

**CITY OF WEST ALLIS  
ORDINANCE O-2023-0031**

**ORDINANCE TO AMEND ZONING CODE BY ADDING ELECTRIC VEHICLE  
CHARGING, AMENDING PARKING REGULATIONS, AND MAKING OTHER  
EDITS, CORRECTIONS, AND CLARIFICATIONS**

**AMENDING VARIOUS SECTIONS**

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

**SECTION 1:**        **AMENDMENT** “19.32 Principal Uses” of the City Of West Allis Municipal Code is hereby *amended* as follows:

**AMENDMENT**

**19.32 Principal Uses**

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

<b>Residential &amp; Lodging</b>	<b>RA -1</b>	<b>RA -2</b>	<b>RA -3</b>	<b>RB</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>	<b>SF</b>
1-Unit Dwelling	P	P	P	P	P	L	L	L	L				
2-Unit Dwelling	L	L	P	P	P	L	L	L	L				
3- to 4-Unit Dwelling				P	P	P	P	P	P				
Dwelling with 5+ Units				C	P	C	C	C	C				
Bed and Breakfast	C	C	C	C	C								
Community Living Arrangement (8 or fewer persons)	P	P	P	P	P		P	P	P				
Community Living Arrangement (9 or more persons)				C	C		C	C	C				
Hotel						C	C	C	C	C	C		
Lodging House					C								
Residential Care Service	C	C	C	C	C		C	C	C	C	C		

Short-Term Rental	P	P	P	L	L	L	L	L	L	L			
<b>Retail</b>	<b>RA -1</b>	<b>RA -2</b>	<b>RA -3</b>	<b>RB</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>	<b>SF</b>
Neighborhood Retail						P	P	P	P	P	P		
General Retail								P	P	P	P		
Large Retail Development								C	C	C	C		
Alcohol Beverage Sales							P	P	P	P	P		
Nicotine Sales								L	L	L	L		
Nominal Price Retail									L				
Pawnbroker Sales									C				
Secondhand Jewelry Sales									C				
Thrift Retail									C				
<b>Service</b>	<b>RA -1</b>	<b>RA -2</b>	<b>RA -3</b>	<b>RB</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>	<b>SF</b>
Neighborhood Service						P	P	P	P	P	P		
General Service								P	P	P	P		
Tavern						P	P	P	P	P	P		
Restaurant (limited)						L	L	L	L	L	L		
Restaurant						C	C	C	C	C	C		
Animal Boarding										C	P		
Dry Cleaning								C	C	C	C		
Employment Agency						L	L	L	L	P	P		
<u>Food Production (limited)</u>						<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>		
Food Production <del>(limited)</del>						C	C	C	C	P	P		
Laundry (self-service)						C	P	P	P	P	P		
Massage Therapy						C	C	C	C	C	C		
Payday Lender									C	C	C		
<b>Civic &amp; Institutional</b>	<b>RA -1</b>	<b>RA -2</b>	<b>RA -3</b>	<b>RB</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>	<b>SF</b>

Adult Day Care Center	C	C	C	C	C		P	P	P	P	P	C	
Child Care Center	C	C	C	C	C		C	C	C	C	C	C	
Civic Institution					C	C	C	C	C	C	C		
Event Space or Theater (less than 5,000 sq. ft.)					C	P	P	P	P	P	P		
Event Space or Theater (5,000 or more sq. ft.)						C	C	C	C	P	P		
Funeral Establishment							C	C	C	C	C		
Religious Institution	C	C	C	C	C		C	C	C	P	P	C	
School	C	C	C	C	C		C	C	C	C	C	C	
<b>Parks &amp; Recreation</b>	<b>RA -1</b>	<b>RA -2</b>	<b>RA -3</b>	<b>RB</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>	<b>SF</b>
Public Park	C	C	C	C	C	C	C	C	C	C	C	P	
Instruction/Training ( <del>+5</del> 30 or fewer persons at one time)						P	P	P	P	P	P		
Instruction/Training ( <del>+6</del> 31 or more persons at one time)						C	C	C	C	C	C		
Recreation (indoor)						C	C	C	C	P	P	P	
Recreation										C	P	P	
Sport Shooting Range									P	P	P		
<b>Industrial</b>	<b>RA -1</b>	<b>RA -2</b>	<b>RA -3</b>	<b>RB</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>	<b>SF</b>
Advanced Manufacturing								C	C	P	P		
Commercial Light Industrial Flex								C	C	C	P		
Light Industrial										L	L		
Heavy Industrial											C		
Restricted Manufacturing								C	C	C	C		
<b>Medical</b>	<b>RA -1</b>	<b>RA -2</b>	<b>RA -3</b>	<b>RB</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>	<b>SF</b>

Ambulance Services											C	P		
Hospital					C			C	C	C	C			
Medical Clinic						P	P	P	P	P	P			
Medical Service							P	P	P	P	P			
Narcotic Treatment Service									L	L	L			
Veterinary Services						C	C	C	C	P	P			
<b>Automotive</b>	<b>RA -1</b>	<b>RA -2</b>	<b>RA -3</b>	<b>RB</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>	<b>SF</b>	
Automobile Parts Sales								P	P	P	P			
Car Wash Service								€	C	C	L			
Fuel Sales							C	C	C	C	C			
Heavy Motor Vehicle Sales										C	P			
Heavy Motor Vehicle Service											C			
Light Motor Vehicle Sales (indoor)								C	C	C	P			
Light Motor Vehicle Sales									C	C	P			
Light Motor Vehicle Service							C	C	C	C	C			
<b>Infrastructure</b>	<b>RA -1</b>	<b>RA -2</b>	<b>RA -3</b>	<b>RB</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>	<b>SF</b>	
Class 1 Collocation of Mobile Service Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Class 2 Collocation of Mobile Service Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mobile Service Support Structure	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Parking Lot										L	L			
Parking Structure										L	L			
Public Utility Service Structure (less than 25 sq. ft. and less than 6 feet above grade)	P	P	P	P	P	P	P	P	P	P	P	C		

Public Utility Service Structure (at least 25 sq. ft. or at least 6 feet above grade)	C	C	C	C	C	C	C	C	C	C	C	C	
Substation										C	P	C	
Utility Pole										C	C		
<b>Other</b>	<b>RA -1</b>	<b>RA -2</b>	<b>RA -3</b>	<b>RB</b>	<b>R C</b>	<b>C- 1</b>	<b>C- 2</b>	<b>C- 3</b>	<b>C- 4</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>	<b>SF</b>
Adult-Oriented Entertainment								C	C	C	C		
Donation Center								C	C	C	C		
Research Laboratory								C	C	C	P		
State Fair Use													P

**SECTION 2:** **AMENDMENT** “19.34 Conditional Use Criteria” of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 19.34 Conditional Use Criteria

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

##### 1. Residential & Lodging

Principal Use	District(s)	Criteria

##### 2. Retail

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

3. Service

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

4. Civic & Institutional

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

5. Parks & Recreation

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

6. Industrial

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

#### 7. Medical

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

#### 8. Automotive

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

9. Infrastructure

Principal Use	District(s)	C r i t e r i a
Class 1 Collocation of Mobile Service Facility	All	See <a href="#">Wis. Stat. § 66.04(4)</a>
Mobile Service Support Structure	All	See <a href="#">Wis. Stat. § 66.04(4)</a>
		No conditional use permit



Public Utility Service Structure	All	may be issued if the structure is located within a front yard of any lot or a side yard of a corner lot
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10. Other

Principal Use	District(s)	Criteria

**SECTION 3:**        **AMENDMENT** “19.33 Limited Use Criteria” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.33 Limited Use Criteria

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

1. Residential & Lodging

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

## 2. Retail

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

## 3. Service

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

4. Civic & Institutional

Principal Use	District(s)	Criteria

5. Parks & Recreation

Principal Use	District(s)	Criteria

6. Industrial

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

7. Medical

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

8. Automotive

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

9. Infrastructure

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

10. Other

Principal Use	District(s)	Criteria

**SECTION 4:** **AMENDMENT** “19.16 Definitions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 19.16 Definitions

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

Term	Definition
Accessory Building	Any building other than the principal building
Accessory Dwelling Unit	A dwelling unit other than the principal dwelling unit
Accessory Structure	Any structure other than a principal building
Accessory Use	A subordinate use which is clearly and customarily incidental to the principal use on the lot
Adult Day Care Center	The use of a lot in the manner described in <a href="#">Wis. Stat. 49.45(47)(a)</a>
Adult-Oriented Entertainment	The use of a lot in the manner described in <a href="#">WAMC 9.59</a>
Advanced Manufacturing	The act of converting raw materials into finished products by using manual or mechanized transformational techniques in a manner that does not produce any vibration, odor, emission, or noise outside of a building.
Alcohol Beverage Sales	The retail sale of alcohol beverages in the manner described in <a href="#">Wis. Stat. 125.25</a> and <a href="#">125.51(2)</a>
Ambulance Services	The use of a lot in the manner described under <a href="#">Wis. Stat. 256.01(2)</a>
Animal Boarding	The boarding, breeding, or training of animals for compensation
Automobile Part Sales	The retail sale of automobile components or accessories
Bed and Breakfast	The use of a lot in the manner described in <a href="#">Wis. Stat. 97.01(1g)</a>
Bicycle Parking Space (indoor)	An area <u>measuring at least 2 feet wide and 6 feet long</u> <u>located</u> inside a building <u>and properly</u> designated for the parking of 1 bicycle
Bicycle Parking Space (outdoor)	An area <u>measuring at least 2 feet wide and 6 feet long</u> <u>located</u> outside a building <u>that includes an anchored structure designed to allow 1 bicycle to be locked to it using common bicycle locks</u> <del>designated for the parking of 1 bicycle</del>
Bicycle Rack	A structure used to provide bicycle parking space
	A structure that shields persons or property from the

Building	elements
Building Height	The vertical distance measured from the average established grade at the front lot line to the highest point of a building, including all appurtenances
Building Area	The total area of a building bounded by its exterior walls
Building Coverage	The sum of all building areas on a lot
Car Wash Service	The washing and cleaning of motor vehicles for compensation
Child Care Center	The use of a lot in the manner described in <a href="#">Wis. Stat. 49.136(1)(ad)</a>
Class 1 Collocation of Mobile Service Facility	The use of a lot in the manner described in <a href="#">Wis. Stat. 66.0404(1)(d)</a>
Class 2 Collocation of Mobile Service Facility	The use of a lot in the manner described in <a href="#">Wis. Stat. 66.0404(1)(e)</a>
Civic Institution	Unless more specifically defined, the use of a lot by a governmental entity
Commercial Light Industrial Flex	The light industrial use of a lot to distribute goods that are also sold in an on-site retail space
Community Living Arrangement	The use of a lot in the manner described in <a href="#">Wis. Stat. 46.03(22)</a> , <a href="#">48.743(1)</a> , <a href="#">48.02(6)</a> , or <a href="#">50.01(1)</a>
Conditional Use	A use that is allowed upon meeting all conditions specified in the code and those imposed by the common council
Crematory	The use of a lot in the manner described in <a href="#">Wis. Stat. 440.70(8)</a>
Donation Center	The receiving of donated goods from the public for redistribution to the public at no cost
Drive-Through Service	The delivery of products or services to customers while the customer is inside a vehicle
Dry Cleaning	The use of a lot in the manner described in <a href="#">Wis. Stat. 77.996(2)</a>
Dwelling Unit	A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one or more persons maintaining a common household, to the exclusion of all others
<u>Electric Vehicle Charging</u>	<u>The use of a lot to supply electrical power in excess of 120 volts to charge fully integrated batteries that set vehicles</u>

	<a href="#">into motion</a>
Employment Agency	The use of a lot in the manner described in <a href="#">Wis. Stat. 111.32(7)</a>
Event Space	The use of a lot for the gathering of individuals at a specific time for direct or indirect compensation
Family Child Care Home	The use of a lot in the manner described in <a href="#">Wis. Stat. 66.1017(1)(a)</a>
Floor Area Ratio	The numerical value obtained through dividing the gross floor area by the total area of the lot ( <a href="#">diagram</a> )
Food Production <del>(limited)</del>	The use of a lot in the manner described in <a href="#">Wis. Stat. 97.29(1)(g)</a> where processed food is available to be sold or distributed directly to a consumer
Fuel Sales	The retail sale of vehicle fuel
Funeral Establishment	The use of a lot in the manner described in <a href="#">Wis. Stat. 445.01(6)</a>
General Retail	Unless more specifically defined, the retail sale of goods within a building that has a gross floor area of 8,000 square feet or greater
General Service	Unless more specifically defined, the sale of services within a building that has a gross floor area of 8,000 square feet or greater
Gross Floor Area	The sum of all areas within a building designed to carry a vertical load, excluding any area used exclusively for off-street parking or equipment that provides utilities or climate control to the building
Heavy Motor Vehicle Sales	The use of a lot in the manner described in <a href="#">Wis. Stat. 218.0101(23)</a> and offering any vehicles having a gross vehicle weight rating of 10,001 pounds or greater
Heavy Motor Vehicle Service	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,001 pounds or greater for compensation
Home-Based Business	The use of a lot in the manner described in <a href="#">Wis. Adm. Code SPS 361.04(3m)</a> , except a home office
Home Office	The accessory use of a dwelling unit to carry on that occupation to carry on an occupation for which clients do not meet at the dwelling unit and no packages are sent from the dwelling unit



Hospital	The use of a lot in the manner described in <a href="#">Wis. Stat. 50.33(2)</a>
Hotel	The use of a lot in the manner described in <a href="#">Wis. Stat. 97.01(7)</a>
Industrial	Unless more specifically defined, the use of a lot for creating products by combining or connecting other materials
Instruction/Training	The use of a lot for teaching one particular skill or conducting a class on one subject
Large Retail Development	The use of a lot or combination of lots for retail sales with a display area of 50,000 square feet or more
Laundry (self-service)	The use of a display area laundry services performed by the customer through the use of self-service machines
Light Industrial	The use of a lot for creating products by combining or connecting other materials, but only if 1) no noise, vibration, or odor is reasonably detectible from off the lot, 2) no hazardous materials are stored or processed on the lot, 3) no industrial activities take place outside a building, and 4) no material is disbursed in the air from the lot
Light Motor Vehicle Sales	The use of a lot in the manner described in <a href="#">Wis. Stat. 218.0101(23)</a> and offering only vehicles having a gross vehicle weight rating of 10,000 pounds or less
Light Motor Vehicle Sales (indoor)	The use of a lot in the manner described in <a href="#">Wis. Stat. 218.0101(23)</a> and offering only vehicles having a gross vehicle weight rating of 10,000 pounds or less entirely within a building
Light Motor Vehicle Service	The maintenance, repair, or enhancement of motor vehicles having a gross vehicle weight rating of 10,000 pounds or less for compensation
Limited Use	A use that is allowed upon meeting all conditions specified in the code
Lodging House	Conducting the activities described in <a href="#">Wis. Stat. 779.43(1)(b)</a>
Lot	A distinct parcel, tract, or area of land established by plat, subdivision, or other instrument recorded in the office of the register of deeds
Lot Coverage	The percentage of the lot which is occupied by buildings ( <a href="#">diagram</a> )

Lot Line, Front	If one street borders a lot, the portion of a lot that borders that street. If multiple streets border a lot, the portion of a lot that borders the street deemed primary by the manager of planning and zoning
Lot Line, Rear	The portion of a lot that borders an alley. If no alley exists, the portion of a lot opposite a front lot line.
Lot Line, Side	The portion of a lot that is not a front or rear lot line
Lot Width	The shortest distance between side lot lines at a point midway between the front and rear lot lines
Massage Therapy	The use of a lot in a manner described in <a href="#">Wis. Stat. 460.01(4)</a> for compensation
Medical Clinic	The use of a lot for the provision of outpatient nursing, medical, podiatric, dental, chiropractic, or optometric care and treatment outside of a residence or a hospital
Medical Services	The use of a lot for blood or blood plasma donation, kidney dialysis, birth center services, or treatment of sexually transmitted diseases outside of a residence or a hospital
Mobile Service Support Structure	The use of a lot in a manner described in <a href="#">Wis. Stat. 66.0404(1)(n)</a>
Narcotic Treatment Service	The use of a lot in a manner described in <a href="#">Wis. Stat. 51.4224(1)(a)</a> outside of a hospital
Neighborhood Retail	Unless more specifically defined, the retail sale of goods within a building that has a gross floor area of less than 8,000 square feet
Neighborhood Service	Unless more specifically defined, the sale of services within a building that has a gross floor area of less than 8,000 square feet
Nicotine Sales	The use of 20% or more of a gross floor area for the retail sale of cigarettes, tobacco products, nicotine products, or any device used to ingest cigarettes, tobacco products, or nicotine products
Nominal Price Retail	The retail sale of primarily inexpensive general merchandise at a price of \$10.00 per item or less
Outdoor Dining	The use of a lot for consumption of food outside of a building on the premises of a restaurant
Outdoor Display	The presentation outside of a building of goods offered for retail sale or examples of goods offered for retail sale

Outdoor Storage	Except for outdoor displays, the placement of any items outside a building for the purpose of storing the items for more than 24 consecutive hours
Parking Lot	A structure that is not a building which is built at grade and used to facilitate the ingress, egress, and parking of motor vehicles
Parking Structure	A building used to facilitate the ingress, egress, and parking of motor vehicles
Pawnbroker	The purchasing and selling of articles or jewelry in a manner described in <a href="#">Wis. Stat. 134.71(1)(e)</a>
Payday Lender	The use of a lot in a manner described in <a href="#">Wis. Stat. 62.23(7)(hi)1.b.</a>
Permitted Use	A use that is allowed without any specified conditions
Principal Building	The building on a lot in which a principal use is primarily conducted
Principal Dwelling Unit	The dwelling unit or units located within the principal building
Principal Use	A primary or predominant use of a premises
Production/Repair	The accessory use of a lot to produce or service items similar to those sold on-site at retail as a principal use
Public Park	A lot that is primarily used for recreational activity and open to the public at no cost
Public Utility Service Structure	A structure that is exclusively used to provide public utilities
Recreation	The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants
Recreation (indoor)	The use of a lot for conducting live sports, activities, or games of skill for the entertainment of participants entirely within a building
Religious Institution	The use of a lot for the assembly of persons for religious purposes and related use for religious ceremonies, purposes, and events
Research Laboratory	The use of a lot for testing, investigation, development, or verification of scientific processes to advance technology
Residential Care Service	The use of a lot as a nursing home as described in <a href="#">Wis. Stat. 50.01(3)</a> , a hospice as described in <a href="#">Wis. Stat. 50.90(1)</a> , or a residential care apartment complex as described in <a href="#">Wis. Stat. 50.034</a>

Restaurant	The use of a lot in the manner described in <a href="#">Wis. Stat. 97.01(14g)</a>
Restricted Manufacturing	The preparation, processing, assembling, or packing of a product that may be lawfully advertised as blind-made under <a href="#">Wis. Stat. 47.03(3)(a)</a>
School	The use of a lot for teaching more than one skill or conducting classes on more than one subject
Secondhand Article or Jewelry Sales	The purchasing and selling of articles or jewelry in the manner described in <a href="#">Wis. Stat. 134.71(1)(g)</a> or <a href="#">(h)</a>
Self-Service Storage	A type of light industrial use of a lot in a manner described in <a href="#">Wis. Stat. 704.90(1)(g)</a>
Setback	The distance between a lot line and a building or structure
Short-Term Rental	The use of a lot in a manner described in <a href="#">Wis. Stat. 66.0615(1)(dk)</a>
Site Plan	A document or set of documents that show the physical layout of a lot, landscaping arrangement and description, and architectural drawings of any structures located on the lot
Sport Shooting Range	The use of a lot in the manner described in <a href="#">Wis. Stat. 66.0409(1)(c)</a>
State Fair Use	The use of a lot in a manner authorized under <a href="#">Wis. Stat. 42.01</a>
Structure	Any object that is affixed to the ground and not created by nature
Substation	A structure used for the transmission or distribution of electrical power, light, heat, water, gas, sewer, telegraph or telecommunication services
Tavern	The retail sale of alcohol beverages in the manner described in <a href="#">Wis. Stat. 125.26</a> and <a href="#">125.51(3)</a>
Theater	The use of a lot for the exhibition of a motion picture or performing arts to the public
Thrift Retail	The receiving of donated goods from the public for on-site sale of those goods to the public
Use	A constant, occasional, or isolated act taking place with or without the knowledge of any person occupying a lot
	A structure described in <a href="#">Wis. Stat. 66.0414(1)(x)</a> or any

Utility Pole	structure designed solely for the collocation of small wireless facilities
Veterinary Services	The use of a lot for the practice of veterinary medicine under <a href="#">Wis. Stat. 89.02(6)</a>
Warehousing, Private	A type of light industrial use of a lot for the storage of property owned by the operator and intended for wholesale or retail distribution
Warehousing, Public	A type of light industrial use of a lot in the manner described in <a href="#">Wis. Stat. 99.01(3)</a>
Waste Services	The use of a lot as a solid waste facility under <a href="#">Wis. Stat. 289.01(35)</a> , pyrolysis facility under <a href="#">Wis. Stat. 289.01(27m)</a> , or gasification facility under <a href="#">Wis. Stat. 289.01(9m)</a>
Wireless Support Structure	A structure described in <a href="#">Wis. Stat. 66.0414(1)(zp)</a> that actually used to support small wireless facilities
Yard	Any part of a lot that is not within a building
Yard, Front	The part of a lot from the front lot line to the principal building and any adjacent land (see image)
Yard, Rear	The part of a lot from the rear lot line to the principal building and any adjacent land (see image)
Yard, Side	The part of a lot that is not a rear or front yard

**SECTION 5:** **AMENDMENT** “19.35 Accessory Uses” of the City Of West Allis Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 19.35 Accessory Uses

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

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

**SECTION 6:** **AMENDMENT** “19.36 Accessory Use Criteria” of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### AMENDMENT

### 19.36 Accessory Use Criteria

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

Accessory Use	District(s)	Criteria
Accessory Dwelling Unit	All	Permitted up to 1 accessory dwelling unit per lot
Animal Boarding	C-3, C-4, I-1, I-2	Permitted if accessory to principal use of veterinary services
Electric Vehicle Charging	RA-1, RA-2, RA-3, RB, RC	Permitted only if: - Vehicles served are owned or operated by occupants of that lot or their guests, and - No consideration is paid for the service
Electric Vehicle Charging	C-1, C-2, C-3, C-4, I-1, I-2, P, SF	Permitted only if designed in compliance with accessible guidelines per ICC A117.1-2009
Home-Based Business	RA-1, RA-2, RA-3, RB, RC	Permitted only in a 1- or 2-unit dwelling in compliance with <a href="#">WAMC 19.37(2)</a>
Home-Based Business	C-1, C-2, C-4, I-1	Permitted only in a 1- or 2-unit dwelling
Outdoor Dining	All	Permitted upon approval of site plan
Outdoor		Permitted if stored materials are screened from the view of adjacent lots, located in a side or rear yard, and at least 5 feet

Storage	I-1, I-2	from any lot line or setback specified by zoning district regulation, whichever is greater
Wireless Support Structure	RA-1, RA-2, RA-3, RB	Permitted if no more than 6' above a principal building to which it is attached, 35' above the ground if on a freestanding pole, and 15' above the ground if the facility is a satellite dish

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

Accessory Use	District (s)	Criteria
Class 1 Collocation of Mobile Service Facility	All	See <a href="#">Wis. Stat. 66.0404(4)</a>
Mobile Service Support Structure	All	See <a href="#">Wis. Stat. 66.0404(4)</a>

**SECTION 7:** **AMENDMENT** “19.42 Residential Accessory Buildings” of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 19.42 Residential Accessory Buildings

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



	<b>Accessory Dwelling Unit</b>	<b><u>Detached Garage</u></b>	<b>Other Accessory Building</b>
Exterior Wall Height (maximum)	20'	10'	10'
Height (maximum)	Height of principal building, not to exceed 20'	Height of principal building, not to exceed 18'	15'
Building Coverage (maximum)	50% of principal building, not to exceed <del>700</del> <u>800</u> sq. ft.	1,000 sq. ft.	150 sq. ft.
Setback from Principal Building (minimum)	10'	10'	10'
Front Setback (minimum)	60'	60'	60'
Rear Setback - abutting alley (minimum)	5'	5'	5'
Rear Setback - not abutting alley (minimum)	3'	3'	3'
Side Setback (minimum)	3'	3'	3'

**SECTION 8:** **AMENDMENT** “19.44 Vehicle Parking” of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 19.44 Vehicle Parking

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

Type of Use	Maximum Parking Spaces
Dwelling (3 or more units)	2 per dwelling unit
Hotel/Bed and Breakfast	1.5 per guest room
<u>All Medical Uses</u>	<u>5 per 1,000 sq. ft. of gross floor area (except storage rooms)</u>
Residential Care	1 per bed
All Retail Uses	3 per 1,000 sq. ft. of gross floor area ( <u>except storage rooms</u> ) <del>open to the public</del>
Restaurant	<u>1 per 150 sq. ft. of gross floor area (except storage rooms)</u> <del>40% of building capacity</del>
All Service Uses (except Restaurant)	3 per 1,000 sq. ft. of gross floor area ( <u>except storage rooms</u> ) <del>open to the public</del>
Commercial Light Industrial Flex	4 per 1,000 sq. ft. of gross floor area ( <u>except storage rooms</u> ) <del>open to the public</del>
Automobile Parts Sales	3 per 1,000 sq. ft. of gross floor area ( <u>except storage rooms</u> ) <del>open to the public</del>
Any conditional use	As stated on the conditional use permit

3. Bicycle Parking Requirements:

a. Outdoor Spaces

i. Minimum Spaces. Each principal use below shall have the minimum number of outdoor bicycle parking spaces for that principal use:

	<b>B i c y c l e  P a r k i n g  S p a</b>	
--	--	--

Principal Use	ce s ( <del>o</del> <del>ut</del> <del>d</del> <del>e</del> <del>e</del> <del>r</del> ) ( m in i m u m )	<del>Bicycle Parking Spaces</del> <del>(indoor) (minimum)</del>
Dwelling (5 or more units)	1 p er 3 0 d w el li n g u ni ts	<del>1 per 5 dwelling units</del>
	1 p er 3, 0 0 0 sq . ft. gr os	

All Retail Uses	s fl o or ar ea , n ot to e x ce e d 1 0 sp ac es	<u>None</u>
All Service Uses	1 p er 3, 0 0 0 sq . ft. gr os s fl o or ar ea , n ot to	<u>None</u>

	ex ce d l o sp ac es	
School	l p er cl as sr o o m	<u>None</u>
All Civic & Institutional Uses (except school)	l p er l o, o o o sq . ft. gr os s fl o or ar ea , n ot to	<u>None</u>

	ex ce d 2 0 sp ac es	
All Medical Uses	1 p er 1 0, 0 0 0 sq . ft. gr os s fl o or ar ea , n ot to e x ce d 2 0 sp ac	<del>None</del>

	es	
Automobile Parts Sales	1 p er 3, 0 0 0 sq .ft. gr os s fl o or ar ea , n ot to e x ce e d 1 0 sp ac es	<del>None</del>
	A s st at e d o n th	

Any conditional use	e c o n di ti o n al us e p er m it	As stated on the conditional use permit
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ii. Spaces Counted. The minimum number for outdoor bicycle parking spaces shall be computed by totaling all outdoor parking spaces located:

- (1) On the lot within 50 feet of the main entrance of the principal building
- (2) On the public right-of-way within 50 feet of the main entrance of the principal building.
- (3) Adjacent to other outdoor bicycle parking spaces if at least one of those adjacent spaces is located within 50 feet of the main entrance of the principal building.

b. Indoor Spaces. All dwellings of 5 or more units shall have at least 1 indoor bicycle parking space for every 5 units. Only indoor bicycle parking spaces that are accessible without using stairs shall count toward this minimum number. At least 1 indoor bicycle parking space shall have an electrical outlet within 2 feet.

4. Parking Lot/Structure Design. Any parking lot or parking structure shall be constructed in the following manner:

- a. The parking lot or parking structure shall comply with [Wis. Stat. 346.503](#).
- b. Curbing or other approved method shall be installed so that no part of any vehicle shall extend beyond the lot line. Poured curbing, fencing, landscaping, or other method shall be required where a parking lot and/or loading facility abuts a street, public right-of-way or building, or as deemed appropriate by the Plan Commission.
- c. Grading and drainage shall provide for the collection of storm water on site with proper discharge to available public storm sewer or retention area and to prevent runoff onto adjacent lots and right-of-way. Paved areas and other site areas may be sheet drained to public right-of-way if approved by the City Engineer.



- d. A visual buffer, enclosure, or screening shall surround any parking lot or parking structure to the extent required by the plan commission.
  - e. Landscaping shall be included within any parking lot to the extent required by the plan commission.
  - f. Lighting used for illumination shall be so arranged to not reflect, direct, or splay lighting beyond the lot that is the source of the light.
  - g. Parking surfaces shall be constructed of macadam, concrete, sealcoat, paver blocks, permeable asphalt or concrete (subject to approval of the City Engineer), or similar suitable surface to eliminate dust, dirt, and mud.
5. 1- and 2-Unit Dwelling Parking
- a. Private Roads and Driveways. A private road or driveway serving a 1- or 2-unit dwelling shall be:
    - i. Graded and drained to prevent run off onto adjacent properties.
    - ii. Constructed of macadam, concrete, sealcoat, paver blocks, permeable asphalt or concrete (subject to approval of the City Engineer), or similar suitable surface to eliminate dust, dirt, and mud.
    - iii. Located outside the front yard, unless any of the following applies:
      - (1) The private road or driveway is located in that part of a front yard between the front lot line and a garage or side yard ([diagram](#)).
      - (2) The private road or driveway is located in a front yard only to the extent necessary to provide vehicle ingress and egress to into a garage.
  - b. Garages
    - i. No lot may contain more than 1 garage.
    - ii. No attached garage may exceed 1,000 square feet.

**SECTION 9:            AMENDMENT “19.51 Overlay Districts” of the City Of West Allis Municipal Code is hereby *amended* as follows:**

## AMENDMENT

### 19.51 Overlay Districts

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

**SECTION 10:**            **AMENDMENT** “7.035 Noise Control Regulations” of the City Of West Allis Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 7.035 Noise Control Regulations

1. Statement of Purpose. The City of West Allis recognizes that excessive noise and vibration are serious threats to the public health and welfare, public safety, quality of life and property values. Current science and technology permit abatement of noise and vibration sources which were not available in the past. Therefore, it is the policy of the City to prevent and abate excessive noise and vibration which may jeopardize the public health, safety or welfare or which would cause harm to property values or which would impair the quality of life within the City.
2. Definitions. All terminology used in this section, not defined below or elsewhere within the West Allis Revised Municipal Code, shall be given the definitions provided by applicable publications of the American National Standards Institute (hereinafter "ANSI") or its successor body.
  - a. "A-Weighted Sound Level" means the sound pressure level in decibels as measured on a sound level meter using the "A" weighting network. The level so read is designated as db(A) or dB(A).
  - b. "Ambient Noise" means the sound level of the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources from near and far.
  - c. "Authorized Emergency Vehicle" means the definition of this term as set forth in Sec. 340.01(3), Wis. Stats., and any subsequent modification, revision, or amendment of that term as set forth in that section of the Wisconsin Statutes.
  - d. "Commercial District" means any area of the City designated on the official West Allis Zoning Map, ~~pursuant to this Code~~, as **commercial** ~~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~~ Industrial 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 industrial.~~
- l. "Maximum Sound Level" (hereinafter "Lmax") means the maximum sound level over a measurement interval determined by using a sound level meter set to "fast" response time.
- m. "Motor Vehicle" means any vehicle, including a combination of two (2) or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail.
- n. "Night" means the hours between 10:00 p.m. and 6:59 a.m.
- o. "Noise Disturbance" means any sound or vibration which:
  - i. May disturb or annoy reasonable persons of normal sensitivities; or
  - ii. Causes, or tends to cause, an adverse effect on the public health and welfare; or
  - iii. Endangers or injures people; or
  - iv. Endangers or injures personal or real property.
- p. "Person" means any individual, association, partnership, joint venture, company, or corporation.
- q. "Place of Public Entertainment" means any building that is open to the public for entertainment purposes.
- r. "Plainly Audible Sound" means any sound for which the information content is unambiguously communicated to the listener, such as, but not limited to, understandable speech, comprehension of whether a voice is raised or normal, repetitive bass sounds, or comprehension of musical rhythms, without the aid of any listening device.

- s. "Power Tool" means any device powered mechanically, by electricity, by gasoline, by diesel fuel, or by any other fuel, which is intended to be used, or is actually used for, but shall not be limited to, the performance of such functions as cutting, nailing, stapling, sawing, vacuuming or drilling.
- t. "Real Property Boundary" means an imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
- u. "Residential District" means any area of the City, designated on the official West Allis Zoning Map, ~~pursuant to Chapter 12 of this Code~~, as ~~residential~~~~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:

<b>Sound Pressure Level</b>		
<b>Zone</b>	<b>Time</b>	<b>Decibel (dB(A) Level</b>
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 <sub>v</sub> (VdB)
Frequent (more than 70 events per day)	72
Occasional	75
Infrequent (less than 30 events per day)	80

9. Exemptions. The provisions of this section shall not apply to the following:

- a. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work, or the emission of sound brought about by emergency conditions where such sound is a byproduct of activities necessary for the preservation of public safety or the protection of the health, safety and welfare of any person or property.



- b. Warning devices necessary for the protection of public safety, the emission of any noise necessary for the protection of the health, safety, or welfare of person or property or to any noise which is either necessary or required by law.
  - c. The operation of authorized emergency vehicles.
  - d. Public works projects, at or adjacent to the construction site, as authorized by the United States government, the State of Wisconsin, and/or other political subdivisions.
  - e. Limited Exemptions for Construction Noise. The provisions of this section shall not apply to equipment used in commercial construction activities when such equipment has sound control devices no less effective than those provided in the original equipment, a muffled exhaust, and are in compliance with the pertinent standards of the United States Environmental Protection Agency.
    - i. No person shall operate or permit the operation of any equipment used in construction work at night or on Sunday.
      - (1) Emergency Work. The hour limitations in this subsection shall not apply to emergency work.
  - f. Special events permitted under section 6.032 of this Code.
  - g. Aircraft operations.
  - h. Any fireworks display permitted under and operated in compliance with Wis. Stat. Section 167.10.
  - i. Any bells or chimes of any building clock, public or private school building, church, synagogue, or other place of religious worship.
10. Notice of Violation.
- a. When the ambient noise or vibration level of a noise producing device equals or exceeds the decibel limits provided in this section, the Health Commissioner or his/her designee shall serve a notice, by first-class mail, on the owner and occupant of the premises that is creating or maintaining the noise. The notice shall be dated, contain a description of the violation, require the person to remove or abate the condition described in the order within the time specified therein, and advise such person of the right to apply for a variance permit and the office or person to whom the variance permit application shall be filed.
  - b. For violations of Subsection (8)(a) through (g), officers of the West Allis Police Department may issue a citation without prior notice of the violation.
11. Variance.
- a. Application for Variance Permit. The owner or occupant of the premises may seek a variance from the regulations under this section. A new or renewal application for a variance shall be filed with the clerk along with payment of the fee listed on the Fee Schedule. The proper filing of an application shall toll all penalties provided in this section for any such violation until a final decision has been issued on the merits of such application. Such application shall specify the grounds upon which the variance permit is sought and the date by which the source of any excess noise or vibration for which the

- variance is sought shall be brought into compliance with this section.
- b. Public Hearing. Upon receiving an application under this subsection, the clerk shall schedule the matter for a public hearing before the common council. The clerk shall notify the variance applicant by mail or email of the hearing at least 10 days before the hearing. The clerk shall notify any property owners within 200 feet of the subject property by mail or email at least 10 days before the hearing.
  - c. Procedure at Hearing
    - i. The mayor or a designee shall describe the variance sought. Then, the variance applicant may provide comments to the council.
    - ii. After the variance applicant has an opportunity to comment, any member of the public may provide comments to the council.
    - iii. Any city staff may provide comments to the common council in writing prior to the public hearing, verbally during the beginning of the hearing as the mayor's designee, or verbally during the public comment portion of the hearing.
    - iv. (Reserved).
    - v. The amount of time for comments by the applicant and the public shall be set by the mayor prior to the beginning of the hearing.
    - vi. (Reserved).
    - vii. (Reserved)
  - d. Recommendation to the Common Council.
    - i. After the close of the hearing, the Public Safety Committee shall recommend to the council a variance permit should be issued and, if issued, impose any conditions necessary to protect the public health, safety and welfare, including a schedule for achieving compliance with any noise and vibration limitations and an expiration date for the permit. In deciding whether to recommend granting the permit, the Committee shall balance the hardship to the applicant, the community, and other persons; the impact on the health, safety, and welfare of the community; the effect on the property in the area; and any other impact that the granting of the variance may have.
  - e. Common Council Determination.
    - i. (Reserved).
    - ii. (Reserved).
    - iii. The Common Council shall determine whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate.
  - f. Revocation. Noncompliance with any conditions imposed on the variance shall be grounds to revoke the permit using the same procedure to revoke a license under WAMC 9.51.
  - g. Extension and Modification. Application for extension of time limits or modification of other conditions specified in the variance permit shall be treated like an application for an initial variance.

12. Penalties. Any person violating any provision of this section shall, upon conviction, be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense, together with the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each day that any violation continues shall be considered a separate offense.
13. Severability. If any provision, clause, sentence, paragraph, or phrase of this section or the application thereof to any person or circumstances is held, for any reason, by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

**SECTION 11:**        **AMENDMENT** “7.05 Refuse Collection” of the City Of West Allis Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 7.05 Refuse Collection

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

- storage and consumption of food.
- j. "Hazardous substance" means the meaning given in Wis. Stats. § 292.01(5).
  - k. "Hazardous waste" has the meaning given in Wis. Stats. § 291.01(7).
  - l. "Infectious waste" means solid waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. It includes isolation wastes, cultures and stocks of infectious agents and associated biologicals, human blood and blood products, pathological waste, contaminated sharps, contaminated animal carcasses, body parts and bedding.
  - m. "Inorganic waste" means concrete, asphalt, brick, block, stone, ground and, for purposes of this subsection, sod.
  - n. "Manufacturing" has the meaning given in Wis. Stats. § 70.995(a).
  - o. "Multi-family" means a premises improved with a building containing four (4) or more dwelling units, including household activities associated therewith.
  - p. "Person" means any person, firm, partnership, association, corporation, company or organization, which is acting as a group or unit.
  - q. "Premises" means a designated parcel or tract of land and any buildings and structures thereon, established by plat, subdivision or otherwise as permitted by law, which is used or developed as a unit.
  - r. "Refuse" means all components of the solid waste stream including, but not limited to, garbage, rubbish, trash and ashes.
  - s. "Residential" means a premises improved with a condominium unit or a building containing three (3) or fewer dwelling units, including the household activities associated therewith.
  - t. "Residential container" means a receptacle that is approved and issued by the Department for the storage of residential refuse between collections and required for the collection of residential refuse by the Department.
  - u. "Rubbish" means solid waste, excluding ashes and garbage., consisting of both combustible and noncombustible solid waste materials. It is specifically limited to small hand-carried objects which can be readily stored in approved refuse containers.
  - v. (Reserved)
  - w. "Solid Waste" means garbage, rubbish, ash, bulk refuse, yard and construction wastes and all other unwanted or discarded substances and material resulting from community activities.
  - x. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter; however, it does not include stumps, roots or shrubs with intact root balls.
2. Collection. The Department will collect refuse from residential premises or a detached single-family residential unit on a commercial premises only; provided, however, that all such refuse is prepared and stored as provided in Subsection (3) below. The Department will not collect refuse from multi-family, commercial or manufacturing premises. ]
3. Preparation, Storage and Disposal.

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

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

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

4. Containers.

- a. Weight. The Department may decline to collect refuse from any residential container weighing over 75 pounds.
- b. Location. Containers shall be stored on the residential premises where the refuse is generated and not upon any other private property, or any street, alley or other public ground; except as provided herein for refuse collection from the premises. Containers shall not be stored on the front side of any home. All containers shall be placed in one area for collection. If a premise abuts an alley, containers shall be placed at the alley edge for collection. Properties not serviced by an alley collection shall locate refuse containers at the curb/street edge of the property on the scheduled day of collection. The Director may, for a fee listed in the Fee Schedule, pick up refuse containers from another location for any household in which no occupant is physically able to comply with the requirements of this paragraph. Containers shall be readily accessible to collectors without interference due to vehicles, snow or other obstructions. Containers shall not be stored in any location which creates or may create a public health hazard. Containers shall not be placed at the curb for collection before 6:00 p.m. on the day prior to the scheduled day of refuse collection and must be removed by 8:00 p.m. on the scheduled day of refuse collection.
- c. Multi-family, commercial and manufacturing containers shall be constructed, maintained and located as follows:
  - i. Construction. Containers shall be of substantial metal or plastic construction with covers which render the container waterproof.
  - ii. Location. Containers shall be located on the premises where the waste is generated or other private property in accordance with Chapter ~~12~~ 19 of this Code; provided; however, the Board of Public Works pursuant to Section 11.165 of this Code may permit containers to be located on public property if a premises does not contain a suitable location for collection as determined by the Board. Containers shall not be located within any building on the premise, unless specific written approval is obtained from the Director.
  - iii. Capacity Required. The owner, occupant or managing agent of each premises shall provide sufficient containers to ensure adequate storage capacity for twice the normal collection period.
  - iv. Multiple use. Where multiple businesses located upon a single premises utilize a designated refuse storage container and such properties have more than one refuse container, the names and/or addresses of the businesses must be visibly located on the container

assigned for their use.

- d. Special Charge. If a residential property does not have a residential container for refuse collection for each dwelling unit, the City shall furnish to that residential customer a residential container for each dwelling unit and assess the cost thereof as a special charge upon the real estate, pursuant to Wis. Stat. § 66.0627(2).
5. Other Collection. Excessive quantities of refuse or refuse not prepared and stored for collection, as provided in Subsection (2) above, shall not be collected by the Department as part of its regular collection services. The owner or occupant of a premises where any such refuse is stored shall be responsible for its disposal. Such owner or occupant may apply to the Department for special collection of any such refuse, including delivery of such refuse to City collection sites. The Director shall promulgate rules governing special collection services and establish fees based upon actual costs for such services.
6. Composting. Yard waste, as herein defined, may be composted on any residential premises for use on the premises. Compost piles or bins shall be well-maintained so as not to pose an attraction or harborage for rodents or otherwise present a health nuisance. Compost piles or bins for composting shall not be located in front of any building or in any required yard under Chapter ~~12~~ 19 and one (1) must be at least twenty-five (25) feet from any dwelling unit on the premises or any adjoining premises and at least three (3) feet from any property line. Each pile or bin may occupy a surface area no greater than twenty-five (25) square feet and may not exceed four (4) feet in height. No more than three (3) such piles and/or bins shall be permitted on any premises. Composted material shall be well-aerated so as to be free of offensive or noxious odors. No food waste or other such putrescibles shall be composted.
7. Public Nuisance. Refuse which is prepared or stored on any premises in a manner which creates or may create a public health hazard, safety hazard or blighting condition is hereby declared to be a public nuisance. The Director or Health Commissioner shall order, in writing, the immediate abatement or removal of any such nuisance. If the owner or occupant of the premises fails to comply with such order within the time prescribed, they shall be in violation hereof and the Director or Health Commissioner may cause the immediate abatement or removal of the nuisance. The cost of such abatement or removal by the Director or Health Commissioner may be collected from the owner or occupant of the premises or upon certification by the Director or Health Commissioner, assessed for real estate as other special taxes. Such costs shall be in addition to any forfeiture imposed for violation hereof. [Ord. O-2004-0012, 4/5/2004]
8. General Regulations.
  - a. It shall be unlawful for a person to place, throw or leave any solid, infectious or hazardous waste, slop, dirty water or other liquid of offensive odor, or a liquid of a hazardous, flammable or deleterious nature, or other hazardous, nauseous or unwholesome substances, or any dead carcass, animal, fowl, carrion, meat, fish, entrails, manure, offal, refuse matter, rubbish, recyclables, yard waste, tires, ashes, earth, sand or other substances or material of any kind

or nature in or upon any sewer, stream, ditch or other watercourse, sidewalk, gutter, street, alley or upon any private premises or public place, park or grounds in the City of West Allis.

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

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

**SECTION 12:**            **AMENDMENT** “13.28 Property Maintenance Code” of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### AMENDMENT



### 13.28 Property Maintenance Code

1. Title. Section 13.28 shall be known and cited as the Property Maintenance Code of the City of West Allis (hereinafter Code).
2. Legislative Intent.
  - a. Purpose. It is hereby declared that in order to arrest or prevent the deterioration of properties which can spread to surrounding properties and result in the depreciation of property values, and in order to protect the environment and preserve the aesthetic character of neighborhoods and the health, safety and welfare of the public, the City of West Allis adopts this Code.
  - b. Scope. The provisions of this Code shall apply to all buildings in the City, including the premises on which they are located, together with all accessory buildings or structures, except as otherwise provided. **[Ord. O-2016-0038, 8/2/2016]**
3. Definitions. Where terms are not defined in this section and are defined in those Building, Zoning, Health and Fire Department Codes presently in force in the City, they shall have the meaning ascribed to them as in such codes. When terms are not defined under the provisions of this or any other City code, they shall have ascribed to them their ordinary accepted meanings or such as the context herein may imply.
  - a. "City" shall mean the City of West Allis.
  - b. Meaning of certain words. Whenever the words "building" or "premises" are used in this section, they shall be construed as though they were followed by the phrase "or any part thereof."
  - c. "State Fair Parking District" shall mean an area bound by the north City limits to the north, 92nd Street to the west, the Union Pacific Railroad tracks to the south, and 70th Street to the east. **[Ord. O-2018-0042, 11/5/2018]**
4. Inspection of Premises.
  - a. The Code Enforcement Director is authorized to assign persons to administer this Code and directed to make inspections to determine the condition of buildings and premises in the City, as regulated by the Code.
  - b. Inspections shall be made only under the following circumstances:
    - i. When the Building Inspector finds that there are reasonable grounds to believe that there are violations of the provisions of this Code which affect the health, safety or welfare of the public or as directed by the Common Council or District Alderperson.
    - ii. Upon a complaint in writing being made about the building or premises.
    - iii. It shall be the responsibility of the Building Inspector, whenever possible, to coordinate his inspections with those of other City Departments so as to minimize inconvenience to tenants and owners of properties.
  - c. In the event that the Building Inspector is denied voluntary access during a reasonable hour to any premises covered by this Code for the purpose of determining conditions that may be adverse to public health, safety and welfare, he may order an inspection in writing or secure a warrant under the

terms of sec. 66.0119 of the Wisconsin Statutes.

- d. Every occupant of a building shall give the owner or his agent access to the unit or premises at all reasonable times for the purposes of making such repairs as might be necessary to gain compliance with any provisions of this Code.

5. Service of Notices and Orders.

- a. Violations of this Code, as determined by the Building Inspector, shall be outlined in written form and shall be served upon all affected occupants or owners or their agents. Such notice and order shall be served by the Building Inspector, or by such employee of the City designated by him, or by mail to the last known address of the person to be notified.
- b. Such notices and orders shall include:
  - i. An adequate description of the real estate so affected.
  - ii. A statement of the alleged violation, including the corresponding reference to the Code requirement.
  - iii. An order for remedial action to correct such violation.
  - iv. A reasonable time for compliance to the Code requirements.
- c. The time period for compliance may be extended only at the discretion of the Building Inspector who shall base his decision on the seriousness of the problem and the time required to remedy it.

6. Emergency Orders. If the Building Inspector determines that a building or premises is in such condition that it constitutes a public nuisance or that there is great and immediate danger to public health, safety and welfare; or, that the building is unsanitary or unfit for human habitation, occupancy or use, he may post a notice on the premises to that effect, in accordance with the terms of sec. 66.0413 of the Wisconsin Statutes, in the same manner as described therein. In addition to posting such property as unfit, unsafe and/or unsanitary, he shall order the building or that portion of it so affected to be vacated in the manner prescribed by the applicable provisions of sec. 66.0413 of the Wisconsin Statutes. No person shall remove or deface any placard placed by the Building Inspector on any building which has been declared unfit or unsafe for human habitation or use.

7. Maintenance, Workmanship, Codes Referenced.

- a. Maintenance. Buildings and Structures, and parts thereof, shall be maintained in a safe and sanitary condition in accordance with Section 13.01(6).
- b. Workmanship. Installations, alterations, repairs and maintenance work shall be in accordance with Section 13.06(7).
- c. Codes Referenced. The Health and Sanitation Codes as in Chapter 7, the Zoning Codes as in Chapter ~~12~~19, the Building and Heating/Ventilation Codes as in Chapter 13, the Electrical Codes as in Chapter 14, and the Plumbing Codes as in Chapter 14 of the City of West Allis Revised Municipal Code are hereby incorporated into this Code.

8. Responsibility of Property Owner and Tenant.

- a. Owner Responsibility. Property owners shall maintain their properties in a clean, safe, and sanitary condition to include, but not limited to; buildings, structures, and lot maintenance in accordance with this Code.
- b. Tenant Responsibilities. All tenants, occupants, renters or similar users of

properties shall maintain their property use areas, to include their personal property located thereon, in accordance with this Code and in a clean, safe and sanitary condition and shall notify the property owner of any unsafe or unsanitary condition found in a building, structure or common area on the subject property.

- c. All other requirements of this code are the joint responsibility of the owner and occupant(s).
  - d. Extermination of Pests; Responsibilities. Whenever insect or rodent infestation occurs in a single unit of the building, the occupant(s) of such unit shall be responsible for the extermination. Whenever insect or rodent infestation occurs in more than one (1) unit in a building or in shared or common areas of a building containing two (2) or more units, the owner of the building shall be responsible for the extermination.
9. Minimum Standards for Buildings and Structures. All buildings and structures and appurtenances shall be maintained in good repair as to prevent deterioration and infestation by rodents and insects. The exterior of all buildings and structures shall be maintained and not permitted to be a blighting influence to the surrounding properties, the neighborhood or the City in general.
- a. Roofs, Walls, Foundations, Floors, Etc.
    - i. All roofs, walls (including siding), and/or floor systems shall be weathertight and rodentproof, capable of affording privacy and maintained in good repair.
    - ii. Exterior surfaces, to include, but not limited to, roofs, walls, siding, flooring and appurtenances to include, but not limited to, eaves, soffits, chimneys, porches, decks, guardrails and handrails, shall be weathertight and painted or provided with a comparable finish in order to prevent deterioration, exclude insects and rodents and preserve the visual aesthetic character of the neighborhood.
    - iii. Chipping, flaking or peeling paint on any exterior surface is prohibited.
  - b. Windows, Doors and Other Openings.
    - i. All windows and doors, to include storms and screens to windows and doors, and all other openings shall be weathertight, rodent- and insect-resistant and maintained in good repair.
    - ii. Exterior openings, to include but not limited to, windows, doors, storms, etc., shall be painted or provided with comparable finish in order to prevent deterioration and preserve the visual aesthetic character of the neighborhood.
  - c. Porches, Decks, Stoops, Stairs, Etc.
    - i. Every porch, deck, stoop, and all appurtenances thereto, to include, but not limited to, guardrails, handrails and steps shall be maintained in good repair.
    - ii. Stairways shall be maintained with uniform risers and proper guardrails and handrails.
  - d. Gutters, Downspouts and Extensions.

- i. Habitable buildings of one- and two-family properties shall have gutters and downspouts with extensions to carry stormwaters away from such buildings.
  - ii. All buildings on commercial properties are to direct downspouts and extensions directly into on-site storm systems, when available, or surfaced drained away from buildings in accordance with the Plumbing Code.
  - iii. Gutters, downspouts, extensions and parts thereof shall be maintained in good repair and in working order.
- e. Accessory Buildings and Structures. **[Ord. O-2016-0038, 8/2/2016]**
  - i. Every accessory building or structure shall be maintained as stated in Subsections (a) through (d).
  - ii. Accessory structures shall be maintained in accordance with Chapter ~~12~~ 19 and Section 13.23 of this Code.
  - iii. Accessory buildings and structures shall have weather-tight, secure and properly operating overhead, service and other access doors.
- f. Infill of Exterior Openings and Other Exterior Building Changes.
  - i. Infill of openings, such as windows, and other exterior changes to any building or structure shall be made with the use of approved materials.
  - ii. For multi-family, commercial, manufacturing, institutional and two-family (original construction after February 15, 2000), changes to exterior openings and other exterior building changes shall be approved in accordance with section 12.13, Architectural and Site Plan Review and Procedures. Building permits are required for exterior changes.
- g. Corrosion of Metal.
  - i. All ferrous (metal) equipment, trim, metal parts or other shall be protected and maintained free of rust or corrosion.
  - ii. Rusted/corroded metal equipment, trim or metal parts are not permitted.
- h. Address of Property To Be Posted.
  - i. The assigned address of each property shall be posted in a conspicuous place on the front of each main building so as to be easily seen and read from the public street.
  - ii. Each property abutting an alley shall post the assigned address as to be readily visible from the alley.
- i. Building Permits Required. Building permits for additions, alterations, structural changes and repairs are required in accordance with section 13.05.
- 10. Outdoor Areas to be Maintained. Outdoor areas shall be maintained in a clean and sanitary condition and shall not be permitted to be a blighting influence to the surrounding properties, the neighborhood or the City in general.
  - a. Vacant Lots. The provisions of this Code, to the extent practical, shall also apply to vacant lots.
  - b. Lawn Areas. **[Ord. O-2012-0022, 7/3/2012; Ord. O-2018-0025, 6/5/2018]**

- i. Grass shall not exceed six (6) inches in height.
  - ii. Noxious weeds are not permitted and shall be destroyed, as provided in § 66.0407 of the Wisconsin Statutes.
  - iii. Lawn areas shall be graded properly to allow for maintenance. This section shall include any damaged or unimproved areas, whether caused by people, vehicles, or naturally, which create a condition that allows for eroded dust, soil, dirt, or mud from the property to become deposited on adjacent private or public property.
  - iv. If the property owner fails or refuses to maintain lawn areas as provided in this subsection, the Code Enforcement Director or his or her designated agent is authorized to perform the required maintenance after providing written notice to the property owner and/or posting notice on the property at least three business days prior to performing the maintenance. The cost of such maintenance shall be charged against the owner of the property as provided in §§ 66.0627 and 66.0703 of the Wisconsin Statutes.
- c. Public Property Abutting Private Property. The public areas between the property line and the paved street shall be maintained by the abutting property owner in accordance with Section 11.13.
- d. Sidewalks, Driveways and Other Improvements.
  - i. Sidewalks, walks, driveways, open parking areas, retaining walls and other concrete, asphalt, brick, gravel, stone or similar areas shall be maintained in sound condition and in good repair.
  - ii. Property conditions resulting in dust, dirt, loose stones or other aggregate being deposited on public property is prohibited.
- e. Trees and Debris.
  - i. Properties shall be kept free of diseased or fallen trees, branches or bushes.
  - ii. Trees shall not be allowed to grow near the foundations of buildings and structures so as to damage the building or structure.
- f. Fences. Every fence shall be maintained in a state of good repair.
- g. Drainage of Premises.
  - i. Every premises shall be properly drained as to prevent stagnant water from accumulating thereon.
  - ii. Discharge of stormwater from sump pumps, gutter extensions and surface drainage shall be directed to drain away from habitable buildings and shall not cause a nuisance to the public streets, alleys or sidewalks.
- h. Refuse Storage.
  - i. See Section 7.05 for specific refuse requirements.
  - ii. Refuse containers shall have tight-fitting covers, be maintained in good repair and shall be rodent- and water-proof.
  - iii. Refuse and rubbish shall be stored within proper containers excepting as permitted for recyclables and bulk refuse.
  - iv. Refuse containers shall not be stored in the front yard.

- i. One- and Two-Family Off-Street Parking Areas. **[Ord. O-2010-0021, 6/1/2010; Ord. O-2018-0042, 11/5/2018]**
  - i. Off-street parking areas, including driveways access areas, shall be maintained in accordance with the Code in effect at the establishment of a parking area. Expanded parking areas shall conform to the Code in effect at the time of the expansion.
  - ii. Parking shall not be permitted on lawns or unimproved surfaces, except as permitted in Subsection (i)2a below.
    - (1) Parking on lawns or unimproved surfaces on private property is allowed in the State Fair Parking District only when all of the following requirements are met:
      - (A) Parking is allowed from one day prior to the start of the Wisconsin State Fair until one day after the end of the Wisconsin State Fair in the same calendar year.
      - (B) The owner of the property where the vehicles will be parked is not delinquent on payment of any taxes, fees or other monies to the City.
      - (C) The property where the vehicles will be parked does not currently have any outstanding property maintenance orders on it.
      - (D) The parked vehicles are entirely on private property; do not extend over sidewalks, streets or alleys; and do not interfere with the vision of vehicles or pedestrians at corners or intersections.
      - (E) If the property owner does not reside at the premises, the owner has registered their property in compliance with RMC 6.13.
      - (F) Parking of wagons, trailers, or any vehicles used to transport livestock is prohibited.
  - iii. Parking surfaces legally established as unimproved prior to February 26, 1956, and all other parking surfaces shall not be allowed to erode or otherwise deposit gravel or aggregate materials on adjacent private or public property.
  - iv. Parking areas shall be maintained to support the weight of vehicles using the area.
- j. Multifamily and Commercial Off-Street Parking Areas. **[Ord. O-2018-0042, 11/5/2018]**
  - i. All off-street parking areas shall be improved and maintained in accordance with an approved site and landscaping plan approved by the Plan Commission in accordance with the Zoning Code.
  - ii. Parking shall not be permitted on unimproved surfaces or lawn areas.
  - iii. Parking areas shall be maintained to support the weight of vehicles using the area.
  - iv. Parking areas shall not be allowed to erode or otherwise allow dust,

dirt, loose stones or aggregate to be deposited onto adjacent public and private properties.

k. Outside Storage of Materials.

i. All outdoor premises shall be kept free and clear of and shall not be used for the outdoor storage of materials, to include, but not limited to, lumber, metal scraps, motor vehicle parts, abandoned vehicles, discarded or nonfunctional household appliances or accessories, furniture and other articles which from its worn condition renders it practically useless for the purpose for which it was made. Private possessions stored inside a building, the outdoor storage of building materials while permitted construction or alterations are taking place on the site, recreational equipment useable and in good repair and all yard obstructions permitted by the Zoning Code are not applicable to this subsection.

ii. Outdoor storage of firewood shall be neatly stored in the rear yard of the property. The firewood must be cut to lengths of four (4) feet or less and measure less than two (2) feet in diameter. Outdoor storage of firewood shall not exceed four (4) cords. Firewood storage shall not include any chemically treated or painted wood.

iii. Commercial properties may also have materials stored outdoors consistent with the Zoning Code and the permitted use of the property.

iv. Use of industrial buckets or containers, whether the buckets or containers are used for the manufactured purpose or an alternate use, shall be limited to twenty-five (25) industrial buckets or containers per parcel. This prohibition pertains to residential properties consisting of four-unit multifamily dwellings and smaller. **[Ord. O-2016-0034, 9/6/2016]**

l. Prohibited Parking on Private Property. **[Ord. O-2017-0046, 11/7/2017]**

i. It is prohibited for vehicle owners or persons having custody of a vehicle to:

- (1) Park or store any private passenger vehicle, truck, boat, camper, snowmobile, recreational vehicle, mobile home, trailer, or any similar vehicle on an unpaved surface or lawn.
- (2) Park or store any vehicle not in accordance with the Zoning Code.
- (3) Park, store, or advertise any vehicle that is for sale on a commercial parcel which is not licensed and permitted for vehicle sales.
- (4) Park or store any vehicle on property with a principal use that is vacant.
- (5) Park or store any abandoned vehicle, as defined in Section 6.015.
- (6) Park or store any vehicle on property that has no principal use or does not have a commercial parking lot occupancy permit.

- ii. It is prohibited for any person to permit or allow to remain the parking, storage, or advertising for sale of any vehicle that is prohibited in Subsection (l)1 of this section, on property that the person controls or owns.
- 11. Major Repairs — Demolition Ordered.
  - a. The Building Inspector may order the owner of premises upon which is located any building or part thereof which, in his judgment, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such building or part thereof, or, if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove, at the owner's option.
  - b. Major Alterations and/or Repairs. If alterations and/or repairs in excess of fifty percent (50%) of the value of an existing building or structure are made to any existing building or structure within any period of twelve (12) months, the entire building or structure shall be made to conform with the requirements given herein for new construction; provided, however, that any existing building or structure which, for any reason, requires repairs at any one time in excess of fifty percent (50%) of the value thereof, not deducting from such value any loss caused by fire or any other reason, shall be made to conform to the requirements of this Code for new buildings or structures or shall be entirely demolished. "Value" shall mean the full assessed value as determined by the last value placed upon the building as published by the City at the adoption of the assessment role.
- 12. Failure to Comply with Order. The Code Enforcement Director and any designees are authorized to issue citations to enforce the provisions of this Code or may refer the matter to the City Attorney to commence legal action to effectuate the purpose of this Code.

Editor's Note: Former Subsection (13), Penalties for Violations, which immediately followed this subsection, was repealed 2/4/2014 by Ord. O-2014-0002. For current penalty provisions, see Section 13.26. Former Subsection (14), Property Maintenance Code Appeals Board, as amended, was repealed 8/2/2016 by Ord. O-2016-0037.

**[Ord. 6311, 5/6/1997; Ord. 6579, 7/2/2001; Ord. O-2003-0076, 12/2/2003]**

**SECTION 13:**            **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

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Ray Turner	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

\_\_\_\_\_  
Rebecca Grill, City Clerk, City Of  
West Allis

\_\_\_\_\_  
Dan Devine, Mayor, City Of West  
Allis