

**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:

- 220711 A substitute ordinance relating to increasing various fees for permits, licenses, inspections and approvals.
- 220933 An ordinance relating to eligibility for deferred special assessments.
- 221021 An ordinance relating to lead hazard reinspection fee collection and appeal process.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #420)				i-ii	i-ii
				v-vi	v-vi
66-22-4-d	am	221021	12/13/2022	131-132	131-132
66-22-14-a	am	"	"	137-138	137-138
66-22-14-b-0	am	"	"	"	"
79-6.5-3-c-1	am	220711	1/1/2023	228a-228d	228a-228d
Ch. 79 (history)				228k-228p	228k-228L
81-15.5	am	"	"	255-256	255-256
81-15.5-3	cr	"	"	"	" "
81-50-5-c	cr	"	"	259-262	259-262
81-51.5	am	"	"	"	"
81-102-3-a-1	am	"	"	267-270	267-270
81-102-3-a-2	am	"	"	"	"
81-102-3-a-3	am	"	"	"	"
81-102-3-b-1	am	"	"	"	"
81-102-3-b-2	am	"	"	"	"
81-102-3-b-3	am	"	"	"	"
81-102-4	am	"	"	"	"
81-102-5	am	"	"	"	"
81-102-6	rn to 81-102-7	"	"	"	"
81-102-6	cr	"	"	"	"
81-102-7-c	am	"	"	"	"
81-102-7-d	cr	"	"	"	"
115-44-3-b	am	220933	12/13/2022	759-760	759-760

For subscription, distribution or insertion questions contact the Municipal Research Library, Code Section, (414) 286-2280.

For questions concerning the content of the Milwaukee Code of Ordinances contact the Municipal Research Library, (414) 286-2297.

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 cr=created rc=recreated rp=repealed

Revised 11/22/2022
Suppl. #421

CITY OFFICIALS

2020 to 2024

Mayor
Cavalier Johnson

Council President
Jose G. Perez

The Common Council
(By Aldermanic District)

1. VACANT
2. Mark Chambers Jr.
3. Jonathan Brostoff
4. Robert J. Bauman
5. VACANT
6. Milele A. Coggs
7. Khalif Rainey
8. JoCasta Zamarripa

9. VACANT
10. Michael Murphy
11. Mark A. Borkowski
12. Jose G. Perez
13. Scott P. Spiker
14. Marina Dimitrijevic
15. Russell W. Stamper, II

City Clerk: Jim Owczarski
Deputy: Dana Zelazny

City Attorney
Tearman Spencer

City Comptroller
Aycha Sawa

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 2 (Building and Zoning Code), Volume 3 (Administrative Ordinances), 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
November 2022

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through November 22, 2022.

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a. Interim control activities, including repainting over or covering lead-based paint with nonlead-based paint and performing cleaning activities designed to maintain a no-lead hazard condition.

b. Disturbing lead-based paint surfaces incidental to the performance of remodeling, renovation or repair activities where the intent of the project is not to reduce the hazard or potential hazard of lead exposure.

22. STANDARD TREATMENT means a department-approved lead hazard reduction method required for compliance with department orders.

23. SUPPLEMENTAL LOCATION means any dwelling, dwelling unit or premises where any person cares for, teaches, trains or supervises a child, including any structure adjacent to the dwelling unit of a lead poisoned child.

24. TARGET HOUSING means any dwelling constructed prior to 1978, except a dwelling for the elderly or persons with disabilities or any dwelling without a bedroom unless a child occupies or is expected to occupy the dwelling.

25. VISUAL EXAMINATION means an inspection by department staff of standard treatments conducted by trained or certified individuals, for the purposes of ensuring that work quality matches department specifications as set forth in the standard treatments.

26. WET-SCRAPED means the moistening of a surface to limit the creation of airborne dust during the removal of a coating containing lead, while containing all runoff of the wetting agent for proper disposal.

66-22. Lead Poisoning Prevention and Control Regulations.

1. PROHIBITED ACTS.

a. No owner or person may create or knowingly allow to exist in or on their property any lead-based nuisance, as defined in s. 66-21-15.

b. No person may apply lead bearing coatings having a lead content greater than or equal to 0.06% by weight, calculated as lead in the total nonvolatile content or any other coating material which would result in a lead based surface to:

b-1. Any exposed surface on the interior or exterior of a dwelling, dwelling unit, supplemental location or premises.

b-2. Any object to be used inside, outside or upon any exposed surface of a dwelling, dwelling unit, supplemental location or premises.

2. WARNING LABEL REQUIRED.

a. No person may store, sell, give away or accept any paint, coating material or object which has a lead content greater than or equal to 0.06% by weight, calculated as lead metal in the total nonvolatile content of the liquid, including any additives, or a finished surface that contains lead at a concentration greater than or equal to .7 milligram per square centimeter, unless such paint, coating material or object has a securely attached, prominently displayed and easily read label with the following wording:

WARNING!

Contains Lead!

Harmful If Consumed!

KEEP OUT OF REACH OF CHILDREN.

DO NOT APPLY WHERE

ACCESSIBLE TO CHILDREN.

b. The warning statement shall also be required on any accompanying literature, instructions or directions.

c. The warning label requirement does not apply to dwelling units.

3. EVICTION OR RETALIATION PROHIBITED. a. No non-owner occupant of a dwelling, dwelling unit, supplemental location or premises shall be evicted or otherwise retaliated against because of any of the following activities:

a-1. An occupant or someone on the occupant's behalf sought advice or services to guard household members from exposure to suspected or known lead-based nuisances at the dwelling, dwelling unit, supplemental location or premises.

a-2. An occupant or someone on the occupant's behalf cooperated with the city or other entity investigating possible lead-based nuisances or abating lead-based nuisances at the dwelling, dwelling unit, supplemental location or premises.

a-3. An occupant or someone on the occupant's behalf arranged the abatement of known lead-based nuisances at the dwelling, dwelling unit, supplemental location or premises.

a-4. Any person made a complaint to the department about suspected or known lead-based nuisances at the dwelling, dwelling unit, supplemental location or premises.

b. It shall be presumed that any attempt to terminate the tenancy, increase rent or other charges, reduce services, refuse to renew a rental agreement, or to otherwise harass or retaliate against a non-owner occupant

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within 24 months of the activities described in par. a. is done in retaliation and is void. In order to overcome such presumption, it shall be shown by a preponderance of the evidence that such acts were based upon good cause. "Good cause" as used in this paragraph means that one is required to show a good reason for his or her actions, other than one related to or caused by the activities described in par. a., including but not limited to normal rental increases due to tax increases or increases in maintenance costs.

c. An occupant may be evicted if the occupant fails to pay rent other than a rent increase prohibited by this subsection, commits waste upon the premises, or commits a substantial violation of a written rental agreement.

d. Any person who violates this subsection shall be liable upon conviction to a Class J penalty under s. 61-16. Each and every act of violation shall constitute a separate offense.

4. INSPECTION AND ORDER FOR LEAD HAZARD REDUCTION ACTIVITIES. a. The department may conduct an inspection of a dwelling, dwelling unit, supplemental location or premises on surfaces, substances or objects which the department has reason to believe constitutes a lead based nuisance and may also take samples of materials which are believed to contain lead for further laboratory analysis.

b. If the department is refused admittance to any dwelling, dwelling unit, supplemental location or premises to conduct an environmental inspection, the commissioner may apply for and obtain a special warrant pursuant to s. 66.0119, Wis. Stats., to gain access.

c. If the department determines that a lead based nuisance exists in or upon a dwelling, dwelling unit, supplemental location or premises, the department may:

c-1. Notify the occupant or the occupant's representative and the owner, that lead based nuisances are present and that they constitute a health hazard.

c-2. Issue written orders for lead hazard reduction activities to address those lead-based nuisances found to exceed allowable lead levels as provided in s. 66-21-18. The order shall state that the order may be appealed, the deadline by which the appeal must be filed and the entity to which the appeal must be made. An owner who is served an order may, prior to the time specified for compliance, submit a written appeal to the commissioner. The appeal shall state with specificity the reason that the appellant believes

the order was issued in error. The commissioner may affirm, reverse or modify the order and shall mail or deliver to the appellant his or her written determination stating the reasons therefore. Such determination shall be a final determination.

c-3. Post in a conspicuous place upon the dwelling, dwelling unit, supplemental location or premises a notice of the presence of a lead hazard.

d. An additional fee in the amount specified in s. 60-53 may be charged for any lead hazard reinspection necessary to determine compliance with an order issued under par. c-2 unless compliance with such order is found. A reinspection fee shall be charged against the real estate upon which the reinspection was made, shall upon delinquency be a lien upon the real estate, and shall be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter. The department shall provide written notice of the reinspection fee to the owner. The notice shall state that the owner may appeal the reinspection fee under sub. 14 and shall specify how such appeal may be made.

4.3. ENFORCEMENT. If orders are not complied with by the expiration date, the commissioner may, in addition to other enforcement measures authorized by law:

a. Issue a citation pursuant to s. 66-29.

b. Refer the failure to comply to the commissioner of neighborhood services for issuance of a rent withholding notification pursuant to s. 200-22.

c. Provided the department has funds available, secure an appropriate court-issued warrant for entry to the premises to abate or remove the nuisance and use the authority delegated under ch. 17 of the city charter to summarily abate or remove a nuisance. The cost of the abatement, interim controls and relocation associated with making the property lead-safe shall be assessed and collected as a special charge on the property.

d. If the commissioner determines that the cost to abate the lead hazard would exceed 50 percent of the assessed value of such building divided by the ratio of the assessed value to the recommended value as last published by the Wisconsin department of revenue for the city of Milwaukee, and the lead hazard cannot be controlled by interim controls, presume such repairs are unreasonable and refer the property to the commissioner of neighborhood services for an order to raze, pursuant to s. 218-4.

a-3. The department shall conduct dust wipe sampling as promptly as possible after the department has been notified that lead hazard reduction activities have been completed, and shall make every reasonable attempt to conduct sampling within 5 working days.

b. Final Visual Examination.

Inspection shall be conducted by the department to determine full compliance with inspection orders prior to clearance dust sampling.

12. DISPOSAL OF LEAD HAZARD ABATEMENT WASTE. Waste generated from lead hazard reduction shall be disposed of in a manner that will not endanger the health or well-being of the occupants, neighbors or community and shall be in compliance with all applicable local, state and federal laws and regulations, including Wis. Adm. Code ch. DHS 163 and chs. NR 600 to 685, as amended, and federal resource conservation recovery act, environmental protection agency and occupational safety and health agency regulations, as amended. At no time shall leaded dust be allowed to become airborne during disposal.

13. APPROVED MATERIALS, PRODUCTS AND WORK METHODS. The commissioner shall prepare and make available without charge to the public a descriptive list of the following specific materials, products and work methods:

a. Material approved by the commissioner for coating, covering or enclosing interior surfaces that are identified as lead based nuisances, as referenced in sub. 7-e-1.

b. Other materials approved for covering floors having deteriorated lead-based surfaces, as referenced in sub. 7-e-2-0.

c. Other sealants approved for use on floors having deteriorated lead-based surfaces, as referenced in sub. 7-e-2-a.

d. Manner approved by the commissioner for covering floors having deteriorated lead-based surfaces on which varnish or other approved sealants have been used, as referenced in sub. 7-e-2-a.

e. Sealant approved by the commissioner for treating wood floors having deteriorated lead-based surfaces from a varnish, stain, urethane or shellac finish, as referenced in sub. 7-e-2-b.

f. Covering approved by the commissioner for coating exterior surfaces that are lead-based nuisances, as referenced in sub. 9-a-2.

14. APPEALS. a. A person who seeks to appeal an order or permit decision of the department under this subchapter, other than an order under sub. 4-c-2, shall file a written appeal with the commissioner within 5 working days after the person has received written notice of the order or decision being appealed. The appeal shall state with specificity the reason that the appellant believes the order or decision was issued in error.

b. At the time of filing a written appeal under this subsection, the person affected by the order or permit decision may request and shall be granted a hearing on the matter before the commissioner. Within 10 days of receipt of the written appeal and request for hearing, the commissioner shall set a time and place for a hearing and shall give the applicant written notice thereof. The hearing before the commissioner shall be conducted in the following manner:

b-1. The hearing shall be commenced not later than 30 days after the date on which the appeal and request for hearing was filed, provided that upon written application by the appellant to the commissioner, the commissioner may postpone the date of the hearing for a reasonable time beyond such 30-day period if, in the commissioner's judgement, the appellant has submitted a good and sufficient reason for such postponement. The commissioner may also postpone the hearing to gather testimony and data.

b-2. At the hearing, the appellant and the department may each be represented by an attorney and present evidence, call and examine witnesses, and cross-examine witnesses of the other party. Such witnesses and the appellant shall be sworn by the commissioner.

b-3. The appellant's attorney may issue a request to compel the attendance of witnesses or the production of evidence. The request issued by an attorney shall be in substantially the same form as provided in s. 805.07(4), Wis. Stats., and shall be served in the same manner as provided in s. 805.07(5), Wis. Stats. The attorney shall, at the time of issuance, send a copy of the request to all concerned parties.

b-4. The commissioner shall take notes of the testimony and shall mark and preserve all exhibits. The commissioner may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the city.

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c. The commissioner may affirm, reverse or modify the original order or action of the department. Within 20 days of completion of the hearing conducted under this subsection and the filing of briefs, if any, the commissioner shall mail or deliver to the appellant his or her written determination stating the reasons thereof. Such determination shall be a final determination.

66-29. Penalty. 1. Any person who violates any provision of s. 66-22 or who fails to obey an order of the commissioner to conform to those provisions shall be liable upon conviction to a Class J penalty as provided in s. 61-16.

2. If a person continues in violation of an order, the person shall be liable for further prosecution, conviction and punishment upon the same order without the necessity of the commissioner issuing a new order.

3. Non-compliance of orders issued under s. 66-22-3-c-2, may result in the issuance of citations, as provided in s. 50-25.

c. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll, which shall be collected in the same manner as special charges under s. 66.0627, Wis. Stats. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of said solid waste charge.

5. BILLING AND COLLECTING. The solid waste charge shall be levied against water accounts and all other sewer users who are assessed the charge under sub.2, and shall be calculated by the water works. The charge shall be added to the water/sewer user bill and shall be due and payable in the same manner as water bills.

a. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters on October 1 shall be deemed delinquent. Such delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

b. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge and the snow and ice removal cost recovery charge, in that order; and then late charges for the solid waste charge, the snow and ice removal cost recovery charge and the extra garbage cart charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

6. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a solid waste charge, and the application of revenue from this charge are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions or part of the section which other provisions and parts shall remain in full force and effect.

7. APPEAL PROCEDURE.

a. Whenever any solid waste charge is

imposed in accordance with this section, and the person required to pay such charge feels aggrieved as a result of the imposition or collection of such charge, such person shall pay such charge when the same shall become due, but shall pay it "under protest." Within 20 days following such payment, such person may file with the commissioner of public works a complaint to the effect that such person is aggrieved by the imposition and collection of such solid waste charge, his or her specific reasons for objection and the amount of the overcharge complained of.

b. If, upon review by the commissioner of public works, it is determined that all or any part of any solid waste charge paid under protest is not just or reasonable, the commissioner shall institute necessary procedures for a refund. If any person feels aggrieved by the determination of the commissioner, the person may file a complaint with the administrative review appeals board, pursuant to s. 320-11.

79-6.5. Special Collection Charges. As provided herein, certain wastes shall be collected by the department without charge, while others may be refused, or may be collected at a charge established by the commissioner, or as specified under sub. 3-c. Such charges shall be reasonable and based upon the disposal charges and cost of labor, equipment and overhead.

1. DOMESTIC WASTE shall be collected without charge unless otherwise provided in this section.

2. DOMESTIC WASTE, OFFENSIVE OR HARMFUL. Liquid, manure and other offensive or harmful waste as specified in s. 79-2-6. Such waste depending on its nature and quantity may be collected without charge, refused or collected for a charge in accordance with this chapter and the rules of the commissioner.

3. DOMESTIC TREE AND BULKY WASTE. a. Domestic tree waste, limited to quantity and origin as specified in this chapter and the rules of the commissioner, shall be collected without charge.

b-1. Bulky waste, not exceeding one cubic yard and origin as specified in this chapter and the rules of the commissioner, shall be collected without charge.

b-2. Bulky waste, exceeding 6 cubic yards, limited to quantity or origin, as specified in this chapter and the rules of the commissioner, shall not be removed by the department.

79-7 Solid Waste Regulations

c-1. The commissioner may have bulky waste exceeding one cubic yard but not exceeding 6 cubic yards removed. The costs of this action shall be collected from the owner of the property at which the bulky waste is deposited, subject to the bulky collection charge established under s. 81-15.5. Bulky waste exceeding one cubic yard shall be tagged by the commissioner with a notice to the property owner to remove the waste within 3 days or be subject to the charge. The bulky waste collection charge shall be due and payable 30 days after billing. If any owner fails, omits, neglects or refuses to pay any charge imposed under s. 81-15.5 for bulky waste collection, pursuant to s. 66.0627, Wis. Stats., the charge may be assessed against the subject property. The lien shall take effect as of the date of the delinquency. The lien shall automatically be extended upon the current or next tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such charge. The charge shall not be payable in installments. If any owner fails to notify the department that the bulky waste exceeding one cubic yard has been removed, resulting in a crew being dispatched to the property, the owner shall be charged a stop fee established under s. 81-15.5.

c-2. Paragraph b-2 and subdivision 1 do not apply to bulky waste collected annually during the clean and green collection period for the property as established by the commissioner.

4. COMMERCIAL WASTE may be collected only after a service charge has been deposited with the department based on charges established by the commissioner.

5. COMMERCIAL WASTE, OFFENSIVE OR HARMFUL. Liquid, manure and other offensive or harmful waste as specified in s. 79-2-5. Such waste depending on its nature and quantity may be collected for a charge or refused in accordance with this chapter and the rules of the commissioner.

6. CONSTRUCTION WASTE shall not be collected until the owner, lessee, or managing agent of the premises shall have complied with the requirements of sub. 7.

7. SPECIAL COLLECTION SERVICE. Any person desiring the removal of waste not collected in the course of regular service, except waste specified in sub. 8, may apply to the department for special service and arrange for removal at the applicant's expense. The department may estimate removal and disposal cost and upon such

determination the applicant shall deposit the estimated cost with the department. The department may remove or cause removal of the waste and charge the cost against such deposit. The department may provide assistance to law enforcement agencies at their request and without charge, for special collection services, including the use of vehicles and equipment.

8. DOMESTIC WASTE; MULTIUNIT DWELLINGS. Domestic waste from multiunit dwellings with 5 or more units may be collected by the department at a charge established by the commissioner, pursuant to s. 79-2-1-b. The department shall bill apartment owners in advance of any waste being collected.

9. ELECTRONIC DEVICES may be collected for a charge as established by the commissioner or refused in accordance with this chapter and the rules of the commissioner.

79-7. Advance Deposit. Any person desiring periodic or special collection and disposal of waste not normally collected shall deposit with the department a sum sufficient to cover the estimated cost. The department shall refund any balance after the charges against such deposit have been paid.

79-8. Collection Conditions. Collection of waste by the department is conditioned upon full compliance with all provisions of this chapter and the rules of the commissioner.

79-9. Private Waste Collector Regulations. Transportation and collection of waste shall be in full compliance with all of the provisions of this chapter.

1. NUISANCE PROHIBITED. No person shall transport material of any kind whatsoever in any vehicle unless the vehicle is so operated and of such construction that the contents shall not blow, fall, scatter, leak or spill upon streets or alleys, or otherwise create a nuisance.

2. PRIVATE COLLECTOR'S LICENSE.

a. No person, except employees of the department in the regular performance of duty, shall collect or transport waste materials on any street or alley, except those acting under the authority of a licensed private waste collector. Each vehicle used by a collector shall bear a license sticker. The sticker shall be prominently displayed on each vehicle.

b. See ch. 81 for the required license fee.

3. GRAFFITI CONTROL. a. In this subsection, "graffiti" has the definition provided in s. 275-35-1.

b. Each licensed private waste collector or applicant for a private waste collector's license shall submit a plan for ongoing and scheduled removal of graffiti on waste containers. The plan shall be attached to the application for a new license or license renewal filed with the city clerk's office. The plan shall include a fax number and the name of the administrator responsible for maintenance for the applicant or licensee and the plan shall be forwarded to the department of neighborhood services.

c. Each private waste container shall be clearly marked or have signage noting the name and phone number of the company responsible for maintenance of the waste container.

d. Graffiti on private waste containers shall be removed within 3 working days following notification by the department of neighborhood services or within 3 working days of the last time the container was emptied, irrespective of any plan submitted under par. b.

4. PENALTY.

a. Any licensed private waste collector who violates any provision of this section shall forfeit not less than \$250 nor more than \$1,000 for each offense, and the costs and disbursements of such action, and in default thereof, shall be imprisoned in the county jail or house of correction for not less than 10 days nor more than 40 days, until such forfeiture costs are paid.

b. Each day of violation shall be a separate offense.

c. Every private waste collector's license may be suspended or revoked by the commissioner of the department of neighborhood services for failure to comply with sub. 3.

d. Every private waste collector's license may be suspended or revoked by the commissioner of public works for failure to comply with any of the rules of the commissioner or if the licensee is convicted of illegal dumping of waste within the city or outside the city under any applicable state statute or code provision.

79-10. Littering on Street by Motor Vehicle.

1. AUTHORITY. The commissioner shall make rules to regulate load stability and the cleaning of vehicle tires, bodies and other parts when any vehicle proceeds from a premises onto any street, alley or public place.

2. CONTRACTOR RESPONSIBLE. No person shall allow any vehicle to proceed from any construction site, whether operated by the contractor, his agent, employee or subcontractor, in such manner as to dump, drop, scatter, track or deposit any litter upon any street, alley or public place. The commissioner shall be and is empowered to order any contractor to take such precautions as he deems necessary to prevent littering, and to remove any such litter. In the event any contractor shall fail to comply with an order of the commissioner, said commissioner or any commanding officer of a police district may order such operations stopped.

3. EXCEPTION. This section shall not apply to construction work within a barricaded area permitted in the street right-of-way pursuant to a city excavation permit, a city contract, or work by city employees.

4. LOOSE LOADS. All vehicles carrying loose loads such as sand, gravel, demolition debris, or any other miscellaneous debris are required to cover said loads with a canvas, net-type, or other covering approved by the commissioner of public works.

79-11. Littering of Public Property. No person shall deposit or cause to be deposited, dropped, dumped, discharged, left, spilled or scattered, any litter, nauseous or offensive substance or material, in or upon any park or parkway, sidewalk, street, alley, gutter, catch basin, storm inlet, or other public facility or place. Nothing contained in this section shall prohibit the placing of temporary patch material, sand, ashes, sawdust or salt upon any sidewalk, street or alley for safety in travel, nor the placing of leaves on the street, in season, from October 1 to November 15 inclusive.

79-12. Littering of Premises. 1. PROHIBITED. No person shall deposit, or permit or cause to be deposited, any litter, solid waste or nauseous or offensive substance or material upon any premises, except for materials placed in a manner approved by state or other local regulations, and not in conflict with this chapter.

2. RESPONSIBLE PERSONS. The premises owner and any person in possession of the premises are responsible for maintaining the premises in a condition that does not violate this section. A tenant who is in possession of a premises may be cited for a violation of this section when there is prima facie evidence of the tenant's culpability.

79-12.5 Solid Waste Regulations

79-12.5. Regulation of Compost Piles.

1. **COMPOST PILES.** Compost piles shall consist primarily of yard waste. The following items are specifically prohibited from inclusion in any compost pile:

- a. Oils, grease and lard.
- b. Dairy or meat products.
- c. Feces - human, dog, cat or bird.
- d. Diseased plant waste.
- e. Poisonous substances.
- f. Treated lumber, sawdust from treated lumber.
- g. Materials that have been treated with chemicals.
- h. Inorganic material.

2. **COMPOSTING BINS.** All compost piles shall be contained in composting bins.

a. Composting bins shall meet the following specifications:

a-1. Each bin shall be no taller than 5 feet and the total volume of all bins on a property shall not exceed 125 cubic feet.

a-2. Each bin shall be constructed of commercial-grade material such as heavy-duty plastic, cinderblock, brick, wood or of such other materials as may be approved by the commissioner.

a-3. Each bin shall be built with a hood that permits the venting of gasses without permitting the entrance of rodents.

a-4. Each bin shall be maintained so as to inhibit the entrance of rodents, flying insects and other pests.

a-5. Each bin shall be maintained using proper composting techniques including, but not limited to, timely aeration, soil addition and the monitoring of moisture content.

b. Composting bins shall not be placed in front yards and shall be placed no less than 20 feet from any habitable structure.

79-13. Sidewalks to be kept Clean. No person being the owner of or in possession of premises shall use and maintain such premises or allow such premises to be used in a manner which will permit dirt, mud, snow, ice or other foreign materials to be deposited or accumulate on the public sidewalk.

79-14. Household or Commercial Waste In Certain Containers.

1. **ANTI-LITTER BINS.** No person shall deposit household, construction or commercial waste in or about anti-litter bins provided by the city,

unless granted temporary permission by the department pursuant to the rules of the commissioner.

2. **NEIGHBORHOOD CLEANUP DUMPSTERS.** No person shall deposit construction or commercial waste in or about neighborhood cleanup dumpsters or other nonportable containers provided by the city, unless granted temporary permission by the department pursuant to the rules of the commissioner.

79-14.5. Depositing of Materials at Drop-off Centers.

1. **MATERIALS ACCEPTED.** Solid waste shall be accepted for deposit at a city drop-off center according to the conditions for load acceptance established by the commissioner or his or her designee, subject to the exclusions in sub. 2.

2. **EXCLUSION.** Manufacturing waste and materials that are hazardous substances, other than domestic waste, shall not be accepted for deposit.

3. **FEE.** Any person that causes to be deposited, dropped, dumped, discharged or left any solid waste at a city drop-off center shall be assessed a fee according to a fee schedule established by the commissioner of public works or his or her designee.

4. **FEE WAIVED FOR CERTAIN TYPES OF SOLID WASTE.** The fee for selected types of solid waste may be waived according to the fee schedule established by the commissioner of public works or his or her designee.

79-15. Enforcement. The police department, department of neighborhood services, department of health and the department of public works shall enforce this subchapter.

79-16. Penalty 1. FORFEITURE. a. Any person who violates any provision of this subchapter except ss. 79-5.5, 79-11, 79-12-1 and 79-14-2 shall forfeit \$500 including all forfeitures, penalties, fees and assessments levied by the court for the first offense and for each subsequent offense, and the costs and disbursements of such action, and in default thereof, or failure to discharge the imposed forfeit through community service or other means satisfactory to the court, shall be imprisoned as provided by law.

b. Any person who violates s. 79-5.5 shall forfeit not less than \$25 nor more than \$500 for the first offense and not less than \$50 nor more than \$500 for each subsequent offense.

responsible for payment of the special charge within 30 days after billing. If the special charge is not paid within that time, the owner shall become responsible for payment of the special charge on the date of the delinquency. Whenever an occupant is billed for a special charge and the payment is not made within 30 days after billing, the department shall promptly give written notice of such nonpayment to the owner of the residence. Whenever an owner becomes responsible for payment of a special charge because of the delinquency of an occupant under this paragraph, the owner may recover the amount of that special charge under sub. e and s. 200-20.5.

e. Whenever a special charge is assessed under this subsection, a landlord may require a responsible tenant to pay the amount of the special charge under s. 200-20.5.

3. CITATIONS. In addition to other applicable enforcement procedures and pursuant to the authority of s. 66.0113, Wis. Stats., the commissioners of public works and neighborhood services or their designees may issue citations pursuant to the citation procedure as set forth in s.50-25 to any person who violates any provision of this subchapter.

For the legislative history of chapter 79, contact the Municipal Research Library.

79--Solid Waste Regulations

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License and Permit Fees 81-9.5

2. ALTERATIONS AND ADDITIONS.
 - a. Residential: 0.37% of construction cost, with a minimum charge of \$13.
 - b. Commercial: 0.37% of construction cost, with a minimum charge of \$23.
 - c. Siding, deck, garage, air conditioning, fireplace or razing: \$18.
(See s. 307-6.)
3. PLUMBING.
 - a. Residential: 28% of the plumbing permit cost imposed under s. 200-33-43.
 - b. Commercial: 28% 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.
 - a. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the health department.
 - b. Each bed and breakfast permit shall be valid for one year from the date of issuance.
(See s. 75-5).

81-10. Bicycle License.

1. Each license shall be valid for the life of the bicycle for which the license is issued or for the time the owner owns the bicycle.
2. There shall be no fee charged for a bicycle license.
(See s. 102-5.)

81-10.5. Bicycle Locker Fees.

1. The permit fee for the use of a city-installed bicycle locker for the period April 1 through October 31 shall be \$25.
2. The permit fee for the use of a city-installed bicycle locker for the calendar year shall be \$40.
3. A key deposit of \$25 shall be paid prior to issuance of a key for a bicycle locker. This deposit shall be returned to the locker user upon receipt of the key by the city before the end of the permit period.
(See s. 101-33.5.)

81-11. Bicycle Parking Facility Permit.

1. Each bicycle parking facility permit shall be issued for a license year commencing on July 1 and expiring on the following June 30.
2. The fee for each permit shall be \$16.
(See s. 115-32.5.)

81-11.5 Bicycle Redemption Fee. The fee for redemption of a bicycle that has been impounded by the police department is \$25.
(See s. 102-11-5-a)

81-12. Bill Posting License.

1. Each license shall be valid for 2 years from the date of issuance.
2. The fee for each license shall be \$400.
(See s. 84-10.)

81-12.5. Boating Permits.

1. For exhibition speedboat trials the fee shall be \$80 per day.
2. For motorboat races the fee shall be \$70 per day.
3. For scuba diving the fee shall be \$30 per day. Seasonal permits for underwater work may be obtained from the harbor master at no charge.
4. For water ski or aquaplane exhibits or aquatic events the fee shall be \$70 per day.
(See s. 118-80.)

81-14. Building Mover License.

1. Each building mover license shall be issued for the calendar year.
2. The fee for each license shall be \$84.
(See s. 116-19.)

81-15. Building Mover Permits.

1. ON ROLLERS. For the moving of buildings or structures on rollers, the fee charged per building or structure shall be determined at the following rate:
 - a. For the first 2 city blocks or part thereof: \$262.
 - b. For each additional city block or part thereof: \$76.
2. ON PNEUMATIC TIRE TRAILERS.
 - a. Except as provided in par. b, for the moving of buildings or structures on pneumatic tire trailers the total fee per structure shall be \$240.

81-15.5 License and Permit Fees

b. For any subsequent moving by the same owner of a building or structure that is similar to the original building or structure for which a moving permit was obtained, and is moved over the same route for the same location to the same site as the original building or structure, the fee shall be assessed at the following rate:

b-1. For the first 5 miles in the city of Milwaukee or fraction thereof: \$94.

b-2. For each additional 5 miles in the city of Milwaukee or fraction thereof: \$76.

3. INSPECTION. An additional fee shall be charged for each building mover permit processed to cover costs of inspection in the amount of \$55.

4. PROCESSING FEE. There shall be a processing fee of \$10 for each permit issued. (See s. 116-19.)

81-15.5. Bulky Waste Collection Charge.

The bulky waste collection charge authorized under s. 79-6.5-3-c shall be as follows:

1. \$75 for bulky waste in excess of one cubic yard, but not in excess of 4 cubic yards.

2. \$225 for bulky waste in excess of 4 cubic yards, but not in excess of 6 cubic yards.

3. \$35 stop fee for failure to notify the department as provided in s. 79-6.5-3-c-1.

81-16. Campground and Camping Resort Fees.

1. A non-refundable of \$368 shall be charged at the time of new application.

2. The renewal fee for a campground or camping resort shall be as follows:

a. 1-25 sites: \$200.

b. 26-50 sites: \$275.

c. 51-100 sites: \$325.

d. Over 100 sites: \$400.

3. 20% of the fee will shall be used to pay the state of Wisconsin administrative fee under sub. 2.

4. Each campground and camping resort permit shall be valid for a one-year period following the date of issuance. (See s. 64-01.)

81-17.5. Catch Basin/Storm Inlet Equity Fee. The fee for recovery of the city's equity in any catch basin/storm inlet in a vacated street or alley shall be \$400.

81-17.7. Center for the Visual and Performing Arts.

1. Each center for the visual and performing arts license shall be issued and shall expire on the same date as the public entertainment premises license held by the same premises.

2. The fee for each license shall be based on the maximum capacity of the premises established by the common council under s. 108-7-3:

a. 25 or fewer persons, or a premises without a specified capacity: \$150.

b. 26-79 persons: \$250.

c. 80-99 persons: \$375.

d. 100-149 persons: \$500.

e. 150-179 persons: \$700.

f. 180-299 persons: \$1,000.

g. 300-499 persons: \$1,500.

h. 500 or more persons: \$2,000.

(See s. 90-37.)

81-19. Certified Survey Map Filing Fee.

1. The fee for each certified survey map shall be \$260.

2. In addition, a fee of \$380 shall be paid for each certified survey map. This fee is intended to cover the cost of map review by the department of public works.

3. All fees under this section are nonrefundable.

(See s. 119-4.)

81-19.2. Change of Circumstances. The fee to file for a hearing related to changed circumstances under s. 85-15 shall be \$75. Fees shall not be refunded once a written statement of changed circumstances is filed.

81-19.5. Charges for Payments Returned Unpaid. The processing charge for a payment returned unpaid to the city of Milwaukee shall be \$35.

(See s. 304-37.)

81-21. Cigarette and Tobacco License.

1. Each cigarette and tobacco license shall be issued for a period of one year from the date of issuance.

2. The fee for each license shall be \$100. (See s. 84-43.)

81-43. Dock Construction Permit. The fee for each permit for the building, construction, erection or rebuilding of a dock shall be \$615. (See s. 118-7.)

81-43.5. Dock Engineering Survey Fee.

1. The basic fee for the survey of dock engineering shall be \$155.

2. In addition to the basic fee, a charge sufficient to cover costs incurred and overhead shall be made for each dock survey.

3. The dock engineering survey fee shall be imposed in addition to the fee for a dock alteration or repair permit or that of a dock construction permit whenever such a survey is made.

(See s. 118-7.)

81-43.7 Dockless Mobility Device Redemption Fee.

The fee for redemption of a dockless mobility device that has been impounded shall be \$100.

(See s. 101-53)

81-44. Drainage Ditch Obstruction Permit.

The fee for each drainage ditch obstruction permit shall be \$135.

(See s. 115-9.)

81-44.5. Driver Training Course.

1. The registration fee for a defensive driving course sponsored by the police department shall be \$30.

2. Any city of Milwaukee employee who enrolls in the defensive driving course on a voluntary basis for attendance on the employee's own time shall be exempt from the payment of the registration fee.

3. Any city of Milwaukee employee who has been convicted of traffic violations and has been directed by the courts to attend the defensive driving course shall be required to pay the registration fee and attend the course on his or her own time.

(See ss. 312-23 and 340-23.)

81-44.7. Driver's License, Public Passenger Vehicle.

1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each original license shall be \$75.

3. The fee for each provisional license shall be \$15.

4. The fee for renewal of each license shall be \$50.

5. The fee for processing each request for change of license classification during the license period shall be \$25.

6. The registration fee for any public passenger vehicle driver examination administered by the police department regarding knowledge of city streets, places, regulations and sufficient command of the English language shall be \$10.

(See s. 100-54.)

81-45. Driveway Permit.

1. The application fee for a permit to install a driveway shall be \$155.

2. An additional fee shall be charged for each driveway permit processed to cover the costs of plan review and inspection in the amount of \$72.

3. There shall be a processing fee of \$10 for each permit issued.

(See s. 115-23.)

81-48. Election Commission Service Fees: Registered Voters Report.

1. There shall be a fee of \$10.96 for each report of registered voters.

2. There shall be an additional charge for a report based on the type of media by which such report is provided:

- a. \$0.62 per floppy disk.
- b. \$0.70 per compact disk.
- c. \$0.10 per hard copy page.

(See s. 302-3.)

81-48.5. Emerging Business Enterprise Certification and Recertification.

The fee for certification or recertification of a city emerging business enterprise shall be \$50.

(See s. 360-07.)

81-49.5. Engineer Service Fees. Fees shall be charged for the following department of public works infrastructure services division services:

1. Preparation of an agreement to allow construction over sewer easements: \$900.

2. Answer of an inquiry with respect to a deferred sewer, water or special assessment charge: \$22.

3. Preparation of a preliminary sewer design and furnishing information with respect to sewers for proposed development: \$44 per hour or fraction thereof.

81-49.8 License and Permit Fees

4. Review of a certified survey or subdivision plat: \$39 per hour or fraction thereof.

5. Special investigation fee for excessive size, weight and load permits: \$39 per hour or fraction thereof.

81-49.8. Escort License.

1. Each license shall be valid for one year from the date of issuance.

2. The fee for each license shall be \$75. (See s. 89-8.)

81-49.9. Escort Service License.

1. Each license shall be valid for one year from the date of issuance.

2. The fee for each license shall be \$130. (See s. 89-5.)

81-50. Excavation Permit and Inspection Fees for Work in the Public Right of Way.

1. GENERAL. For the excavation required for the construction or repair of an individual storm building sewer, sanitary building sewer, combined building sewer, water service, or any combination thereof laid simultaneously in a single excavation or in more than one excavation connected by tunneling or boring, the fee shall be \$125.

2. MAIN OR CONDUIT. For the excavation required for the laying or repair of a main or conduit in each block, the fee shall be \$89.

3. REPAIR. For the excavation required for the laying or repair of utility building services in each block, the fee shall be \$86.

4. OTHER. For any other excavation or any installation the fee shall be \$86.

5. INSPECTION.

a. The fee for inspection services for each permit, except permits issued to city forces, public utilities, or to persons engaged in work under a city contract for which inspectional services have been otherwise provided shall be \$64.

b. An additional fee shall be charged for permits for public utilities in accordance with a schedule of the actual costs of inspection services prepared by the commissioner of public works.

c. The fee for permits that need to be resubmitted, except permits issued to city forces, public utilities, or to persons engaged in

work under a city contract for which inspectional services have been otherwise provided, shall be \$100 for each resubmission.

6. PUBLIC UTILITIES. The fee for the inspection services for permits issued to public utilities in accordance with a schedule of the actual cost of inspection services prepared by the commissioner of public works shall be a sum equivalent to the actual cost of such inspection services.

7. PROCESSING FEE. There shall be a processing fee of \$10 for each permit issued. (See s. 115-7.)

81-50.5. Excessive Size, Weight and Load Vehicle Permit.

1. The fee for each oversize or overweight single trip permit without police department escort shall be \$123.

2. The fee for each oversize or overweight single trip permit with police department escort shall be \$272.

3. The fee for each oversize or overweight multiple trip permit for one month shall be \$180.

4. The fee for each oversize or overweight multiple trip permit for 12 months shall be \$300.

5. The fee for each oversize or overweight multiple trip permit for 6 months that is transferred to another vehicle shall be \$30.

6.a. The fee for a multiple trip permit requiring a traffic officer escort shall be:

a-1. For a one-month permit: \$366.

a-2. For a 2-month permit: \$426.

b. There shall be an additional traffic officer vehicle escort fee of \$144 per vehicle, per trip.

(See s. 101-5.5.)

81-51. Extended Hours Establishments.

1. Each license shall be valid for one year from the date of issuance.

2. The fee for each new license shall be \$250.

3. The fee for each renewal license shall be \$225.

4. The fee to file an application for change of officers, directors or agents for a corporation or limited liability company shall be \$25.

(See s. 84-7.)

License and Permit Fees 81-51.5

81-51.5 Extra Garbage Cart Charge. The extra garbage cart charge shall be \$18.76 per quarter for each extra garbage cart provided under s. 79-4-1.3.

81-51.6. Filling Station License.

- 1. a. The fee for each new license shall be \$275.
- b. The fee for each renewal license shall be \$250.
- 2. Each filling station license shall be valid for a one year period following the date of issuance.
(See s. 84-45.)

81-51.7. Fingerprinting by Police Department.

- 1. The fee for fingerprinting by the police department, when requested by any resident of the city, shall be \$10 per card.
- 2. The fee for fingerprinting by the police department, when requested by any person who is not a city resident, shall be \$15 per card.

81-52. Fire Department Instruction and Training. The fee for out-of-city personnel to attend training courses sponsored by the fire department shall be computed at the rate of \$100 per day, per person.
(See s. 313-13.)

81-52.5. Fire Service. The fee for every unit of fire department equipment requested in excess of reciprocal fire service agreements entered into with other municipalities shall be \$5,000 per hour or fraction thereof. The charges shall be computed from the time the equipment leaves its assigned quarters until the time such equipment returns to service in its assigned quarters.
(See s. 104-3.)

81-52.7. Flower Pot Holders. The permit fee for each flower pot holder applicant shall be \$40 and shall be in effect from April 1 of each year to the following March 31.
(See s. 115-33.6.)

81-55. Food Dealer’s License.

- 1. Each individual food operation, site, location or stand where food is prepared, processed, served, stored or sold shall be issued a food dealer's license and be assessed fees in accordance with this section.
- 2. A fee of \$300 shall be charged at the time of new application. This fee shall be non-refundable if an inspection is performed prior to withdrawal or denial of the application.
- 3. The annual food dealer's license fee shall be as follows:
 - a. Prepack restaurants: For each license renewal year: \$250.
 - b. All other restaurants:

Anticipated Gross Annual Sales for All Food Operations

Less than \$20,000	\$ 525
\$20,001 - \$200,000	800
\$200,001 - \$2,000,00	1,250
Over \$2,000,000	1,725

c. Food Stores - Processing:

Anticipated Gross Annual Sales for All Food Operations

Less than \$20,000	\$ 350
\$20,001 - \$200,000	575
\$200,001 - \$2,000,000	1,325
Over \$2,000,000	2,050

d. Food Stores - No Processing:

Anticipated Gross Annual Sales for All Food Operations

Less than \$20,000	\$200
\$20,001 - \$200,000	300
\$200,001 - \$2,000,000	575
Over \$2,000,000	875

- e. Mobile peddler food base: \$150 new; \$125 renewal.
- f. Micro markets:
 - f-1. For one micro market located in a building: \$40.
 - f-2. For 2 or more micro markets located in the same building: \$60.

81-55.3 License and Permit Fees

4. If multiple independent restaurant locations are operated at the same address and by the same person, a separate fee shall be charged for each additional location. An additional restaurant location shall be considered independent if it is physically separated from any other food preparation areas. The annual fee for each additional location shall be \$100.

5. Each license shall be valid for one year from the date of issuance.

6. A renewal shall be filed by the deadline established by the city clerk as provided in s. 85-26. There shall be an additional fee for the filing of a late renewal application in the amount of \$75.

7. The fee for a duplicate license shall be \$11.

8. A portion of the fee will shall be used to pay the state of Wisconsin administrative fees, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection.

9.a. The fee for a licensed food establishment that extends its operation to the outside on a permanent basis shall be \$50.

b. Locations filing for alcohol beverage extensions under s. 81-90 at the same time shall be charged a total fee of \$75.

81-55.3. Food Operation – Public Health Plan Review and Site Evaluation.

1. The fee for a food establishment making operational or food processing equipment changes without any remodeling shall be:

a. \$75, when a variance or HACCP plan is not required.

b. \$150, if a variance or HACCP plan are required.

2. The fee for a food establishment undergoing remodeling or renovation with or without operational changes shall be \$250. The fee for submitting operational changes shall be waived if submitted at the same time.

3. The fee for the request for renewal of a variance shall be \$75. Failure to file the request for renewal prior to expiration shall result in the application being considered new.

4.a. The fee for a risk control or compliance plan when ordered by the department as part of progressive enforcement shall be \$150.

b. The fee shall be waived for an operator who voluntarily submits a risk control plan or compliance plan for review by the department.

5. The public health plan review fee shall double for any food establishment that initiates operational changes or infrastructure changes requiring plan review as specified in s. 68-11 prior to obtaining health department approval.

6. Public health plan review fees shall include the cost of all inspections required for plan validation, approval or verification.

7. The public health plan review fee for a new establishment shall be included in the initial application fee.

8. The fee for a food operation site evaluation shall be \$100.

9. Fees under this section shall be nonrefundable unless the plan is withdrawn prior to plan review being performed.

(See s. 68-7.)

81-55.5. Food Operation – Exempt Establishments Requiring Registration.

1. COMMUNITY FOOD PROGRAM.

a. The registration fee for a community food program shall be \$35.

b. Registration shall be valid for 24 months.

c. A single inspection within the registration period may be provided. Inspections or investigations where significant noncompliance is found shall be subject to additional fees as specified in s. 60-70.

d. Payment shall be due at the time of registration.

e. A fee of \$75 shall be assessed if a community food program is found to be operating prior to its registration with the department.

f. A late fee of \$75 shall be assessed if a community food program is found to be operating its after registration has expired.

lanes are based on the classification of the street, as indicated on the street classification map maintained by the city engineer.

3. SIDEWALKS.

a. For the temporary occupancy of all of a sidewalk area or occupancy that results in a sidewalk that is less than 4 feet wide at any point, where no temporary walkway is provided on the same side of the street:

a-1. The fee for a period of 7 days or less shall be \$157.

a-2. The fee for a period of 8 to 30 days shall be \$244.

a-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$244.

b. For the temporary occupancy of a portion of a sidewalk area, where the portion remaining open to pedestrian traffic is at least 4 feet wide at all points or where a temporary walkway is provided on the same side of the street.

b-1. The fee for a period of 7 days or less shall be \$79.

b-2. The fee for a period of 8 to 30 days shall be \$123.

b-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$123.

4. PARKING LANES. For the temporary occupancy of all or a portion of a parking lane, where the parking lane is not available for public use:

a. Arterial Street.

a-1. The fee for a period of 7 days or less shall be \$202.

a-2. The fee for a period of 8 to 30 days shall be \$296.

a-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$296.

b. Collector Street.

b-1. The fee for a period of 7 days or less shall be \$123.

b-2. The fee for a period of 8 to 30 days shall be \$200.

b-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$200.

c. Local Street.

c-1. The fee for a period of 7 days or less shall be \$61.

c-2. The fee for a period of 8 to 30 days shall be \$103.

c-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$103.

4.5. PARKLETS. For the seasonal installation of a parklet in the public right-of-way parking lane, the fee shall be \$250 per 20 linear feet or per parking space.

5. TRAFFIC LANES AND ALLEYS. For the temporary occupancy of all or a portion of a traffic lane or alley, where the traffic lane or alley is not available for public use:

a. Arterial Street.

a-1. The fee for a period of 7 days or less shall be \$229.

a-2. The fee for a period of 8 to 30 days shall be \$383.

a-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$383.

b. Collector Street.

b-1. The fee for a period of 7 days or less shall be \$139.

b-2. The fee for a period of 8 to 30 days shall be \$262.

b-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$262.

c. Local Street or Alley.

c-1. The fee for a period of 7 days or less shall be \$69.

c-2. The fee for a period of 8 to 30 days shall be \$130.

c-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$130.

6. BIKE LANES. For the temporary occupancy of all or a portion of bike lane, where the bike lane is not available for public use:

a. Arterial Street.

a-1. The fee for a period of 7 days or less shall be \$104.

a-2. The fee for a period of 8 to 30 days shall be \$174.

a-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$174.

b. Collector Street.

b-1. The fee for a period of 7 days or less shall be \$63.

b-2. The fee for a period of 8 to 30 days shall be \$119.

b-3. The fee for each succeeding month or portion thereof beyond 30 days shall be \$119.

7. INSPECTION. An additional fee shall be charged per month or portion thereof for each permit processed to cover costs of inspection in the following amounts:

a. Sidewalks: \$75.

b. Parking lanes: \$75.

c. Traffic lanes and alleys: \$125.

d. Bike lanes: \$125.

(See s. 115-11.)

81-102.1 License and Permit Fees

81-102.1. Public Ways: Special Permits.

1. CURB AND GUTTER. The fee for restoration of curb and gutter with respect to the removal of a driveway shall be \$167.

2. DRIVEWAYS-TEMPORARY. The fee for installation of a temporary driveway (driveover curb) shall be \$143.

3. FENCES. The fee for installation of a fence encroaching on the public right of way shall be \$143.

4. HOLLOW WALKS. The fee for performance of any work on a sidewalk situated over a hollow walk shall be \$149.

5. POLES. The fee for installing, replacing and removing utility poles shall be computed at \$149 per block face. A block face shall consist of both sides of the street and not exceed 100 house numbers. In instances when a block face of 100 house numbers is divided by one or more intersecting public ways, each subdivision shall constitute a block face.

6. SIDEWALKS.

a. The fee for replacing sidewalks shall be computed at \$139 for regular walks per block face and \$244 for full walks per block face. A block face shall consist of both sides of the street and not exceed 100 house numbers. If a block face of 100 house numbers is divided by one or more intersecting public ways, each subdivision shall constitute a block face.

b. The fee for replacing a sidewalk adjacent to a single parcel, up to 150 feet in frontage, shall be \$32.

7. STREET CUTS. The fee for replacing and filling street cuts shall be \$244.

8. INSPECTION COSTS.

a. An additional fee shall be charged for each permit under subs. 1 to 4, 6-a and 7 to cover costs of inspection in the amount of \$134.

b. An additional fee shall be charged for each permit under sub. 6-b to cover costs of inspection in the amount of \$32.

c. An additional fee shall be charged for permits for public utilities under sub. 5 in accordance with a schedule of the actual costs of inspection services prepared by the commissioner of public works in an amount equivalent to the actual cost of the inspection services.

81-102.3. Purchasing Appeals. The fee required for a vendor to appeal bid specifications and recommendations for awards pursuant to

s. 16-05 of the charter and s. 310-19 of the code shall be 1.25% of the amount of the bid being appealed.

81-102.4. Purchasing-Restoration to Bidders Lists.

The fee required for a vendor to be restored to bidders lists maintained by the purchasing division - department of administration, subsequent to the division's removal of a vendor's name if the vendor does not respond on 3 consecutive bids, shall be \$100.

81-102.6. Recycling, Salvaging or Towing Premises License.

1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each license shall be \$344.

3. The fee for each additional building or other fixed place for storage, as provided in s. 93-5-3, shall be \$63.
(See ch. 93.)

81-102.8. Recycling, Salvaging or Towing Vehicle License.

1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each license shall be \$188.

3. For a business with 2 or more vehicles, as provided in s. 93-5-2-a-2, the fee shall be \$344.

4. The fee to change the motor vehicle used in the conduct of a recycling, salvaging or towing business shall be \$15.
(See ch. 93.)

81-103.2. Salary Advances.

1. Upon the approval of department heads, city employees may receive advances on salaries in order to address unforeseen emergencies. The first such advance in a calendar year shall be provided without charge.

2. The processing charge for all subsequent advances in the calendar year shall be \$25.

81-103.5. Statement of Income Duplicates.

1. Upon written request, one copy or duplicate set of statements of income (form 1099) shall be provided to city vendors without charge through April 15 for the preceding calendar year.

2. The processing charge for requests beyond April 15, or for additional copies or duplicates shall be \$15 and \$25 respectively for each item requested.

81-104. Secondhand Dealer's License.

1. Each license shall be valid for 2 years from the date of issuance.

2.a. The fee for each license shall be \$275, except as provided in par. b.

b. The fee for each license for businesses dealing exclusively in secondhand bicycles shall be \$75.

(See subch. 2 of ch. 92.)

81-104.6. Secondhand Motor Vehicle Dealer's License.

1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each license shall be \$290.

(See subch. 3 of ch. 92.)

81-104.7. Sewer Connection.

1. The fee for connecting a private drain to a public sewer shall be \$60.

2. There shall be a processing fee of \$10 for each permit issued.

(See s. 12-20, charter.)

81-105. Shooting Gallery License.

1. Each shooting gallery license shall be issued for a period not to exceed 14 days.

2. The fee for each license shall be \$100.

(See s. 105-39.)

81-106.7. Sidewalk Area Dining Permit.

1. The fee for a sidewalk area dining permit shall be based on the total area, in square feet, of the dining area:

- a. 0-100 square feet: \$25
- b. 101-200 square feet: \$50
- c. 201-300 square feet: \$75
- d. 301-400 square feet: \$100
- e. 401-500 square feet: \$150
- f. 501-1,000 square feet: \$225
- g. 1,001-1,500 square feet: \$300
- h. 1,501 or greater square feet: \$500

2. In addition to the fee specified in sub. 1, an initial application fee of \$100 shall be required for each new application.

(See s. 115-32.6.)

81-107. Signs or Decorations Attached to City-owned Poles. The fee for the attachment of each sign or decoration as provided for in s. 101-50-6 shall be \$15 per attachment. (See s. 101-50.)

81-108. Sign; Directional For Churches. The fee for the installation of church directional signs shall be \$50 per sign. (See s. 101-50.)

81-108.2. Signs; Historic District Identification.

1. The application fee for historic district identification signs shall be \$100.

2. The fee for installation of each historic district identification sign shall be \$100.

(See s. 116-5.)

81-108.5 Signs; Honorary Street Name. The fee for installation of each honorary street name sign shall be \$50.

(See s. 113-3.)

81-109. Signs; "No Parking to Driveway". When the installation of a "no parking to driveway" sign is requested by the owner, lessee, manager or tenant of the property involved, the fee chargeable to the requester shall be \$125 per sign installation. (See s. 101-50.)

81-110. Signs; Official Street Renaming. The fee for fabrication and installation of each sign required in conjunction with an official street renaming shall be \$100.

(See s. 113-3.)

81-114. Snow Plowing Motorized Equipment License.

1. Each license shall be valid for one year from the date of issuance.

2. The fee for each license shall be \$10. (See s. 116-12.)

81-114.6. Special Events - City Services. The fee for each permit for provision of city services for special events shall be:

1. Class AA Event: The actual hourly cost for police and public works services, as documented by the chief of police and commissioner of public works.

2. Class A Event: \$3,700.

3. Class B Event: \$ 400.

4. Class C Event: \$ 110.

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5. Class D Event: No fee for issuance of a permit; however a fee shall be charged for services provided under sub. 5.

6. Provision of additional services:

a. Dumpster.

a-1. 1 to 3 dumpsters: \$180.

a-2. 4 to 6 dumpsters: \$360.

a-3. 7 to 9 dumpsters: \$540.

b. Barricade.

b-1. 1 to 4 barricades: \$20.

b-2. 5 to 20 barricades: \$31.

b-3. Over 20 barricades: \$38 plus \$5 for each barricade over 20.

c. Stage platform. \$ 38.

c-1. Portable stage: \$123.

c-2. Fixed stage: \$428.

d. Snow fence: \$14 per square yard roll.

e. Temporary traffic signs: \$16 each.

f. Traffic Control Plans.

f-1. Plans requiring 12 or more hours of preparation: \$900.

f-2. Plans requiring 5 to 11 hours of preparation: \$600.

f-3. Plans requiring 1 to 4 hours of preparation or revision of existing plans not exceeding 4 hours: \$240.

(See s. 105-55.5.)

81-115. Special Privileges; Granting of Encroachments.

1. The fee for the introduction of each ordinance or resolution granting a special privilege shall be \$300.

2. The fee for the introduction of each ordinance or resolution amending a special privilege for the purpose of adding items shall be \$150.

3. There shall be no fee charged for the introduction of an ordinance or resolution amending a special privilege for:

a. Removal of items.

b. Sale, transfer or conveyance of ownership.

81-116. Street and Alley Vacation Fees.

1. REQUIRED FEES. Street and alley vacations shall be subject to the following fees:

a. The fee for filing a preliminary application for vacation of a street shall be \$1,375 plus \$140 for each 100 feet of street length or fraction thereof above 300 feet. Of this fee, \$375 is intended to cover the department of

city development's costs for administering the vacation procedure, while the remainder is intended to cover the costs incurred by the department of public works in preparing a map, legal description and coordinated report for the proposed vacation pursuant to s. 308-28-4.

b. The fee for filing a preliminary application for vacation of an alley shall be \$1,375 plus \$95 for each 100 feet of alley length or fraction thereof above 300 feet. Of this fee, \$375 is intended to cover the department of city development's costs for administering the vacation procedure, while the remainder is intended to cover the costs incurred by the department of public works in preparing a map, legal description and coordinated report for the proposed vacation pursuant to s. 308-28-4.

c. The benefit assessment and vacation-related costs for vacation of a street or alley shall be as identified by the department of public works pursuant to s. 308-28-4-d.

d. All fees under pars. a and b are nonrefundable.

2. COUNCIL-INITIATED VACATIONS.

The fees specified in sub. 1-a and b shall not be required for any vacation of a street or alley that is initiated by resolution of the common council pursuant to s. 308-28-1. The charges identified in sub. 1-c may be waived by the common council only if the council identifies a specific alternative funding source, including budgetary account number, to cover the costs associated with the vacation.

(See s. 308-28.)

81-116.5. Street Naming, Honorary. The application fee for an honorary street naming shall be \$100.

(See s. 113-3.)

81-117. Street Renaming.

1. The application fee for an official street renaming shall be \$100.

2. The applicant shall pay all postage costs relating to the postcard survey of residents, businesses and property owners that is required in conjunction with an application for an official street naming.

(See s. 113-3.)

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published in the Wall Street Journal. The monthly rate of interest shall be computed by dividing such average prime rate plus 1% by 12 rounded to the nearest 100th percent. The comptroller shall review such interest rate annually and shall notify the department of public works of such interest rate. The interest rate shall become effective as of the public hearing date in September at which annual assessment rate changes are submitted to the appropriate committee of the common council as prescribed by s. 115-43. The interest rate in effect at the time of the public hearing held by the appropriate common council committee for an individual project shall be fixed for the 10-year duration of the installment payments.

b-4. After being placed on the tax roll in annual installments or otherwise, such amounts of special assessments shall be paid within the time allowed for the payment of general property taxes. If the taxpayer fails to pay a special assessment within the time allowed for payment, it shall become delinquent and shall be treated in the same manner and subject to the same laws as a delinquent general property tax.

9. **PETITION AND WAIVER OF HEARING.** As provided by s. 66.0703(7)(b), Wis. Stats., the common council may levy and assess the whole or part of the cost of any municipal improvement whenever notice of hearing is waived in writing by all the owners of property affected by such special assessment. In addition to the requirement of sub. 2, the commissioner shall attach said signed waiver of public hearing to either the preliminary resolution or the report in cases where a preliminary resolution was previously approved by said council.

115-42.5 Traffic Calming Installations.

1. **PURPOSE.** It is the purpose of the common council to establish a traffic calming program in the city that incorporates traffic calming installations within new construction and repair projects where appropriate and effective, and to otherwise promote public health, safety and the peaceful enjoyment of neighborhoods and residential areas by encouraging the initiation of traffic calming installations. It is furthermore the purpose of this section to provide property owners a process for initiating public works for the construction or placement of traffic calming installations. It is the intent of the common council that this process supplement

and not replace other processes for initiating public works.

2. **PETITION.** a. By Property Owners.

a-1. Upon submission to the commissioner of a petition of support for traffic calming signed by at least 50% of the owners of parcels in the affected area as determined by the commissioner, a preliminary resolution shall be prepared and submitted as provided in s. 115-42-2.

a-2. The petition submitted pursuant to this subsection shall substantially conform to a sample petition to be prepared and approved by the commissioner and shall include the name of the owner, the address of the parcel or parcels abutting the block or alley, address of the owner if different, date of signature, a clear statement that a traffic calming installation is requested, and any other information the commissioner determines to be necessary or appropriate.

3. **COUNCIL APPROVAL.** The procedures provided in s. 115-42 shall apply to the process for approval of the construction or placement of traffic calming installations.

4. **SPECIAL ASSESSMENT.** Upon adoption of a resolution by the common council directing the construction or placement of a traffic calming installation sought initially by petition to the commissioner under sub. 2, the recovery ratio provided in s. 115-43-2-a-4 shall be applied to those properties or parcels abutting the street or alley within which the installation is placed or constructed, as determined by the commissioner.

115-43. Recovery Rates for Assessable Improvements.

1. **PURPOSE.** The purpose of this section is to establish minimum recovery rates for assessable improvements to recover a portion of actual costs incurred for assessable improvements. Costs for assessable improvements include construction costs, and design, engineering and indirect costs attributable to improvements.

2. **RECOVERY RATES AND RATIOS.** Rates shall be updated by the commissioner of public works and shall be based on prior years actual cost experience pursuant to sub. 1. The commissioner shall present updated assessment rate changes to the appropriate committee of the common council in September for information purposes for implementation. Recovery ratios for assessable improvements shall be as follows:

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- a. New Construction.
- a-1. Paving - 90%.
- a-2. Sanitary Sewer - 90%.
- a-3. Storm Sewer Nominal Size - 70%.
- a-4. Placement of Traffic Calming Installation - 33%.
- a-5. Water Main - 90%.
- a-6. Water Main Suburban - 100%.
- b. Reconstruction.
- b-1. Alley - 50%.
- b-2. Driveway - 90%.
- b-3. Walk - 50%, except for those sections of walks damaged by city trees which shall have a recovery ratio of 0%, provided however, that this provision should only apply to scattered site repairs.
- b-4. Subdivision 1 shall apply to all alley reconstruction projects approved by the common council after May 3, 2011.

115-44. Deferred Special Assessments.

- 1. DEFINITIONS. In this section:
 - a. "Household income" means the gross income of the applicant and the applicant's spouse, including all income reported for state income tax purposes as well as social security, veteran's benefits and pensions, other pensions and annuities, interest on securities, worker's compensation, support payments, aid to families with dependent children, federal food stamps, general relief, supplemental security income, scholarships, fellowships or any other source of financial compensation.
 - b. "Special assessment" means any assessment levied against real property for the purpose of defraying part or all of the cost of a specific physical improvement which will benefit the property, including, but not limited to a new or reconstructed sidewalk, curb, gutter, sod, alley, driveway, sanitary sewer, water main or lateral. For purposes of this section this does not include special charges levied for, but not limited to, snow or weed removal, delinquent water accounts, benefit assessments under ch. 32, Wis. Stats., razing of condemned buildings, nuisance abatement or special privilege fees.
- 2. PAYMENT AUTHORIZED. The common council may direct the city treasurer to pay all or any portion of any special assessments placed upon the current or next tax roll against property owned and inhabited by

indigent persons as provided in sub. 3, including a 6% annual interest rate. Funds to pay for deferred special assessments approved by the common council shall be charged to the special purposes account established for this purpose.

3. ELIGIBILITY. Applicants for deferred assessments shall meet the following eligibility requirements:

- a. Be at least 18 years of age at the time of application.
- b. Have a maximum annual household income of \$30,000.
- c. Not be claimed as a dependent on anyone else's federal income tax return for the last full year preceding the date of application.
- d. Be the occupant of a dwelling located on the real property to which the deferment would apply.
- e. Not owe any delinquent taxes on the dwelling.
- f. Own no real property other than the property to which the deferment would apply.

4. APPLICATIONS. a. Applications for deferment shall be made upon a form provided by the department of public works which shall include the name, address, social security number, age, employment status, sources of income, assets, liabilities and other pertinent information of each applicant. Financial information shall be confidential. The applicant shall also state the reason for applying for deferment.

b. Each application shall be reviewed by a 3-member committee appointed by the mayor and confirmed by the common council. All committee members must be city residents and own property within the city. Members shall serve 3-year terms. At the committee's request, the city comptroller, city treasurer and commissioner of public works may assist the committee in making its recommendations to the common council. The committee shall periodically review eligibility requirements for deferments and make any recommendations to modify the requirements to the common council.

5. TERMINATION OF DEFERMENTS. The committee established under sub. 4 shall review annually deferments granted under this section. If the eligibility requirements in sub. 3 are no longer met, the committee shall recommend to the common council that deferments be terminated. Upon termination of a deferment, the committee shall specify the