INSTRUCTION SHEET
ADDITIONS TO
MILWAUKEE CODE OF ORDINANCES
VOLUME 1

SUMMARY

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council files:

151571 A substitute ordinance relating to residency restrictions for sex offenders.

151743 An ordinance relating to amusement machine or jukebox distributor licenses.

151751 An ordinance relating to general penalty provisions in ch. 85, license and permit procedures.

151776 An ordinance relating to storm water management regulations.

151802 A substitute ordinance relating to residential daytime parking privileges in commuter parking impacted areas.

Section Affected	Action	File Number	Effective Date	Remove Pages	Add Pages
Remove old MEMO (Suppl. #349)					
				i-ii	i-ii
				v-vi	v-vi
81-4	rc	151743	5/4/2016	253-254	253-254
Ch. 85 Table				323-324	323-324
85-29-4	rp	151751	5/4/2016	335-336	335-336
85-32-3	rp	151751	5/4/2016	"	"
85-34-4	rp	151751	5/4/2016	"	"
85-34-5	rn to 85-34-4	151751	5/4/2016	"	"
85-36	cr	151751	5/4/2016	"	"
Ch. 85 (hist.)				339-340	339-340
101-27.7-8-b-2	am	151802	5/4/2016	551-554	551-554
101-27.7-8-b-4	cr	151802	5/4/2016	"	"
101-27.7-11-c-1	am	151802	5/4/2016	"	"
106-51-2-c	rc	151571	5/4/2016	628c-628d	628c-628d
106-51-2-d	rp	151571	5/4/2016	"	"
106-51-3-a	am	151571	5/4/2016	"	"
106-51-3-b-1	am	151571	5/4/2016	"	"
106-51-4-a	am	151571	5/4/2016	"	"
106-51-4-c	am	151571	5/4/2016	"	"
Ch. 106 (hist.)				630a-630b	630a-630b

Section Affected	Action	File Number	Effective Date	Remove Pages	Add Pages
107-13-2-a	am	151743	5/4/2016	633-634	633-634
107-13-3-c-3	rp	151743	5/4/2016	"	"
Ch. 107 (hist.)				636a-636b	636a-636b
Ch. 120 Table				841-852	841-852
120-3-1	am	151776	5/4/2016	"	"
120-3-14.5	cr	151776	5/4/2016	"	"
120-3-15	rc	151776	5/4/2016	"	"
120-3-16.5	cr	151776	5/4/2016	"	"
120-3-17.5	cr	151776	5/4/2016	"	"
120-4	cr	151776	5/4/2016	"	"
120-7-4.5	cr	151776	5/4/2016	"	"
120-7-6-a-3	am	151776	5/4/2016	"	"
120-7-7	rn to 120-7-9	151776	5/4/2016	"	"
120-7-7	cr	151776	5/4/2016	"	"
120-7-8	cr	151776	5/4/2016	"	"
120-9-5-0	am	151776	5/4/2016	"	"
120-9-5-e	rn to 120-9-5-g	151776	5/4/2016	"	"
120-9-5-e	cr	151776	5/4/2016	"	"
120-9-5-f	rn to 120-9-5-h	151776	5/4/2016	"	"
120-9-5-f	cr	151776	5/4/2016	"	"
120-9-5-g	rn to 120-9-5-i	151776	5/4/2016	"	"
120-9-6-a	am	151776	5/4/2016	"	"
120-15-1	am	151776	5/4/2016	"	"
Ch. 120 (hist.)				"	"

For subscription, distribution or insertion questions contact the Legislative Reference Bureau, Code Section, (414) 286-3905.

For questions concerning the content of the Milwaukee Code or Ordinances contact the Legislative Reference Bureau, Research Section, (414) 286-2297.

Abbreviations:

am=amended ra=renumbered and amended rn=renumbered
cr=created rc=recreated rp=repealed

Revised 4/15/2016
Suppl. #350

CITY OFFICIALS

2016 to 2020

Mayor
Tom Barrett

Council President
Ashanti Hamilton

The Common Council
(By Aldermanic District)

1. Ashanti Hamilton
2. Cavalier Johnson
3. Nik Kovac
4. Robert J. Bauman
5. James A. Bohl, Jr.
6. Milele A. Coggs
7. Khalif Rainey
8. Robert G. Donovan
9. Chantia Lewis
10. Michael Murphy
11. Mark A. Borkowski
12. Jose G. Perez
13. Terry L. Witkowski
14. Tony Zielinski
15. Russell W. Stamper, II

City Clerk: Jim Owczarski
Deputy: Richard G. Pfaff

City Attorney
Grant F. Langley

City Comptroller
Martin Matson

City Treasurer
Spencer Coggs

Municipal Judges

Branch 1
Valarie Hill

Branch 2
Derek Mosley

Branch 3
Phil Chavez

FORWARD

In 1989, volume 1 of the Milwaukee Code of Ordinances was printed in its current format of an updatedable looseleaf format. As changes to these ordinances are passed by the Common Council, the Legislative Reference Bureau will issue replacement pages for this book. Thus, it can be a current and reliable resource to its users.

Volume 1, which contains chapters numbering 50 to 199, contains administrative ordinances which pertain to the organization and operation of Milwaukee's city government. Other looseleaf volumes include Volume 1 (Regulatory Ordinances), Volume 2 (Building and Zoning Code), and the City Charter.

The numbering system for the Milwaukee City Charter and Code of Ordinances is patterned on that used for the Wisconsin Statutes (except for the use of dashes in place of parentheses) and is as follows:

Chapter	Section	Subsection	Paragraph	Subdivision	Subparagraph
70	10	3	a	4	b

If there are questions regarding the numbering system, or the correct method of citation, please contact the Legislative Reference Bureau.

Keith Broadnax, Manager
Legislative Reference Bureau
April, 2016

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through April 15, 2016.

Revised 4/15/2016
Suppl. #350

81-01. Definition. In this chapter "calendar year" means January 1 to December 31.

81-1. General Provisions. 1. FEE. Upon issuance of a license or permit, the applicant shall pay to the city of Milwaukee a fee as listed in this chapter.

2. LICENSE PERIOD. A license fee shall be paid for the entire license period or for any fraction thereof except where otherwise provided. In the absence of provisions to the contrary, no license or permit fee shall be transferable.

2.5. ALIGNMENT OF EXPIRATION DATES; 2 OR MORE LICENSES OR PERMITS. Except where a set license or permit expiration date is provided in this code, a licensee or permit holder may request a change to the expiration date of a new or existing license or permit processed by the city clerk's office for the purpose of aligning the license or permit period with the license or permit period of any other license or permit held by or issued to the licensee or permit holder. The request shall be accompanied by a prorated fee in an amount determined by dividing the fee imposed by this chapter by 12 or 24, depending on the license or permit period of the license or permit type, and multiplying the quotient by the number of months by which the license or permit period is being changed. A request to align license or permit expiration dates shall apply to all licenses and permits held by the requester and administered by the city clerk's office for which adjustment of expiration dates is allowed.

3. REFUND OF FEES BY CITY CLERK'S OFFICE. a. Except where otherwise provided, if a permit or license application for a permit or license issued through the city clerk's office is withdrawn, or if such a permit or license is denied or not issued, the following amounts shall be retained by the city treasurer to defray the city's cost of application processing pursuant to this chapter:

a-1. $25, if the permit or license fee is less than $100.

a-2. $50, if the permit or license fee is $100 to $174.

a-3. $75, if the permit or license fee is $175 or more.

b. The refundable portion of the fee shall be refunded by the city treasurer upon surrender by the applicant of the deposit receipt or affidavit certified by the city clerk, provided that the receipt or affidavit is presented no later than one year after the date of withdrawal or denial of the application, or in the event of nonissuance, no later than one year after the date of application for the license or permit, unless the license or permit has been granted, in which case no later than one year after the date of granting of the license or permit. No refund shall be made after one year from the date of withdrawal or denial of the application, or in the event of nonissuance, one year from the date of application or granting, whichever is applicable. No refund shall be made after the date of issuance for any license or permit which has been issued by the city clerk.

c. No refund shall be made for any license or permit that has been surrendered by the holder or revoked by the common council.

4. DUPLICATE LICENSE OR PERMIT FEE. Except where otherwise provided, the fee for a duplicate copy of any license or permit issued through the city clerk's office shall be $11.

4.5. FILING OF RENEWAL APPLICATION. An application for renewal of a permit or license issued by the city clerk shall be filed on or before a date to be established by the city clerk. Any person who fails to meet an application filing deadline established by the city clerk shall pay the late filing fee provided in sub. 5.

5. LATE FILING FEE. Except where otherwise provided, any person who does not meet any application filing deadline as established by the city clerk for any license or permit issued through the city clerk's office shall pay a late application fee of $25.

6. REINSTATEMENT FEE. If a permit or license issued through the city clerk's office is suspended due to the cancellation, expiration or nonrenewal of any required surety or performance bond, direct obligations or insurance policy, the fee for the reinstatement of the license or permit shall be $25.

7. TRANSFER FEE. Except where otherwise provided, any person filing an application for the transfer of any license or permit issued through the city clerk's office shall pay a transfer application fee of $25**.**

8. INSUFFICIENCY OF FUNDS; NONPAYMENT OF FEES. a. Except where otherwise provided, if payment for a license or permit fee issued through the city clerk's office is made by check or other draft drawn upon an account containing insufficient funds, the applicant shall, within 15 days from the date of

the letter from the city clerk of the insufficiency, pay by cashier's check or other certified draft, money order or cash, the fees, late fees and processing charges as specified by city code. Nonpayment of all applicable fees, late fees and processing charges within 15 days after the applicant received notice of the insufficiency shall deem the license or permit null and void. The establishment shall close until a new application is made, a new license obtained, and the applicable fees are paid.

b. Any individual or corporation that owes the city for unpaid fines, late fees, or license or permit fees relating to a current or previous food operation shall pay all such outstanding fees before any license or permit will is issued.

81-1.5. Administrative Review Appeals Board. A fee of $25 is required to file an appeal with the administrative review appeals board. Fees shall not be refunded once an appeal is filed unless it has been determined by a city department that the appeal is not necessary based upon the action, for which the appeal was filed, was undertaken by that department in error.
(See s. 320-11).

81-2. Alarm Licenses. 1. Each license shall be valid for 2 years from the date of issuance.

2. a. The fee for each alarm business or private first responder service license shall be $300.

b. The fee for an alarm sales license shall be $450.

3. License renewal applications shall be filed on or before a date to be established by the city clerk. There shall be an additional fee of $75 for the filing of a late renewal application.

4. a. If an applicant for an alarm business license or a private first responder service license is not granted the license, a portion of the license fee shall, upon written request, be returned to the applicant in the amount of $125.

b. If an applicant for an alarm sales license is not granted a license, a portion of the license fee shall, upon written request, be returned to the applicant in the amount of $225.

5. The fee to file an application for change of officers, directors or agents for a corporation shall be $25.
(See s. 105-75.)

81-2.5. Alarm Service. 1. Each alarm service license shall be issued for a license year commencing on August 2 and expiring on the following August 1.

2. The subscriber's fee for the city's hold up alarm system shall be:

a. For each primary alarm movement connection: $850.

b. For each secondary alarm movement connection: $225.
(See s. 105-73.)

81-4. Amusement Machine or Jukebox Distributor License. 1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for a new or renewal amusement machine or jukebox distributor license shall be $850.
(See s. 107-13).

81-6. Service Charges for Appraisal and Inspection. Service charges for inspection and appraisal of new construction, remodeling and additions by the commissioner of assessments shall be as follows:

1. NEW CONSTRUCTION.

a. One-family: $235.

b. Two-family: $355.

c. Multi-family: $420 plus $105 per unit over 2 units.

d. Commercial, industrial or public: $0.05 per square foot, with a minimum charge of $520.

2. ALTERATIONS AND ADDITIONS.

a. Residential: 1.34% of construction cost, with a minimum charge of $11.

b. Commercial: 1.34% of construction cost, with a minimum charge of $21.

c. Siding, deck, garage, air conditioning, fireplace or razing: $16.
(See s. 307-6.)

3. PLUMBING. a. Residential: 26% of the plumbing permit cost imposed under s. 200-33-43.

b. Commercial: 26% of the plumbing permit cost imposed under s. 200-33-43.

81-9.5 Bed and Breakfast Establishment Permit 1. A non-refundable fee of $200 shall be charged at the time of application to anyone intending to operate a bed and breakfast establishment.

2. The fee for renewal shall be $100.

CHAPTER 85
LICENSE AND PERMIT PROCEDURES

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SUBCHAPTER 1
PROCEDURES FOR COMMITTEE HEARINGS AND COMMON COUNCIL REVIEW

85-1. Purpose and Scope. 1. PURPOSE. It is the purpose of the common council to assure uniformity and clarity in the procedures under which certain licenses and permits are considered for approval, denial, renewal, non-renewal, suspension and revocation. It is the further purpose of the common council to guarantee to licensees, permittees and members of the public those protections of due process of law respecting a full and fair right to be heard upon adequate notice, to confront and cross-examine witnesses, to have the benefit of rules of evidence, and to present evidence and arguments of law and fact.

2. SCOPE AND APPLICATION. The provisions of this chapter shall not supercede or replace any provision contained elsewhere in this code respecting licenses and permits, but shall apply where provisions for notice, committee hearing or council action are otherwise silent.

85-2. Definitions. 1. APPLICANT means any person, partnership, corporation, limited liability company or other firm causing, either directly or by agent or counsel, a written application for license or license renewal or for a permit or permit renewal to be filed with an office of the city for consideration and determination by the common council. For purposes of this chapter, applicant shall also mean a licensee or permittee subject to suspension or revocation proceedings.

2. COMMITTEE means the licensing committee or permitting committee designated by common council ordinance or rule to review and hear matters related to identified licenses or permits.

3. COMPLAINANT means a person or party who asserts an interest affected by the operation or proposed operation of a licensee, or the issuance or continuance of a permit, who files a written complaint in compliance with the provisions of this code or the provisions of state law with respect to the license or permit.

3.5. LICENSEE or PERMITTEE means a person licensed or permitted under the provisions of this code to operate a particular type of business or to conduct a certain activity for which the code requires that a license or permit be granted or issued by the city before any person may operate that type of business or conduct that activity.

4. OBJECTION means a written statement submitted by an interested party to the city clerk that includes information personally known to the objector that could form the basis for nonrenewal or suspension of a license orpermit as provided in s. 85-4-4, or as expressly provided elsewhere in this code for a license orpermit as a basis for denying renewal or suspension of the license.

5. OBJECTOR means a person or party affected by the operation or proposed operation of a licensee, or who is or may be affected by the issuance or continuance of a permit, whose written objection is sufficient under this code to initiate proceedings for non-renewal, suspension or revocation of a license or permit.

6. PERSON means any individual, firm, partnership, association, corporation, limited liability company or limited liability partnership.

85-2.5. Notice of Hearing Upon Council Member Request. 1. CITY CLERK TO NOTIFY. Upon request of the local council member, the city clerk may provide, by mail, written notice, regarding an application for any business license processed by the city clerk, which is scheduled for a hearing before the licensing committee of the common council, to up to 100 single-family residences in the immediate area of the property for which a license is sought, or to each resident of the circular area having a radius of 250 feet, centered on the property for which a license is sought, whichever is greater.

2. EXCEPTION. Notwithstanding sub. 1, those interested parties who have made written requests to the city clerk to be notified of a hearing for a particular license application shall be provided notice by the city clerk regardless of their residence.

85-2.7. Hearing Procedure, New License. 1. HEARING; NOTICE. The licensing committee shall make a recommendation on whether or not to grant each new license. If there is a possibility of denial, the licensing committee shall hold a hearing. No hearing shall be heard unless the city clerk, or other city official or department authorized to receive applications for licenses, has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 3 days' notice of the hearing. The notice shall contain:

a. The date, time and place of the hearing.

b. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial. If the possibility of denial is based on the fitness of the location of the premises to be licensed, the notice shall also be served upon the owner of the premises so that the owner has at least 3 days' notice of the hearing. Notice to the owner of the premises shall contain the same information and statements included under this paragraph related to the notice to the applicant.

c. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

d. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

2. POSSIBILITY OF DENIAL. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by an attorney, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

3. DUE PROCESS. A due process hearing shall be conducted in the following manner:

a. All witnesses shall be sworn in.

b. The chair shall ask those opposed to the granting of the license to proceed first.

c. The applicant shall be permitted an opportunity to cross- examine.

d. After the conclusion of the opponent's testimony, the applicant shall be

b-18. Private waste collector.
b-19. Public entertainment premises.
b-20. Recycling, salvaging or towing premises.
b-21. Recycling, salvaging or towing vehicle.
b-22. Secondhand dealer.
b-23. Secondhand motor vehicle dealer.
b-24. Shuttle vehicle.
b-25. Snow plowing business.
b-26. Taxicab.
b-27. Transient merchant.

2. COMPLIANCE WITH ORDINANCES. No license or permit shall be issued until the person, firm or corporation applying for the same shall satisfy the common council or the city clerk, as the case may be, that he or she has in every manner complied with the ordinances pertaining to the issuance of the license or permit, including the presentation to the city clerk of the city treasurer's receipt showing payment to the city of the required license or permit fee.

3. SIGNATURE AND SEAL. Each license or permit issued by the city clerk shall contain the signature of the city clerk and shall be sealed with the corporate seal of the city.

4. TRANSFER. No license or permit issued by the city clerk shall be assignable or inure to the benefit of any other than the person to whom the license or permit was originally issued, except as may otherwise be provided, but the license or permit may be transferred from one premises to another upon proper application made to the common council or city clerk, as the case may be, and the transfer shall be endorsed, after proper action by the common council if necessary, upon the original license or permit by the city clerk.

85-25. Display of License or Permit. Except as otherwise expressly provided in this code, any license or permit issued by the city clerk that authorizes the conduct of business upon or within identified premises shall be posted and displayed in a conspicuous place on the premises and shall be readily accessible for inspection by all members of the public and proper authorities who enter upon or within the premises.

85-26. Application for Renewal. 1. Application for renewal of a permit or license shall be timely made prior to deadlines established by the city clerk.

2. Except where expressly permitted in this code, no activity authorized by permit or license shall be conducted by the permittee or licensee after expiration of the permit or license.

3. Application for renewal of a permit or license may be made at any time during the permit or license period immediately subsequent to the expired permit or license period except where state law requires application for a new license following expiration.

4. A permit or license renewed after expiration shall be valid for the license period specified in ch. 81.

85-27. Revocation of Licenses. The judge of the county court may at his or her discretion revoke and annul any license issued under this code upon the conviction of any licensed person of any crime or of the violation of any city ordinance which in the opinion of the judge should necessitate revocation. It shall be the duty of the clerk of the county and municipal courts to notify the city clerk of the revocation of a license. Any license issued under this code may be also revoked by the common council in its discretion for any improper conduct of the licensed person.

85-29. Discrimination by License Holders.

1. DISCRIMINATION PROHIBITION. No holder of any license, permit or franchise issued by the city may willfully refuse services or add charges or require deposits not required of the general public under such license, permit or franchise because of sex, race, religion, color, national origin or ancestry, age, handicap, lawful source of income, marital status, sexual orientation, gender identity or expression, familial status, the fact that a person is a past or present member of the military service, whether dressed in uniform or not, or because a person is affiliated, or perceived to be affiliated, with a protected individual.

2. DECLARATION REQUIRED. All applications submitted by persons seeking the licenses, permits or franchises listed in sub. 1 shall contain the following declaration: (name of applicant) shall not willfully refuse to provide those services offered under this license, permit or franchise, or add charges or required deposits not required of the general public because of race, color, sex, religion, national origin or ancestry, age, handicap, lawful source of

income, marital status, sexual orientation, gender identity or expression, familial status or the fact that a person is now or has been a member of the military service, whether dressed in uniform or not.

3. LICENSEES EXERCISING AGE DISTINCTION IN THE INTEREST OF PUBLIC ORDER. Notwithstanding sub. 1, Class "B" tavern license holders may, in the interest of the public order and keeping the general peace, exercise a predetermined age restriction that must be posted at the establishment. A declaration required by sub. 2, minus the age provision, shall be required for the holders of these licenses.

85-32. Operation of Public Utilities on Licensed Premises. 1. GENERALLY. Operators of a licensed or permitted premises shall not permit or allow the operation, whether directly or under contract, of any telephone, Internet, broadcast or other public utility service as defined in s. 196.01, Wis Stats., in any manner inconsistent with the rules, regulations and requirements of the U.S. federal communications commission.

2. TELEPHONE ACCESSIBILITY. A telephone made routinely available to members of the public by a licensee or permittee for payment or otherwise, shall be provided and operated in compliance with all U.S. federal communications requirements for accessibility, including rules, regulations or other requirements ensuring toll free calling in emergencies.

85-34. Truth of Statements and Affidavits.

1. No document submitted to the city clerk by any person relating to any application filed with or license or permit issued through the city clerk's office shall contain false, misleading or fraudulent information or false affidavit.

2. Any application filed with or license or permit issued through the city clerk's office may be denied, suspended, not renewed or revoked by the common council after notice to the applicant or licensee and a hearing, if the applicant or licensee provided false, misleading or fraudulent information or a false affidavit.

3. The city clerk may revoke a provisional license without further common council action if he or she determines that the applicant provided false, misleading or fraudulent information.

4. The city clerk shall provide on each individual application for any license or permit issued through the city clerk's office notice that a penalty is provided for any false, misleading or fraudulent information or false affidavit provided by any applicant or licensee.

85-36. Penalty, General. Any person who violates any of the provisions of this chapter shall, where no other provisions are expressly made for the enforcement of any forfeitures or penalties under this chapter, upon conviction be subject to a forfeiture of not more than $500 and in default of payment thereof, shall be imprisoned as provided by law.

85-29-1-k	rn to 85-28-1-L	120043	5/22/2012	6/12/2012
85-29-1-k	cr	120043	5/22/2012	6/12/2012
85-29-1-k	rp	141893	9/22/2015	10/9/2015
85-29-1-L	rn to 85-28-1-m	120043	5/22/2012	6/12/2012
85-29-1-L	rp	141893	9/22/2015	10/9/2015
85-29-1-Lm	rn to 85-28-1-n	120043	5/22/2012	6/12/2012
85-29-1-m	rn to 85-28-1-o	120043	5/22/2012	6/12/2012
85-29-1-m	rp	141893	9/22/2015	10/9/2015
85-29-1-n	rn to 85-28-1-p	120043	5/22/2012	6/12/2012
85-29-1-n	rp	141893	9/22/2015	10/9/2015
85-29-1-ng	rn to 85-28-1-q	120043	5/22/2012	6/12/2012
85-29-1-nm	rn to 85-28-1-r	120043	5/22/2012	6/12/2012
85-29-1-o	rp	120043	5/22/2012	6/12/2012
85-29-1-p	rp	120043	5/22/2012	6/12/2012
85-29-1-o	rp	141893	9/22/2015	10/9/2015
85-29-1-p	rp	141893	9/22/2015	10/9/2015
85-29-1-q	rp	120043	5/22/2012	6/12/2012
85-29-1-q	rp	141893	9/22/2015	10/9/2015
85-29-1-r	rn to 85-28-1-s	120043	5/22/2012	6/12/2012
85-29-1-r	rp	141893	9/22/2015	10/9/2015
85-29-1-s	rn to 85-28-1-t	120043	5/22/2012	6/12/2012
85-29-1-s	rp	141893	9/22/2015	10/9/2015
85-29-1-sm	rn to 85-28-1-u	120043	5/22/2012	6/12/2012
85-29-1-t	rp	141893	9/22/2015	10/9/2015
85-29-1-t	rn to 85-28-1-v	120043	5/22/2012	6/12/2012
85-29-1-u	rn to 85-28-1-w	120043	5/22/2012	6/12/2012
85-29-1-u	cr	120043	5/22/2012	6/12/2012
85-29-1-u	rp	141893	9/22/2015	10/9/2015
85-29-1-um	rn to 85-28-1-x	120043	5/22/2012	6/12/2012
85-29-1-v	rn to 85-28-1-y	120043	5/22/2012	6/12/2012
85-29-1-v	rp	141893	9/22/2015	10/9/2015
85-29-1-w	rp	120043	5/22/2012	6/12/2012
85-29-1-w	rp	141893	9/22/2015	10/9/2015
85-29-1-x	rp	141893	9/22/2015	10/9/2015
85-29-1-y	rp	141893	9/22/2015	10/9/2015
85-29-1-z	rp	141893	9/22/2015	10/9/2015
85-29-4	rp	151751	4/15/2016	5/4/2016
85-32	cr	130644	9/24/2013	10/11/2013
85-32-3	rp	151751	4/15/2016	5/4/2016
85-34	cr	131800	7/22/2014	9/1/2014
85-34-4	rp	151751	4/15/2016	5/4/2016
85-34-5	rn to 85-34-4	151751	4/15/2016	5/4/2016
85-36	cr	151751	4/15/2016	5/4/2016

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a-1. Unmetered limited time parking restrictions have been in effect in the affected area for at least one year.

a-2. The affected area consists of not less than 1,800 linear feet.

a-3. There is a public transit route within a one-quarter mile proximity of the affected area.

a-4. There is a likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.

b. At the discretion of the commissioner, a license plate survey may be conducted to determine whether at least 20% of the parked vehicles in the affected area are registered to persons who are non-residents of the affected area.

5. HEARING. a. Upon approval of a public hearing date by the appropriate common council committee, notice shall be published in a newspaper designated as the official city paper. Such notice shall state the specific purpose of the hearing, the exact location and boundaries of the commuter impacted area under consideration and the reasons why its proposed designation as a residential permit parking area is being either considered or withdrawn. Similar notice shall be mailed to each household which reasonably can be identified within the affected area.

b. The hearing shall be conducted either at a meeting of the appropriate common council committee or at a site determined by the commissioner. If held at a site determined by the commissioner, a report of both oral and written citizen comments shall be presented by the commissioner to the common council for action.

6. JURISDICTION. At said public hearing, the commissioner shall recommend by report to the council, based upon the record of his or her investigation, whether or not to designate the area under consideration as a residential permit parking area or to retain or remove the designation in the case of an established residential permit parking area. The council shall approve or disapprove the recommendation of the commissioner at its next meeting.

6.5. EXCEPTION. The provisions of subs. 3 to 6 shall not be applicable to the designation of a residential area as a commuter parking impacted area if the area to be designated had commuter parking impacted area designation at any time in the previous 5 years.

7. ISSUANCE OF PERMIT. Following council approval of the designation of a residential permit parking area, the police department shall issue appropriate permits and the commissioner of public works shall cause parking signs to be erected in the area, indicating the time, locations and conditions under which parking shall be by permit only. A permit shall be issued upon application and payment of the applicable fee, only to the owner or the operator of a motor vehicle who resides on property immediately adjacent to a street, avenue or other location within the residential permit parking area.

8. APPLICATION AND PERMIT.

a. Number of Vehicles per Permit. Only one residential parking permit shall be issued per household; however, each household may register 2 vehicles on the same permit provided they are both owned and operated by permanent residents of the household and only one vehicle utilizes the permit at a time.

b. Application and Permit Information.

b-1. The application form shall contain the name, address and Wisconsin driver's license number of the owner or operator of each vehicle, and the make, model and registration number of each vehicle. At the time of application, each applicant must present to the police department a valid driver's license with the same address as that stated on the application and the motor vehicle registration for each vehicle listed on the application. Each vehicle must have valid Wisconsin motor vehicle license plates. If the owner of the vehicle has applied for, but not received Wisconsin license plates, the police department shall accept a receipt of sale and a copy of the license plate application as proof of registration.

b-2. The permit shall display the hundred block, directional and street name of the applicant’s residence, the date of issuance, expiration date, and permit number, along with the license number, make and year of each car and the commuter parking impacted area in which the permit holder resides.

b-3. Permits may be renewed annually by the police department.

b-4. A permit holder may be issued, at the sole discretion of the commissioner of public works, a physical permit to be displayed on the vehicle named in the permit application, or a paperless permit solely held by and on file with the department of public works.

c. Lost or Stolen Permit. If a valid permit is lost or stolen, the permit shall be replaced free of charge provided the permit holder submits to the police department an affidavit attesting that, to the best of the permit

holder's knowledge, the permit has been lost or stolen.

9. PARKING AREA LOCATIONS.

a. Parking Permitted. The holder of a residential parking permit shall be permitted to stand or park the vehicle to which the permit applies in a commuter parking impacted area for a period of time in excess of posted time limits. Such standing or parking shall be permitted only within the commuter impacted parking area of which the permit holder is a resident. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed so as to be clearly visible through the lower left side of the windshield of the vehicle A residential parking permit shall not guarantee or reserve to the holder a parking space within a commuter parking impacted area.

b. Compliance. A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing or parking of motor vehicles is prohibited or set aside for specified types of vehicles, nor exempt the holder from the observance of any traffic regulation other than the specified hourly parking limit.

c. Locations of Commuter Parking Impacted Areas. After adoption by the common council, an area map showing all streets of the impacted parking area shall be prepared by the department of public works. The map showing all streets of the impacted parking area, as adopted by the common council shall be found in the common council proceedings, the official record on file in the city clerk's office, and the code on file in the legislative reference bureau.

c-1. Alverno College Impacted area, bounded by both sides of S. 37th St. from the north line of W. Morgan Ave. to the south line of W. Ruskin St., both sides of W. Ohio Ave. from S. 37th St. to S. 39th St. and both sides of S. 39th St. from the south line of W. Euclid Ave. to the north line of W. Morgan Ave.

c-2. Bay View High School impacted area, S. Adams and E. Potter.

c-3. W. Capitol Drive and N. Sherman Blvd., business area.

c-4. Cutler Hammer impacted area, along N. 24th St. between W. Capitol Dr. and W. Hope Ave.

c-5. Cutler Hammer impacted area, N. 27 St. and W. Congress St.

c-6. Globe Union, Inc., impacted area, bounded by E. Keefe Ave. and N. Humboldt Blvd., E. Townsend St. and N. Booth St.

c-7. Harley Davidson plant impacted area, N. 35 St. and W. Highland Blvd.

c-8. Harnischfeger plant impacted area, bounded by both sides of S. 36th Street from the north line of W. National Avenue to W. Pierce Street, both sides of W. Pierce Street from S. 36th Street to the center line of S. 39th Street (city limits), south along the center line of S. 39th St. to the north line of W. National Avenue.

c-9. John Marshall High School-W. Capitol Drive Business Area.

c-10. North Division High School impacted area, N. 9th St. to N. 12th St., W. Hadley to W. Wright St.

c-11. W. North Avenue and N. 44 St. business area.

c-12. N. Prospect Ave. - E. Ogden Ave., impacted area, bounded by N. Prospect Ave. on the east, E. Ogden Ave. on the north, N. Milwaukee St. on the west and E. Wells St. on the south.

c-13. Pulaski High School impacted area, S. 27 St. and W. Oklahoma Ave.

c-14. Saint Francis Hospital impacted area, bounded by S. 15th St. on the east, S. 20th St. on the west, W. Oklahoma Ave. on the north and W. Holt Ave. on the south, excluding both sides of the 3300 block of S. 19th St. bounded by W. Ohio Ave. on the north and W. Holt Ave. on the south.

c-15. Saint Joseph's Hospital impacted area, N. 47 St. and W. Hadley St.

c-16. Saint Luke's Hospital impacted area, S. 28 St. and W. Lakefield Ave.

c-17. A. O. Smith Corporation impacted area, N. 24 Pl. and W. Capitol Dr.

c-18. University of Wisconsin impacted area, N. Cambridge and E. Edgewood Ave.

c-19. Washington High School impacted area, N. Grant Blvd. and W. Center St.

10. PARKING OF SERVICE VEHICLES.

a. Service Vehicle Parking Permitted. Clearly-identifiable service vehicles shall be allowed to park within commuter parking impacted areas in excess of posted limits between the hours of 7 a.m. and 9 p.m., Monday through Friday, provided a property owner within a commuter parking impacted area first notifies the commissioner that the vehicle will be present in the area to perform services at his or her property. A property owner shall provide his or her address as well as such information as may be required by the commissioner to properly identify the service vehicle. Notice shall be provided to the commissioner no less than 24 hours prior to the time the vehicle is to be in the

commuter parking impacted area. If the vehicle is to be in the commuter impacted parking area on more than one day, separate notice to the commissioner shall be required for each day the vehicle is parked on the street.

b. Effective Area. The provisions of this subsection shall only apply to the University of Wisconsin impacted area as described in sub. 9-c-18.

11. RESIDENT-ONLY PARKING PERMIT. a. Established. Within the University of Wisconsin-Milwaukee impacted area described in sub. 9-c-18, in addition to the residential parking privileges otherwise provided in this section, resident-only parking zones are created whereby vehicles bearing valid resident-only parking permits issued pursuant to this subsection may be parked without regard to posted parking prohibitions on specifically designated streets within the area.

b. Locations of resident-only parking zones. Resident-only parking zones shall be designated in the manner provided in subs. 5 and 6. Resident-only parking zones may only be designated on one side of a roadway on streets where parking is available on both sides of the roadway. The locations and hours of designated resident-only parking zones shall be found in the common council proceedings, the official record on file in the city clerk's office and the code on file in the legislative reference bureau.

c. Parking Permitted. c-1. A person whose residence lies within a resident-only parking zone may apply for a resident-only parking permit. During designated times, the holder of a resident-only parking permit shall be permitted to stand or park the vehicle to which the permit applies in a resident-only parking zone on the street in the block where the applicant lives or in a resident-only parking zone on a block immediately adjacent to the block where the applicant lives without regard to posted parking prohibitions. While a vehicle for which a resident-only parking permit has been issued is so parked, the permit shall be displayed so as to be clearly visible through the lower left side of the windshield of the vehicle. A resident-only parking permit shall not guarantee or reserve to the holder a parking space within a resident-only parking zone.

c-2. Any person eligible for a special privilege parking permit under s. 101-27.5 and whose residence lies within a resident-only parking zone may obtain 2 parking permits for parking 2 vehicles in the resident-only parking zone.

d. Application, Issuance, Revocation, and Transferability. Application for resident-only parking permits shall be made, and such permits issued and revoked, in the same manner provided in subs. 7, 8 and 12. Resident-only parking permits are transferable to the same extent as provided in sub. 12.

e. Compliance. A resident-only parking permit shall not authorize the holder thereof to stand or park a motor vehicle within a resident-only parking zone in places where parking or stopping is otherwise prohibited by ss. 346.52 and 346.53, Wis. Stats., and ss. 101-23, 101-23.7, 101-26.5, 101-26.7 and 101-27, nor exempt the holder from the observance of any traffic regulation other than the posted parking prohibition.

f. Service Vehicle and Guest Parking Permitted. Service vehicles and guests shall be allowed to park within a resident-only parking zone without regard to posted parking prohibitions provided that single day parking permission has been obtained as provided in s. 101-27-10. A vehicle license plate and an applicable address within the resident-only parking permit zone shall be recorded. Permission may be granted for the same license plate for not more than 3 days per month.

12. TRANSFERABILITY. a. Only the registered motor vehicle named on the residential parking permit shall be eligible to display this permit. Any transference of this permit to a vehicle other than that named on the permit shall constitute a violation of this regulation.

b. It shall constitute a violation of this regulation for any person to falsely represent himself as eligible for a residential parking permit or to furnish any false information in an application to the city clerk in order to obtain a residential parking permit.

c. The police department is authorized and directed to revoke the residential parking permit of any permittee found to be in violation of this regulation and, upon written notification thereof, the permittee shall surrender such permit to the police department. Failure, when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this regulation.

101-27.8. Electric Vehicle Recharging Stations.

1. FINDINGS. The common council finds the use of electric vehicles promotes the

health and welfare of residents by enhancing air quality, and finds further that locating electricrecharging stations in the city for the exclusive use of recharging electric vehicles promotes the use of electric vehicles.

2. DEFINITONS. a. “Electric vehicle” means any vehicle locomoting solely or partially under electric power provided by a rechargeable battery or other electric power storage device.

b. "Electric vehicle recharging station" means any parking space, either in a parking facility or on the street, or other site set aside by the city with electric recharging facilities for the exclusive use of electric vehicles when recharging the batteries or other devices used to store electric power for locomoting such electric vehicles.

3. RESTRICTIONS. No vehicle shall be permitted to park, stop or stand in an electric vehicle recharging station except an electric vehicle actively recharging the batteries or other electric power storage devices used to locomote the vehicle.

4. SIGNAGE. The commissioner of public works shall post appropriate signs at each electric vehicle recharging station stipulating the parking restrictions and designating each as a tow-away zone.

5. PENALTY. Any vehicle in violation of the restrictions of this section shall be subject forfeiture as set forth in s. 101-34 and tow away provisions set forth in s. 101-25.

101-28. Time Limits on Parking Regulations.

1. EXCEPTIONS. Except as otherwise provided, time limitations on parking, including parking meter zones, shall not be in force between the hours of 7 p.m. and 7 a.m. or on Sundays and holidays.

2. HOLIDAYS. The term holiday shall include the 1st day of January, New Year's Day; the 3rd Monday in January, Dr. Martin Luther King, Jr. Day; the last Monday in May, Memorial Day; the 4th day of July, Independence Day; the 1st Monday in September, Labor Day; and the 25th day of December, Christmas; and the day designated by the President of the United States as a day of Thanksgiving.

101-29. Vehicles For Sale On Public Property.

1. FINDINGS. The common council finds that a disproportionate number of vehicles that are for sale on public property are unlicensed, unregistered or are offered for sale by individuals who have no legal authority to do so, and that, further, the sale of stolen vehicles to unsuspecting individuals victimizes not only those from whom the vehicles are stolen but those who purchase them. This section is established pursuant to the responsibility of the common council to legislate for the protection of the health, safety and welfare of the people of the city of Milwaukee.

2. DEFINITION. For the purpose of this section “motor vehicle” means a vehicle as defined in s. 340.01(35), Wis. Stats.

3. CERTIFICATE REQUIRED. No person shall leave any motor vehicle that is for sale on public property without first applying for and receiving a certificate from the department of public works. Each vehicle that is for sale shall require a separate certificate.

4. APPLICATION. a. Certificates shall be obtained from the department of public works or other facilities authorized by the common council.

b. Applicants for certificates shall fill out the appropriate application and pay the fee set forth in ch. 81.

c. Vehicles for which certificates are sought shall be inspected by the commissioner of public works or his or her designee. No certificate shall be issued for a vehicle that does not meet all of the following criteria:

c-1. The vehicle shall be the property of the person applying for the certificate as demonstrated by title or the applicant shall present the vehicle’s title as well as a signed affidavit from the vehicle's owner authorizing the vehicle's sale by the applicant.

c-2. The vehicle’s vehicle identification number shall not have been altered in such a way as to render it illegible.

c-3. While a motor vehicle that is for sale is on public property, the certificate shall be displayed in the manner designated by the department of public works.

5. VEHICLES TO BE LEGALLY PARKED. A certificate issued pursuant to this section shall not permit the vehicle for which it is issued to be parked in a manner contrary to any other provision of the code.

101-30. Leaving of Ignition Keys in a Parked Auto. 1. LOCK REQUIRED. Every passenger motor vehicle except a common carrier of passengers is required to be equipped with a lock suitable to lock either the starting lever, throttle, steering apparatus, gear shift lever, brake system or ignition system.

2. APPLICABILITY. This section shall apply to written leases or written rental agreements between residential landlords and tenants only. Words and terms used in this section shall be defined and construed in conformity with the provisions of Ch. ATCP 134, Wis. Adm. Code; ch. 704 and s. 990.001 (1), Wis. Stats. The act of service by a landlord of a legal eviction notice or notice to terminate tenancy shall not in itself act as a bar to prosecution under this section.

3. PROCEDURE. A peace officer may issue a citation for either offense only when the complainant provides the following:

a. The name and current or last known address of the tenant, a copy of the subject written lease agreement or written rental agreement.

b. The amount of rent due, date it was due, date the tenant vacated the premises and testimony that the rent remained unpaid for not less than 5 days after vacating and that the tenant did not notify or attempt to notify the complainant of tenant's new address or that tenant knowingly gave complainant a false address.

c. For violations under sub.1-b, the document used for attempting rent payment, the written demand for payment of the full amount plus bank charges, proof of service of the written demand pursuant to s. 704.21, Wis. Stats., and testimony that at least 5 days have elapsed since the date of service and no payment has been made.

4. PENALTY. a. Any person who violates this section shall upon conviction forfeit not less than $250 nor more than $1,000 together with costs of prosecution, or, in default of payment, may be imprisoned for not more than 40 days. In addition, the court may order such person to make full or partial restitution, in accordance with s. 800.093, Wis. Stats.

b. In accordance with s. 800.09, Wis. Stats., community service work may be imposed in lieu of making restitution or paying the forfeiture or both.

106-51. Residency Restrictions for Sex Offenders.

1. FINDINGS AND INTENT. The common council finds that repeat sex offenders, sex offenders who use physical violence, and sex offenders who prey on children are sex predators who present an extreme threat to the public safety. Sex offenders are extremely likely to use physical violence and to repeat their offenses; and most sex offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society, while incalculable, clearly exorbitant. It is the intent of this section not to impose a criminal penalty but to serve the city's compelling interest to promote, protect, and improve the health, safety and welfare of the citizens of the city by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from establishing temporary or permanent residence.

2. DEFINITIONS. For the purposes of this section: a. "Child" means a person under the age of 16 years.

b. "Designated offender" means any person who is required to register under s. 301.45, Wis. Stats., for any offense against a child or any person who is required to register under s. 301.45, Wis. Stats., and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to s. 301.46(2) and (2m), Wis. Stats.

c. "Residence" ("Reside") means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

3. RESIDENCY RESTRICTION. a. Restriction. A designated offender shall not establish a residence within 2,000 feet of any school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate.

b. Measurement of Distance. b-1. The distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer property line of a school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate.

b-2. The city clerk shall maintain an official map showing prohibited locations. The city clerk shall update the map at least annually to reflect any changes in the prohibited locations. These prohibited locations shall be designated on the map as child safety zones.

4. RESIDENCY RESTRICTION EXCEPTIONS. A designated offender residing within a prohibited area as specified in sub. 3 does not commit a violation of this section if any of the following applies:

a. The person established a residence and reported and registered the residence as provided in s. 301.45 Wis. Stats., before the effective day of this section.

b. The person was under 17 years of age and is not required to register under s. 301.45 or 301.46, Wis. Stats.

c. The school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate within 2,000 feet of the person's residence was opened after the person established the residence and reported and registered the residence as provided in s. 301.45, Wis. Stats.

d. The residence is also the primary residence of the person's spouse, parents, grandparents, siblings or children provided that the spouse, parents, grandparents, siblings or children established the residence at least 2 years before the designated offender established residence at the location.

5. ORIGINAL DOMICILE RESTRICTION. In addition to the restrictions of sub. 3, but subject to sub. 4, no person who has been convicted of a sexually violent offense or a crime against a child shall be permitted to reside in the city, unless such person was domiciled in the city at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense or crime against a child.

6. PENALTIES. a. A designated offender who violates sub. 3, shall be subject to a forfeiture of not less than $1,000 not more than $2,500 for each violation and in default of payment may be imprisoned as provided by law. Each day a violation continues shall constitute a separate offense. The city may also seek equitable relief.

106-53. Loitering of Sex Offenders.

1. LOITERING. It shall be unlawful for any person defined as a designated offender under s. 106-51-2-b, to loiter or prowl, in the locations specified in s. 106-51-3-a, in a place, at a time, or a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself and explain his or her presence and conduct at the locations specified in s. 106-51-3-a. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

2. EXCEPTIONS. This section shall not apply where the actor was by his or her parent, guardian or other adult person having his or her care, custody or control, or where that actor was exercising First Amendment rights protected by the U. S. constitution or Wisconsin constitution, including freedom of speech, the free exercise of religion, or the right of assembly.

3. PENALTY. Any person violating this section upon conviction shall forfeit not less than $500 nor more than $5,000, and in default of payment may be imprisoned as provided by law.

106-34-0	am	041220	2/1/2005	2/18/2005
106-34-1-a	rn to 106-34-1-b	041220	2/1/2005	2/18/2005
106-34-1-a	cr	041220	2/1/2005	2/18/2005
106-34-1-b	rc	940273	7/15/94	7/29/94
106-34-1-b	rn to 106-34-1-c	041220	2/1/2005	2/18/2005
106-34-1-c	rc	940273	7/15/94	7/29/94
106-34-1-c	rn to 106-34-1-d	041220	2/1/2005	2/18/2005
106-34-2	am	041220	2/1/2005	2/18/2005
106-34-3-0	am	041220	2/1/2005	2/18/2005
106-34-3-a	rc	940273	7/15/94	7/29/94
106-34-3-b	rc	940273	7/15/94	7/29/94
106-34-3-b	am	041220	2/1/2005	2/18/2005
106-34-3-c	am	041220	2/1/2005	2/18/2005
106-34-3-d	cr	940273	7/15/94	7/29/94
106-34.5	cr	140163	6/3/2014	6/20/2014
106-35	cr	890662	12/19/89	1/13/90
106-35-2	am	910784	8/2/91	8/21/91
106-35.6	cr	930544	10/19/93	11/5/93
106-36	cr	882206	1/19/90	1/23/90
106-36	rc	051409	4/11/2006	4/29/2006
106-37	cr	051691	5/31/2006	6/17/2006
106-38	cr	970136	5/13/97	5/31/97
106-38-2	am	001458	2/27/2001	3/16/2001
106-38-2	am	140697	6/2/2015	6/19/2015
106-38-3-a	ra to 106-38-3-a--1	140697	6/2/2015	6/19/2015
106-38-3-a-2	cr	140697	6/2/2015	6/19/2015
106-41	cr	941972	7/14/95	7/29/95
106-41	am	970262	6/3/97	6/20/97
106-41	am	991994	5/19/2000	6/8/2000
106-51	cr	140364	7/22/2014	10/7/2014
106-51-2-c	rc	151571	4/15/2016	5/4/2016
106-51-2-d	rp	151571	4/15/2016	5/4/2016
106-51-3-a	am	141122	11/5/2014	11/7/2014
106-51-3-a	am	151571	4/15/2016	5/4/2016
106-51-3-b-1	am	151571	4/15/2016	5/4/2016
106-51-4-a	am	151571	4/15/2016	5/4/2016
106-51-4-c	am	151571	4/15/2016	5/4/2016
106-51-5	rn to 106-51-6	150773	1/19/2016	1/23/2016
106-51-5	cr	150773	1/19/2016	1/23/2016
106-53	cr	140364	7/22/2014	10/7/2014

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selling pools; or to record or register bets or wagers, or sell pools upon the result of any trial or contest of skill, speed or power of endurance of man or beast, or upon the result of any political nomination, appointment or election; or, being the owner or lessee or occupant of any room, tent, tenement, shed, booth or building, or any part thereof, to knowingly permit the same to be used or occupied for any of these purposes, or therein to keep, exhibit or employ any device or apparatus for the purpose of recording or registering such bets or wagers, or the selling of such pools, or to become custodian or depository for gain, hire or reward of any money, property or thing of value staked, wagered or pledged; or to be wagered or pledged upon any such result, or to receive, register, record, forward or purport or pretend to forward to or for any race course any money, thing or consideration of value, bet or wager or money, thing for consideration offered for the purpose of being bet or wagered upon the speed or endurance of any man or beast; or to occupy any place or building, or part thereof, with books, papers, apparatus or paraphernalia for the purpose of receiving or pretending to receive or for recording or registering, or for forwarding or pretending or attempting to forward in any manner whatever any money, thing or consideration of value, bet or wagered, or to be bet or wagered, for any other person, or to receive or offer to receive any money, thing or consideration of value, bet or to be bet at any race track, or to assist or abet in any manner in any of the acts or things forbidden in this section.

2. PENALTY. Any person, or the officer or agent of any company or corporation who shall violate sub. 1 shall upon conviction thereof, be punished by a fine of not less than $100 and not exceeding $500 and the costs and disbursements of prosecution, and in default thereof shall be imprisoned in the county jail or house of correction of Milwaukee county until such fine, costs and disbursements are paid, such imprisonment not to exceed 6 months.

107-12. Inmates of Pool Rooms; Penalty. It shall be unlawful for any person to resort to or become an inmate of any room, shed, tent or place upon any public or private grounds within the city, within or upon which is carried on any of the acts or things mentioned in s. 107-10-1 and declared unlawful thereby; and any person found guilty of violating this section shall be punished by a fine of not more than $50, and the costs and disbursements of prosecution and in default thereof shall be imprisoned in the county jail or house of correction of Milwaukee county until such fine, costs and disbursements are paid, such imprisonment not to exceed 6 months.

107-13. Amusement Machine or Jukebox Distributor License. 1. DEFINITIONS.

a. “Amusement machine” means any mechanical or electronic device operated or intended to be operated for amusement or skill where the use or operation of which is conditioned upon payment of a fee either by insertion of a coin, token or similar object in a slot, or otherwise. The term does not include a jukebox.

b. "Distributor" means any person who leases, rents, places or installs for use or operation, on a premises in the city not owned or leased by that person, one or more amusement machines or jukeboxes.

c. "Jukebox" means any electronic or mechanical device, or machine of any kind, nature or description, in which the operation is dependent upon the insertion of money, whether automatically or otherwise, which results in the playing of music of any type.

d. “Officer” means the president, vice president, secretary or treasurer, or his or her equivalent, of any corporation, association or other organization.

e. "Person" means any individual, partnership, firm, association, corporation or other legal entity.

2. GENERAL PROVISIONS.

a. License Required. No person shall lease, rent, place or install amusement machines or lease, rent, place or install jukeboxes for use by the public on any premises not owned or leased by that person without first having obtained an amusement machine or jukebox distributor license as provided in this section.

b. Conditions for Placement. No person owning or operating any premises shall place, or permit to be placed, on such premises for use by the public any amusement machines or jukeboxes unless the premises is licensed as a public entertainment premises under s. 108-7 and either of the following is true:

b-1. The amusement machines or jukeboxes are owned by the person owning or operating the premises.

b-2. The amusement machines or jukeboxes are obtained from a distributor who is duly licensed by the city.

c. Agent Not Eligible. No person shall make application for an amusement machine or jukebox distributor license acting as agent for, or in the employ of another, or for the use and benefit of another person, except when the applicant is a corporation. In this case, the corporation shall appoint an agent and invest in the agent, by properly authorized and executed written delegation, full authority and control of the premises described in the application of the corporation and of the conduct of all business therein, as the licensee itself could in any way have and exercise if it were a natural person resident in the state.

3. APPLICATION PROCEDURE.

a. Application. The application for a new or renewal amusement machine or jukebox distributor license shall be in writing on a form furnished by the city clerk and shall state that the application for a license is not made for and on behalf of any other person and that the applicant is not acting as an agent for, or in the employ of, another

a-2. The application shall be in a form prescribed by the city clerk, including information related to the qualifications and history of the applicant. The application shall be completed by the person to be licensed, including the principal officers of a limited liability company, the partners in a partnership or the duly authorized agent of a corporation or other legal entity. An agent for any legal entity other than a corporation shall be subject to the prohibitions in sub. 2-c.

a-3. The application shall state:

a-3-a. The license being applied for.

a-3-b. The name and permanent address of the applicant.

a-3-c. If the applicant is a corporation, the name of the corporation exactly as it is set forth in its articles of incorporation, together with the names and addresses of all officers, directors and designated managers.

a-3-d. If the application is a partnership, the names and resident addresses of all partners, including limited partners. If any of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the partner which is a corporation.

a-3-e. If the applicant is a club, association or other organization which is neither a corporation nor a partnership, the exact name of the entity together with the names and residence addresses of all officers.

a-3-g. All convictions, including ordinance violations exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred.

a-3-h. Any other reasonable and pertinent information the common council or the proper licensing committee of the common council may from time to time require.

b. Application Fee. Applications for new and renewal licenses are subject to the fees prescribed in s. 81-4, to be paid to the city treasurer at the time of filing.

c. Disclosure. c-1. An application for a new amusement machine or jukebox distributor license shall include disclosure, in a manner prescribed by the city clerk, of all amusement machines or jukeboxes currently placed or under agreement to be placed by the distributor within the city. Disclosure shall include the addresses of the premises where the amusement machines or jukeboxes are presently placed or are contracted to be placed, the number of machines or jukeboxes placed or to be placed at the premises, and the legal names of the entities with whom the machines or jukeboxes have been placed or are to be placed.

c-2. An application for the renewal of an amusement machine or jukebox distributor license shall include disclosure, in a manner prescribed by the city clerk, of all amusement machines or jukeboxes currently placed within the city. Disclosure shall include the addresses of the premises where the amusement machines or jukeboxes are placed, the number of machines or jukeboxes placed at the premises, and the legal names of the entities with whom the machines or jukeboxes have been placed.

d. Qualifications. d-1. An amusement machine or jukebox distributor license may be denied to any applicant who is not of good professional character or who has been convicted of a felony, misdemeanor or other offense, the circumstances of which

LEGISLATIVE HISTORY
CHAPTER 107

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
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107-1	am	72-1193	10/24/72	
107-2	am	72-1192	10/24/72	
107-4	am	49-1749-d	10/24/49	
107-5	am	48-3363	4/25/49	
107-6	am	72-1194	10/24/72	
107-7	am	49-1749-e	10/24/49	
107-8	am	72296	5/4/42	
107-10-1	cr	ord. #163	12/7/1896	(1896-97)
107-10-2	am	49-1749-f	10/24/49	
107-12	am	49-1749-g	10/24/49	
107-13	am	82-171	3/29/83	
107-13	rc	110326	11/2/2011	3/1/2012
107-13-1-b	rp	101560	5/3/2011	5/20/2011
107-13-1-c	rn to 107-13-1-b	101560	5/3/2011	5/20/2011
107-13-1-d	rn to 107-13-1-c	101560	5/3/2011	5/20/2011
107-13-1-e	rn to 107-13-1-d	101560	5/3/2011	5/20/2011
107-13-2-a	am	151743	4/15/2016	5/4/2016
107-13-2-c	am	101560	5/3/2011	5/20/2011
107-13-3	rc	83-479	7/12/82	
107-13-3-a	rc	121521	4/30/2013	5/17/2013
107-13-3-a-3-f	rp	120842	11/8/2012	11/29/2012
107-13-3-b	rc	101560	5/3/2011	5/20/2011
107-13-3-c-2	am	061571	4/17/2007	5/4/2007
107-13-3-c-3	rp	151743	4/15/2016	5/4/2016
107-13-3-d	rc	120842	11/8/2012	11/29/2012
107-13-3-e	rc	120029	9/25/2012	10/12/2012
107-13-3-e	am	150634	9/22/2015	10/9/2015
107-13-5	rp	101560	5/3/2011	5/20/2011
107-13-6	rn to 107-13-5	101560	5/3/2011	5/20/2011
107-13-7	rn to 107-13-6	101560	5/3/2011	5/20/2011
107-13-7	rc	111624	4/11/2012	4/28/2012
107-13-8	rn to 107-13-7	101560	5/3/2011	5/20/2011
107-13-9	rn to 107-13-8	101560	5/3/2011	5/20/2011

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CHAPTER 120
STORM WATER MANAGEMENT REGULATIONS

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120-1. Purpose of Chapter. 1. The purpose of this chapter is to: a. Promote the public health, safety and general welfare.

b. Establish procedures to control the adverse impacts associated with storm water runoff.

c. Assist in the attainment and maintenance of water quality standards.

d. Reduce the effects of development and redevelopment on land and stream channel erosion.

e. Minimize damage to public and private property.

f. Reduce nonpoint source water pollution by minimizing impervious cover on development sites.

2. The approvals to be obtained by the person as required in this chapter shall be based on ch. 119 and vol. 2, building and zoning code, and the requirements designed to accomplish the purposes listed in sub. 1.

120-3. Definitions. Unless otherwise defined in this chapter, all terms defined in chs. 119, 200, 225, 290 and 295 have the same meaning as ascribed thereto.

1. ADVERSE IMPACT means any modification, alteration or effect on a feature or a characteristic of a wetland, water of the United States or municipal separated storm sewer system; including quality, quantity, hydrodynamics, surface area or species composition as defined by the Wisconsin department of natural resources; or human or natural use which is or may potentially be harmful or injurious to property, human health, welfare, or safety, or to biological productivity, diversity or stability.

2. BEST MANAGEMENT PRACTICE (BMP) means any acceptable method, structural or otherwise, for controlling the quantity and quality of storm water runoff.

3. DETENTION means the collection and temporary storage of surface water runoff for subsequent gradual discharge.

4. DETENTION STRUCTURE means a permanent storm water management structure whose primary purpose is to temporarily store storm water runoff and release the stored runoff at controlled rates.

5. DEVELOPMENT means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration. This includes the construction of buildings, roads, parking lots and paved or unpaved storage areas.

6. DRAINAGE AREA means that area contributing runoff to a single point.

7. DRAINAGE FACILITY means any component of the drainage system that has been constructed or altered by humans. It includes channels, ditches, swales, conduits and street and alley pavements.

8. DRAINAGE SYSTEM means the collection and conveyance of storm water runoff, snow melt runoff, surface water runoff or other drainage from the land. It includes all drainage facilities, watercourses, water bodies and wetlands.

9. EROSION means the wearing away of land surface by the action of wind, water, gravity, ice or any combination of those forces.

10. HYDRAULIC CONDITIONS means the physical characteristics of the drainage system including size, velocity, slope, material and capacity.

11. HYDROLOGIC CONDITIONS means the characteristics of surface water runoff including the direction of flow, flow rate and volume of water.

12. ILLEGAL CONNECTION means any unpermitted connection to the drainage system.

13. ILLICIT DISCHARGE means any discharge to the drainage system which is not composed entirely of storm water unless a permit has been obtained from the appropriate regulatory agency. This includes, but is not limited to, activities related to spills, dumping and disposal of any substance or material.

14. IMPERVIOUS SURFACE means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious surfaces such as compacted clay, as well as most conventional street and alley surfaces, roofs, sidewalks, parking lots and similar improvements.

14.5. IN-FILL means an undeveloped area of land located within an existing urban sewer service area surrounded by development, or development and natural or human-made features where development cannot occur.

15. LAND DISTURBING ACTIVITY means any human-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing activity includes but is not limited to clearing and grubbing, demolishing, excavating, pit trench dewatering, filling and grading activities.

16. MANUAL OF STORM WATER MANAGEMENT PRACTICES means the document on guidance, specifications and techniques available for sale to the public for the activities described in s. 120-13.

16.5. MAXIMUM EXTENT PRACTIC-ABLE means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this chapter, as determined in accordance with s. 120-4.

17. NATURAL SYSTEMS means systems which predominantly consist of or use plants, animal, bacteria and other flora and fauna which are indigenous to the land, soil or water.

17.5. NRCS MSE3 or MSE4 PRECIPITATION DISTRIBUTION means a specific precipitation distribution developed by the U.S. department of agriculture, natural resources conservation service, using precipitation data from the U.S. department of commerce, national oceanic and atmospheric administration (NOAA) Atlas 14.

18. PERSON means any individual, association, organization, partnership, firm, corporation or other entity engaging in the development or redevelopment of a property, as the owner of the property. Separate corporate or individual ownership shall not be used to circumvent the intention of this chapter.

19. POST DEVELOPMENT means the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction storm water runoff.

20. PRE-DEVELOPMENT means the conditions as of January 1, 2002 that existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of storm water runoff.

21. RECEIVING BODY OF WATER means any water body, watercourse or wetland into which surface waters flow either naturally or from human made conveyances.

22. REDEVELOPMENT means any construction, alteration or improvement of land disturbance activity performed on sites where the entire existing site is predominantly developed to with residential, commercial, industrial or institutional uses.

23. REGULATORY AGENCY means any agency given authority to regulate or control the discharge content or rate.

24. RETENTION means the prevention of the discharge of a given volume of storm water runoff to the receiving body of water or drainage facility.

25. SEDIMENT means the fine particulate mineral or organic material that is in suspension or has settled in a body of water.

26. SEDIMENTATION FACILITY means any structure or area which is designed to hold runoff water until suspended sediments have settled.

27. STORM SEWER means a system of conveyances for storm water runoff, snow melt runoff and surface runoff and drainage. It includes roadway drainage systems, streets, catch basins and storm water inlets, curbs, gutters, ditches, swales, dug channels and storm drains.

28. STORM WATER MANAGEMENT means either of the following:

a. For quantitative control, a system of vegetative or structural measures, or both, that controls the increased volume and rate of storm water runoff caused by manmade changes in land.

b. For qualitative control, a system of vegetative, structural, or other measures that reduces or eliminates pollutants that might otherwise be carried by storm water runoff.

29. STORM WATER MANAGEMENT PLAN means the detailed analysis required by s. 120-9. A storm water management plan shall address storm water runoff control for quality, quantity or both as defined in subs. 35 and 36.

30. STORM WATER RUNOFF or RUNOFF means direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following precipitation.

31. SUBDIVIDE means to divide a parcel of land, whether improved or unimproved, into 2 or more contiguous lots or parcels of land in accordance with the provisions of ch. 119.

32. SWALE means a structural measure with a lining of grass, riprap or other materials which can function as a detention structure and convey storm water runoff without causing erosion.

33. VEGETATION means all flora, especially trees, shrubs, vines, ferns, mosses and grasses.

34. WATERCOURSE means any natural or human-made stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed or bank.

35. WATER QUALITY means those characteristics of storm water runoff from a land disturbing activity that relate to the physical, chemical or biological integrity of water.

36. WATER QUANTITY means those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff to downstream areas resulting from land disturbing activities.

37. WATERS OF THE STATE means those portions of Lake Michigan within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

38. WATERSHED means a drainage area or drainage basin contributing to the flow of water into a receiving body of water.

120-4. Applicability of Maximum Extent Practicable. Maximum extent practicable shall apply when a person who is subject to a performance standard identified in this chapter demonstrates that satisfaction of the performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the person shall take into account the best available technology, cost effectiveness, geographic features and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources and preservation of historic properties.

120-5. Illicit Discharges and Illegal Connections. 1. DISCHARGES PROHIBITED. No person may discharge, spill or dump substances or materials which are not entirely composed of storm water into receiving bodies of water, storm sewers or drainage facilities, or onto driveways, sidewalks, parking lots or other areas that drain into the drainage system.

2. EXEMPTIONS. The following activities are exempt from the provisions of this section unless found to have an adverse impact on the storm water:

a. Discharges authorized by a permit issued by the Wisconsin department of natural resources.

b. Discharges resulting from fire fighting activities, excluding training activities.

c. Discharges in compliance with ch. 290.

d. Discharges from uncontaminated ground water, potable water source, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing, landscape irrigation, diverted stream flows, irrigation water, flows from riparian habitats and wetlands, street wash water and swimming pools if the water has been dechlorinated.

3. CONNECTIONS PROHIBITED. It shall be a violation of this chapter to connect a waste water building sewer or drain to the drainage system.

4. PENALTY. Violations shall be subject to enforcement procedures and penalties set forth in the building and zoning code.

120-7. Control of Storm Water Discharge.

1. APPLICABILITY. No person shall proceed with any residential, commercial, industrial or institutional improvement or subdivision of property without having provided for appropriate storm water measures that control or manage runoff from such development or redevelopment or future development of the subdivided property. A storm water management plan addressing storm water runoff quality control, quantity control or both must be submitted and approved pursuant to sub. 2 or waived pursuant to sub 4. A plan is required:

a. Before an existing drainage system is altered, rerouted, deepened, widened, enlarged, filled or obstructed in preparation for improvement.

b. Before or concurrent with the submittal and approval of an erosion and sediment control plan as specified in ch. 290.

c. Before the development or redevelopment is permitted for commencement of construction.

1.5 MILWAUKEE RIVER GREENWAY SITE PLAN REVIEW OVERLAY ZONE. This section shall not apply to any property located within the Milwaukee River greenway site plan review overlay zone, as shown on the city zoning map and established by common council file number 081568. Properties in the overlay zone shall be subject to the storm water management regulations of s. 120-14.

2. DEVELOPMENT CRITERIA. A storm water management plan is required if any of the following criteria are met:

a. The development or redevelopment causes a land disturbing activity of one acre or more.

b. The development or redevelopment causes the cumulative area of all land disturbing activities at a property to be one acre or more over a 3-year period.

c. The development or redevelopment occurring causes an increase of 0.5 acres or more of impervious area.

d. The construction or reconstruction of a public road will increase impervious surface by one-half acre or more.

3. EXEMPTIONS. The following activities are exempt from the storm water management plan requirements:

a. Agricultural activities not associated with development.

b. Maintenance, alteration, use or improvement to an existing structure or construction activity which does not significantly change or affect the water quality and hydrologic conditions of the surface water discharge which has a previously approved storm water management plan.

c. Maintenance activities undertaken by any municipal, state or federal governmental agency.

d. Storm water management measures to be undertaken by the city on an outfall in a specified watershed, when the city engineer has determined that the person need not prepare a storm water management plan.

e. Reconstruction of public roads when the area of impervious surface is not changing.

f. Pavement maintenance activities, such as sealing, milling and overlaying, or pulverizing.

4. WAIVERS. a. Requests to waive the storm water management plan requirements shall be submitted to the city engineer for approval.

b. The person shall also submit a narrative description and drawings of the proposed development or improvement. The city engineer may request other information that is reasonably necessary to evaluate the waiver.

c. The city engineer shall coordinate a review by city agencies and may grant a waiver if the development is not likely to:

c-1. Increase the rate or volume of storm water runoff.

c-2. Have an adverse impact on a wetland, watercourse or receiving body of water.

c-3. Contribute to the degradation of water quality.

c-4. Otherwise impair attainment of the objectives of this chapter.

4.5. PEAK RUNOFF RELEASE RATE CALCULATIONS.

a. Peak runoff release rates shall be calculated using NOAA Atlas 14 precipitation depths and NRCS MSE3 precipitation distribution.

b. Refer to s. NR 151.123(1), Wis. Adm. Code, for maximum predevelopment runoff curve numbers for developments that include but are not limited to areas like new subdivisions and undeveloped urban areas.

5. RUNOFF RELEASE RATE. a. If the development or redevelopment occurring causes an increase of 0.5 acres or more of impervious area, the release rate and requirements shall be governed by Milwaukee metropolitan sewerage district chapter 13 - surface water and storm water rules.

b. If the development or redevelopment occurring is subject to the requirements of sub. 2 and does not cause an increase of 0.5 acres or more of impervious area, the peak runoff flow rates under post-development conditions shall be at least 10% less than the peak runoff rates under pre-development conditions during 2-year and 100-year, 24-hour storm events.

c. If demolition or construction during redevelopment will disturb an area between 3.5 and 5 acres, then the runoff release rate shall be reduced by 15%.

d. If demolition or construction during redevelopment will disturb an area exceeding 5 acres, then the runoff release rate shall be reduced by 20%.

6. RUNOFF DISCHARGE QUALITY CONTROL. a. Runoff quality shall meet or exceed the following criteria:

a-1. For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this paragraph.

a-2. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this paragraph.

a-3. For in-fill development under 5 acres that occurs within 10 years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this paragraph.

a-4. For in-fill development under 5 acres that occurs 10 or more years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this paragraph.

a-5. Any other regulatory agency requirements specific to the discharge produced by the development.

b. Applicability. This subsection applies to whenever a storm water management plan is required in the separate storm sewer system or if storm water runoff from the development or redevelopment is subject to the requirements of sub. 2 and storm water runoff from that development or redevelopment discharges into waters of the state.

7. MAINTENANCE OF EFFORT. For a redevelopment site where the redevelopment will be replacing an older development that was subject to s. 120-7, the responsible party shall meet the total suspended solids reduction and peak flow control standards applicable to the older development or meet the redevelopment standards of this chapter, whichever is more stringent.

8. MAXIMUM EXTENT PRACTIC-ABLE. If a design cannot meet the total suspended solids reduction performance standard of sub. 6, the storm water management plan shall include a written, site-specific explanation of why the total suspended solids

reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.

9. INTENT TO PROCEED. The department of public works shall be notified 3 working days before any work is commenced on the site. The contact phone number shall be listed in the storm water management plan.

120-9. Storm Water Management Plan. The person shall be responsible for the preparation and implementation of the storm water management plan. Sufficient information shall be furnished to the city engineer for evaluating the environmental characteristics of the affected areas. Such information shall include the potential and predicted impacts on watercourses, the effectiveness and acceptability of the proposed measures for reducing adverse impacts and a maintenance program.

1. GENERAL INFORMATION. The storm water management plan shall be prepared by a registered professional engineer. It shall contain the person's name, address and telephone number. The plan shall also contain but is not limited to narrative descriptions and explanations, maps, charts and graphs, tables, photographs, calculations and supporting reference information to books, publications, manuals and other documents used. The department of public works reserves the authority to determine the appropriateness of the methodology used.

2. EXISTING SITE CONDITIONS. The description of the existing site conditions shall include:

a. The hydrologic parameters.

b. The location of areas where storm water collects or percolates into the ground.

c. Groundwater levels.

d. Vegetation, including grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants.

e. Topography.

f. Soils.

g. Location and description of impervious areas.

h. Locations of all structures and buildings.

i. Locations of floodplains.

j. Locations of all receiving bodies of water on or adjacent to the site or into which storm water flows. Information regarding current water quality and classification, if any, shall be provided.

k. Existing storm water runoff conditions from adjacent tributary areas.

L. Location and hydraulic conditions of the storm sewer systems.

3. SITE ALTERATIONS. The description of the proposed site alterations shall include:

a. Areas where vegetation is disturbed or planted, including areas of grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants.

b. Changes in topography.

c. The size and location of any building or structure.

d. Site use and any Standard Industrial Classification (SIC) code number.

e. Changes of impervious surface areas and a description of the surfacing material.

4. PREDICTED IMPACTS. The description of the predicted impacts on water quality and quantity from the proposed development shall include:

a. Drainage facilities.

b. Receiving bodies of water.

c. Floodplains.

d. Ground water levels.

5. BEST MANAGEMENT PRACTICES. The description of the proposed best management practices to be used for the protection of water quality and the reduction of water quantity shall include:

a. Detention, retention and sedimentation facilities, including plans for discharges from the facilities, maintenance plans and predictions of water quality.

b. Areas of the site to be used or reserved for percolation including a prediction of the impact on groundwater quality.

c. Areas of vegetation intended to perform storm water retention or percolation functions. Trees shall be permitted in these areas.

d. Any other relevant volume controls or measures not described in pars. a or b.

e. Infiltration practices shall be permitted according to s. NR 151.124, Wis. Adm. Code, provided the person presents evidence of sufficient soil infiltration rates using scientifically credible field test methods to show that the infiltration rates are 0.6 inches per hour or above and the soil profile is not clay.

f. Swale treatment for transportation purposes may be used according to s. NR 151.249, Wis. Adm. Code, provided the transportation facility development does not conflict with the criteria specified in s. 120-7-2. In case of a conflict, the more restrictive criteria of s. 120-7-2 shall be used.

g. A plan for the control of erosion and sedimentation in accordance with ch. 290.

h. Any other relevant source control practices not described in par. d.

i. Any other information which the person or the city believes is reasonably necessary for an evaluation of the development.

6. GUARANTEE. a. The plan shall also be accompanied by an irrevocable letter of credit, certified check or surety bond to guarantee implementation and completion of storm water management plans. By submitting the guarantee, the person consents to allowing the city to inspect the best management practices constructed to meet requirements of the storm water management plan. After construction of the storm water management facilities has been completed, the person shall submit to the city engineer a written certification prepared and stamped by a registered professional engineer that the facilities have been constructed in accordance with the storm water management plan. After the city engineer receives the certification, that portion of the guarantee not utilized under s. 120-17 shall be released or returned.

b. The plan shall also be accompanied an irrevocable letter of credit, certified check, surety bond, or letter of financial guarantee from the person to ensure the facilities are maintained. The guarantee shall be in effect until the facilities are recertified as required by s. 120-15.

120-11. Off-Site Drainage Facilities. The city engineer may approve storm water discharges of unacceptable quality into off-site drainage facilities, or in volumes or rates in excess of those allowed by this chapter. The following conditions must be met:

1. It is not feasible to manage the total runoff within the site.

2. Adverse impact from the site will be minimized.

3. The design, construction, operation and maintenance of the off-site drainage facilities and the facilities leading to them are in accordance with the requirements of this chapter.

4. The person will be responsible for the costs of design, construction, maintenance and operation of the off-site drainage facilities and facilities leading to them. The person may enter into a private agreement with the owner of the property on which such off-site drainage facilities exist, to share in any of the cost responsibilities.

5. For each operation or maintenance shared responsibility agreement, the city engineer shall be provided with a deed restriction which contains the requirements of the agreements.

6. The city engineer is provided with an easement for access to the drainage facilities.

120-13. Manual of Storm Water Management Practices. 1. The city engineer with the assistance of the commissioners of the departments of neighborhood services and city development shall compile a manual of storm water management practices. The manual shall be made available for sale to the public and updated periodically. The manual will be used for the preparation of a storm water management plan.

2. The manual shall incorporate current best management practices (BMPs) for controlling the quality and quantity of storm water runoff. The manual shall contain:

a. Guidance and specifications for the preparation of a storm water management plan, including techniques for calculating and presenting the information required in the plan.

b. Detailed design specifications for BMPs used to improve the water quality.

c. Minimum specifications for the construction of BMP facilities which use current sound engineering practices.

d. Techniques and BMPs which emphasize the use of natural systems.

e. Techniques and BMPs for source control measures to manage water quality.

f. Techniques and BMPs which control volume in an effort to improve water quality.

g. Minimum requirements for the maintenance plan.

3. The manual is available for purchase from the department of public works.

120-14. Control of Storm Water Discharge for the Milwaukee River Greenway Site Plan Review Overlay Zone. 1. PURPOSE. The common council finds that the Milwaukee River corridor between the former North Avenue dam and the city limits at Silver Spring Drive contains native vegetation, wildlife habitat, natural bluffs, stream banks and waterways, and other valuable natural resources in need of protection. The regulations of this section are established to provide this protection by reducing the quantity of polluted storm water runoff, encouraging the planting of native vegetation, stabilizing stream banks and bluffs, mitigating flooding of the Milwaukee River and its tributaries, and reducing flows to the city's combined sewer system.

2. APPLICABILITY. This section applies only to all properties within the Milwaukee River greenway site plan review overlay zone, as shown on the city zoning map and established by common council file number 081568.

3. CONFLICTING REQUIREMENTS. The provisions of this section are intended to supplement, not replace, other provisions of this chapter. If any provision of this section conflicts with any other provision of this chapter, any other section of this code, or any applicable state or federal law, the more restrictive provision shall apply.

4. DEVELOPMENT CRITERIA. A storm water management plan is required if any of the following criteria are met:

a. The development or redevelopment causes a land disturbing activity of one-half acre or more.

b. The development or redevelopment causes the cumulative area of all land disturbing activities at a property to be one-half acre or more over a 3-year period.

c. The development or redevelopment occurring causes an increase of 0.5 acres or more of impervious area.

5. RUNOFF RELEASE RATE. a. If the development or redevelopment occurring causes an increase of 0.5 acres or more of impervious area, the release rate and requirements shall be governed by Milwaukee metropolitan sewerage district ch. 13 - surface water and storm water rules.

b. If the development or redevelopment occurring meets any of the criteria in sub. 4 and does not cause a land disturbing activity of 0.5 acres or more of impervious area, the peak runoff flow rates under post-development conditions shall be at least 50% less than the peak runoff rates under pre-development conditions.

6. RUNOFF DISCHARGE QUALITY CONTROL. a. Any development or redevelopment shall, by design, reduce to the maximum extent practicable the total suspended solids load by 80%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirement of this paragraph.

b. This subsection applies whenever a storm water management plan is required in the separate storm sewer system or if storm water runoff from the development or redevelopment meets any of the criteria of sub. 4 and storm water runoff from that development or redevelopment discharges into waters of the state.

7. ADDITIONAL REGULATIONS. The following additional storm water management regulations shall apply to development or redevelopment within the Milwaukee River greenway site plan review overlay zone:

a. Storm water best management plans shall show topographical lines and bluff lines.

b. Storm water best management practices shall be located as close to the source of runoff as possible, and shall emphasize techniques that incorporate native plants, shrubs and trees and mimic natural landscape features.

c. Storm water management facilities shall not be permitted within the primary environmental corridor, as mapped by the southeastern Wisconsin regional planning commission, unless the city engineer determines, based on evidence provided by the developer, that such facilities are necessary to protect public safety or bluff stability. The placement of storm water management facilities within the 50-foot setback from top of bluff required by the overlay zone's design standards, as adopted by the common council in file number 081569, shall be permitted if these facilities emphasize the use of such storm water management practices as rain gardens, vegetated swales and similar techniques, and do not adversely impact bluff stability and public access.

d. Every storm water management facility shall be designed and constructed in a manner to minimize erosion and bluff instability. The permit requirements of ch. 30, Wis. Stats., shall also apply to any alterations to the river bank.

e. A storm water management plan required pursuant to this section shall be prepared in accordance with the manual of storm water management practices, including both the provisions that apply citywide and the provisions that apply only to the Milwaukee River greenway site plan review overlay zone.

120-15. Maintenance of Drainage Facilities.

1. Every 5 years the person shall submit a written recertification for the approved storm water management plan from a registered professional engineer that the drainage facility is operating as originally designed along with an updated irrevocable letter of credit, certified check or surety bond or letter of financial guarantee from the person as provided in s. 120-9. By submitting the guarantee, the person consents to allowing the city to inspect the best management practices prescribed in the storm water management plan.

2. When applicable, the facilities shall be maintained in accordance with the agreements set forth in s. 120-11.

3. Minimum maintenance requirements and procedures outlined in the manual of storm water management practices described in s. 120-13 shall also be used.

4. Violations of this section shall be subject to the enforcement procedures and penalties set forth in s. 120-17.

120-17. Enforcement. 1. NUISANCE. The following activities are deemed a public nuisance:

a. Any development that is commenced without an approved storm water management plan.

b. Any drainage facility which is not constructed in accordance with the approved storm water management plan.

c. Any drainage facility not maintained in accordance with ss. 120-9, 120-11 or 120-15.

d. Any activity which adversely impacts on water quality.

2. COMPLIANCE ORDER. a. Any public nuisance under this section shall be subject to the provisions of chs. 79, 115 and 116.

b. When the commissioner of the department of neighborhood services determines that a willful violation of the provisions of this chapter exists or has reasonable grounds to believe that one does, the commissioner may order the person to correct the violation by issuing a notice of violation, citation or stop-work order.

c. Any person who commences activity without an approved plan may be required to restore the land to its original condition within 10 days.

d. If the person fails to take corrective action after being noticed, the department of neighborhood services shall take whatever steps are necessary as soon as possible to correct the violation, including but not limited to, using city forces or engaging contractors.

3. RECOVERY OF COSTS. a. If the person has filed an irrevocable letter of credit, certified check or surety bond as required in s. 120-9, the appropriate guarantee shall be executed.

b. If the person has not filed an irrevocable letter of credit, certified check or surety bond as required in s. 120-9, the cost shall be billed to the person, payable within 30 days.

c. If the person has filed an irrevocable letter of credit, certified check, or surety bond, but is less than the actual cost:

c-1. The appropriate guarantee shall be executed.

c-2. The difference in cost shall be billed to the person, payable within 30 days.

d. If the person fails to pay within 30 days, the bill shall become a lien on the real property and collectible in accordance with s. 66.0627, Wis. Stats.

4. PENALTIES. In addition to any penalty provided herein or by law, a person who is convicted of violating any provision of this chapter shall forfeit not more than $2000 for each violation together with the costs of such action. Upon failure to pay the forfeiture, the person shall be subject to imprisonment in the county house of correction for no more than 80 days for each offense. Each day of violation shall constitute a separate offense.

120-19. Appeals. Appeals not under the jurisdiction of the standards and appeals commission, s. 200-17, may be submitted to the administrative review appeals board as provided in s. 320-11.

LEGISLATIVE HISTORY
CHAPTER 120

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
Ch. 120	cr	920650	10/30/92	11/18/92
120-1-1-d	am	060587	10/24/2006	11/10/2006
120-1-1-e	am	011255	1/22/2002	2/5/2002
120-1-1-e	rp	060587	10/24/2006	11/10/2006
120-1-1-f	rn to 120-1-1-e	060587	10/24/2006	11/10/2006
120-1-1-f	cr	080195	7/30/2008	8/16/2008
120-3*	rc	060587	10/24/2006	11/10/2006
**** Note: Sec. 120-3-20 is effective May 1, 2007.***				
120-3-0	am	951346	1/23/96	2/9/96
120-3-1	am	151776	4/15/2016	5/4/2016
120-3-5	am	110060	5/24/2011	6/14/2011
120-3-6	rn to 120-3-7	950892	11/6/95	11/14/95
120-3-6	cr	950892	11/6/95	11/14/95
120-3-6	am	011255	1/22/2002	2/5/2002
120-3-7	rn to 120-3-8	950892	11/6/95	11/14/95
120-3-8	rn to 120-3-9	950892	11/6/95	11/14/95
120-3-9	rn to 120-3-10	950892	11/6/95	11/14/95
120-3-10	rn to 120-3-11	950892	11/6/95	11/14/95
120-3-11	rn to 120-3-12	950892	11/6/95	11/14/95
120-3-12	rn to 120-3-13	950892	11/6/95	11/14/95
120-3-13	rn to 120-3-14	950892	11/6/95	11/14/95
120-3-14	rn to 120-3-15	950892	11/6/95	11/14/95
120-3-14	am	011255	1/22/2002	2/5/2002
120-3-14.5	cr	151776	4/15/2016	5/4/2016
120-3-15	rn to 120-3-16	950892	11/6/95	11/14/95
120-3-15	cr	151776	4/15/2016	5/4/2016
120-3-16	rn to 120-3-17	950892	11/6/95	11/14/95
120-3-16.5	cr	151776	4/15/2016	5/4/2016
120-3-17	rn to 120-3-18	950892	11/6/95	11/14/95
120-3-17	rn to 120-3-18	011255	1/22/2002	2/5/2002
120-3-17	cr	011255	1/22/2002	2/5/2002
120-3-17.5	cr	151776	4/15/2016	5/4/2016
120-3-18	rn to 120-3-19	950892	11/6/95	11/14/95
120-3-18	rn to 120-3-19	011255	1/22/2002	2/5/2002
120-3-18	am	110060	5/24/2011	6/14/2011
120-3-19	rn to 120-3-20	950892	11/6/95	11/14/95
120-3-19	rn to 120-3-20	011255	1/22/2002	2/5/2002
120-3-20	rn to 120-3-21	950892	11/6/95	11/14/95
120-3-20	rn to 120-3-21	011255	1/22/2002	2/5/2002
120-3-21	rn to 120-3-22	950892	11/6/95	11/14/95
120-3-21	rn to 120-3-22	011255	1/22/2002	2/5/2002
120-3-22	rn to 120-3-23	950892	11/6/95	11/14/95
120-3-22	rn to 120-3-23	011255	1/22/2002	2/5/2002
120-3-23	rn to 120-3-24	950892	11/6/95	11/14/95
120-3-23	rn to 120-3-24	011255	1/22/2002	2/5/2002
120-3-24	rn to 120-3-25	950892	11/6/95	11/14/95
120-3-24	rn to 120-3-25	011255	1/22/2002	2/5/2002
120-3-25	rn to 120-3-26	011255	1/22/2002	2/5/2002

120-4	cr	151776	4/15/2016	5/4/2016
120-5-1	am	950892	11/6/95	11/14/95
120-5-2-b	am	011255	1/22/2002	2/5/2002
120-5-2-d	am	060587	10/24/2006	11/10/2006
120-7-1-0	am	011255	1/22/2002	2/5/2002
120-7-1-0	am	060587	10/24/2006	11/10/2006
120-7-1	am	950892	11/6/95	11/14/95
120-7-1-c	am	060587	10/24/2006	11/10/2006
120-7-1.5	cr	081664	5/25/2010	6/12/2010
120-7-2	rn to 120-7-3	011255	1/22/2002	2/5/2002
120-7-2	cr	011255	1/22/2002	2/5/2002
120-7-2	rc	060587	10/24/2006	11/10/2006
120-7-2-a	am	950892	11/6/95	11/14/95
120-7-2-c	am	950892	11/6/95	11/14/95
120-7-2-d	cr	110060	5/24/2011	6/14/2011
120-7-2-f	cr	950892	11/6/95	11/14/95
120-7-3	rn to 120-7-4	011255	1/22/2002	2/5/2002
120-7-3	rc	011255	1/22/2002	2/5/2002
120-7-3-d	cr	950892	11/6/95	11/14/95
120-7-3-e	cr	110060	5/24/2011	6/14/2011
120-7-3-f	cr	110060	5/24/2011	6/14/2011
120-7-4-a	am	060587	10/24/2006	11/10/2006
120-7-4-c-1	am	011255	1/22/2002	2/5/2002
120-7-4-d	rp	011255	1/22/2002	2/5/2002
120-7-4.5	cr	151776	4/15/2016	5/4/2016
120-7-5	cr	011255	1/22/2002	2/5/2002
120-7-5	rc	060587	10/24/2006	11/10/2006
120-7-5-b	am	110060	5/24/2011	6/14/2011
120-7-5-c	cr	110060	5/24/2011	6/14/2011
120-7-5-d	cr	110060	5/24/2011	6/14/2011
120-7-6	cr	011255	1/22/2002	2/5/2002
120-7-6	rc	031208	3/19/2004	4/7/2004
120-6-a-3	am	151776	4/15/2016	5/4/2016
120-7-6-b	rc	060587	10/24/2006	11/10/2006
120-7-7	cr	011255	1/22/2002	2/5/2002
120-7-7	rn to 120-7-9	151776	4/15/2016	5/4/2016
120-7-7	cr	151776	4/15/2016	5/4/2016
120-7-8	cr	151776	4/15/2016	5/4/2016
120-9-1	am	011255	1/22/2002	2/5/2002
120-9-2-d	am	080195	7/30/2008	8/16/2008
120-9-3-a	am	080195	7/30/2008	8/16/2008
120-9-5-0	am	151776	4/15/2016	5/4/2016
120-9-5-c	rn to 120-9-5-d	080195	7/30/2008	8/16/2008
120-9-5-c	cr	080195	7/30/2008	8/16/2008
120-9-5-d	rn to 120-9-5-e	080195	7/30/2008	8/16/2008
120-9-5-e	rn to 120-9-5-f	080195	7/30/2008	8/16/2008
120-9-5-e	rn to120-9-5-g	151776	4/15/2016	5/4/2016
120-9-5-e	cr	151776	4/15/2016	5/4/2016
120-9-5-f	rn to 120-9-5-g	080195	7/30/2008	8/16/2008
120-9-5-f	rn to120-9-5-h	151776	4/15/2016	5/4/2016
120-9-5-f	cr	151776	4/15/2016	5/4/2016
120-9-5-g	rn to120-9-5-i	151776	4/15/2016	5/4/2016
120-9-6	am	060587	10/24/2006	11/10/2006

120--(HISTORY) Storm Water Management Regulations

120-9-6-a	am	080195	7/30/2008	8/16/2008
120-9-6-a	am	151776	4/15/2016	5/4/2016
120-13-1	am	980963	12/18/98	1/1/99
120-13-1	am	060587	10/24/2006	11/10/2006
120-13-3	cr	011255	1/22/2002	2/5/2002
120-14	cr	081664	5/25/2010	6/12/2010
120-15-1	am	060587	10/24/2006	11/10/2006
120-15-1	am	151776	4/15/2016	5/4/2016
120-17-2-b	am	980963	12/18/98	1/1/99
120-17-2-d	am	980963	12/18/98	1/1/99
120-17-2-d	am	011255	1/22/2002	2/5/2002
120-17-4	am	011255	1/22/2002	2/5/2002