreclosure against the residential property if the default is not cured.
- e. "Department" has the definition provided in Section 18.10(3)(d).
- f. "Director" has the definition provided in Section 18.10(3)(e).
- g. "Foreclosure" has the definition provided in Section 18.10(3)(f).
- h. "Loan" means the debt, repayment of which is secured by the mortgage.
- i. "Mortgage" has the definition provided in Section 18.10(3)(g).
- j. "Mortgagee" has the definition provided in Section 18.10(3)(h).
- k. "Mortgagor" has the definition provided in Section 18.10(3)(i).
- l. "Occupied property" has the definition provided in Section 18.10(3)(j).
- m. "Person" has the definition provided in Section 18.10(3)(k).
- n. "Residential property" has the definition provided in Section 18.10(3)(l).
- o. "Servicing company" has the definition provided in Section 18.10(3)(m).

4. Registration Required. Within five (5) working days after the mortgagee or agent sends a notice of default to the mortgagor regarding a mortgage loan, the mortgagee or agent shall register the property in the name of the mortgagee with the Department or its designee on a form or by an electronic process prescribed by the Director that includes:

- a. Information identifying the property by address and tax key number.
- b. The mortgagor of record and mortgagee of record.
- c. The Register of Deeds recording document number for the mortgage and the date of recording.
- d. The current owner of the note or instrument secured by the mortgage and the

- registered agent and registered office for that owner.
- e. The date the notice of default was sent to the mortgagor.
 - f. The servicing company or other agent acting on behalf of the mortgagee and the registered agent and registered office for that servicing company or agent.
 - g. Contact information for a person with the mortgagee or agent responsible for inspections required under this section.
 - h. Contact information for a person with the mortgagee or agent who can provide an itemization of amounts needed to cure the default and information regarding foreclosure avoidance or loss mitigation programs or options offered by the mortgagee or agent.
 - i. Whether the mortgagee or agent collects money in escrow for payment of property taxes or insurance against the property.
5. Amendment. Within twenty (20) days of a change in information in the registration, including a change in the ownership of the mortgage or a change in agent, servicing company, or contact person, the mortgagee or agent shall file an amended registration with the Department or its designee on a form or by an electronic process prescribed by the Director.
 6. Termination. The mortgagee or agent shall file a registration termination with the Department or its designee on a form or by an electronic process prescribed by the Director within ten (10) days of any of the following, whereupon the duties of the mortgagee or the agent under this section shall cease:
 - a. A cure or satisfaction of the default, by means other than a deed to the mortgagee or agent, whether by payment, loan modification, loan refinancing, repayment plan, or short sale with a recorded satisfaction of the subject mortgagee and a recorded deed or evidence of a deed to a person other than the mortgagee or the mortgagee's agent.
 - b. If there has been a recorded deed from the mortgagor to the mortgagee or agent, upon the recording of a subsequent deed in the Register of Deeds office from the mortgagee or agent to a third party.
 - c. A recorded mortgage satisfaction concerning the mortgage loan in default.
 - d. Registration under Section 18.10 due to initiation of proceedings to foreclose the mortgage.
 7. Inspection of Property.
 - a. Initial Inspection. Whenever a mortgagee or agent registers a loan in default under this section, the mortgagee or agent shall cause a physical inspection to be made of the property not later than thirty (30) days from the date of registration. One (1) or more photographs shall be taken of the property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.
 - b. Periodic Inspections. The mortgagee or agent shall perform a reinspection of the property subject to the default at least once every sixty (60) days following the initial inspection until such time as a registration termination is filed. One (1) or more photographs shall be taken at each reinspection and shall be dated and preserved.
 - c. Records. A mortgagee or agent shall maintain written records, including photographs, of any inspection or reinspection required by this section, including records relating to Subsection (6). Written records and photographs of inspection and reinspection shall be made available to the Department upon request.
 8. Notification of Abandoned Property. If inspection of the property required under

Subsection (7) shows the property is abandoned, or if the mortgagee or agent otherwise becomes aware of abandonment, the mortgagee or agent shall file notification of the abandoned property within five (5) business days on a form with the Department or its designee or by an electronic process prescribed by the Director that includes a description of the external condition of the property, whether there is an accessible structure on the property, and the contact information for a person with the mortgagee or agent responsible for inspection and securing of the property. If there is an accessible structure, the mortgagee or agent shall secure it so there are no accessible structures.

9. Fees.

- a. The fee for registration of property with a mortgage loan in default shall be ~~three hundred dollars (\$300)~~ listed in the Fee Schedule and shall be due upon registration.
- b. The registration form and fee may be transmitted electronically or by any other means to be determined by the Director or designee. The annual registration shall be valid from the date of the initial obligation to register the property pursuant to City Ordinance, the registration form is completed and filed with the Department or its designee, and the registration fee is received by the Department or its designee.
- c. There shall be no fee for filing an amended registration or for filing a registration termination.

10. Penalties.

- a. Failure to Register or to File Amendment. Any mortgagee or agent that fails to register as required under Subsection (4), fails to file an amendment as required under Subsection (5), or fails to file a termination as required under Subsection (6), shall be jointly and severally responsible, and, upon conviction, forfeit not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
- b. Failure to Inspect. Any mortgagee or agent that fails to inspect or reinspect a property as required under Subsection (7) shall be jointly and severally responsible, and, upon conviction, forfeit not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
- c. Failure to Notify about Abandoned Property. Any mortgagee or agent that fails to file notification about abandoned property as required under Subsection (8) shall be jointly and severally responsible, and, upon conviction, forfeit not less than eight hundred dollars (\$800) nor more than two thousand five hundred dollars (\$2,500), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a

separate offense.

- d. Failure to Secure Accessible Abandoned Property. Any mortgagee or agent having a duty to file notification of abandoned property that fails its duty to secure the property as required under Subsection (8) shall be jointly and severally responsible, and, upon conviction, forfeit not less than eight hundred dollars (\$800) nor more than two thousand five hundred dollars (\$2,500), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

- e. Failure to Maintain Records. Any mortgagee or agent that fails to maintain records required in Subsection (7) shall be jointly and severally responsible, and, upon conviction, forfeit not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

[Ord. O-2015-0042, 9/1/2015; Ord. O-2016-0018, 3-15-2016]

SECTION 18: **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 OCTOBER 04, 2022.

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

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of West Allis

Dan Devine, Mayor, City Of West Allis

